

Appendix One: Application

Application Form for a Resource Consent

50 The Octagon, PO Box 5045, Moray Place
Dunedin 9058, New Zealand
Ph 477 4000
www.dunedin.govt.nz

PLEASE FILL IN ALL THE FIELDS

Application Details

I/We Scott and Butson Estate Limited (Russell and Suzanne Butson) (must be the FULL name(s) of an individual or an entity registered with the New Zealand Companies Office. Family Trust names and unofficial trading names are not acceptable: in those situations, use the trustee(s) and director(s) names instead) hereby apply for:

☒ Land Use Consent ☒ Subdivision Consent

Brief description of the proposed activity: Subdivide 90 Orokonui Road into 11 lots with residential activities on each

Have you applied for a Building Consent? ☐ Yes, Building Consent Number ABA _____ ☒ No

Site location/description

I am/We are the: (owner, occupier, lessee, prospective purchaser etc) of the site

Street Address of Site: 90 Orokonui Road Waitati

Legal Description: Lot 100 DP 506797

Certificate of Title: 768400

Address for correspondence (this will be the first point of contact for all communications for this application)

Name: C/- Terramark Limited (Maaike Duncan) (applicant/agent (delete one))

Address: PO Box 235, Dunedin Postcode: 9054

Phone (daytime): 03 477 4783 Email: maaike@terramark.co.nz

Address for invoices or refunds (if different from above)

Name: As above

Address: _____

Bank details for refunds

Bank Account Name Terramark Limited

Account Number:

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Bank Branch

Account Number

Suffix

Ownership of the site

Who is the current owner of the site? As above

If the applicant is not the site owner, please provide the site owner's contact details:

Address: _____ Postcode: _____

Phone (daytime): _____ Email: _____

Monitoring of your Resource Consent

To assist with setting a date for monitoring, please estimate the date of completion of the work for which Resource Consent is required. Your Resource Consent may be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your Resource Consent, if granted, may be monitored three years from the decision date).

_____ (month and year)

Monitoring is an additional cost over and above consent processing. You may be charged at the time of the consent being issued or at the time monitoring occurs. Please refer to City Planning’s Schedule of Fees for the current monitoring fee.

Detailed description of proposed activity

Please describe the proposed activity for the site, giving as much detail as possible. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please provide proposed site plans and elevations.

See attached application for specific detail

Description of site and existing activity

Please describe the existing site, its size, location, orientation and slope. Describe the current usage and type of activity being carried out on the site. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please also provide plans of the existing site and buildings. Photographs may help.

See attached application for specific detail

_____ (Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? Rural

Are there any overlaying District Plan requirements that apply to the site e.g. in a Landscape Management Area, in a Townscape or Heritage Precinct, Scheduled Buildings on-site etc? If unsure, please check with City Planning staff.

See application

Breaches of district plan rules

Please detail the rules that will be breached by the proposed activity on the site (if any). Also detail the degree of those breaches. In most circumstances, the only rules you need to consider are the rules from the zone in which your proposal is located. However, you need to remember to consider not just the Zone rules but also the Special Provisions rules that apply to the activity. If unsure, please check with City Planning staff or the Council website.

See attached application for specific detail

Affected persons' approvals

I/We have obtained the written approval of the following people/organisations and they have signed the plans of the proposal:

Name: See application

Address: _____

Name: _____

Address: _____

Please note: You must submit the completed written approval form(s), and any plans signed by affected persons, with this application, unless it is a fully notified application in which case affected persons' approvals need not be provided with the application. If a written approval is required, but not obtained from an affected person, it is likely that the application will be fully notified or limited notified.

Assessment of Effects on Environment (AEE)

In this section you need to consider what effects your proposal will have on the environment. You should discuss all actual and potential effects on the environment arising from this proposal. The amount of detail provided must reflect the nature and scale of the development and its likely effect. i.e. small effect equals small assessment.

You can refer to the Council's relevant checklist and brochure on preparing this assessment. If needed there is the Ministry for the Environment's publication "A Guide to Preparing a Basic Assessment of Environmental Effects" available on www.mfe.govt.nz. Schedule 4 of the Resource Management Act 1991(RMA) provides some guidance as to what to include.

See attached application for specific detail

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have/have not (delete one) been applied for:

☐ Water Permit ☐ Discharge Permit ☐ Coastal Permit ☐ Land Use Consent for certain uses of lake beds and rivers ☒ Not applicable

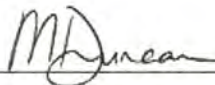
Declaration

I certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

I accept that I have a legal obligation to comply with any conditions imposed on the Resource Consent should this application be approved.

Subject to my/our rights under section 357B and 358 of the RMA to object to any costs, I agree to pay all the fees and charges levied by the Dunedin City Council for processing this application, including a further account if the cost of processing the application exceeds the deposit paid.

Signature of Applicant/Agent (delete one):



Date: 28/6/2018

Privacy – Local Government Official Information and Meetings Act 1987

You should be aware that this document becomes a public record once submitted. Under the above Act, anyone can request to see copies of applications lodged with the Council. The Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld, the Council will make a decision following consultation with you. If the Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen.

Please advise if you consider it necessary to withhold your application, or parts of it, from any persons (including the media) to (tick those that apply):

- ☐ Avoid unreasonably prejudicing your commercial position
☐ Protect information you have supplied to Council in confidence
☐ Avoid serious offence to tikanga Maori or disclosing location of waahi tapu

What happens when further information is required?

If an application is not in the required form, or does not include adequate information, the Council may reject the application, pursuant to section 88 of the RMA. In addition (section 92 RMA) the Council can request further information from an applicant at any stage through the process where it may help to a better understanding of the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated. The more complete the information provided with the application, the less costly and more quickly a decision will be reached.

Fees

Council recovers all actual and reasonable costs of processing your application. Most applications require a deposit and costs above this deposit will be recovered. A current fees schedule is available on www.dunedin.govt.nz or from Planning staff. Planning staff also have information on the actual cost of applications that have been processed. This can also be viewed on the Council website.

Further assistance

Please discuss your proposal with us if you require any further help with preparing your application. The Council does provide pre-application meetings without charge to assist in understanding the issues associated with your proposal and completing your application. This service is there to help you.

Please note that we are able to provide you with planning information but we cannot prepare the application for you. You may need to discuss your application with an independent planning consultant if you need further planning advice.

City Planning Staff can be contacted as follows:

In Writing: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

In Person: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon

By Phone: (03) 477 4000, Fax: (03) 474 3451

By Email: planning@dcc.govt.nz

There is also information on our website at www.dunedin.govt.nz.

Information requirements (two copies required)

- ☒ Completed and Signed Application Form
- ☒ Description of Activity and Assessment of Effects
- ☒ Site Plan, Floor Plan and Elevations (where relevant)
- ☒ Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- ☒ Written Approvals
- ☒ Forms and plans and any other relevant documentation signed and dated by Affected Persons
- ☒ Application Fee (cash, cheque or EFTPOS only; no Credit Cards accepted)

In addition, subdivision applications also need the following information

- ☒ Number of existing lots.
- ☒ Number of proposed lots.
- ☒ Total area of subdivision.
- ☒ The position of all new boundaries.

In order to ensure your application is not rejected or delayed through requests for further information, please make sure you have included all of the necessary information. A full list of the information required for resource consent applications is in the Information Requirements Section of the District Plan.

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information and adequate assessment of effects)?

☐ Yes ☐ No

Application: ☐ Received ☐ Rejected

Received by: ☐ Counter ☐ Post ☐ Courier ☐ Other: _____

Comments: _____

(Include reasons for rejection and/or notes to handling officer)

Planning Officer: _____ Date: _____

28 June 2018

Dunedin City Council
PO Box 5045
DUNEDIN 9054

ATTENTION: The Senior Planner

Dear Sir/Madam

SUBDIVISION AND LANDUSE CONSENT APPLICATION – 90 OROKONUI ROAD, WAITATI

On behalf of Scott and Butson Estate Limited, C/- Russell and Suzanne Butson, we submit for consideration by your Council an application for subdivision and land use consent for breaches of the District Plan associated with subdivision of the property at 90 Orokonui Road.

Please find enclosed the following documents:

1. Form 9
2. Processing Cheque for \$1850.00
3. Resource Consent Application
4. Terramark Plans 11489/11 Sheets 41-44, 51, 52, 61, 71, 81, 82
5. Orokonui Service Company Service Agreement
6. Former Orokonui Hospital – Preliminary Site Investigation for Ground Contamination
7. Geotechnical Assessment – Orokonui Estate Subdivision
8. Certificate of Title
9. Affected Persons Consent Forms

For reference, the applicant's details are:

Scott and Butson Estate Limited
C/- Russell and Suzanne Butson
62 Orokonui Road
RD 2
Waitati 9085

All resource consent associated correspondence is to be directed via the writer; the applicant's agents, and our contact details are as follows:

Terramark Limited	Attention:	Mrs Maaike Duncan
P O Box 235	Phone:	03 477 4783
Dunedin 9054	Email:	maaike@terramark.co.nz

If you have any further queries please do not hesitate to contact the undersigned.

