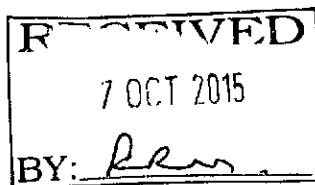




Our Reference: 15096
Your Reference:



TL Survey Services Limited

Phone 03 477-1133
Fax 03 477-1127
4th Floor, Queens Building,
109 Princes Street,
PO Box 901,
Dunedin 9054
john@tlsurvey.co.nz

07th October 2015

Darryl Sycamore
Planning Officer
City Planning
Dunedin City Council
PO Box 5045
DUNEDIN

Hello Darryl

RESOURCE CONSENT – Land Use; 22 Cleghorn Street, Dunedin.

I have addressed the application to you in the first instance because you are aware of the back ground to this proposal and you have been in contact with the applicants.

Please find enclosed this Land Use Resource Consent application for Residential activity for an undersized Rural zoned property. Also enclosed is an application fee deposit cheque of \$1200.

My contact details are above should you have any queries regarding this application.

Yours faithfully

John Willems
(Planning and Project Management Consultant
BSc Land Planning & Development & NZCD Survey
AMNZIS)

RESOURCE CONSENT APPLICATION
for
LAND USE



PROPERTY SITUATED AT

22 CLEGHORN STREET

DUNEDIN

Prepared by: TL Survey Services Ltd.
PO Box 901
Dunedin

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Appendices

- Appendix 1: Certificate of Title – subject site.
- Appendix 2: Land Covenant.
- Appendix 3: Transfer Document 816894/2 of easement.
- Appendix 4: Certificate of title adjoining property.
- Appendix 5: 2GDP Planning map of area.
- Appendix 6: Proposed site Development and landscaping plan.

Appendix 7: Aerial photo showing proposed dwelling position.

Appendix 8: Applicants description of site's development.

Appendix 9: Various views of proposed dwelling.

Appendix 10: Proposed floor plan of dwelling and initial landscaping plan of site.

Appendix 11: Affected Persons Written Approval Forms (2).

Appendix 12: Correspondence to the applicants from the property owner of No 26.

Appendix 13: Underlying survey Plan DP 22220.

Appendix 14: Quick map print of site and immediate area.

APPLICATION FOR RESOURCE CONSENT

Under Section 88 of the Resource Management Act 1991

To: Senior Planner

Dunedin City Council

PO Box 5045

Dunedin

*I, **John Willems** of **TL Survey Services Ltd**, **PO Box 901**, **Dunedin**, on behalf of the Applicants: **Anna and Tim Read**.*

apply for the following type(s) of Resource Consent: Land Use, as described below:

1. The names and addresses of the owners and occupier (other than the applicant) of any land to which the application relates are as follows:

Registered Owners: Annegien Meriel and Timothy Gordon Read.

c/- TL Survey Services Ltd.

PO Box 901

Dunedin

2. The location of the proposed activity is as follows:

Address: 22 Cleghorn Street,

Dunedin

Legal Description: Lot 1 DP 22220.

Held in: CT OT14A/88 (Copy attached – Appendix 1).

Valuation Number: 26760-49201

Map Grid reference: 2 321 055 E and 5 482 870 N

Other Relevant Information that identifies location: Refer the Scheme Plan of proposed Residential Development on site.

3. A description of the activity to which the application relates is:

This application seeks a land use Consent for a residential dwelling and associated Residential activity on the above-described property.

FORM 9

S

4. The following additional resource consents are required in relation to this proposal and (have / have not) been applied for: **N/A**
5. I attach in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.
6. I attach other information (if any), required to be included in the application by the district or regional plan the Resource Management Act 1991 or any regulations made under the Act. **N/A**
- This is an application for a Land Use Resource Consent, the following information is attached:
- ☐ (a) The position of the proposed dwelling and associated Landscaping - refer to the attached proposed Residential Development plan.
- ☐ (b) Copy of the current Certificate of Title.
- ☐ (c) Consent application fee cheque of \$1200.
- ☐ (d) Quick Map print.
- ☐ (e) Other data refer to 'Index'.


signature

7 / 10 / 2015

Address for Service of Applicant:

TL Survey Services Limited,

PO Box 901,

DUNEDIN. 9054

Telephone: **03 477 1133** Facsimile: **03 477 1127**

Application for Resource Consent – Land Use

Prepared by: TL Survey Services Ltd

Applicants: Anna and Tim Read.

Address for Service: TL Survey Services Ltd
PO Box 901
DUNEDIN

APPLICATION DETAILS

Legal Description: Lot 1 DP 22220.

Certificate of Title reference (Computer Freehold Register - CFR): OT14A/88 (Copy attached – Appendix 1).

Current Registered Owners: Annegien Meriel and Timothy Gordon Read.

Locality: Physical Address: 22 Cleghorn Street, Dunedin.

Physical Description of the subject site: The site is along the south side of Cleghorn Street with views towards the north-west and south west areas towards Dunedin City. Cleghorn Street is accessed from North Road being one of the routes accessing Dunedin from the north. Semi-rural residential lifestyle properties exist in this area. Cleghorn Street is a no exit roadway.

The site terrain is reasonable flat near the roadway and then rises behind the existing barn/shed up towards the property's south eastern boundary and then falls away to the south western boundary. Some trees exist near the property's western most corner.

The site is a rectangular shape with similar shaped properties on either side. It is within an area of low density lifestyle properties all with a variety of areas none of which comply with the existing minimum area requirements of the rural zone.

Description of Proposal

This application seeks a **Land Use Consent** to construct a dwelling as indicated on the attached scheme plan prepared by TL Survey Services Ltd and the landscape plans prepared by the applicants.

The property currently consists of a large barn type building situated near the site's northern corner adjoining Cleghorn Street and a large open shed situated near the middle of the property. There are a selection of trees and shrubs in the area around the barn as well as a selection of trees near the property's south western corner.

The site is easily accessed from Cleghorn Street, with a gateway providing vehicular access to the parking area adjoining the large barn. The site has a gentle slope up from the roadside frontage up to the proposed building platform area and then it slopes down to the property's south western boundary. The property has a perimeter fence with the barn area being fenced off from the remainder of the property.

The proposed dwelling's building platform has been accurately plotted on the attached scheme plan as well as the attached aerial photo. The proposed position is located nearly mid-way along the property length but close to the site's south eastern boundary on a slight ridge / high point of the property. The area around the proposed building platform site has a slight slope but then falls away significantly towards the site's south western boundary.

This proposed position will maximise views in some directions including the south west towards town and to the north west towards Mt Cargill.

As the site is being developed, the dwelling will be seen from Cleghorn Street, until the proposed vegetation starts to grow and flourish. Part of the proposed dwelling's roof may be visible from the neighbour's dwelling situated at No 26 however there is a line of vegetation along this property's north western boundary which currently offers screening until the applicant's proposed planting programme takes effect as indicated on the attached plan.

Once the applicant's proposed planting programme takes hold the dwelling will be screened from most directions including the adjoining Cleghorn Street carriageway.

The vehicle access to the dwelling will be via the existing metalled driveway access to the barn area and then via foot to the proposed dwelling. This is as indicated on the attached scheme plan by the footpath leading from the barns to and around the dwelling.

Refer to Transportation Section below for further discussions.



This photo shows the proposed location of the dwelling as viewed from Cleghorn Street carriageway adjoining the subject site's south western boundary. (Image Date: August 2015)

DISTRICT PLAN REQUIREMENTS

Dunedin City District Plan (DCDP).

The subject site is zoned **Rural** within the **Dunedin City District Plan Map 20** as well as being within the **Flagstaff-Mount Cargill Landscape Conservation Area**, as well as a **Visually Prominent Area**.

Rule 6.5.2 of the District Plan permits certain activities within the Rural Zone.

This Rule, of the District plan, lists the permitted activities within this Zone and includes the following:

- (i) Farming Activity: This activity occurs on the property by way of general animal (horse) grazing but its physical size and area does not lend itself to intensive farming.
- (ii) Forestry Activity: There are some trees on the property but this does not categorise it as a farm Forestry operation.
- (iii) Residential Activity: This activity does not occur – there is currently nor has there been a dwelling or other structure which could pass for living quarters for domestic purposes. The property has been more of a lifestyle property used for grazing only as is evidenced by the substantial barn at the northern most corner of the property

accessed directly from Cleghorn Street and the large open shed as depicted on the attached plan. A residential dwelling is proposed on the site as indicated on the accompanying plans. No Building Consent application has as yet been lodged with Council – such an application is dependant on the outcome of this Land Use application.

High-class Soils

The property does appear to be within an area designated as having **high-class soils** as shown on map 77 of the District Plan. However the site is not of a sufficient area to constitute an economically viable and productive farming unit.

Landscape Preservation Area

The subject site is within the **Flagstaff-Mount Cargill Landscape Conservation Area** as depicted on District Plan **Map 20** and **78**. Map 20 also indicates that the property is within a **Visually Prominent zoned area (VPA)**. The proposed position of the dwelling platform and its colour has been considered by the applicants. The applicants have considered the placement and design of their proposed dwelling as shown and offered as a part of this application. The colour scheme being considered or very close to, as a part of this application is as follows:

Roof: green roof colour steel or something similar to the attached river gum image.

Walls: plastered and sandy colour (something between the attached colour swatches being titania and ivorie or very similar.

The attached plans prepared by the applicants, indicate the design (and colour) and location proposed for the dwelling.

We hope that these colours are within council's approved colour scheme - if not the applicants are happy to work with council in relation to colours and any design suggestions similar to those already mentioned. Colours being offered are to be of a low reflectivity.

Proposed Second Generation District Plan

Under the Proposed Second Generation District Plan the subject site is zoned Rural Residential 1. This designation provides for the creation of sites of at least 2ha and the averaging rule for subdivision will also remain. This means lots smaller than 2 ha are possible. Also it means that residential activity is also possible on existing sites with areas of between 1 – 2 ha. However in this particular case with the subject site with an area of 8032m² we are still non-compliant under this proposed rule.



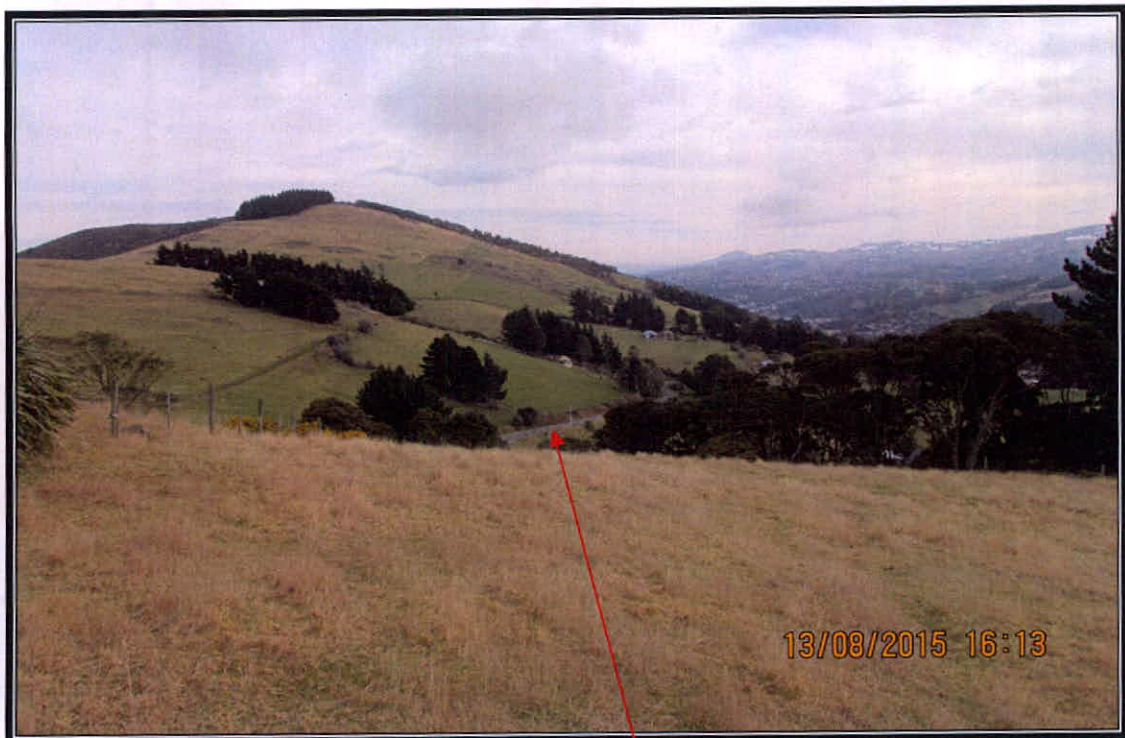
This photo was taken from Cleghorn Street alongside the property's eastern most corner. It shows the existing open shed that the applicants are considering removing and the bush to the right which screens the large barn and parking area within the property. (Taken: August 2015)



This photo was taken from Cleghorn Street adjoining the subject site north west of the vehicle access to the site. It shows the position of the proposed building platform as indicated. The adjoining property / dwelling can be seen in this view. (Taken: August 2015)



The position that this photo was taken from is from the middle of the proposed building platform looking towards Cleghorn Street to the north east. (Taken: August 2015)



The position that this photo was taken from is from the middle of the proposed building platform looking towards the city with North Road just in view 'over the edge' of the property. (Taken: August 2015)



This Google Earth photo shows the view of the site from Mount Cargill Road from the area shown on the photo immediately above this one. The position of the proposed dwelling as indicated would not be visible from this position. (Google Earth photo date: November 2012)

Rule 6.5.3 CONDITIONS ATTACHING TO PERMITTED ACTIVITIES

The site is currently zoned Rural and the following items are relevant under the current District Plan. However it is proposed that the area within which the property is situated is being considered under the review of the Second Generation of the District plan to be rezoned Rural Residential (RR1 2GDP). Where relevant the existing Rural Residential requirements will be discussed as well below in comparison. Some items listed under this Rule 6.5.3 are not applicable and include the following:

(iii) Residential Buildings within the Airport Outer Control Boundary, (v) Trees associated with Forestry Activities and Shelterbelts, (ix) Signs and (x) Concept Plan.