Yours faithfully
Terramark Ltd



Maaike Duncan
Licensed Cadastral Surveyor

Surveying, Resource Management and Engineering Consultants

DUNEDIN 9054

PO Box 235 - (03) 477 4783
dunedin@terramark.co.nz

MOSGIEL 9053

PO Box 235 - (03) 489 7107
mosgiel@terramark.co.nz

BALCLUTHA 9240

PO Box 178 - (03) 418 0470
balclutha@terramark.co.nz

Resource Consent Application

**Orokonui Estate
90 Orokonui Road
Waitati**

Prepared by:
Terramark Limited
June 2018



RESOURCE CONSENT APPLICATION

90 OROKONUI ROAD, DUNEDIN

1 Applicant Details

The applicant and site owners details are:

Scott and Butson Estate Limited
C/- Russell Butson
62 Orokonui Road
RD 2
Waitati 9085

All resource consent associated correspondence is to be directed via the applicant's agents, and our contact details are as follows:

Terramark Limited
P O Box 235
Mosgiel 9053

Attention: Mrs Maaike Duncan
Email: maaike@terramark.co.nz
Phone: 03 477 4783

2 Site Information

2.1 Legal Details

The site is addressed as 90 Orokonui Road, Waitati.

The land is contained in Computer Freehold Register 768400 in the ownership of Scott and Butson Estate Limited. The legal description is Lot 100 DP 506797 and the total area comprises 7.2334 hectares. A copy of the title is attached in Appendix E.

2.2 Site Zoning

2.2.1 Operative Dunedin City District Plan

The site is zoned Rural on Map 13. An Oak tree (*Quercus Robur*) T887 is listed in Schedule 25.3 as being significant and is located near the northern boundary of the site. The site is identified as having esplanade provision and as containing High Class Soils.

2.2.2 Proposed Second Generation District Plan

The site is zoned Rural Coastal in the current Proposed Second Generation District Plan (2GP). A number of overlays exist for the site including Coastal Flood Hazard 2, Minimum Floor Levels (Waitati and Karitane), High class soils and an Archaeological Alert Layer.

2.3 Description of Environs

The site is part of the former Orokonui Hospital site located some 15 minutes north of Dunedin on the outskirts of Waitati township.

The immediate surrounding land uses comprise pastoral farming activities to the east and north, Orokonui estuary and reserve to the north, residential activities on various parcel sizes to the west accessed via a common access over the subject site.

In the wider environment the township of Waitati is located to the northwest and the Orokonui Eco-Sanctuary to the south.

Access is obtained off the end of Orokonui Road which is fully formed over its legal length to a maximum width of 5.0m.

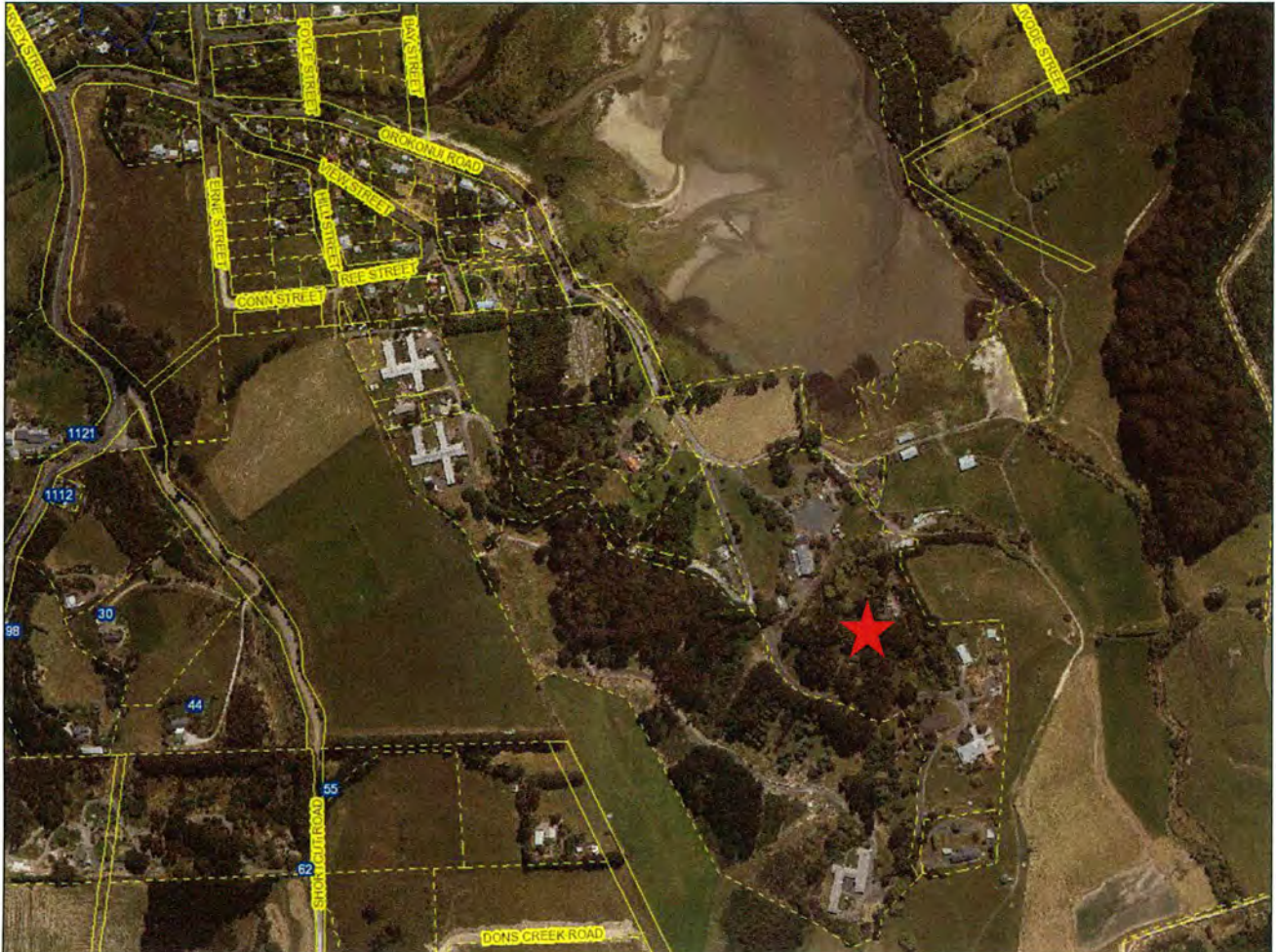


Photo 1: The site, (red star), as situated within the current surrounding environment.

2.4 Description of Site

The site is an irregular shaped lot oriented generally north-south with a northerly aspect and an elevation range of 55m. It receives wide vistas over Orokonui Estuary and Blueskin Bay beyond. The terrain is of easy to moderate contour increasing from 5m above MSL at the site entry off Orokonui Road to approximately 60m at the top of the site which is also the furthest south.

Site improvements consist of multiple primary and secondary buildings previously utilised by the hospital operation and since utilised for various purposes, predominantly residential. The remainder of the site is covered in a mixture of kept lawns, amenity plantings and un-stocked pasture.

The site does not directly front Orokonui Road but receives legal and physical access by way of an existing sealed Right-of-Way easement (Farm ROW) created by T937406.5 over the adjoining farm property, Lot 1 DP 392376. The right of way extends along the northern frontage of the site as it heads to the eastern farmland and has a legal width of 10m for the majority of its length and narrowing slightly at its eastern end whilst the formed width is more than 5.0m wide and at the entrance and not less than 4.0m sealed along the remainder of its length.

Within the site a sealed dual lane road with a 5.5m wide carriageway with kerb and channel on either side climbs up along the western boundary within the site. It is covered by numerous right of way easements (8m legal width) providing access to existing adjoining sites and in preparation for proposed sites.

2.5 Consent History

The wider Orokonui Hospital Site has been subject to many Dunedin City Council resource consents. Those related to the current site are listed below while those marked with an asterisk are live consents.

- | | | |
|-------|-------------------------|---|
| i) | A953558 | - Land Use consent (December 1995) for the establishment of a tavern. This consent was superseded by A960462 , lapse date December 1997. The "Saratoga Bar & Restaurant" was opened but has since closed. |
| ii) | A970552 | - Land Use consent (August 1997) for the establishment of a playcentre. The playcentre closed in 2011 and this consent was surrendered as a condition of SUB-2012-66 Stage 1. |
| iii) | SUB-2012-66* | - Subdivision consent for two stage subdivision of site into 8 lots being Lots 1 – 3 (Stage 1) and Lots 4 – 9 (Stage 2). Stage 1 of this consent was given effect in 2013 by DP 463762. |
| iv) | LUC-2012-351 | - Land Use consent associated with existing and proposed activities for Lots in Stages 1 and 2 of SUB-2012-66. Those associated with Stage 2 were surrendered and replaced by LUC's 2016-420 to 2016-424. |
| v) | SUB-2012-66/2/A* | - Variation to subdivision consent approving Stage 2, Lots 4 – 9 to be completed as individual stages B – E, in any order. Lapse date 30 November 2022. Stage E, Lot 9 and the balance Lot 100 was given effect to by DP 506797 (2017). |
| vi) | LUC 2016-420* | - Land Use consent for Lot 4 SUB-2012-66/2/A providing for 1 residential activity in each of three existing buildings and a commercial activity (tavern). This consent superseded LUC-2012-351 for Lot 4. |
| vii) | LUC 2016-421* | - Land Use consent for Lot 5 SUB-2012-66/2/A providing for 1 residential activity in a new replacement residential unit. This consent superseded LUC-2012-351 for Lot 5. |
| viii) | LUC 2016-422* | - Land Use consent for Lot 6 SUB-2012-66/2/A providing for one residential activity in either the existing building or a new replacement residential unit. This consent superseded LUC-2012-351 for Lot 6. |
| xix) | LUC 2016-423* | - Land Use consent for Lot 7/8 SUB-2012-66/2/A providing for one residential activity in the existing building on Lot 8. This consent superseded LUC-2012-351 for Lot 7/8. |

Also appurtenant to the site are the following Otago Regional Council Resource Consents.

- | | | |
|------|------------------|--|
| i) | A97463* | - Consent to bury contaminated fill to establish a carparking area. |
| ii) | 2007.390* | - Permit to take water & use water from the Orokonui Stream for the purpose of a community water supply, lapse date 26 May 2035. |
| iii) | 2009.349* | - Permit to dam water in the Orokonui Stream for the purpose of using an intake weir within the stream, lapse date 26 May 2035. |
| iv) | 2007.391* | - Permit to discharge treated domestic wastewater to land, lapse date 26 May 2035. |

3 Description of Activity

3.1 Reason for Consent

The site was acquired by Mr and Mrs Butson and family in early 2001 and utilised as a large family estate. With the passing of time, the family needs changed, and the site lent itself to being split into smaller manageable parcels of land.

Being a historic hospital site, care had to be taken in the development process to ensure that the splitting up and disposal of the property is managed and undertaken appropriately to provide a long term well established residential development for prospective residents without additional pressure placed on the Council. To this end Mr and Mrs Butson have always envisioned and proceeded to renovate and refurbish the buildings into residential dwellings with finishes to a high standard.

In 2012, SUB-2012-66 was obtained for a two-stage subdivision for 7 resultant residential properties. Aligned with the applicants' intention and vision, the first building to be refurbished and made available for sale was Lot 1 Stage 1 now #60 Orokonui Road. This was sold upon deposit of DP 463762 which also involved the separation of the property into Lots 2 and 3 to facilitate splitting of the company structure aligned with the ownership interests.

After SUB-2012-66 was varied to allow independent staging of Stage 2 (Lot 2 DP 463762), the building on Lot 9 was refurbished into two highly finished units and was subdivided onto its own title (Lot 9 DP 506797) in 2017.

The current parcel of land, Lot 100 DP 506797 remains consented for 4 resultant titles providing for 6 residential activities, within either existing or replacement buildings.

However, during the development works of Lot 1 and 9 and related marketing, Mr Butson has had numerous requests for smaller parcels of land providing for new builds to a purchaser's own specification. Mr Butson has approached an architect to develop a vision which sets the tone and expectation for the development of the property for residential purposes that both respect this unique property setting whilst providing for purchasers' own specification levels.

Mr Butson intends to continue to refurbish existing buildings where viable but will also provide house and land packages incorporating the architects new designs to the market for the vacant sites and those sites with buildings not viable for refurbishment.

Accordingly, this proposal seeks:

- Consent for staged subdivision to create 11 residential lots of various sizes in the rural zone (Lots 41, 42, 43, 44, 51, 52, 53, 61, 71, 81 and 82)
- Land use consent providing for residential activity on each of the 11 lots either in an existing building or in a new building,
- Land use consent providing for the continuation of a commercial activity (tavern) on Lot 41.
- Consent to subdivide the site pursuant to Section 11 of the NES:Soil

3.1.1 Proposed Lots and Staging

The lots originally proposed as part of SUB-2012-66 and SUB-2016-66/2/A have their proposed boundaries generally respected by the new lots but have been further split internally. As previous consents reference Lots 4 – 8, for ease of cross-referencing, the table below correlates the original lot number with the new lots proposed within this application.

Original Lot Number under SUB-2012-66 and SUB-2016-66/2/A	Proposed Lots
Lot 4	Lots 41, 42, 43, & 44
Lot 5	Lots 51, 52 & 53
Lot 6	Lot 61
Lot 7	Lot 71
Lot 8	Lots 81 & 82

The subdivision of the sites are to occur one at a time and in any order as per SUB-2012-66/2-A and consent is requested to be in a form to facilitate this.

3.1.2 Access

The site does not directly front Orokonui Road but receives legal and physical access by way of an existing sealed Right-of-Way easement (Farm ROW) created by T937406.5 over the adjoining farm property, Lot 1 DP 392376. The first portion of this right of way is the primary access to the site and is formed to at least 5.5m wide. The right of way continues around the northern frontage of the site toward the east whilst the internal access splits off at the site boundary and heads south.

The existing right of way formation within the site has previously been approved under SUB-2012-66 and consists of a 5.5m wide sealed formation with kerb and channel on either side within an 8.0m legal corridor.

The minimum standard of a right of way for 4-12 residential activities in the Rural zone is a 5.0m wide metalled formation within a 6.0m wide access. This existing access complies with these dimensions and the hard-surfaced finish standard exceeds rural zone standards.

A few isolated areas of the existing right of way require repair and these have been scheduled to be undertaken as part of the overall development works.

Lots 41, 42, 51, 52, 61, 71, 81, and 82 will received vehicular access of the dual land road located within the site whilst Lots 43, 44 and 53 will receive access directly off the Farm ROW as it passes alongside the northern frontage of the site.

3.1.3 Development Provisions

The rural zone provisions cannot be met with respect to bulk and location for existing and proposed buildings thus to provide a consistency of development on the sites and for the purposes of considering this application development provisions have been proposed. These are similar to the adjoining Residential 5 zone provisions.

A combination of building platforms and no build areas are promoted to control where development occurs on a site, either for geotechnical reasons, to retain viewshafts or to retain a high level of overall amenity within the estate.

The following provisions are promoted for all lots;

- All yards: 4.5m except where modified by a defined building platform.
- Recession Plane: 63° commencing from ground level at the boundary.
- Maximum height : 9.0m
- Maximum Site coverage: 30% of site area
- Car parking: Onsite parking at a ratio of
 - 1 carpark for a dwelling with GFA less than 150m²
 - 2 car parks for dwellings with GFA 150m² or greater

In respect of any portion of an existing building which breaches these provisions, they shall be authorised to remain as part of the consent however once removed, have no existing use rights. i.e. no new building or addition to an existing building shall be erected in breach of the above provisions. This pertains specifically to the Chapel on Lot 42, the existing apartment building and garages on Lot 44, and the barn on Lot 53 which all breach the 4.5m yard setback and in some cases the related recession plane.

The utility buildings located in the eastern corner of proposed Lot 41 will be within their own identified platform to allow these to remain and be re-established as required.

3.1.4 Lot 41

Lot 41 will be an irregular shaped site of 1.79ha gross (7715m² net). Terramark plan D6230/11 shows the whole site and plan 6230/11-41 details the net area of the site.

The site encompasses the extensive hall/restaurant. It has historically been used as tavern though is currently occupied as a residential unit. LUC-2012-420 authorises either of these activities occurring within the existing hall/restaurant.

The site will contain the majority of the HAIL area identified by A97463 where asbestos was buried and a carpark created over the top. This area is shown as red crosses on the Plan D6230/11-41.

The site will contain the existing right of way corridor that extends from the northern boundary through the site providing access to most lots. This right of way has already been created by EI 9514902.6 as part of DP 463762. A portion (580m²) of this right of way near Lot 61 is to be cancelled and included in proposed Lot 61.

The applicant has promoted a building platform be defined on the site which encompasses the hall and a slight area to the west. The building platform will be defined by survey though is indicatively shown on Plan D6230/11-41. Any new or existing residential unit and associated accessory buildings are restricted to this portion of the site. This will ensure that any future alteration to the building is controlled, provides rights to establish a new dwelling within the platform if needed and ensures view shafts are protected for adjoining Lot 42.

The buildings located in the eastern corner of the site are associated with services for the estate and are excluded from the requirement to be located within the building platform. For completeness these buildings have their own defined platform annotated utility building platform.

Land Use Consent for the commercial activity (tavern) is sought to be re-authorised on new Lot 41 with reference to the conditions of RMA 96042 as per LUC-2016-420.

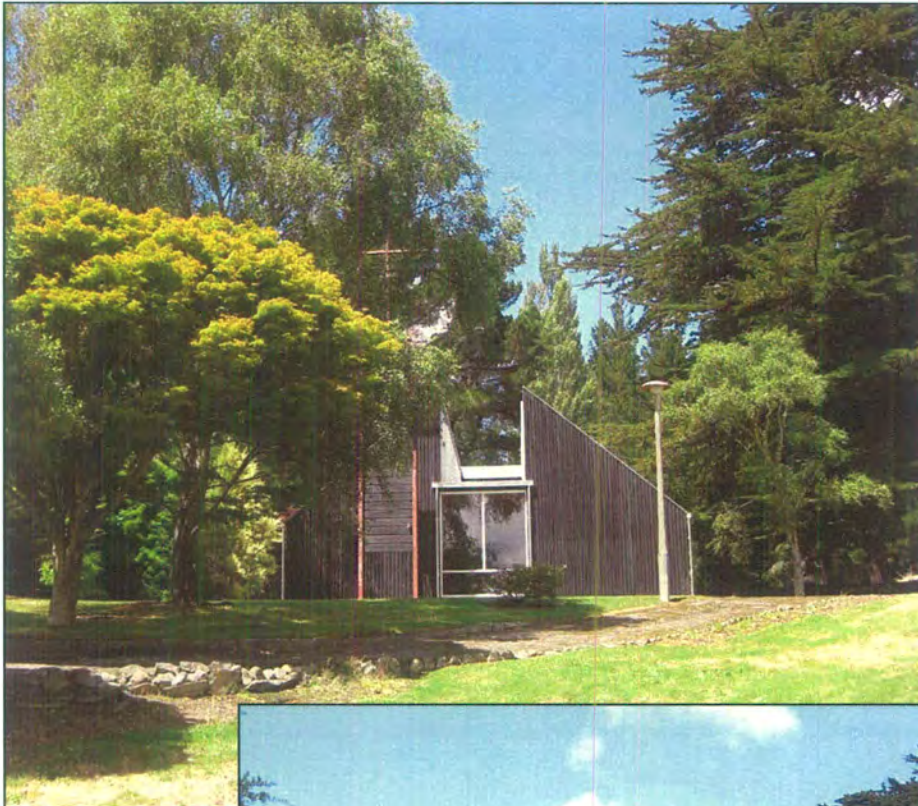


3.1.5 Lot 42

Lot 42 will be a triangular shaped site of approximately 2355m² with access off the adjoining right of way running along the western boundary. The site will contain the existing chapel, minor amenity plantings around the building and an expansive open lawn.