However the following may be applicable:

- (i) Yard requirements: (Front = 20m, side and rear = 40m) the proposed dwelling (as depicted on the attached scheme plan) will be placed approximately 10m from the site's south eastern side boundary, and closest boundary, with an adjoining property being No 26 Cleghorn Street. The front yard with Cleghorn Street = 55m, the northern side yard = 30m and the western rear yard = 70m.hence the side yards will not comply. **RR 2GDP**

Front yard = 12m, side and rear yards = 10m. In this case all the subject site's yards will comply.

(ii) Height; (iv) Car parking, Loading and Access;: These items can be addressed at the time of building consent; however the attached applicant's plan of their proposed dwelling subject to Building Consent application gives some indication as to what such a dwelling would look like. It is anticipated that the dwelling's height will be under the 10 metre maximum as permitted within the Rural Zone.

(v (RR 2GDP iv)) Location of Trees: Not applicable at this stage.

(vi) Riparian Protection: Not applicable.

(vii) Earthworks; earthworks will be required as part of the dwelling's foundations – this aspect will be addressed at the time of Building consent since no Building Consent plans have been prepared at this stage. However certain earthworks are permitted within the Rural zone as of right in relation to certain activities within this zone. No specific quantities of earthworks are known at present. On studying Table 17.5 under **Rules 17.7 Earthworks** of the District Plan, the following are concluded as permitted earthworks: Site area = 8032m² therefore $0.8032\text{m}^2 \times 20\text{m}^3 = 16\text{m}^3$ can be worked providing the ground level does not change by more than 2.0 m. At this stage we believe that the cut to be about 1 metre therefore it is not anticipated that the ground level will be greater than 2 metres. At this proposed depth to cut, the quantity to be excavated is calculated at about 250m³ for the building platform.

(viii) High Class Soils: Discussed above.

(ix (vi RR 2GDP)) Noise, Glare, Lighting and Electrical Interference: The materials used in the design and construction of the proposed dwelling will be of low reflectivity. The colours, that the applicants propose to clad their new dwelling in, have been discussed above.

RR1 Proposed Second Generation District Plan

(vi) Effluent disposal: The site is of a suitable gradient that on-site effluent disposal is easily achievable such that no adjoining property will be adversely affected. The applicants propose to discharge their treated effluent, grey and black water to the site and in particular to within the proposed orchard area as indicated.

ZONE DENSITY, LAND USE & INTEGRITY OF THE DISTRICT PLAN

The total area of subject site is 8032m². The site is within the Rural Zone of the DCDP – and as such the Rural Zone's minimum area requirement of 15 ha is not met for this property.

This application is for the construction of a dwelling in the location as shown on the attached scheme plan. Since the site is also within the Flagstaff/Mt Cargill Landscape Conservation area and a Visually Prominent Area this application may be seen as a **Restricted Discretionary Activity under Rule 14.6.4(b) (ii)**. Also in light of this proposed designation the proposed earthworks for the dwelling platform also mean that this application may be processed as a **Restricted Discretionary Activity**. As such a Land Use Consent is being applied for to address the dwelling, its placement and colour of the cladding, as discussed above within an undersized rural allotment.

Thus the site does not comply with the **Rural (Rule 6.5.7(ii))** or the proposed (2GDP) **Rural Residential 1 Zone's density and minimum area requirement**. Under the proposed zoning the subject site's area at 8032m² has 80% compliance if the 1 hectare rule for an existing site could be used.

I believe that this could be considered as a **True Exception** to the District Plan requirements. This proposal offers a viable use of the site as a residential property. The Applicants have been sympathetic to the property and the neighbouring properties in regards their new home, not only in regards its placement but in their design and proposed cladding colour options.

The applicants have both tried to meet with, discuss and liaise with the people deemed most affect being Nos 20, 26 and 21 Cleghorn Street – refer discussions under Affected Parties.

While the Rural zone's minimum area requirements (6.5.2(iii)) and possibly the eastern side yard under the rural zone's rules has not been met this application is no different to the properties in the immediate vicinity, none of which comply with the existing District Plan or the proposed District Plan zone of the area.

As such I ask council to consider this application as a True Exception to the District Plan and its requirements.

There is a breach of the southern side-yard in relation to the Rural zone requirements which requires a 40 metre minimum as specified within the District Plan.

SUBDIVISION ACTIVITY RULE 18.5

While this application is not for a subdivision some of the items below seem relevant and are commented on accordingly.

Rule 18.5.1 Discretionary Activities (Restricted)

This rule states that subdivision applications in the rural zone where the application complies with **Rules 18.5.3 – 18.5.5, 18.5.9 and 18.5.10** and each resulting allotment is 15 ha or greater are considered Discretionary Activities (Restricted).

Comment: The site's area and zone density is discussed above – as such this application does not comply with this requirement and as such I believe that Council will view this as a **non-complying activity Rule 6.5.7 (ii)**.

Rule 18.5.3 states that every allotment is to have both legal access and vehicle access to a formed road.

Comment: The property has an existing formed/physical access to Cleghorn Street to the existing barn, thus this application complies with this provision. There is the possibility of an additional or alternative vehicle access along the site's frontage with Cleghorn Street if required. Thus no easements are required to provide vehicle access.

Rule 18.5.4 Water bodies where Esplanade Reserves or strips will be the minimum requirement.

Comment: Not applicable.

Rule 18.5.5 Water bodies where Esplanade strips will be the minimum requirement.

This rule states that *'An esplanade strip of not more than 20 m in width shall be provided in the case of subdivision of any land into lots of less than 4 ha and abutting' etc.*

Comment: Not applicable.

Rule 18.5.9 Private Ways

Comment: Not applicable.

Rule 18.5.10 Unserved Areas.

Comment: With suitable dwelling design plus utilising the existing large barn roof, the property will be self-sufficient for water supply and waste water disposal. Electricity and telecommunications services exist within the adjoining carriageway, too which the new dwelling will need to connect.

AFFECTED PERSONS

Section 94(2) of the Resource Management Act 1991 provides Council with the option of processing a resource consent application as a non-notified application where the written approval has been obtained from persons considered to be adversely affected by the granting of consent.

There has been previous discussions with Council's planner Darryl Sycamore in regards this proposal. It was decided that the applicants try to obtain the approval from two properties in particular. These two properties were seen as follows:

- No 26 Cleghorn Street, Lot 2 DP 22220: Registered owner: T R Berringer and
- No 21 Cleghorn Street Lot 1 DP 24285: Registered owners I O Smith and C E Cooper.

The reason why the property to the north of the site (No 20 CT OT 54/163) was not considered was because this property has given its approval for residential development on the subject site via a Land Covenant – copy attached.

The applicants have liaised with these owners (No 20 Cleghorn St RG Davidson and LM Eales) as to their intentions. These property owners have not mentioned any matters of concern to the applicants even offering the sharing of their driveway if necessary. In any case these owners have provided their approval for the applicants' proposed dwelling – documentation attached.

Although the applicants have shown the owners of Nos 21 and 26 their intentions and offered landscape screening of their proposed development only the owners and occupiers of No 21 have given their approval – documentation attached. However the owner of No 26 has not given their approval. I have attached documentation by way of an email correspondence between the No 21's owner and the applicants explaining their reasons for not wanting any development on the subject site.

Hence two adjoining persons/properties forms have been submitted with this application. The reason why these particular properties were deemed affected was because the side-yard is breached with No 26 and the site's area under the current Rural zoning of the area. However under the possible RR zoning as part of the 2GDP at 10 metres, this side-yard then complies.

In regards the reason for liaising with No 21 – it was considered that they may be able to have a good view of the proposed dwelling on the subject site. This could be the case but only until the proposed landscape planting is established.

Should Council require the approval of the owner and occupier of the property south west of the site please advise. This adjoining property's details are: Part Section 40, Block IX, North harbour and Blueskin Survey District the owner being DW Hall.

ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

Sec 104 (1) (a) of the RMA requires that the consent authority have regard to any actual and potential effects on the environment of allowing the activity. Also **Sec 88 (2) (b)** of the RMA requires that every application for a resource consent is to include an assessment of environmental effects in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment.

The following is an assessment of the effects that have been considered for this proposed Subdivision activity in relation to **Section 6.7: *Assessment of Resource Consent Applications*** under Rural Zone rules.

Sustainability (6.7.1)

Comment: I believe that this Land Use consent fulfils the District Plan's policy and objectives for the following reasons:

- The site has been used for life-style type activities for several years. The placement of the proposed dwelling on the site is such that it's position is similar to the properties on either side of the site – as can be seen in the attached aerial photo which also shows the dwellings on Nos 12, 20, 26 and 34 Cleghorn St are all similarly placed. The surrounding properties are used for general lifestyle farming purposes – none of them seem to comply with the Rural Zone's minimum area requirement of 15 ha or for that matter the proposed Rural-Residential minimum area requirement of 2 ha. The proposed use of the site for residential purposes is not anticipated to have any effects on the adjoining properties.
- No natural resources are compromised by this application.
- The objectives and policies of the Sustainability section of the District Plan chiefly seek to enhance amenity values of Dunedin, to sustainably manage infrastructure and avoid mixing incompatible land uses. This proposed development of the property is not anticipated to introduce conflicts between existing activities. The proposal will not require an uneconomic extension of services since the site will need to be self-serviced for water supply and effluent disposal

Sustainability relates to: *the protection of amenity values and the protection of the significant natural and physical resources, avoid mixing of incompatible activities; avoid the unnecessary expansion of infrastructure and to adequately consider activities that could give rise to adverse effects.* I believe that this proposal will not present conflicts between activities and that the effects on amenity values and visual effects in considering the proposed construction and colour of the new dwelling and its placement on the site, will take into consideration the Landscape effects of such a dwelling.

Amenity Values (6.7.3), Character and Visual Impact (6.7.13) Bulk and Location (of Buildings or Structures) (6.7.9) and Residential units (6.7.15)

Comment: Council promotes the amenity values and character of an area through the density provisions of the zone as specified in the District Plan. In this case, the proposed new dwelling will be on a property that does not comply with the District Plan's minimum area requirements. The site is of a suitable area within which to dispose of effluent and collect potable water for domestic use. Although, under the current District Plan rules and the proposed 2GDP zoning, the property does not comply as to minimum area requirements, it is still capable of accommodating a site specific serviced dwelling. The position and type of dwelling is as indicated on the attached plans and together with the proposed colour scheme, I believe, that this Land Use application should not be adversely affect the amenity values of the neighbourhood or the Rural or proposed Rural-Residential zoning.

The site currently displays a degree of openness and naturalness, with the exception of the existing barn and vehicle parking area and open shed. The placement of the proposed dwelling in relation to the adjoining legal boundary with No 26 is very similar to the placement of No 26's dwelling in relation to that same common boundary. Thus, as can be seen above, this neighbourhood supports a wide variety of property types and sizes.

This proposal will not alter the existing fences and the current boundaries of the site. The position of the proposed dwelling takes advantage of the available views of the property.

The location of the new dwelling and the subsequent vegetation as indicated on the attached scheme plan will create a screen which will assist in screening the property from various view points and protect the dwelling from some of the prevailing winds in this area.

The set back of the dwelling from the 'lip' of the hill to the west will assist in not making the dwelling 'obvious' as one travels north along North Road. The altitude or height of the proposed building platform is such that it will not be very visible from the south and possibly from the east since the platform will be cut back and down significantly below the existing ground level, especially along the eastern side of the dwelling's platform as indicated on the proposed dwelling plans attached to this document.

The nearest dwelling, in relation to that proposed by this application, is that on No 26 which is approximately 20 metres distant to the east from the proposed position of the subject site's proposed dwelling position.

The site is capable of being self-serviced in regards water supply and waste water. Therefore this proposal will not require an extension of public services or roading. It is possible that the site may be classified as containing high-class soils.