The chapel is of sound construction designed and built in 1967 by McCoy and Wixon Architects and has kitchen and toilet facilities. The chapel is a prominent structure with high amenity values which are visible upon entering the estate. To protect the amenity associated with this building, no building shall occur in front to the existing structure. This is to be implemented by way of a no build covenant generally as shown on the attached plan D6230/11-42 and will be defined by survey.

The site has numerous easements near and around the existing chapel for existing services and these will continue upon subdivision.



3.1.6 Lot 43

Lot 43, being 6400m² will be an irregular shaped lot with a semi-rectangular tendency oriented east-west. Vehicular access will be obtained via the existing Farm ROW to which Lot 43 has direct frontage and from which an existing 4.5m sealed driveway formation already extends to the proposed building platform.

The site contains the ruins of an old building in the south eastern corner. Of which some of the walls retain the area identified by A97463 where asbestos was buried. Resultant Lot 43 will include a small area of the HAIL site within its boundaries along its south and eastern boundary shown by red crosses on the plan D6230/11-43.

The open space within this lot which is visible upon entering the site will be protected from future building by a no-build covenant to be registered on the title. The proposed building platform is located in the southeastern quadrant near and on the existing ruins. The platform has been assessed by a geotechnical expert and is considered suitable for development.

A number of existing easements currently cross the site for telecommunications, electricity, water and sewage. Some cross the buildable area and these are likely to be relocated by the applicant once dwelling design is determined and as part of the survey process in preparation for title and sale.



3.1.7 Lot 44

Lot 44 is an irregular shaped lot of 4725m², oriented generally north-south. Access will be obtained via the existing farm ROW to which Lot 44 has direct frontage. The existing driveway within the site is sealed and has a formation width of 3.5m.

The site will contain 2 existing buildings, both generally of sound construction, including the villa on the uppermost terrace and a two-storey building converted to a one-bed apartment with associated storage and garaging which adjoins the Farm ROW.

Consent is sought for a primary residential activity to be located in either the existing villa or a new dwelling on the site, whilst the one-bedroom apartment is to be retained as an associated family flat. The apartment is not to be a second stand-alone residential activity but rather provide the opportunity to be used in conjunction with either the villa or a new dwelling.

Resultant Lot 44 will include a small area of the HAIL site area identified by A97463 within its boundaries as shown by red crosses on the plan D6230/11-44 and an underground fuel tank south of the apartment.

In the event a new dwelling is proposed in replacement of the existing villa, it shall be located clear of the open space area and driveway near the northern frontage of the site. This area will be protected from future building by a no-build covenant as shown on D6230/11-44.

The existing easement which crosses under the villa is a sewage pumping line. Mr Butson has indicated that if a replacement dwelling is preferred by a future purchaser, the pumping line will be relocated clear of any final building footprint. This easement is private and can be cancelled and re-created as required at the time of survey of Lot 44.



3.1.8 Lot 51

Lot 51 comprises a vacant site of 7475m² with a northerly aspect. The site will have a height range of approximately 27m descending from the south eastern corner down into a gully toward the north west. The pine trees evident in the aerial photo on Plan 6230/11-51 have been felled with the site predominantly in pasture and shrub vegetation.

The building platform is located at the very top of the site adjoining the existing ROW with views north over Orokonui Estuary and Blueskin Bay. The platform respects a 4.5m yard setback and extends into the site until the terrain naturally steepens and will be defined by survey upon subdivision. The platform has been assessed by a geotechnical expert and is considered suitable for development.

Access will be off the right of way which passes along the southern boundary immediately adjacent the building platform.

A subject easement is located on the site for water and runs parallel to the proposed common boundary with Lot 6 within a formed track.

There is no evidence of HAIL activity having taken place on Lot 51 upon review of the Tonkin and Taylor PSI and the ORC records.



3.1.9 Lot 52

Lot 52 comprises a vacant site of 7940m² with a northerly aspect. The site comprises a small ridge flanked by two small gullies. The height range is near 22m from its highest point near the south eastern corner to the lowest point near the northern end of the site. The pine trees evident in the aerial photo on Plan 6230/11-52 have been felled with a few remaining trees still to be cleared. The remainder of the site is predominantly in grass and shrub vegetation.

The building platform is located at the top of the site with views northeast over Orokonui Estuary and Blueskin Bay. The platform respects a 4.5m yard setback and extends into the site until the terrain naturally steepens and will be defined by survey upon subdivision. The platform has been assessed by a geotechnical expert and is considered suitable for development.

Access will be off the right of way which passes along the southern boundary immediately adjacent the building platform.

Upon review of the Tonkin and Taylor PSI and the ORC records there is no evidence of HAIL activity having taken place on Lot 52.



3.1.10 Lot 53

Lot 53, 1.07ha encompasses the lower reaches of the valley descending from Lots 51 and 52. Access to Lot 53 will be via the Farm ROW to which Lot 53 has direct frontage. The right of way is generally sealed for its full length and to a formation width in excess of 4.5m.

It will contain a barn near the boundary onto the existing farm right-of-way. The building is not in great order and is used for storage. A former villa come mechanical and electrical workshop also exists higher up the site but again only of average repair. It is anticipated that a new dwelling will be constructed on Lot 53 and therefore the existing workshop will likely be demolished prior to subdivision.



3.1.11 Lot 61

Lot 61, 6595m² is a semi-rectangular shaped site reflecting Lot 6 of SUB-2012-66/2/A with a small addition near the southwestern access point.

This site is to acquire a portion of the current existing ROW C which encompasses a tree and hard surfaced area and is no longer required for the right of way formation.

The former Therapy building (1974) has been converted into a three-bedroom residential dwelling. Ongoing refurbishment of the building is progressing. The grounds are predominantly lawn with a small amount of amenity plantings.

The second dwelling visible in the aerial photo on Plan 6230/11-61 no longer exists.



3.1.12 Lot 71

Lot 71 is a smaller site of 2435m² and contains the existing tennis court and reflects Lot 7 SUB-2012-66. Existing consents require it to be held in conjunction with Lot 8, however consent is sought to allow Lot 71 to stand alone and provide for a residential activity. The anticipated location for a new dwelling would be on the tennis court platform. The platform has been assessed by a geotechnical expert and is considered suitable for development.

Access is obtained via the right of way adjacent the site and site access would likely be from the east or south subject to dwelling design. The Tonkin and Taylor PSI confirms there is no evidence of HAIL activity having taken place on Lot 71.



3.1.13 Lot 81

Lot 81 at 4005m² contains an extensive single storey dormitory block which is currently partially occupied having had some minor renovations undertaken. The building is too large to be converted into a permanent residential dwelling and it is Mr Butson's intention that this building be demolished and a new dwelling erected with a much smaller footprint. Access from Orokonui Road is obtained via the right of way which passes the north-western corner of the site. The remainder of the site is in rough grass with a limited amount of amenity plantings along the proposed western and southern boundaries.



3.1.14 Lot 82

Lot 82 comprises a vacant site of 4970m² in a general L shape configuration. The site has a nice northerly aspect on a gentle slope. The terrain of the eastern leg falls more steeply away toward the eastern boundary and is currently used for light stock grazing. Access is off the adjoining right of way which passes along the western side of the lot.

A building platform will control the location of a dwelling to the gentler upper slopes of the site. The platform measures approximately 50mx26m and respects the 4.5m yards in all directions. The platform has been assessed by a geotechnical expert and is considered suitable for development.

A small shed is located on site acting as a stock shelter and this will be removed from site prior to Section 224c application.

Numerous easements cross the site, clear of the proposed building platform and these will remain upon subdivision.

Upon review of the Tonkin and Taylor PSI and the ORC records there is no evidence of HAIL activity having taken place on Lot 82.



3.2 Services

In the rural zone, provisions for foul, stormwater and water services are not offered.

This site is unique in that it has the existing hospital infrastructure in place. This proposal recognises the existing water, sewerage, stormwater, telephone and electrical reticulation services that historically are proven and more than adequate to provide for the subdivision development proposed.

These services are to be administered, controlled and maintained by a service company and associated agreements.

Easement rights are proposed where appropriate to protect the interests of each lot for which a new title will issue.

3.2.1 Service Company Structure

As proposed in SUB-2012-66 a special purpose service company has been established to administer, control and maintain the existing water, sewerage, wastewater and electrical reticulation services to the proposed allotments.

The Service company is known as Orokonui Service Company Limited and Russell John Butson and Suzanne Elizabeth Butson and/or associated entities are the directors.

All existing easements and consents necessary for the provision of the services have been transferred to the service company. Easements registered over the various proposed allotments provide the service company with the right to *inter alia* convey water, drain water, drain sewage and convey electricity in order to provide its services to all proposed allotments.

Encumbrance 9559358.1 is registered over the title and will carry down accordingly onto the proposed titles. The encumbrance will govern the rights and obligations of the service company and each registered proprietor of the proposed allotments in relation to the services. Such rights and obligations will also be recorded in a Service Agreement to be entered into between each registered proprietor of the proposed allotments and the service company.

The Service Agreement (refer Appendix B) sets out various matters including:

- The range and level of services provided;
- Quality and compliance standards;
- Service charges and billing processes;
- Procedures relating to the sale or parting with possession of the proposed allotments;
- Termination rights;
- Continuity of services; and
- A complaints and disputes resolution process.

3.2.2 Services – Foul Waste

Foul waste is conveyed by way of a 150mm reticulated gravity system through the development to an effluent treatment plant located on an adjoining site owned by the Orokonui Service Company Limited. The age of the drainage system dates back to 1965.

The effluent treatment system and plant, contained on CFR 625655, servicing the Orokonui Estate complex is an Imhoff tank to an intermittent trickling filter, then to a Humus tank leading to a rapid sand filter. The treated effluent is pumped via a rising main and subsequently discharged onto the land disposal area contained on Lot 3 DP 463762. At the base of the land discharge area there is a collection system for any excess runoff that is directed to a soakage/evapotranspiration trench system located amongst pine and gum trees below the adjacent road. This disposal field is contained within an easement area.

The Otago Regional Council consent 2007.391 permits a discharge to land up to 26,000 litres/day of treated effluent at 2.8mm/day over any part of the disposal area. The plant was designed originally to cater for the effective treatment and disposal of effluent for 800 persons. Further filtration capacity and the land-based disposal system added by the applicant, has further improved the plant's performance.

Lots 43, 51, 52, 71, and 82 will require new connections to the reticulated system to facilitate disposal whilst the remaining lots already have connections by virtue of their existing dwellings.

3.2.3 Services – Stormwater

The existing buildings currently discharge their stormwater to the kerb and channel or adjacent gullies whichever is the most appropriate.

Stormwater runoff from the roading network is collected by sumps and discharged into the adjacent gullies of the property.

3.2.4 Services – Domestic Water and Firefighting Supply

The private reticulated water supply and firefighting reticulation is sourced from the Orokonui Stream and stored on the adjacent farm property. Access and existing supply easements have been consented.

The Otago Regional Council Resource consents 2007.3 and 2009.349 provide for the taking of 20,000 litres per day from the Orokonui Stream for domestic consumption as well as for firefighting purposes.

The intake is positioned at the top of a weir located approximately one kilometre upstream of the Orokonui Eco-Sanctuary complex. The water supply is gravity fed via a 100 mm diameter pipe to two holding tanks with a combined capacity of 227,000 litres for treatment to satisfy human consumption requirements. This tank provides for the day to day usage of the complex and once full, the water take switches off to ensure the efficient usage of the water.

A 1.14 million litre reservoir provides additional storage facilities for the property for both potable supply and firefighting.

In terms of the recognised 1,000 litre per day usage for a rural/residential activity, combined a 124,200 litre or 124-day storage period is available, on average, for each of the 11 residential allotments proposed as part of this development proposal.

The Orokonui Estate reticulated water service is supplied via 150-100 mm diameter ring main with hydrant installations for firefighting purposes. This ring main and all associated supply feeds within the site are protected by easements created by DP 463762 and DP 506797. Those supply feeds beyond the site boundaries are all protected by way of existing easements created at various times.

Lots 43, 51, 52, 71, and 82 will require new connections to the reticulated system to facilitate potable supply whilst the remaining lots already have connections by virtue of their existing dwellings.

3.2.5 Services – Power and Telephone

Electricity is supplied to the site from three existing high tension overhead lines to pole transformers and the substation located on Lot 3 DP 463762. These rights are protected by existing easements.

Street lighting is located throughout the property.

Telephone services are available on-site from existing reticulation.

Lots 43, 51, 52, 71 and 82 will require new connections to the underground network whilst the remaining lots already have connections by virtue of their existing dwellings.

3.3 Esplanade Provision

The current DCC district Plan shows a watercourse requiring esplanade provision traversing the site. No watercourse exists along this alignment which would seem to represent the approximate location of a wide gully that descends through the property. We note that the 2GP plans do not require an esplanade requirement within the site having correctly determined that a watercourse does not exist in this location.

This situation arose as part of SUB-2012-66 and a hearings panel determined that the lack of a watercourse warranted a waiver of this provision for that subdivision. Though it was requested, the panel denied the granting of the waiver in perpetuity at that time and subsequently we again seek a waiver of the esplanade requirement.

4 Activity Status

Dunedin currently has two district Plans: The Dunedin City District Plan and the Proposed Second-Generation Dunedin City 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.

Where the rules of the Proposed Plan have been given effect, the provisions of both plans need to be considered. The relevant rules of the both district plans for this application are as follows.

4.1 Current District Plan - Operative

The site is zoned Rural as shown on Map 13 of the Dunedin City District Plan.

A portion of proposed Lots 43, 44 and 53 are within the area shown on Map 77 as having High Class Soils. An Oak tree (*Quercus Robur*) T887 is listed in Schedule 25.3 as being significant and is located near the northern boundary of the site within proposed Lot 43.

There are no waterbodies within the site but Map 13 shows an esplanade requirement through the site.

4.1.1 Activity Status – Subdivision

The subdivision fails to comply with Rule 18.5.1(i) requiring that each resulting lot within the Rural zone must be 15ha or greater.

Therefore in accordance with Rule 18.5.2 the subdivision is considered to be a *non-complying activity*.

4.1.2 Activity Status – Land Use

Rule 6.5.2(iii) states that residential activity is permitted at a rate of one residential unit per site, provided the minimum area of the site is not less than 15ha.

The eleven allotments fail to comply with this rule hence pursuant to Rule 6.5.7(i) this activity is therefore considered to be a *non-complying activity*.

4.2 Second Generation District Plan (2GP) - Proposed

The site is zoned Rural Coastal as shown on the 2GP Maps.

Lots 43, 44, 53 and part of Lots 41, 42, 51, 52 and 61 are identified as having a Hazard 2 Coast Flood overlay. A portion of proposed Lots 43 and 53 are identified as having a Minimum Floor Level (Waitati and Karitane) overlay.

Lots 43, 44 and a portion of proposed Lots 41 and 53 has an archaeological alert layer overlay.

A portion of proposed Lots 43, 44 and 53 have a High Class Soil overlay.

The site is not within any Landscape Conservation Area.

4.2.1 Activity Status - Subdivision

The Environment Court has ordered that the minimum site sizes relating to subdivision in the rural zones, contained under Rule 16.7.4 of the 2GP have immediate legal effect from the date of notification.

Subdivision is a restricted discretionary activity subject to compliance with the associated performance standards as listed in the activity status table in Rule 16.3.5(i).

The subdivision fails to comply with Rule 16.7.4.1 requiring that each resultant site within the Rural (Coastal) zone must be 40ha or greater.

Therefore, under Rule 16.7.4.3 the subdivision is considered to be a *non-complying activity*.

4.2.2 Activity Status – Land Use

Rule 16.5.2 permits residential activity in the Rural (Coastal) zone provided that the minimum site area for the first residential activity is 15ha.

The eleven allotments fail to comply with this rule hence pursuant to Rule 16.5.2.3 this activity would be considered to be a *non-complying activity*.

It should be noted that in terms of the land use component of the proposal, there are no rules under the 2GP that are currently operative or have legal effect.

5 Resource Management Act - Part 2 Assessment

Clause 2 of Schedule 4 of the Resource Management Act (RMA) requires that an activity is assessed against the matters set out in Part 2 of the RMA.

Part 2 of the RMA sets out the purpose and principles of the Resource Management Act and specifically addresses matters of National Importance, Other Matters and the Treaty of Waitangi.

This proposal recognises and provides for the matters of National Importance as specified in Section 6, the Other Matters as specified in Section 7 and the Treaty of Waitangi in Section 8 on the premise that it is consistent with these matters as the proposal is avoiding, remedying or mitigating any adverse effects of the activity on the environment and is maintaining or enhancing both the quality and amenity of the area as a result of the proposal.

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

Section 104(1)(b)(i) of the Act requires Council to have regard to the relevant provisions of a National Environmental Standard. The NES for Assessing and Managing Contaminants in Soil to Protect Human Health is relevant to any proposal involving either subdivision or a proposed change in land use.

The site is known to have several contaminated or potentially contaminated locations within the property and the site has a general "contaminated" classification for the site as a whole. As part of SUB-2012-66, a Preliminary Site Investigation was prepared by Tonkin and Taylor dated September 2012 and it identified that the site is a HAIL site. The report is included in Appendix C for reference.

There are two confirmed areas of HAIL activity which include an underground fuel storage tank proposed within Lot 44 and an extensive area of buried contaminated material within proposed Lots 41, 43 and 44. These areas are both shown on the respective scheme plans for reference.

The Council deemed that though the PSI identified a number of areas of interest, it did not determine the levels of contamination, if any, nor any remediation or mitigation actions necessary to fulfil the requirements of the NES.

The proposed subdivision is therefore considered a discretionary activity pursuant to Section 11 of the NES:Soil.

As such the DCC, imposed two conditions of consent on Stage 2 (Lots 4 – 9) of the SUB-2012-66, and later applied these to each individual stage (SUB-2012-66/2/A) which stated;

"That a detailed site investigation of areas where there is known burial of contaminated materials; the land where development is proposed; the curtilage of existing residential buildings on new Lots 4, 5, 6, 8 and 9; and the sites of fuel tanks and/or boiler houses shall be undertaken by a suitably qualified person to determine the distribution and composition of soil contamination (if any) present. The report shall be submitted to the Council for its records. The report shall, if applicable advise on the mitigation measures necessary to successfully, remediate or manage the land in order for it to be used without danger to human health.

The works, if any, identified above by the report of condition ... , shall be undertaken to the satisfaction of the Council, so as to ensure that the land around buildings can be used without danger to human health"

With reference to this new proposal, the two areas of confirmed HAIL activities with likelihood of contamination are indicatively shaded on the scheme plans with red crosses.

They consist of;

- Buried asbestos within proposed Lots 41, 43, and 44. (ORC consent A97463)
- Underground fuel tank within proposed Lot 44 near the southern end of the apartment.