The District Plan also seeks to maintain or enhance the character and amenity of the rural area. It is envisaged, as discussed already, that this proposal will not substantially alter the character of the area and will not detrimentally affect the amenity values offered by the site, and experienced from within the site. The closest neighbour being No 26 is positioned above the proposed dwelling with its garage between its own dwelling and the boundary with No 22.

In summary, it is considered that the proposed residential use of the property, will not significantly affect the existing amenity value or rural character of the site or the immediate area. This proposal will not have a detrimental effect on the amenity values offered by the site, and experienced from within the site and from adjoining properties.

Cumulative Effect (6.7.4)

Comment: When taking into consideration the location of the proposed dwelling the following should also be taken into consideration: the proposed yard measurements, surrounding vegetation, the dwellings in the vicinity and along Cleghorn Street, the resultant visual effects of the proposed dwelling (which we believe) in its design will be **not significant**. When taking these factors into consideration cumulatively upon the existing effects, we believe that these matters will not greatly alter the existing character of the area taking into consideration that the placement of the proposed dwelling is similarly placed on the site to those similar properties along Cleghorn St. The site is included in a Landscape Management area being the **Flagstaff/Mt Cargill Landscape Conservation Area** – this aspect has already been discussed above.

The proposed dwelling will not contribute to the incremental removal of land from productive use since the site has been used more of a rural-residential style property for several years and just general grazing. With an area of only 8032 m² no significant or intensive farming activity could be anticipated on this site.

Therefore, the effects of allowing the construction of the proposed dwelling, on an existing although non-compliant site, will not add to the existing effects, such that the combination of those effects are considered more than minor. We believe that no significant cumulative or precedent effects are envisaged from this proposal on the City's amenity, roading or general infrastructure that are not already in existence.

This proposed dwelling's placement and Land Use application will not contribute to the incremental removal of land from productive use.

Policy 6.3.14 seeks to avoid land use activities that could introduce cumulative adverse effects whether or not the site could mitigate those effects on the immediate environment. We believe that there are no irresolvable issues regarding servicing, transportation or hazards as discussed below and elsewhere in this application. Therefore, we do not believe that there will be any cumulative effects arising from this proposal.

Intensity of Activities (6.7.5)

Comment: This Land Use application proposes a residential dwelling on the subject. The proposed activity is considered more of a lifestyle type property for the applicants and their two children. An orchard has been indicated on the attached scheme plan as well as many plantings and garden plots with some trees / shrubs along the periphery. The applicant's proposal offers a viable use of an under-utilised and previously un-kept site.

Noise (6.7.6), Glare and Lighting (6.7.7) & Odour (6.7.8)

Comment: This aspect can be addressed at the time of Building Consent for the new dwelling. However the proposed colour of the cladding has been mentioned above already, should mean that the dwelling should not impose or introduce any significant glare from the structure other than as the sun rises in the morning with some reflection from the glass windows. We do not believe that odour will be an issue since the property will be used for the applicant's family home and no significant farm type activity is envisaged at this stage. Similarly the only noise being introduced we believe to be at the time of building of the new dwelling. A suitably worded Consent condition in regards construction noise similar to that shown is other such consents would seem appropriate as a condition of consent.

Cladding materials and colour are as indicated above and the applicant's plans, with the surfaces being painted or treated to avoid high reflectivity thus ensuring that the dwelling does not give off unacceptable glare. A suitably worded condition or consent notice can be stipulated within council's consent and thus placed on the title, for the proposed dwelling and be enforced at the time of Building Consent similar as follows:

'The exterior of the residential dwelling and associated buildings be coloured and clad in such a way that the exterior surfaces are to have a low reflectivity thus avoiding contrast with the surrounding landscape'

Water and Effluent Disposal (6.7.10)

Comment: Since the property is within the Rural and proposed 2GDP RR1 Zone, the site is expected to be self-sufficient as far as water supply and waste water disposal is concerned. This is will be a requirement for the proposed dwelling. As already mentioned the proposed zoning of the area could be Rural Residential as part of the 2GDP which has just been publicly notified and subject to the submissions process still. Under this proposed zone designation the subject site would also need to be self-sufficient for these services.

The specific details of on-site water supply and effluent disposal will be considered at the time of building consent and in liaison with Council's Building Control and Water and Waste Services staff. Any such system will also need to meet Otago Regional Council guidelines. There is sufficient area around the proposed dwelling to locate a

effluent disposal system such that there will be no seepage onto an adjoining property – with the orchard area being the recipient of most treated effluent disposal.

Land Disturbance (6.7.11) & Residential Units (6.7.15)

Comment: The District Plan Soils Maps indicates that the site may be categorised as containing high-class soils.

The approximate building footprint for the dwelling has been indicated on the attached plans and aerial photograph. Floor plans have been supplied by the applicant and are attached to this application. This dwelling and its location we believe will be sympathetic to the landscape with its position on the property and platform being recessed into the land, its colour being such that its presence will be somewhat screened from the adjoining carriageway by position, colour and plantings of various trees and shrubs. Its proposed footprint, at these dimensions, offers less than 3% site coverage of the total site area.

Any ground disturbance as a consequence of the construction of dwelling is unlikely to result in significant effects on the environment. Copies of the house plans and cladding colour are attached for Council's information – please note that a Building Consent has not, as yet, been applied for, therefore these plans are indicative at this stage.

Landscape Effects (6.7.25)

Comment: As mentioned above the subject site is within the **Flagstaff/Mt Cargill Landscape Conservation Area** as well as a **Visually Prominent Area** designation. These designations place limits/restrictions on structures and vegetation among other things. The placement of the type of dwelling has been shown on the attached plans prepared and designed by both the applicants and TL Survey Services Ltd.

The plans show the dwelling and existing large barn/garage, and their locations on the property. The attached plans also indicate a landscaping plan and programme – note planting has already commenced. The barn/garage/vehicle parking area has existed for some time. This area will remain unchanged at this stage.

We believe that the proposed new dwelling together with the proposed cladding type and colour as well as the planting proposal as indicated on the attached applicants' landscape plan - will ensure that the proposed dwelling/residential activity will not introduce any adverse effects on the surrounding area and the **Flagstaff/Mt Cargill Landscape Conservation Area** in particular. Therefore no adverse impacts are anticipated on the character and quality of the surrounding landscape.

For further discussion on this please refer to: *Noise (6.7.6), Glare and Lighting (6.7.7) & Odour (6.7.8)* above which also offers a Consent Notice regarding building materials and exterior coatings and non-reflectivity of materials.

Forestry and Shelterbelts (6.7.14), Development in the Rural Residential Zones (6.7.16), Activities within the Airport...(6.7.18), Otago Harbour Islands (6.7.19

Comment: Not applicable.

Clearance of Vegetation (6.7.17), Trees (6.7.21, Indigenous Vegetation and Habitats (6.7.22 & Sec 6 (c) RMA)

Comment: No clearance of vegetation is envisaged as part of this application and the construction of the new dwelling. Therefore, **Sec 6 (c)** of the RMA is not envisaged as being compromised by this application.

Archaeological Sites (6.7.20)

Comment: We have not been made aware of any significant archaeological sites or activities on the site or within the immediate vicinity.

Hazards (6.7.23)

Comment: No natural or technological hazards are believed on or near the property, which could adversely affect the placement of the proposed dwelling.

I believe that this Land Use application for the placement of a dwelling as indicated on the attached aerial photos will not intensify the use of this land in any way, and as such, natural hazards that may impact on this land are not expected to be problematic.

A request to Council for a HAIL assessment has been made prior to this application being completed but no data was forthcoming prior to lodgement of the application. Once received a report will be submitted to council based on the data received from Council.

Transportation (6.7.24)

Comment: The subject site has formed and physical access to **Cleghorn Street** which is categorised as a **Local Road** within Council's roading hierarchical maps. This carriageway provides vehicle access from North Road to the various properties in this area and is generally of a metalled surface and of 1-2 land width. **North Road** is categorised as a **District Road** within the DCDP's Roading Hierarchy maps.

Any vehicle entering or exiting the property can do so in a forward direction – ample room is available to carry out on-site manoeuvres so that any vehicle can move off the site in a forward direction within the vehicle parking area close to the large barn. It is not proposed that any vehicles will park alongside the proposed dwelling. Access to the dwelling from the on-site parking area will be by foot.



This photo shows a view of the large barn/shed and gravelled area as viewed from inside the subject site. Cleghorn Street carriageway is behind the vegetation in the back ground. (Photo taken: August 2015)



This photo was taken from inside the site's car park area with the large barn/shed in view in the back ground. Cleghorn Street carriageway is behind this view. (Photo taken: August 2015)



This photo as viewed from Cleghorn Street carriageway shows the access to the adjoining property being No 22 with the subject site behind the wooden fence. (Photo taken: August 2015)



This photo as viewed from Cleghorn Street carriageway shows the access to the adjoining property being No 26 with the subject site to the right of the fence. The proposed dwelling position is indicated by the arrowhead. (Photo taken: August 2015)



This photo as viewed towards the North Road (north west) shows the Cleghorn Street carriageway immediately adjoining the subject site which is located to the left. (Photo taken: August 2015)



This photo as viewed towards the harbour (south east) shows the Cleghorn Street carriageway immediately adjoining the subject site which is located to the right. The concrete accessway to the left is to No 21. (Photo taken: August 2015)



This photo shows the existing vehicle access from Cleghorn Street to the large parking area providing access to the property's large barn and shed area. (Photo taken: August 2015)



This Google Earth photo shows the intersection of Cleghorn Street to the left and North Road. (Image date = October 2012)

It is not anticipated that this proposal will create any additional effects on the transportation network along Cleghorn Street. Previous occupiers and owners of the subject site have been using the current access for several years on an intermittent basis. This application proposed the more frequent use of this carriageway and vehicle access. Sight lines from the existing access are indicated above and are quite adequate in regards sight lines in both directions.

Conflict and Reverse Sensitivity (6.7.26): Sustain the productive capacity of the rural area by controlling the adverse effects of activities.

Comment: Reverse Sensitivity involves the need to consider existing activities and land uses when assessing the effects of a new and potentially conflicting activity into the environment. The land and properties surrounding the subject site to the north, south and west are all used mainly for lifestyle / farming activities. Those are permitted activities in the Rural and proposed RR1 zone, and they may generate effects that are not considered acceptable to residential occupants in the area, such as noise and odours. This principle is described as reverse sensitivity, and should be avoided if any future complaints from the residents restrict the operation of legitimate activities.

It is not envisaged that this application will introduce an activity which is not anticipated within the District plan or that such an activity will conflict with existing activities in the area. This application is for the continued land use of the property as a Rural-Residential styled property with the introduction of a single domestic dwelling.

Properties on either side, and opposite the subject site on Cleghorn Street, are also on significantly undersized properties similar to the subject site. It is not expected that the subject site or the dwellings within the neighbouring properties will be affected by reverse sensitivity to a degree greater to that which exists in the area at present.

The physical size of the subject site is such that it is unlikely that the occupants will undertake any form of intensive farming or other rural-based activity themselves other than what has already occurred on the site i.e. grazing some animals and planting of a variety of vegetation.

ANTICIPATED ENVIRONMENTAL RESULTS (6.8)

6.8.1: The area of the property is below the minimum permitted with the District Plan for the rural area for residential activity. The proposed dwelling still requires Council's Building Consent approval, this Building Consent application is intended to be lodged with Council post approval of this Land Use application. It is anticipated that the existing **rural character and amenity values of the neighbourhood** will not be altered significantly by this application for a domestic dwelling on the subject site.

6.8.2. & 6.8.4: The **productive capacity** of the site will not be adversely affected by this proposal because the proposed residential activity will be located midway along the southern boundary of the property. The dwelling's footprint at 200m² accounts for only 2% of the property's perceived **productive capacity** area.

6.8.3: The **residential activity** being proposed by the introduction of a new dwelling as indicated on the attached scheme plan and aerial photo. No access needs to be formed to the dwelling since the applicants will be utilising the existing access and metalled parking area alongside the large barn building with access to the dwelling being by foot from here. No increased demand is anticipated on the Council's public infrastructure other than for Telecommunications and Electricity services – which are available within the adjoining carriageway.

6.8.5 The site is situated between two existing dwellings placed in similar positions within their properties as is anticipated by the applicants. The properties in this 'neighbourhood' are generally used for lifestyle type farming and residential purposes and activities. This proposal for the placement of a new dwelling, on the site and its associated servicing requirements with water supply and waste water collection and treatment, should not adversely affect the **natural character** of the surrounding environment.

GENERAL OBJECTIVES & POLICIES

Objective 6.2.3 provides for rural residential activity in a manner that avoids natural hazards, landscape management areas, high-class soils, and unsustainable provision of infrastructure. This refers to minimising the fragmentation of productive land and conflicts with permitted activities.

Comment: There will be very little, if any, fragmentation of any productive land as mentioned previously the proposed dwelling platform and existing access may account for 2% of the property's total area. However the site is within a Landscape protection Zone as a result this has been taken into consideration with the dwelling design and placement on the property and the associated planting proposal. As recent as 2012 and 2014 No 12 Cleghorn Street was granted a land Use Consent for the construction of dwelling on that particular property. The application of 2012 being **LUC 2012-369** was the initial application for a dwelling – this application has approval from the adjoining property owners. However some minor amendments were required and a variation (**LUC 2012-369/A**) was lodged and approved without any form of notification and was given Council approval.

Objective 6.2.4 refers to the need for sustainable management of roading and other public infrastructure. The property is already capable of self-servicing in terms of water supply and waste disposal. No internal roading is required as part of this application. The proposal will not result in the need to extend public services (other than perhaps telecom and electricity) (Policies 6.3.8 and 6.3.9) since the property will be self-sufficient as far as waste water and potable water supply is concerned. The

property is located within a Landscape Protection Management area and we believe it may also be within a high-class soils area, according to Council's soil maps.

Only a small percentage of Lot 1 will be used for the future residential dwelling - this will not increase the fragmentation of the land to the degree that it will have significant effects on the environment (Policy 6.3.3).

I believe that this proposal will not introduce conflicts with existing, or other permitted activities in the area (Objective 6.2.5, Policies 6.3.3 & 6.3.12).

Although the property does not comply with either the current Rural zone or proposed RR1 2GDP minimum area requirement, it has existing access and frontage to legal road. We believe that this proposal presents no challenges to the integrity of the District Plan. This proposal is in keeping with most of the properties in this area.

SECTION 106 OF THE RESOURCE MANAGEMENT ACT 1991

Under Sec 106 of the RMA, Council has the power to decline a subdivision Consent where:

- 1) *The land or structure is subject to erosion, falling debris, subsidence, slippage or inundation.*

Comment: None of these items are anticipated to occur as a result from this application. As mentioned above the proposed location of the dwelling is consistent with dwellings located along Cleghorn Street.

- 2) *The proposed use of the land may accelerate, worsen or result in material damage to that land, other land or structure by the above mentioned items unless these effects are avoided, remedied or mitigated by conditions etc to Council satisfaction*

Comment: The residential activity proposed by this application will not accelerate, worsen or result in material damage to the subject site, adjoining properties or structure by any of the above mentioned items. I believe that Sec 106 of the RMA is not applicable in this Land Use application for the proposed placement of a single dwelling on the subject site as discussed above. Although a HAIL data has not been submitted with the application, the report will be forwarded as soon as it is received by this office.

SECTION 104D REQUIREMENTS

This section of the RMA requires that a consenting authority not give approval to a non-complying activity unless the application can meet one of two limbs:

1. That the adverse effects on the environment will be no more than minor; or
2. That the application is for an activity, which will not be contrary to the objectives and policies of the Dunedin City District Plan.

Comment: Residential activity is well-established on properties along Cleghorn Street. While residential activity is permitted in the rural (and rural residential) zone on compliant areas, this application proposes a single dwelling on a significantly under-sized property. As already pointed out above most of the surrounding properties have dwellings on undersized and non-complying properties. We believe that there will be no adverse effects from this proposal on the environment or the surrounding properties.

The applicants propose to landscape the property as indicated on the attached scheme plan – this is being offered by the applicants as part of this application. This landscaping will be a form of screening from various viewpoints from the adjoining road and in due course the adjoining properties once the vegetation is established.

FINANCIAL/DEVELOPMENT CONTRIBUTIONS

We await council's determination in regards this matter in due course.

14.5.3 FLAGSTAFF/MT CARGILL LANDSCAPE AREA

The District plan 14.5.3 (a) (i) states that "This area includes all higher land to the north and west of the urban Dunedin and the harbour-side settlements..... It includes Flagstaff.... and Mt Cargill. It provides a significant portion of the setting, visual containment and skyline for the urban areas of Dunedin....Its visual quality therefore has a substantial impact on the visual quality of the wider area.

Rule 14.5.3(b) (ii) specifies *'Features and Characteristics to be Conserved'*. The discussion below relates to the proposed dwelling position and hence the reason for this application in relation to the locality of the site.

The proposed position of the dwelling, from certain viewpoints could be seen as a high point of the property. However its position as indicated on the attached plan with the proposed landscaping plan will ensure that most of the dwelling will not be visible from various viewpoints once the vegetation gets established. Landscaping could address any possible perceived visual effects that the dwelling may have. The general shape of the landform will remain untouched with no existing streams, waterways or any native vegetation being present. No other points listed in this

section appear relevant to this application. In its proposed location we believe that the dwelling may not be visible from the North Road carriageway.

Rule 14.5.3(b) (iii) discusses *'Principal Threats to Visual Quality'*. I believe that the siting, design, scale and finish of the proposed dwelling have already been discussed in various sections above. Consent conditions can be imposed restricting the colour and non-reflectivity of the dwelling. If required the attached landscape plan (as proposed by the applicants) could also be offered as a condition of consent.

Rule 14.5.3(b) (iv) discusses *'Other Threats to Visual Quality'*. No new vehicle access or the extension of the existing driveway access is required as part of the construction of the proposed new dwelling. There is no significant vegetation on site any vegetation will be planted as part of the applicant's development of the property and this will in turn enhance the conservation aspect of the property. No Shelter Belts, Quarries, Significant Excavations are offered or affected by this application. The placement of the new dwelling within the property will be in keeping with the properties on the south side of Cleghorn Street.

CONCLUSION

The property has been used for small scale farming activities for several years. The site does not comply with the current Rural and the proposed 2GDP Rural residential 1 zones' minimum area requirements. It is being offered that the proposed dwelling will be clad in a non-reflective material and colour compliant with Council requirements.

No alteration is envisaged to what little vegetation existing on site – more so around the large barn structure. The impact, if any, on the adjoining properties is considered minimal. Due to the positioning of the dwelling, its colour and the associated landscaping plan we believe that the views offered from adjoining properties, and in particular No 26, are not considered to adversely affect their amenity or privacy.

It is considered that this application is consistent with Part II of the RMA in particular: Sec.5 (2) (c) *"Avoiding remedying or mitigating any adverse effects of the activities on the environment"*, Section 7 (c) *"The maintenance and enhancement of the amenity values"* and Section 7 (f) *"The maintenance and enhancement of the quality of the environment"*.

We believe that the proposed dwelling design and its placement to be sympathetic to the environment and surrounding area. The proposed landscape design is considered sympathetic to the site and immediate area.

Should there be any adverse effects from this **Land Use application** for the construction of a dwelling (platform) within the **Flagstaff/Mt Cargill Landscape Conservation Area** and **Visually Prominent Area**, these are not anticipated to be significant.

We ask that the Dunedin City Council process this Resource Consent application on a **non-notified** basis in consideration of the above.

POINT OF CONTACT

Should you wish to discuss any item of this proposal, please contact the undersigned.

Enclosed herein is a cheque for \$1200, being the application fee deposit for Land Use Resource consent under Category D.

Application prepared by

A handwritten signature in black ink, appearing to read 'J Willems', with a stylized, cursive script.

John Willems

*(Planning and Project Management Consultant
BSc Land Planning & Development & NZCD Survey
AMNZIS) john@tlsurvey.co.nz*

APPENDIX 1



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

R.W. Muir
Registrar-General
of Land

Identifier **OT14A/88**
Land Registration District **Otago**
Date Issued 30 October 1991

Prior References
OT269/17

State Fee Simple
Area 8032 square metres more or less
Legal Description Lot 1 Deposited Plan 22220
Proprietors
Timothy Gordon Read and Annegien Meriel Read

Interests

816894.2 Transfer creating the following easements - 27.10.1992 at 9:34 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Convey water	Lot 1 Deposited Plan 22220 - herein	A Transfer 816894.2	Part Section 1 of 32, Part Section 40 and Part Section 42 Block IX North Harbour & Blueskin Survey District - CT OT9A/1049	

Land Covenant in Easement Instrument 9965724.2 - 13.2.2015 at 2:07 pm

114133.2 Mortgage to ANZ Bank New Zealand Limited - 24.7.2015 at 4:23 pm

APPENDIX 2



View Instrument Details

Instrument No. 9965724.2
Status Registered
Date & Time Lodged 13 Feb 2015 14:07
Lodged By Thwaites, Kylie Miri
Instrument Type Easement Instrument

Toitu te
Land whenua
Information
New Zealand



Affected Computer Registers Land District

OT54/163	Otago
OT14A/88	Otago

Annexure Schedule: Contains 3 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Johannus Maria van Bolderen as Grantor Representative on 11/02/2015 04:03 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Johannus Maria van Bolderen as Grantee Representative on 11/02/2015 04:04 PM

*** End of Report ***

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Wendy Halsey Trustee Limited

Grantee

Wendy Halsey Trustee Limited

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Land Covenant		OT54/163	OT14A/88

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

~~Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007~~

~~The implied rights and powers are hereby [varied] [negatived] [added to] or [substituted] by:~~

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule _____]~~

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

Annexure Schedule 1

Annexure Schedule 1

Continuation of "Covenant Provisions"

The Grantor hereby covenants and agrees with the Grantee:

- (a) not to object to any application by the Grantee for resource consent to allow residential use in respect of the Dominant Tenement and;
- (b) not to object to an application for a residential building consent in respect of the Dominant Tenement provided it is for a single residence and/or ancillary buildings normally associated with residential use and such buildings comply with local authority requirements as determined by way of resource consent granted for residential use of the Dominant Tenement and applicable district planning requirements.

APPENDIX 3

No.

TRANSFER of

situated in the Otago Registry

D W HALL

} Transferor.

S J & M P CARR

} Transferee.

Particulars entered in the Register Book.

Vol.

Folio

at

o'clock.

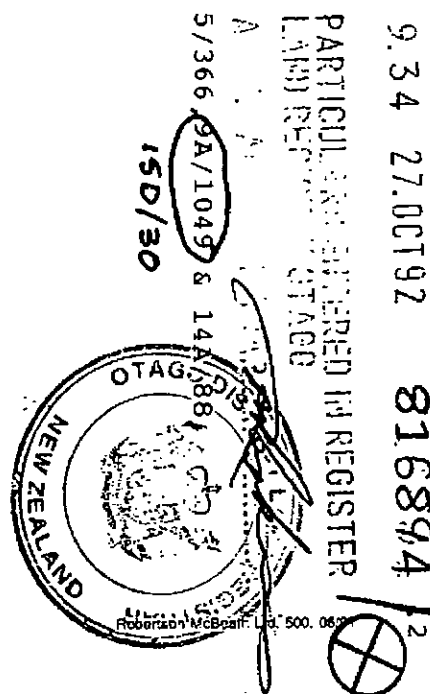
Assistant District Land Registrar of the
District of Otago

~~XXXXXXXXXXXX~~ LA HOOD ALLEN
SOLICITORS,
DUNEDIN.

Correct for the Purposes of the Land Transfer Act.
I certify that this transaction is not subject to
Part IIA of the Land Settlement Promotion and
Land Acquisition Act 1952.



Solicitor for the Transferee



\$450.00

816894.2 TE

(Approved by the District Land Registrar Dunedin No. 1974/430885)

MEMORANDUM OF TRANSFER

DOUGLAS WAYNE HALL of Dunedin, Farmer

(hereinafter called "the Transferor")

being registered proprietor of the estates or interests described in the first schedule hereto as

FIRSTLY

All that parcel of land containing 8032m² more or less being Lot 1 Deposited Plan 22220 and being Lot 10 and Part Lot 11 Block IV Deposited Plan 215 and being all the land contained and described in Certificate of Title 14A/88 Otago Registry (hereinafter referred to as "the Servient Tenement") AND

SECONDLY

All that parcel of land containing 38.1831 hectares more or less situated in the City of Dunedin being Part Sections 1 of 32, 40 and 42 Block IX NORTH HARBOUR AND BLUESKIN DISTRICT and being all the land contained and described in Certificate of Title 9A/1049 Otago Registry (hereinafter called "the Dominant Tenement")

SUBJECT TO Transfer 520020 and Mortgage 744480/4

NEW ZEALAND STAMP DUTY CH2
23/10/92 00122001 DUTY *450.00

IN CONSIDERATION of the sum of FORTY FIVE THOUSAND DOLLARS (\$45,000.00)

paid to the Transferor by STEPHEN JOHN CARR of Dunedin, Carpenter and MAXINE PHYLLIS CARR of Dunedin, Teacher

(hereinafter called "the Transferee") the receipt of which sum is hereby acknowledged

HEREBY TRANSFER to the Transferee all the estates and interests of the Transferor ~~described in the first schedule~~: Firstly described, exclusive of the Easement created in Transfer 520020 being a Right to convey water over part Section 38 Block IX NORTH HARBOUR AND BLUESKIN DISTRICT (5/366) shown as a line marked A,B,C,D,E on the diagram annexed to Transfer 520020 created by the said Transfer which shall henceforth be surrendered in respect of the said land and the said STEPHEN JOHN CARR of Dunedin, Student and MAXINE PHYLLIS CARR of Dunedin, Teacher consent to the within Transfer and Partial Surrender of Easement. ✓

RESERVING nevertheless to the Transferor a Right to convey water more particularly described in the plan annexed hereto and shown Marked A thereon over the Servient Tenement and to be forever appurtenant to the Dominant Tenement.