Upon review of the report, combined with the two confirmed HAIL activity locations, we can identify that:

- | | |
|--------|---|
| Lot 41 | The building on this lot may have caused shallow soil contamination due to lead paint deterioration. There is buried asbestos onsite managed via ORC consent A97463. |
| Lot 42 | The building on this lot may have caused shallow soil contamination due to lead paint deterioration. |
| Lot 43 | The building on this lot may have caused shallow soil contamination due to lead paint deterioration. There is buried asbestos onsite managed via ORC consent A97463. |
| Lot 44 | The building on this lot may have caused shallow soil contamination due to lead paint deterioration. There is buried asbestos onsite managed via ORC consent A97463
There is an underground fuel tank onsite. |
| Lot 51 | There are no existing or former buildings located within this site and no known areas of buried fill. |
| Lot 52 | There are no existing or former buildings located within this site and no known areas of buried fill. |
| Lot 53 | The building on this lot may have caused shallow soil contamination due to lead paint deterioration. |
| Lot 61 | The building on this lot was constructed in 1970 thus lead testing around the dwelling is not required. The storage and possible incineration of demolition waste on this site may have caused soil contamination. |
| Lot 71 | The assessment did not identify any evidence of potentially contaminating activities, as such no further investigation is required. |
| Lot 81 | The building on this lot may have caused shallow soil contamination due to lead paint deterioration. A former boiler house may have caused soil contamination resulting from asbestos insulation and lead paint exterior. |
| Lot 82 | There are no existing or former buildings located within this site and no known areas of buried fill. |

7 Regional Policy Statement for Otago

Section 104(1)(b)(iii) of the Act requires Council to have regard to the relevant provisions of the Regional Policy Statement for Otago. The following are considered to be relevant:

7.1 Land – Section 5

	<i>Objective/Policy</i>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 5.4.1	<i>To promote the sustainable management of Otago's land resources in order to maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and to meet the present and reasonably foreseeable needs of Otago's people and community.</i>	The subject site has historically been developed for purposes other than primary productive use. Though the hospital land use has ceased the built environment and associated infrastructure continues to exist throughout the site.
Policy 5.5.2	To promote the retention of the primary productive capacity of Otago's existing high-class soils to meet the reasonably foreseeable needs of future generations and the avoidance of uses that have the effect of removing those soils or their life-supporting capacity and to remedy or mitigate the adverse effects on the high class soils resource where avoidance is not practicable.	Those areas of the site located within the High-Class Soils overlay have extensive built-up development located on them and are unlikely to ever be used for primary productive development. The remainder of the site is also unlikely to be able to cater for primary production simply as it is already developed for an alternative land use in addition to the underlying terrain not naturally lending itself to primary production.
Policy 5.5.3	To maintain and enhance Otago's land resource through avoiding, remedying or mitigating the adverse effects of activities which have the potential to, among other adverse effects: (a) Reduce the soil's life-supporting capacity (b) Reduce healthy vegetative cover (c) Cause soil loss (d) Contaminate soils (e) Reduce soil productivity (f) Compact soils (g) Reduce soil moisture holding capacity.	This proposal promotes the best use of this currently under-utilised land resource by creating a small enclave of residential properties within an area historically supporting residential type land use. The proposal is consistent with the objective and policies to meet the current and foreseeable needs of Otago's people and communities whilst protecting Otago's natural resources.

7.2 Built Environment – Section 9

	<i>Objective/Policy</i>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 9.4.1	<i>To promote the sustainable management of Otago's built environment in order to:</i> (a) <i>Meet the present and reasonably foreseeable needs of Otago's people and communities; and</i> (b) <i>Provide for amenity values, and</i> (c) <i>Conserve and enhance environmental and landscape quality; and</i> (d) <i>Recognise and protect heritage values.</i>	The site was historically utilised as a mental hospital and provided for residential occupation. Its development included built structures catering for both staff and residents in a community atmosphere. Though some of these structures have been demolished, others continue to exist spread throughout the site. The proposal seeks to re-use existing buildings where possible for independent residential activity once they have been renovated to encourage sustainability of the built environment.
Policy 9.5.5	To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through: (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and (c) Avoiding, remedying or mitigating the adverse effects of subdivision, land use and development on landscape values.	The intention to increase the number of sites available for residential activity aims to enhance the overall amenity of the current estate. By providing additional sites the estate takes on the feel of a small residential enclave, whilst simultaneously enhancing the overall amenity of the estate. Amenity is increased because the total site area of the resultant lots decreases, and the sites become more manageable. Manageable sites are more likely to result in tended properties rather than large tracts of properties being left to deteriorate when not maintained. The subdivisional works propose to further enhance the current estates amenity values by protecting key buildings and viewshafts via no build areas and building platforms. The site is not within an identified landscape area. In addition, the site no longer reflects the rural environment and the proposed subdivision does not detract further from the landscape values of the wider rural environment. The proposal is consistent with the objective and policies.
Objective 9.4.2	<i>To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.</i>	The proposal intends to utilise existing private infrastructure networks already proven to have the required capacity to supply more than the 11 residential activities proposed. There will be no demand placed on the public infrastructure systems because of this proposal.
Policy 9.5.2	To promote and encourage efficiency in the development and use of Otago's infrastructure through: (a) Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and (d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.	The proposal is consistent with this objective and policy.

8 Dunedin City District Plan Objectives and Policies

Council's District Plan contains many Objectives and Policies that are relevant when considering this proposal. These are discussed as follows:

8.1 Sustainability Section – Section 4

	<i>Objective/Policy</i>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 4.2.1	<i>Enhance the amenity values of Dunedin.</i>	The rural amenity of the site has been compromised as a result of the historic hospital land use and associated building development and no longer reflects the open space rural characteristics expected of the zone. The existing site and proposed development exhibits a strong degree of compatibility with both the existing site and with the adjoining residential land uses which comprise a mix of large-lot and small-lot residential. A consent decision would not promulgate an erosion of amenity; therefore the proposal is not contrary to the objective and policy.
Policy 4.3.1	Maintain and enhance amenity values.	
Objective 4.2.2	<i>Ensure that the level of infrastructural services provided is appropriate to the potential density and intensity of development and amenity values of the area.</i>	The site is serviced for water and foul sewage services via private reticulated networks, that have the capacity to cater for more than the 11 residential lots promoted in this application, because of the historic hospital land use for which they were designed and constructed. These are in good working order and managed via a Service Company. Electrical and telecommunications networks exist within the estate as an extension of the public network. The resultant infrastructure will be reflective of a residentially zoned site irrespective of its underlying Rural zoning and will be provided without any demand on the Councils public infrastructure. The level of foul service provided is significantly more than that offered to the residentially zoned Waitati township which relies on onsite disposal. This proposal promotes the renovation of existing buildings and the re-development of sites in an area where there is under-utilised private infrastructure equal to an urban environment. The proposal is consistent with these objectives and policies.
Objective 4.2.3	<i>Sustainably manage infrastructure</i>	
Policy 4.3.2	Avoid developments which will result in the unsustainable expansion of infrastructure services.	
Policy 4.3.3	Promote the renovation and redevelopment of those sites within existing urban areas where there is under-utilisation of urban service infrastructure.	
Policy 4.3.5	Require the provision of infrastructure services at an appropriate standard	The subject site does contain a small area of High Class Soils as mapped in the District Plan. However, those areas subject to this overlay have been extensively developed and are unlikely to be able to be used in such a form as to promote productive use of any potentially remaining High Class soils. The sites historic land use and associated development severely limits the potential for productive agricultural use and it has been proven to date that non-rural land uses are the best land use for this property upon review of historic and existing consents, since the end of the hospital operation.
Objective 4.2.4	<i>Ensure that significant natural and physical resources are appropriately protected.</i>	
Policy 4.3.4	Provide for protection of the natural and physical resources of the City commensurate with their level of significance.	

		Utilisation of this site for residential activity promotes the use of a highly compromised rural site, already consented for residential activities, with a high level of infrastructure in place whilst not seeking to expand onto productive rural land. The proposal is consistent with this objective and policy.
Policy 4.3.6	Provide access to natural and physical resources.	The District Plan identified a waterbody requiring esplanade provision within the site. There is no waterbody located within the site and this requirement was waived for SUB-2012-66. The lack of a waterbody remains the same and it is contended that the requirement for an esplanade provision is not warranted. It is noted that this requirement is not evident in the 2GP maps. The proposal is not contrary to this objective or policy by virtue that no natural resource (waterbody) exists.
Objective 4.2.5	<i>Provide a comprehensive planning framework to manage the effects of use and development of resources.</i>	The site is a natural extension of the existing Residential 5 zoned suburb located to the northwest. Its current rural zoning is not considered appropriate given the historic land use, associated site development and available infrastructure. Given this, it is promoted that the site presents itself as an appropriate receiving environment for the proposed activity, by building upon that which currently exists.
Policy 4.3.7	Use zoning to provide for usage and developments which are compatible with identified areas.	The development design is considerate of the existing environment by recognising existing buildings and platforms. The large-lot residential site layout promotes a density of development that will allow for an element of community to develop upon completion whilst acknowledging that the property provides the transition from urban development in the northwest to rural land in the south and east. Utilisation of this site for residential activity promotes the long term use of a highly compromised rural site, already consented for multiple residential activities, with a high level of infrastructure in place whilst not seeking to expand onto productive rural land. The proposal is not contrary to this objective and policies.
Policy 4.3.8	Avoid the indiscriminate mixing of incompatible uses and developments.	
Policy 4.3.10	Adopt a holistic approach in assessing the effects of the use and development of natural and physical resources.	