In this transfer the singular shall include the plural and the masculine the feminine or neuter as the case may be.

IN WITNESS whereof these presents have been executed this 25 day of September 1992

SIGNED by the said Transferor
DOUGLAS WAYNE HALL



in the presence of:

Witness:

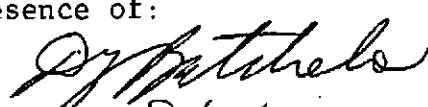
Occupation:

Address:





SIGNED by the said
Transferees STEPHEN
JOHN CARR and MAXINE
PHYLLIS CARR in the
presence of:


Solicitor
Dunedin

SCHEDULE

The Estates or Interests are subject to the Encumbrances, Liens and Interests set out hereunder, in relation to each title

FIRST SCHEDULE

Otago Registration District

Title Reference	Area	Description	Estates or Interest
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APPENDIX 4



COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952



Search Copy

R.W. Muir
Registrar-General
of Land

Identifier OT14A/89
Land Registration District Otago
Date Issued 30 October 1991

Prior References
OT269/17

Estate	Fee Simple
Area	8032 square metres more or less
Legal Description	Lot 2 Deposited Plan 22220
Proprietors	
Tessa Rose Barringer	

Interests

OT14A/89

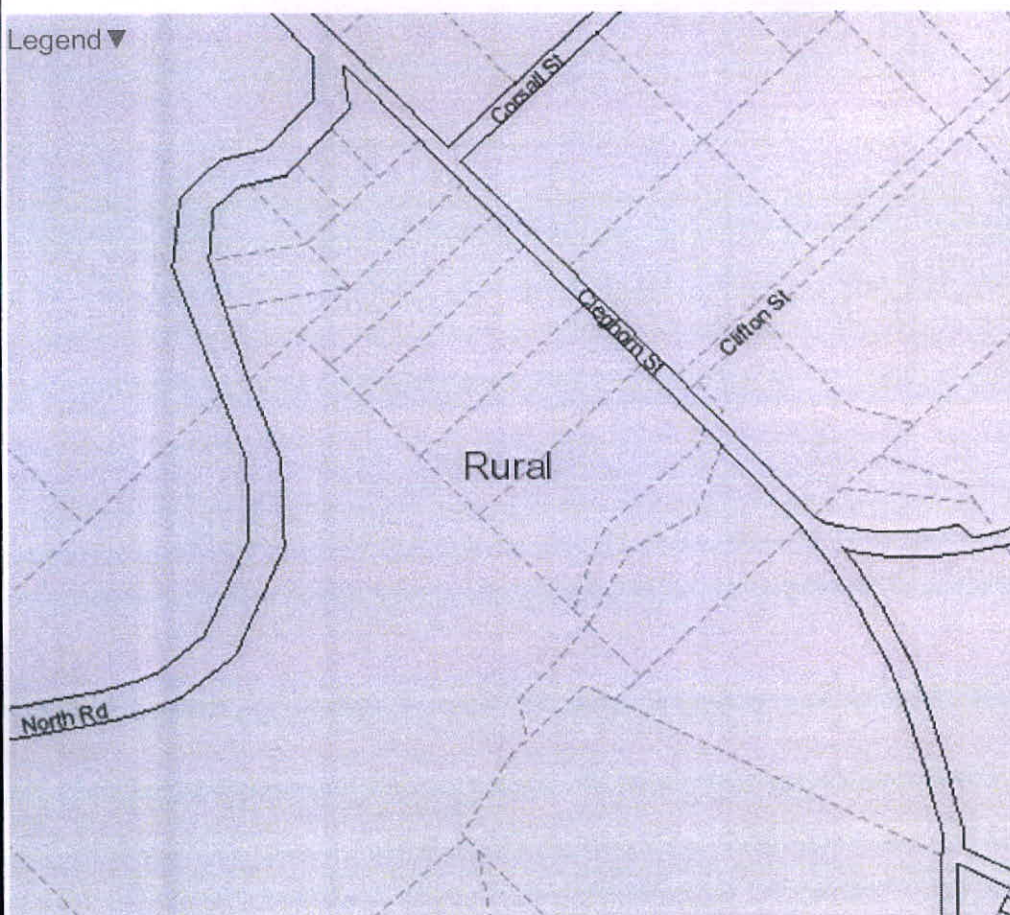


APPENDIX 5

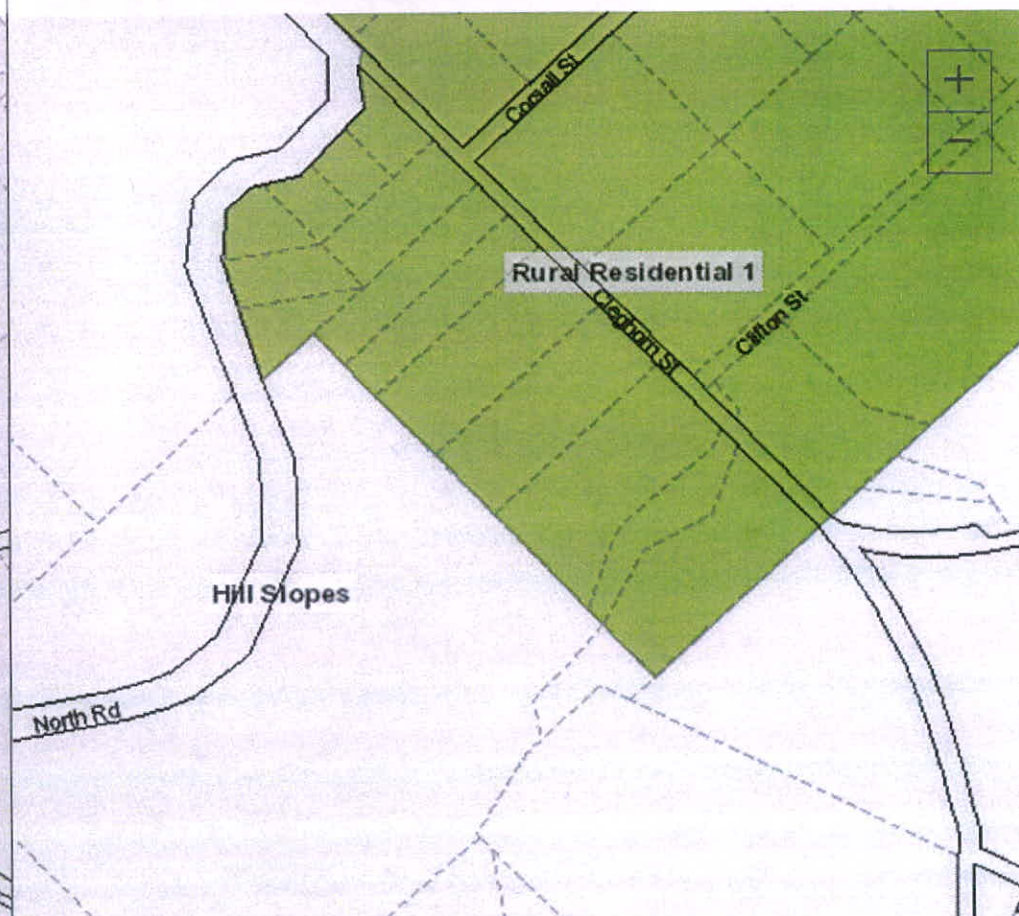
Compare Existing and Second Generation District Plans

SYNCHRONIZE MAPS: Scale Location

District Plan Zone



Second Generation District Plan (Zones)



APPENDIX 6

DO NOT SCALE - IF IN DOUBT, ASK

100

80

70

60

50

40

30

20

10

0

ORIGINAL SIZE A3

100

80

70

60

50

40

30

20

10

0

ORIGINAL SIZE A3

100

80

70

60

50

40

30

20

10

0

ORIGINAL SIZE A3

100

80

70

60

50

New 25,000 litre rainwater storage tanks (2)

Existing shed to be removed
Area to be used as childrens play area as it is sheltered from wind and visible from house

Native shrubs and trees

CLEGHORN STREET

Shrubs along front boundary

Orchard

Shrubs along side boundary

House location

Vegetable garden

Fence and low windbreak across property

Small paddock

File Ref:

Prepared For:

A & T READ

No.	Amendments	Drawn	Date

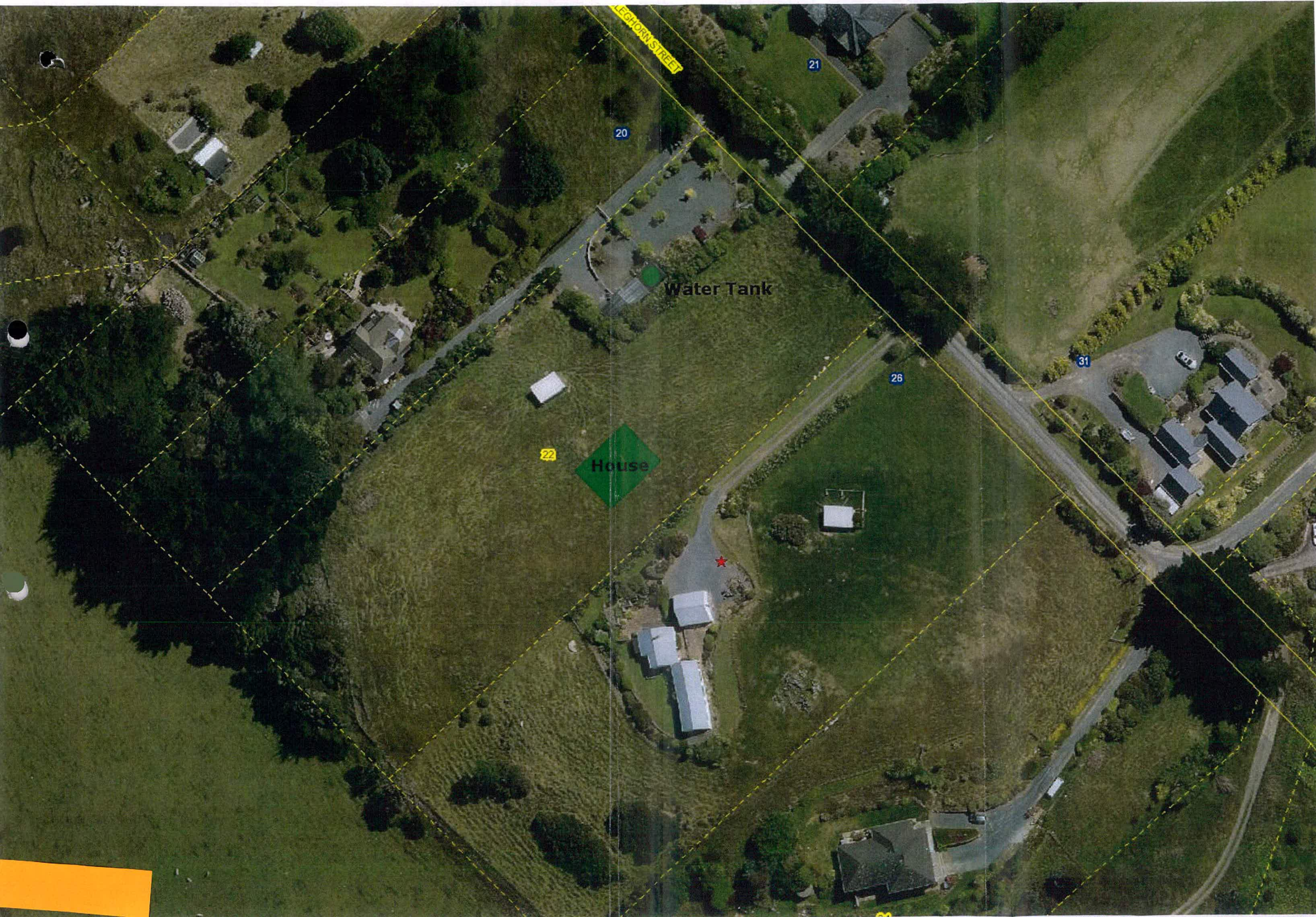
22 CLEGHORN STREET
RESIDENTIAL DEVELOPMENT

SCHEME PLAN
PLAN VIEW

Project No.: 15096	Surveyed: BWS
Scale: 1:600@A3	Designed: Owner
Date: 26 Aug 2015	Drawn: CB
Sheet: SCHEME 01	Checked: JW

Survey Services **Surveying Consultants**
TL Survey Services Limited
P.O. Box 901 DUNEDIN
Phone (03) 477 1133

APPENDIX 7



20

21

Water Tank

26

31

22

House



APPENDIX 8

Plans for 22 Cleghorn street

House:

House situated on the site to enable passive solar heating with additional heating via heat pump to under-floor heating.

House will be approx. 155m² with a 3.5m wide deck on the front.

The roof will have an angle of 22degrees and area of 220m².

The height of the house will be approx. 5.5m. The highest point of the house will be approx. 2.6m above the highest point on the boundary in the current location.

The foundation of the house as drawn will be 10m from the side boundary and 58m from the front boundary.