8.2 Rural Section – Section 6

	<i>Objective/Policy</i>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 6.2.1	<i>Maintain the ability of the land resource to meet the needs of future generations.</i>	The size, nature, and historic development of the subject site determines that it has been compromised to the extent that it has minimal if any primary productive potential. Because productive rural use of this site is limited, it lends itself to other land uses, such as a large lot residential development. Though not a productive activity, it is a long term sustainable use of the site. Those areas of the site located within the High-Class Soils overlay have extensive built-up development located on them and are unlikely to ever be used for primary productive development. While the proposal does not maintain and enhance any such productive potential, it is not inconsistent with these objectives and policies as it is promoting sustainable development of underutilized land, given its historic land use, location, zoning, contour, and limited productive potential.
Policy 6.3.1	Provide for activities based on the productive use of the rural land.	
Policy 6.3.2	Sustain the productive capacity of the Rural Zone by controlling the adverse effects of activities.	
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 6.3.10	Protect areas that contain 'high class soils', as shown on District Plan Maps 75, 76 and 77, in a way which sustains the productive capacity of the land.	
Objective 6.2.2	<i>Maintain and enhance the amenity values associated with the character of the rural area.</i>	As a result of the development of both the built environment and the related infrastructure by the historic land use, the true amenity values normally associated with the rural area have been modified to the degree the site is severely compromised. The site is serviced well above that characteristic of the wider Rural zone and residential activity is already consented onsite at a density of one residential activity per 1.2ha. The density within the proposal is to increase to one residential activity per 6500m². As a consequence, the subject proposal, while not promoting a true productive use of land, demonstrates that on this site, use of the land for residential activity is itself a productive and compatible land use. The proposal, though not showing a full degree of consistency, is not contrary to this objective and policies.
Policy 6.3.5	Require rural subdivision and activities to be of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner that avoids, remedies or mitigates adverse effects on rural character.	
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 6.3.14	Subdivision or land use activities should not occur where this may result in cumulative adverse effects in relation to: (a) amenity values, (b) rural character.	
Objective 6.2.4	<i>Ensure that development in the rural area takes place in a way which provides for the sustainable management of roading and other public infrastructure.</i>	The site is fully serviced for all critical services (water, foul sewage, electricity and telecommunications) which is uncharacteristic of the Rural zone but a significant positive feature of this estate. The site is serviced for roading by way of a combination of public and private roadways. The subdivision proposal will not involve the expansion of any roading or infrastructure networks and hence is consistent with this objective and policies.
Policy 6.3.8	Ensure development in the Rural zone promotes the sustainable management of public services and infrastructure and the safety and efficiency of the roading network.	
Policy 6.3.9	Ensure residential activity in the rural area occurs at a scale enabling self-sufficiency in water supply and on-site effluent disposal.	
Policy 6.3.14	Subdivision or land use activities should not occur where this may result in cumulative adverse effects in relation to: (d) the provision of infrastructure, roading, traffic and safety.	

	Irrespective of the ability of a site to mitigate adverse effects on the immediately surrounding environment.	
Objective 6.2.5	<i>Avoid or minimise conflict between different land use activities in rural areas.</i>	The site has since its establishment as a hospital in 1910 co-existed with the rural farming activity to the east without any conflict arising or degradation of the amenity of the wider area. Though it could be argued that land fragmentation is occurring because a rural zoned parcel is being subdivided, this site is already compromised and does not reflect any of the usual characteristics of rural land. Overall, the proposal is consistent with this objective and policies as it will minimise conflict by virtue of compatibility with the adjoining land uses to the northwest and its longstanding co-existence with the rural farming activity to the east.
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 6.3.12	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 6.2.7	<i>Maintain and enhance the natural character and amenity values of the margins of water bodies and the coastal environment.</i>	The District Plan identified a waterbody requiring esplanade provision within the site. There is no waterbody located within the site and this requirement was waived for SUB-2012-66. It is noted that this requirement is not evident in the 2GP maps. It is contended that the need for an esplanade provision is not warranted as the flow of water occurs generally only after heavy rainfall and the previous hearings panel deemed that the "watercourse had few values where there would be any real benefit from having an esplanade strip or reserve along its banks. The proposal is not contrary to this objective or policy as determined by previous consent decisions.
Policy 6.3.15	In the management of the margins of water bodies and the coastal marine area, have particular regard to the maintenance of natural character, amenity and the provision of reasonable public access for recreation.	
Policy 6.3.16	Maintain the water quality in water bodies, including groundwater aquifers and within the coastal marine area by ensuring that appropriate on-site sewage, stormwater and wastewater treatment are provided to avoid offsite effects.	The sewage system which services the site has been consented by the Otago Regional Council and meets all required conditions with respect to discharges and does not create any unacceptable offsite adverse effects. The proposal is consistent with this policy.

8.3 Transportation – Section 20

	<i>Objective/Policy</i>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 20.2.2	<i>Ensure that land use activities are undertaken in a manner which avoids, remedies, or mitigates adverse effects on the transportation network.</i>	Orokonui Road is a local road whilst the formed right of way access extending thereof is a private roadway. The existing right of way access formation within the site has been previously approved under SUB-2012-66 and consists of a 5.5m wide formation with kerb and channel on either side. The minimum standard of a right of way for 4-12 residential activities in the Rural zone is a 5.0m wide metal formation within a 6.0m wide access. This existing 5.5m wide formed access complies with these dimensions and the hard-surfaced finish exceeds rural zone standards. A few isolated areas of the existing right of way require repair and these have been scheduled to be undertaken as part of the overall development works. Overall the proposal is consistent with these objectives and policies.
Objective 20.2.4	<i>Maintain and enhance a safe, efficient, and effective transportation network.</i>	
Policy 20.3.4	Ensure traffic generating activities do not adversely affect the safe, efficient, and effective operation of the roading network.	
Policy 20.3.5	Ensure safe standards for vehicle access.	

9 Second Generation District Plan (2GP) - Objectives and Policies

The relevant objectives and policies of the Second-Generation District Plan (2GP) must be considered alongside those of the operative district plan and these are discussed as follows:

9.1 Transportation – Section 6

	<i>Objective/Policy</i>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 6.2.1	<i>Transport infrastructure is designed and located to ensure the safety and efficiency of the transport network for all travel methods while:</i> <i>a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and</i> <i>meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located.</i>	No changes are required to the existing roading network in respect of this proposal. The respective future accesses are located off private roadways and are not anticipated to compromise parts a) or b) of this objective. The proposal is not expected to hinder the operation repair or maintenance of the roading network.
Policy 6.2.1.1	Enable the operation, repair and maintenance of the roading network.	As such the proposal is considered to be consistent with this objective or policy.
Objective 6.2.3	<i>Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.</i>	The proposal utilises existing formed roads and private ways. The private way within the site is sealed with kerb and channel formation to a width of 5.5m.
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.	Onsite manoeuvring is possible on all sites either within the resultant lot or if required in conjunction with the adjoining private way.
Policy 6.2.3.4	Require land use activities to provide the amount of car parking space necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible, adequately mitigated.	Each lot is of sufficient size and shape to provide for onsite parking. Previous consents have confirmed the suitability of the access for residential activity at a density in excess of that permitted in the rural zone.
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.	Overall the proposal is consistent with this objective and policies.
Policy 6.2.3.13	Require subdivisions to be designed to ensure that any required vehicle access can be provided in a way that will maintain the safety and efficiency of the adjoining road and wider transport network.	

9.2 Public Health and Safety – Section 9

	<i>Objective/Policy</i>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 9.2.1	<i>Land use, development and subdivision activities maintain or enhance the efficiency and affordability of water supply, wastewater and stormwater public infrastructure.</i>	The proposal is self-sufficient for water supply, wastewater and stormwater and hence no undue demand will be placed on Council infrastructure. There is also no infrastructure proposed to be vested in the Council. As such the proposal is consistent with this objective.
Objective 9.2.2	<i>Land use, development and subdivision activities maintain or enhance people's health and safety.</i>	Appropriate management of stormwater will be overseen via the building consent process.
Policy 9.2.1.1	Only allow land use or subdivision activities that may result in land use or development activities where b) in an area without water supply and/or wastewater public infrastructure, it will not lead to future pressure for unplanned expansion of that public infrastructure.	The onsite wastewater system has been designed for a capacity well in excess of that proposed and has appropriate consents from the ORC.
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.	The existing water supply system has a capacity for emergency firefighting in the form of a 1.14 million litre reservoir which is connected to fire hydrants located on the existing water network throughout the development. As such the proposal is consistent with this objective and these policies.
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.	