The foundation will be a half cut into the slope with stepped retaining wall at the rear of the house.

Exterior Cladding: Plaster painted in a beige or sandy colour. Windows and roofing in earthy green tone.

Access will be through the existing gate and parking will be on the gravelled area.

Landscaping:

Native shrubs along front boundary and side boundary behind the house.

Native shrubs and trees filling in and extending across the entire rear boundary of the property (overlooking the North Road).

Orchard between house and road.

Vegetable garden beside the house.

Children's play area and garden in front of the house.

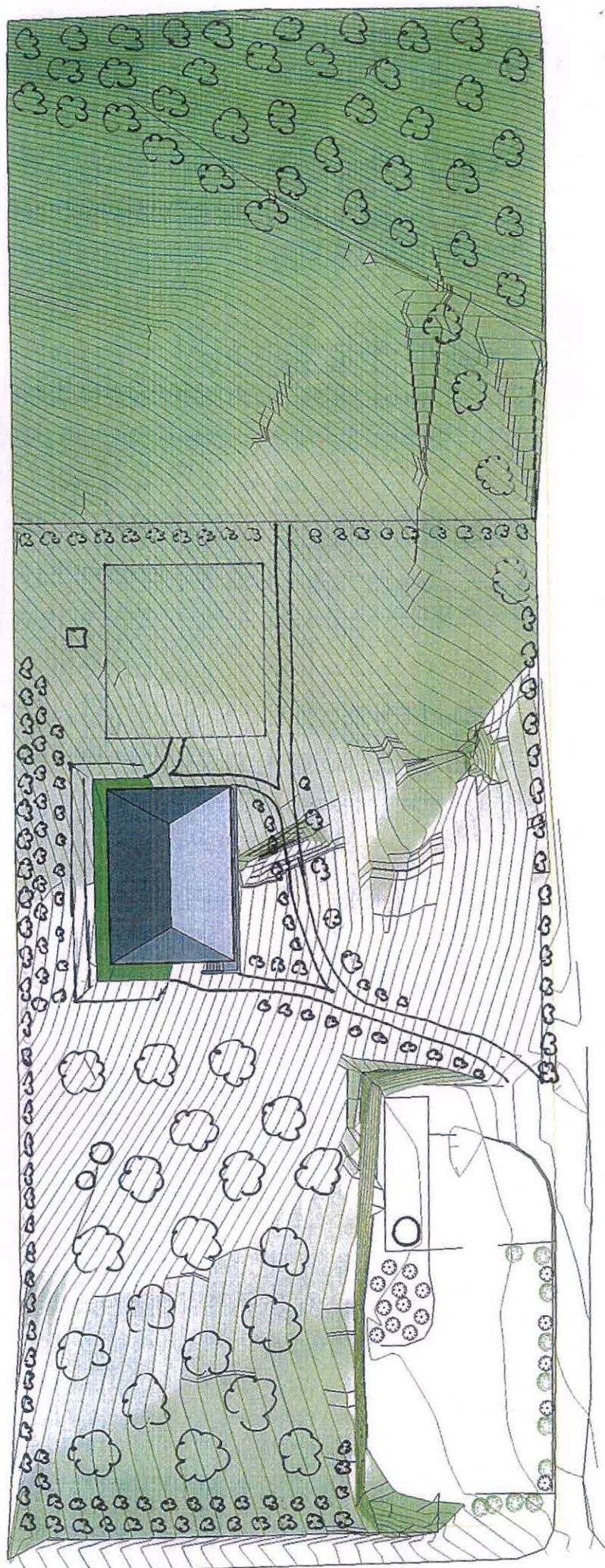
A fence and low wind break across the property creating a small paddock down the back.

Water management:

Rain water collection and storage in 30,000ltr tank above ground is located next to the stables (under the lean to).

Black water (toilets, kitchen, laundry) treatment with "Natural Flow" system (www.naturalflow.co.nz) or equivalent. The advanced primary water irrigating the orchard (disposal field).

Grey water (bathrooms) will be filtered and used to irrigate the vegetable garden.

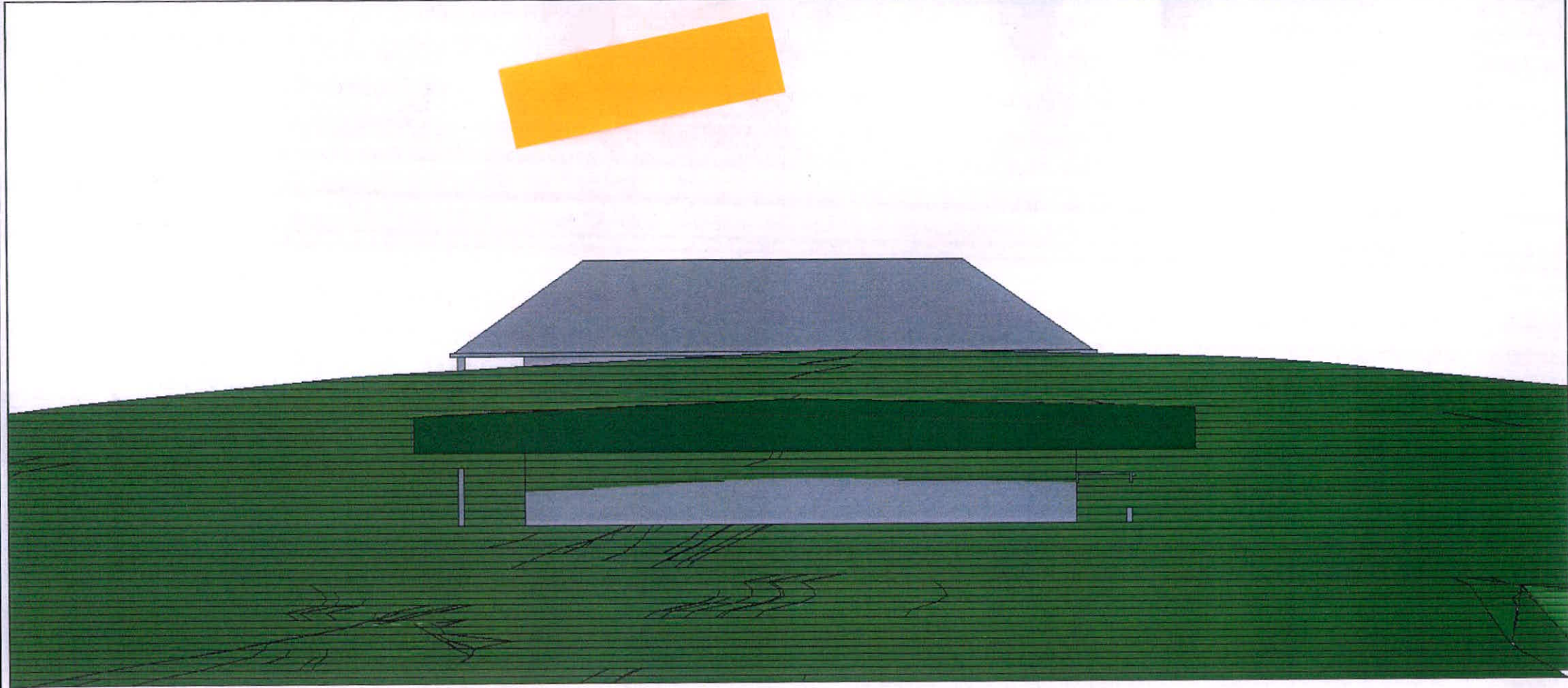


APPENDIX 9

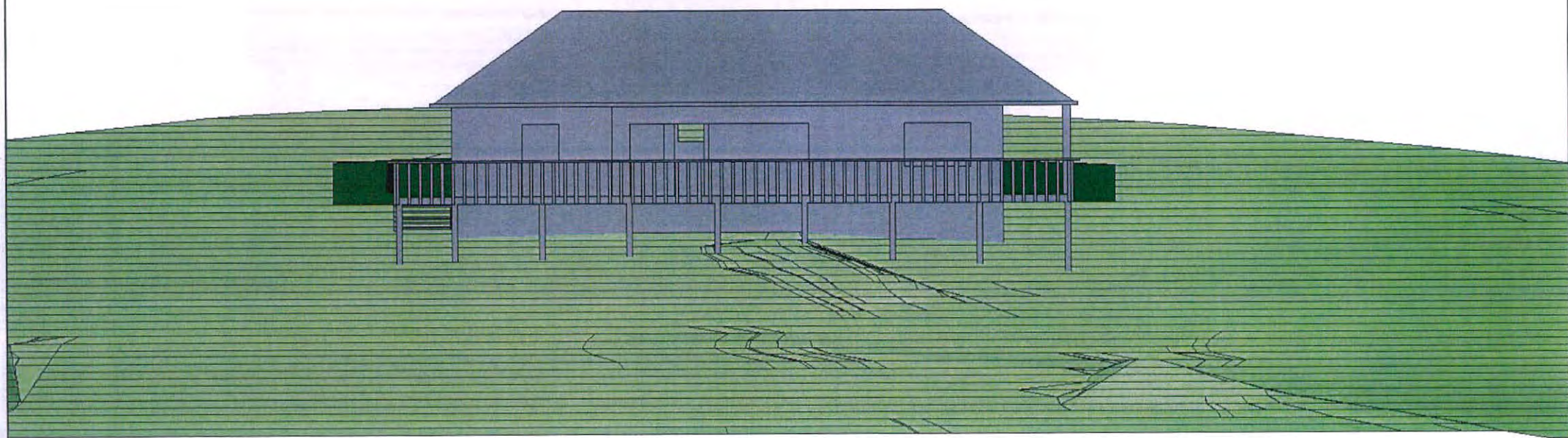
Possible view
from No 26

Prop. dwelling

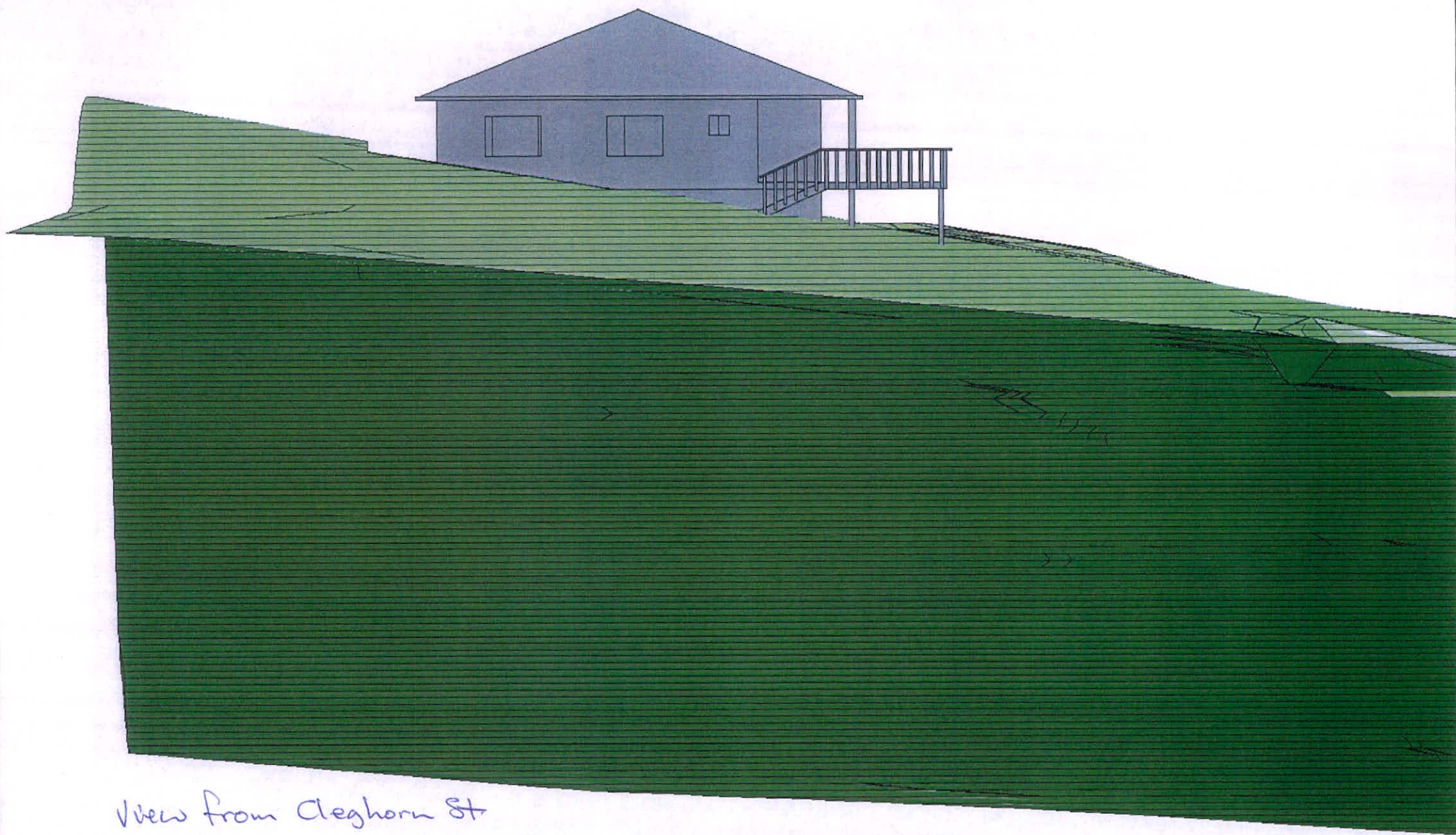




possible view from No 26



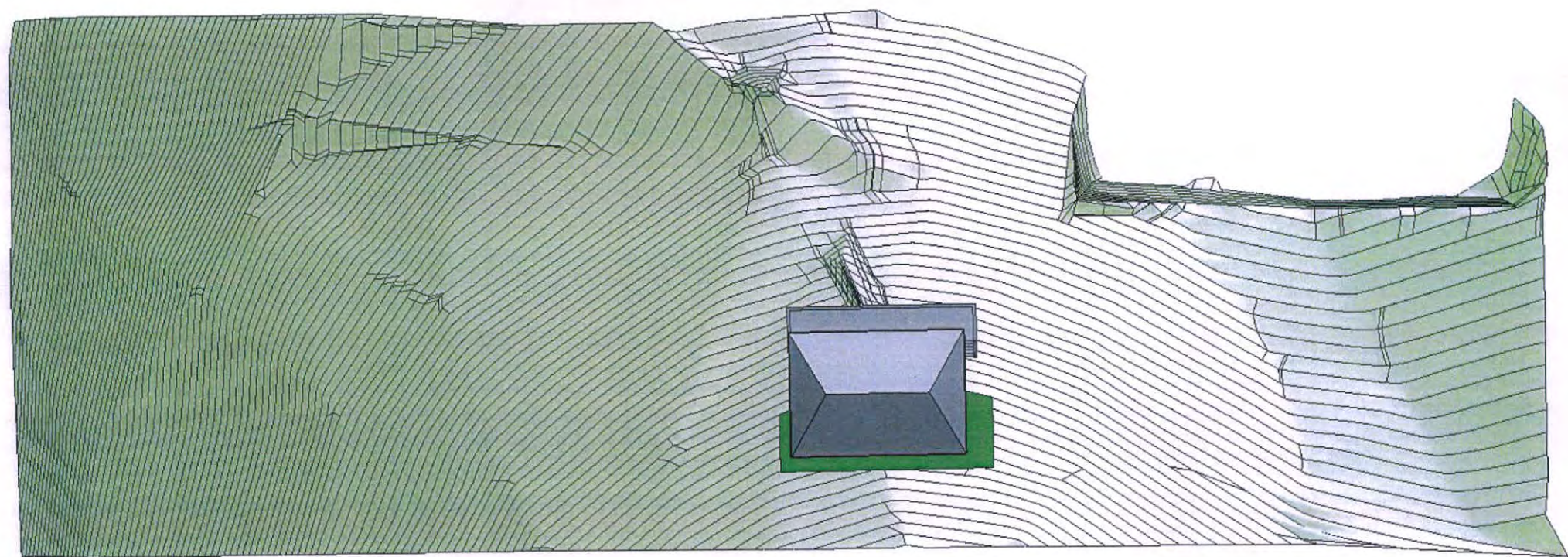
View from North to Mo 20.



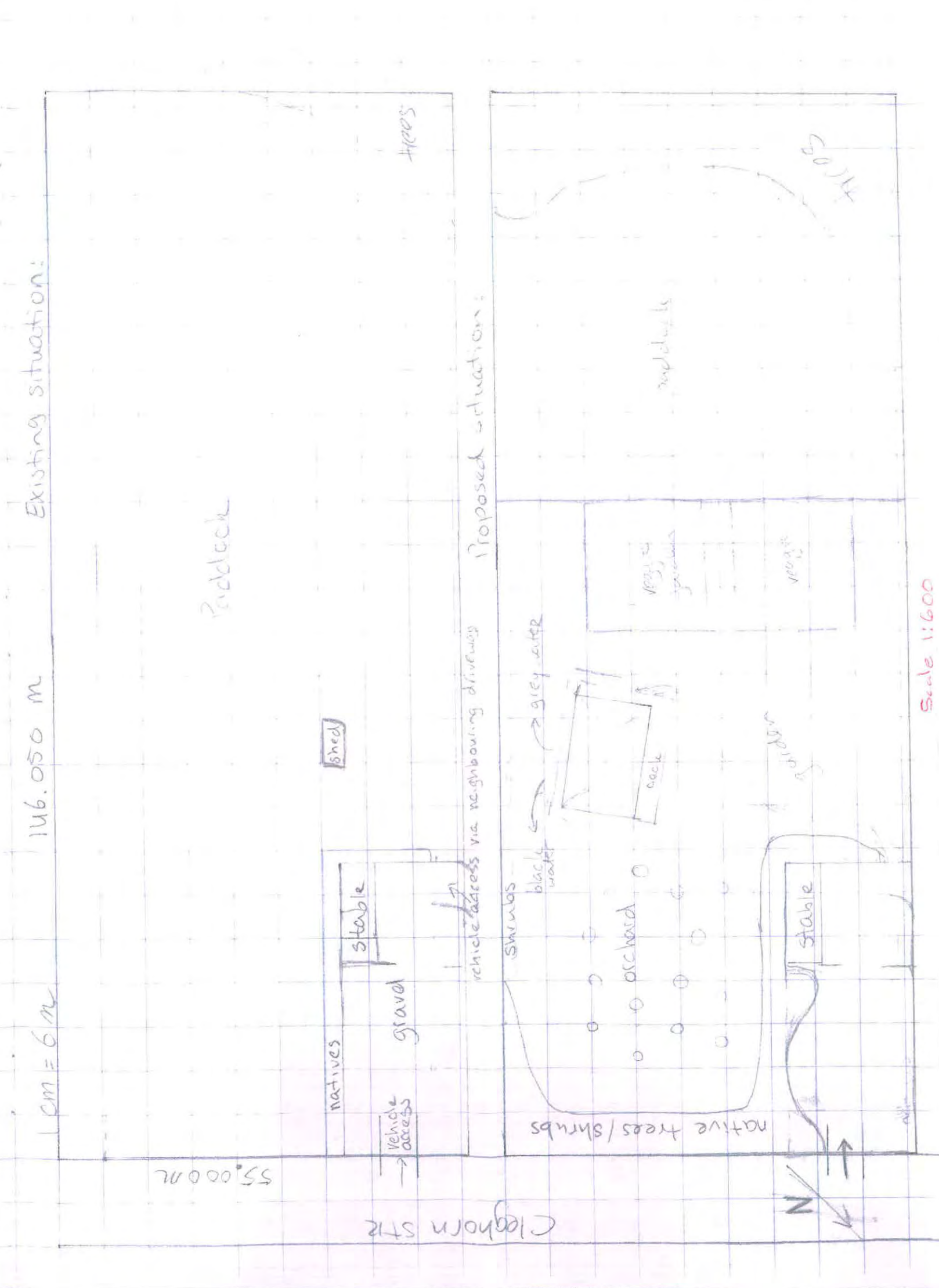
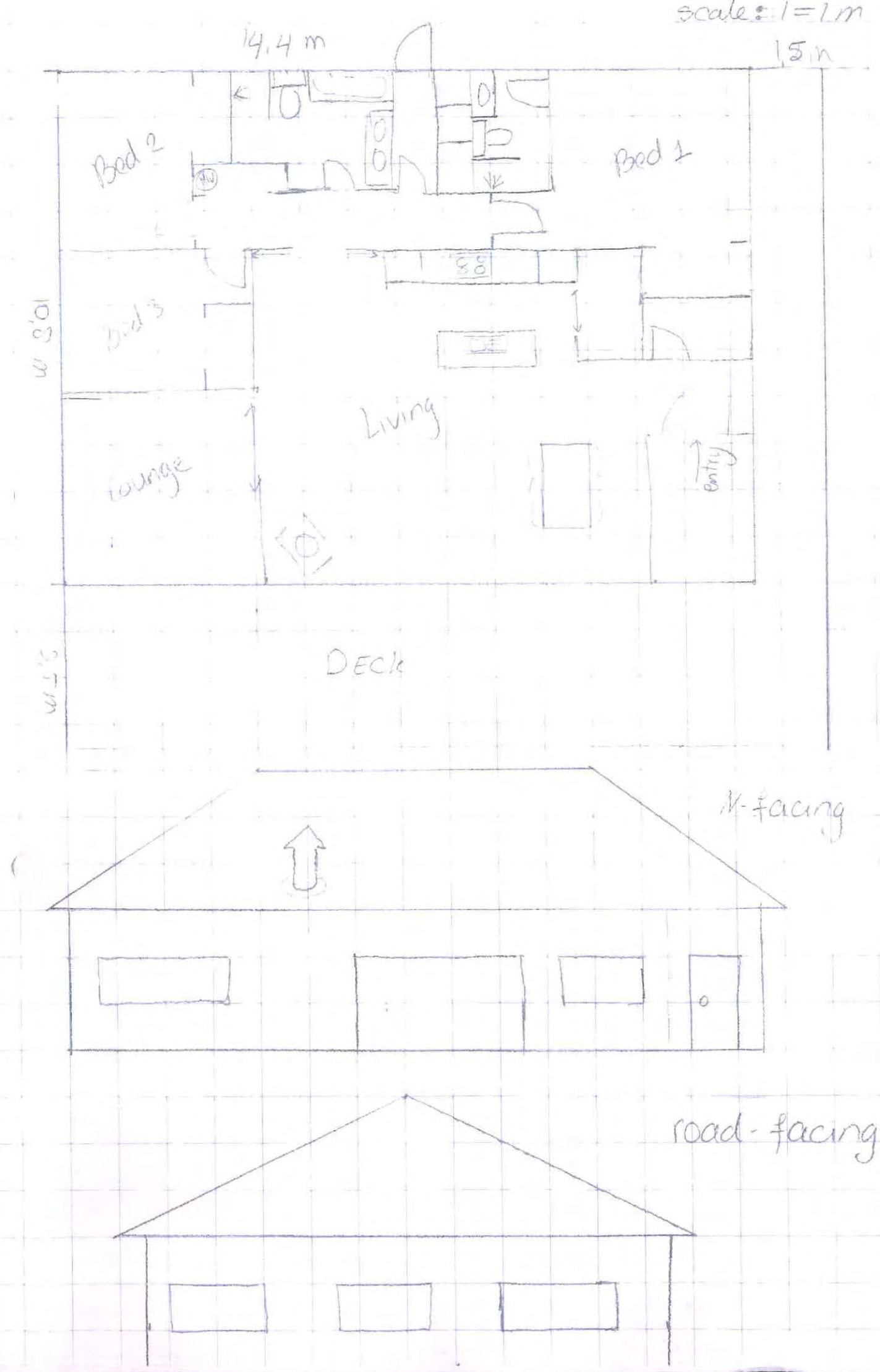
View from Cleghorn St



view from southwest



APPENDIX 10



APPENDIX 11

Affected Person(s) Written Approval Form

50 The Octagon, PO Box 5045, Moray Place, Dunedin 9058. Ph 477 4000

www.dunedin.govt.nz

IMPORTANT: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): R. Judy May Eales Russell Graham Davidson

being the: ☐ Owner ☐ Occupier ☒ Owner and Occupier

of the property situated at (address and/or legal description of **your property**):

20 Cleghorn St, Upper Junction

have read and understand the information on the reverse side of this page and written approval to the proposal by (name of applicant(s)):

TIMOTHY GORDON READ & ANNEGLEN MERIEL READ.

to (description of proposed activity):

Attached Plan 22 Cleghorn St
Project 15096

on the following property (address of **application site**):

22 CLEGHORN STREET.

☒ I/we have read and understand the application.

☒ I/we have signed and dated the application and plans as attached.

Where there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or
Tick the declaration box below:

☒ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.

Signed: R. J. Mo Eales [Signature]

Date: 20.9.2015

Telephone: 473 6452

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

DO NOT SCALE - IF IN DOUBT, ASK

100

80

70

60

50

40

30

20

10

0

ORIGINAL SIZE A3

Native shrubs and trees

New 25,000 litre rainwater storage tanks (2)

Existing shed to be removed
Area to be used as childrens play area as it is sheltered from wind and visible from house

CLEGHORN STREET

Shrubs along front boundary

Orchard

Shrubs along side boundary

House location

Vegetable garden

Fence and low windbreak across property

Small paddock



R. J. McCall

File Ref:

Prepared For:

A & T READ

No.	Amendments	Drawn	Date

22 CLEGHORN STREET
RESIDENTIAL DEVELOPMENT

SCHEME PLAN
PLAN VIEW

Project No.:
15096

Scale:
1:600@A3

Date:
26 Aug 2015

Sheet:
SCHEME 01

Surveyed:
BWS

Designed:
Owner

Drawn:
CB

Checked:
JW

Survey Services
Surveying Consultants
TL Survey Services Limited
P.O. Box 901 DUNEDIN
Phone (03) 477 1133



Annegien Doorn <adoorn@gmail.com>

Resource consent application for 22 Cleghorn Street

Christine <christinecoope@gmail.com>
To: Annegien Doorn <adoorn@gmail.com>

5 September 2015 at 15:35

Hi Anna and Tim

Thanks for sending us your plans. On the basis of the information you have provided we have no objection to your proposed plans for the site. Good luck with your Resource Consent application. Lovely to see you starting to plant out the boundary and putting your own stamp on your land.

Kind regards.

Christine and Ian

Christine Cooper

21 Cleghorn Street

RD2, Waitati 9085

Phone: +64 3 473 6247

Mobile: +64 2102938287

Email: christinecoope@gmail.com

From: Annegien Doorn [mailto:adoorn@gmail.com]
Sent: Tuesday, 1 September 2015 9:18 PM
To: Ian Smith; christinecoope@gmail.com
Subject: Resource consent application for 22 Cleghorn Street

Dear Ian and Christine,

It has taken a while but we have just finalised the plans for our property with TL Survey Services Ltd and they have drawn up this plan for us.

In three weeks time they will be lodging the application with DCC. If in the meantime you have any questions or considerations you would like to discuss feel free to contact us.

If you wish to sign your approval for our plans we would be very grateful and we will come and see you with the forms to do so.

If we do not hear from you then the council will notify you if required during the processing of our application.

With kind regards,

Tim and Anna Read

Affected Person(s) Written Approval Form

50 The Octagon, PO Box 5045, Moray Place, Dunedin 9058. Ph 477 4000

www.dunedin.govt.nz

IMPORTANT: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): IAN OSWALD SMITH & CHRISTINE ELIZABETH COOPER

being the: ☐ Owner ☐ Occupier ☒ Owner and Occupier

of the property situated at (address and/or legal description of **your** property):

Lot 1, DP 24285

have read and understand the information on the reverse side of this page and written approval to the proposal by (name of applicant(s)):

TIMOTHY GORDON READ & ANNEBIEN MERIEL READ

to (description of proposed activity):

TO BUILD A RESIDENTIAL HOUSE AT THE LOCATION INDICATED IN THE ATTACHED PLAN.

on the following property (address of **application** site):

2 CLEGHORN STREET, DUNEDIN

☒ I/we have read and understand the application.

☒ I/we have signed and dated the application and plans as attached.

Where there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or Tick the declaration box below:

☐ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.

Signed: [Signature] [Signature]

Date: 21/9/15. Telephone: 03-473 6247

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

DO NOT SCALE - IF IN DOUBT, ASK

100

80

70

60

50

40

30

20

10

0

ORIGINAL SIZE A3

Native shrubs and trees

New 25,000 litre rainwater storage tanks (2)

Existing shed to be removed
Area to be used as childrens play area as it is sheltered from wind and visible from house

CLEGHORN STREET

Shrubs along front boundary

Orchard

Shrubs along side boundary

House location

Vegetable garden

Fence and low windbreak across property

Small paddock



Bloom
John

File Ref:

Prepared For:
A & T READ

No.	Amendments	Drawn	Date

22 CLEGHORN STREET
RESIDENTIAL DEVELOPMENT

SCHEME PLAN
PLAN VIEW

Project No.: 15096	Surveyed: BWS
Scale: 1:600@A3	Designed: Owner
Date: 26 Aug 2015	Drawn: CB
Sheet: SCHEME 01	Checked: JW

Survey Services
Surveying Consultants
TL Survey Services Limited
P.O. Box 901 DUNEDIN
Phone (03) 477 1133

APPENDIX 12



Annegien Doorn <adoorn@gmail.com>

Resource consent application for 22 Cleghorn Street

Tessa Barringer <tessabarringer@xnet.co.nz>
To: Annegien Doorn <adoorn@gmail.com>

10 September 2015 at 09:34

Dear Tim & Anna,

Thank you for your e.mail of 1/09/2015 regarding the resource consent process for 22 Cleghorn St. While I appreciate you keeping me informed, I am greatly saddened that you do not feel able to compromise at all on the proposed building site of your planned home.

I do not enjoy finding myself in this situation - indeed quite the opposite, I am finding it very distressing - but I must again reiterate my opposition to your plans. You have said how much you want to live in this neighbourhood and be part of this community and yet you seem completely unaware of (or indifferent to) the impact your plans will have on those around you. Those of us who live here all share very similar values; we have chosen to live here so that we can have the space, privacy and quiet that are lacking in the city and suburbs; we are good neighbours in no small part because the configuration of this small community allows us to maintain our privacy and therefore our social equilibrium. This has always been a very special neighbourhood to live in because the people who come here have been sensitive to and respectful of the needs of their neighbours.

By insisting on building on the crown of the hill, you will crowd and close in the open rural aspect that is a distinctive part of the character of Cleghorn St. By insisting on your right to build as close as you legally can to our shared boundary, you will compromise the peace and privacy that is what I most cherish about my home. Your plan indicates an intention to plant on your boundaries to screen the visual impact of your house but the reality is it will take several years before any planting is sufficiently established to mitigate the impact of what you propose to do; if indeed plantings can be established given the adverse weather conditions on the site. Your aspiration to plant an orchard and to have a large vegetable garden on the southwest facing slope suggests you have a totally unrealistic expectation of what you will be able to achieve up here. It has taken me fifteen years to establish a garden and I have only been able to achieve that by compromising and growing the most hardy of plants and even then there are areas on my property where fierce winds and thin soil have defeated all attempts to establish shelter.

As you said when you visited me, you may indeed get what you want through the consent process, but only by taking what I already have. It would seem that my loss and the distress you are causing me is collateral damage you are willing to sustain.

yours sincerely,

Tessa Barringer

On 1/09/2015, at 9:17 PM, Annegien Doorn wrote:

Dear Tessa,

It has taken a while but we have just finalised the plans for our property with TL Survey Services Ltd and they have drawn up this plan for us.

In three weeks time they will be lodging the application with DCC. If in the meantime you have any questions or considerations you would like to discuss feel free to contact us.

If you wish to sign your approval for our plans we would be very grateful and we will come and see you with the form to do so.

If we do not hear from you then the council will notify you if required during the processing of our

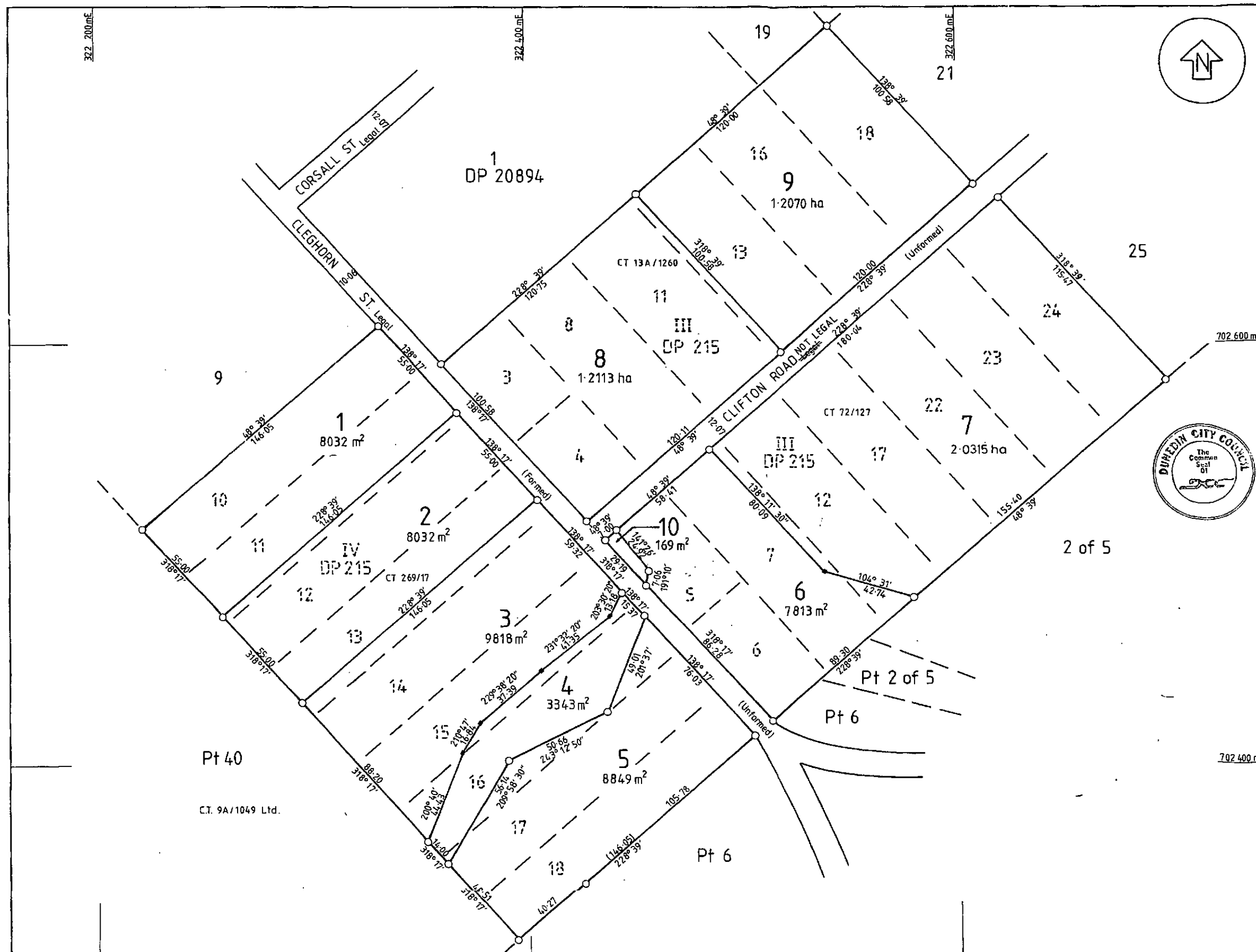
application.

With kind regards,

Tim and Anna Read

: < Plan_for_DCC.pdf><Plans for 22 Cleghorn street.pdf>

APPENDIX 13



Approvals

Registered Owner: _____ Council: _____

The _____ Council certifies that:

(1) This plan of subdivision is approved pursuant to Section 305(1) of the Local Government Act 1974 by a resolution of the said Council passed on the 23rd day of August, 1991, subject to such conditions as are set out in paragraph (3) hereon;

(2) This plan is in accordance with the requirements and provisions of the said Council's operative district planning scheme at that time; and that

(3) The conditions referred to in paragraph (1) hereon are:

(a) That Lots 5 and 6 hereon be held in the same ownership and one certificate of title be issued to include both parcels. (LRR 735781)

(b) The provisions of Section 308(2) of the Local Government Act 1974 have been applied to the land in certificates of title 10A/1052 Ltd, 260/206 Ltd, 266/65 Ltd, 266/66 Ltd, 266/68 Ltd, and 9A/652.

(c) The provisions of Section 308(2) of the Local Government Act 1974 have been applied to Lot 4 & 10 hereon and the land in certificate of title 9A/1049 Ltd.

(d) All other conditions on the approved scheme plan have been complied with.

IN WITNESS WHEREOF the Common Seal of the said Council is hereunder affixed in the presence of:

[Signature] Mayor/Chairman

[Signature] Town Clerk/County Clerk

DUNEDIN CITY COUNCIL

DATUM: Geodetic 1949
CIRCUIT: North Taieri
Coordinates in terms of: False Origin 700 000 mN 300 000 mE

Total Area: 9.0554 ha

Comprised in: CT 269/17 (All), CT 72/127 (All), CT 13A/1260 (All)

I, **THOMAS BRUCE HENDRY**, Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1986 hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.

Dated at Dunedin this 23rd day of August, 1991. Signature T.B. Hendry

Field Book 2458 p. 36-40 Traverse Book 253 p. 113-116

Reference Plans DP 215, 3208, 16901, 21683

50's 6047, 10678, 10668, 17126 & Trig SH 164

Examined DP Correct AB

Approved as to Survey

9/10/91

Deposited this 30 day of December, 1991

[Signature] Chief Surveyor

[Signature] District Land Registrar

File Received 26 18 191 Instructions

DP 22220

LAND DISTRICT Otago
 Survey Blk. & Dist. IX NORTH HARBOUR & BLUESKIN
 NZMS 261 Sheet I44 Record Map No. 692

Lots 1-10 Being a Subdivision of Lots 10-18, Block IV, 3-8, 11, 12, 13, 16, 17, 18, 22, 23, & 24, Block III, DP 215, Block IX, North Harbour and Blueskin Survey District.

TERRITORIAL AUTHORITY Dunedin City
 Surveyed by Paterson Pitts Partners Ltd
 Scale 1:1250 Date December 1989

ID I44/7.3

W.A. ROBERTSON, DIRECTOR GENERAL/SURVEYOR GENERAL, DEPARTMENT OF SURVEY AND LAND INFORMATION, NEW ZEALAND

SP 545

DOSLI FORM D15

APPENDIX 14