9.3 Rural Zone – Section 16

	<i>Objective/Policy</i>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 16.2.1	<i>Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of rural communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.</i>	The site has been compromised in respect of its rural productivity and rural character values since the hospital was established in 1910. The proposed rural (coastal) zoning for this site does not account for the existing land uses, current amenity values and existing infrastructure and given the authorised consents to date is not considered to be an appropriate zoning. The proposal will not lead to cumulative effects on either rural productivity or rural character values as both of these have already been compromised within and around this site. By allowing this site to be further developed for residential development, the development of inappropriate sites can be minimised resulting in overall increased rural productivity and rural character values. Though the proposal is not consistent with these objectives and policies, the proposal is not considered to be contrary to the objectives and policies.
Policy 16.2.1.5	Limit residential activity, with the exception of papakāika, in the rural zones to a level (density) that supports farming activity and achieves Objectives 2.2.2, 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4 and their policies.	
Policy 16.2.1.7	Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless it is the result of a surplus dwelling subdivision.	
Objective 16.2.2	<i>The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:</i> a) <i>the potential for reverse sensitivity effects from more sensitive land uses (such as residential activities) on other permitted activities in the rural zones is minimised;</i> b) <i>the residential character and amenity of adjoining residential zones is maintained; and a reasonable level of amenity for residential activities in the rural zones.</i>	The site has since its establishment as a hospital in 1910 co-existed with the rural farming activity to the east without any conflict arising. All lots will have a minimum setback of 4.5m imposed as part of this proposal. Furthermore, in most cases the lots closest to the adjoining farm have building platforms which are at a significant elevation difference from the adjoining farm. As a consequence of the surrounding land uses to the west and existing authorised consents, the subject proposal demonstrates that on this site, use of the land for residential activity is itself a productive and compatible land use which would be unlikely to generate conflict. Overall, the proposal is consistent with this objective and policy as it will minimise conflict by virtue of compatibility with the adjoining land uses to the northwest and its longstanding co-existence with the rural farming activity to the east.
Policy 16.2.2.1	Require residential buildings to be set back an adequate distance from site boundaries to minimise the potential for reverse sensitivity effects.	
Objective 16.2.3	<i>The rural character values and amenity of the rural zones are maintained or enhanced.</i>	As a result of the development of both the built environment and the related infrastructure by the historic and consented land use, the true amenity values normally associated with the rural area have been modified to the degree that the site is severely compromised and better reflects a residential development. The proposed development layout generally respects existing building platforms with a few new ones added but all are
Policy 16.2.3.1	Require buildings, structures and network utilities to be set back from boundaries and identified ridgelines, and of a height that maintains the rural character values and visual amenity of the rural zones.	

Policy 16.2.3.2	Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.	selected with the philosophy of protecting the amenity of residents both upon entering the site and to promote long term enjoyment of each individual site.
Policy 16.2.3.8	Only allow subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones.	None of the building platforms will break the ridgeline as a result of the terrain which continues to rise above and beyond the site. Those dwellings which may be visible from beyond the site boundaries will only be viewed against a landform backdrop. The proposal, though not showing a full degree of consistency, is not contrary to this objective and policies.
Objective 16.2.4	<i>The productivity of rural activities in the rural zones is maintained or enhanced.</i>	
Policy 16.2.4.2	Avoid activities other than farming in a high class soils mapped area, unless: the scale, size and nature of the activity on the high class soils mapped area means that any loss of current or potential future rural productivity would be insignificant	Those areas of the site located within the High-Class Soils overlay have extensive built-up development located on them, some with soil contamination, and have been previously consented for residential activity. Therefore, the loss of future rural productivity is considered to be insignificant. The proposal is consistent with this policy.
Policy 16.2.4.3	Only allow subdivision where the subdivision is designed to ensure any future land use and development will: a) maintain or enhance the productivity of rural activities; b) maintain high class soils for farming activity, or ensure any loss is no more than minor; c) maintain land in a rural rather than rural residential land use; and d) not increase the potential for reverse sensitivity from residential activities in the rural zones.	The size, nature, and historic use of the subject site determines that the site has been compromised to the extent that it has minimal if any rural productive potential to enhance or maintain. The loss of high class soils has been discussed within Policy 16.2.4.2 above and the loss is no more than minor. Existing consents granted to date have already altered the land use from rural to rural-residential in respect of lot size. However, the existing site amenity does not lend itself to a true rural-residential land use in the form of a dwelling and some form of pastoral grazing. This proposal allows to align future lot sizes with current primary residential land use and in doing so maximise an otherwise underutilised land resource. This portion of the original hospital site supporting non-rural practices has co-existed in the wider environment since the early 1900s and has in more recent years co-existed with the hospital farm which is now part of a wider farming operation. No reverse sensitivity issues have arisen to date. While the proposal does not maintain and enhance any such productive potential, it is not inconsistent with these objectives and policies as it is promoting sustainable development of underutilised land, given its historic land use, location, zoning, contour, and limited productive potential.
Policy 16.2.4.4	Avoid residential activity in the rural zones at a density that may, over time and cumulatively, reduce rural productivity by displacing rural activities.	The proposal will not lead to cumulative effects on rural productivity by displacement of rural activities as this site does not currently and has never provided for a rural activity. The productive rural portion of the hospital site was subdivided off previously and is now part of the adjoining farming operation. Furthermore, the unique nature of this site means that the site boundary is the natural extent of development in this wider area. The proposal is consistent with this policy.

10 Assessment of Effects on the Environment

Clause 6 of Schedule 4 identifies the information that is needed in an Assessment of Environmental Effects.

Overall, it is submitted that this assessment will show that the potential adverse effects of this proposal are no more than minor, and can if necessary, be mitigated by appropriate conditions of consent.

10.1 Consultation

The following adjoining owners/occupiers have been approached to obtain their consent as potentially affected parties.

Property Address	Name	Owner	Occupier	Date Consent Provided
60 Orokonui Road, Waitati	Andrea Newman Michael Stringer	Y	Y	Verbally approved – signed consent to be forwarded upon receipt
80 Orokonui Road, Waitati	Chris Scott Carole Scott	Y	Y	27/6/2018
3 Chelivode Street, Waitati	Graeme Bennett Marie Bennett	Y	Y	Verbally approved with conditions which are being prepared with applicant – signed consent to be forwarded upon receipt.
90D Orokonui Road, Waitati – Apartment 1	Ivy Scott	N	Y	24/6/2018
90D Orokonui Road, Waitati – Apartment 2	Elizabeth Knife	N	Y	24/6/2018
90 Orokonui Road, Waitati – Lot 44	Jade Butson	N	Y	24/6/2018
90 Orokonui Road, Waitati – Lot 61	Holly Kendrick	N	Y	25/6/2018
90 Orokonui Road, Waitati – Lot 81	Raymon Scott	N	Y	27/6/2018

The property of 90D Orokonui Road adjoins the site but is held in the ownership of the applicant. It is therefore contended that they provide their approval by default and a signed affected persons consent form is not required.

No other adjoining owners have been consulted and it is our assessment that as a result of the effects on the environment being less than minor in conjunction with the mitigation methods proposed there are no other persons adversely affected by this proposal.

10.2 Assessment of the Actual and Potential Effects on the Environment

The following assessment of actual and potential effects on the environment addresses those assessment matters listed in Section 18.6.1 that are considered relevant to this proposal. The local environment is characterised by an existing developed site adjoining open rural land on the edge of Waitati coastal township.

It should be noted that existing consents for the site form part of the existing environment. Previous consents have authorised the use of existing dwellings for residential activity on this and adjoining sites. More specifically, the most recent land use consents to date authorise the presence of six residential activities over four resultant titles within this site.

The table below summarises the consented residential activities both in terms of building numbers as defined in SUB-2012-66, the building name, SUB-2012-66 Lot number and the context of the authorised activity.

Building #	Building Name	Lot # SUB-2012-66	Authorised activity
2	The Apartment	Lot 4	Residential Activity in existing building
3	The Villa		Residential Activity in existing building
4	The Hall		Residential Activity in existing building
5	The Chapel		Accessory Building
6	The Barn	Lot 5	Accessory Building
7	The Workshop		Residential Activity in replacement building
8	The Cottage (since removed)	Lot 6	1x Residential Activity in existing or replacement building
9	Therapy Building		
10	The Female Villa	Lot 8	Residential Activity in existing building

The effects assessment has been undertaken in the context of this environment.

10.2.1 Lot Design, Bulk and Location

The proposed subdivision will create eleven large residential lots all in excess of the nearby Residential 5 1000m² minimum site size. The lot layout has been designed to be sympathetic to possible building locations within the existing terrain whilst anticipating only minimal alteration of the existing landform for building purposes.

The sites generally reflect those of SUB-2012-66 with further splits to create smaller manageable sites around suitable building platforms.

The details comprising this application, record that the intended activity on all the lots is residential and the bulk and location provisions of the Residential 5 zone rules have been loosely applied. Many sites have controls on future building location via building platforms or no build areas to manage the effect of development on the sites.

It is the applicant’s intention that new buildings to be constructed on the vacant sites are based on a design prepared by an architect as part of the design and build package. All dwellings will be conventional in design and appearance and be sympathetic to the local and wider estate setting.

All the sites have building areas clear of existing easement corridors or will have easement corridors relocated to accommodate final design as required.

Accordingly, there is no expectation that the proposed subdivision will create any site having physical limitations rendering it unsuitable for future residential use.

10.2.2 Easements

There are numerous subject easements registered on the title. Most are private easements providing for the water, foul, electricity and telecommunication networks which service the various lots. A few are easement in gross providing for the main service line into the site.

New easements will be reserved at the time of survey as required to ensure each lot has access to the respective foul, water, electrical and telecommunication service networks. These will be scheduled in a memorandum of easements at the time of survey.

The easements are not considered to adversely affect the potential to establish a residential activity on a proposed allotment.

10.2.3 Infrastructure

The subdivision will rely on its own existing service infrastructure and there will be no connections required to any DCC owned infrastructure.

Overall, it is considered that the proposal has no more than minor adverse effects on the wider environment and has positive effects on the existing private infrastructure networks by sharing the ongoing maintenance costs amongst more users.

10.2.4 Transportation

Transportation and roading matters have been detailed in the sections above. Consent to this proposal would result in an increase in vehicle movements along Orokonui Road, however, based on its existing formation width and comparatively low volume of users, the road is anticipated to be capable of accommodating this additional traffic.

Orokonui Rd is of a generally good standard of repair and has a road formation width of approximately 5.0m wide nearest the site. Visibility onto Orokonui Road is good as the site accesses directly off the end of the road.

Only one issue has been ongoing with the DCC in respect of Orokonui Rd and that is the vesting of the portion of private right of way located between the end of Orokonui Road and the site which is owned by the adjoining farm. This is being dealt with as a separate matter and given that legal and physical access rights exist, has no bearing on this application.

The internal roadway is compliant with the district plan provisions in terms of its legal and formed widths and has a hard surface, finished in excess of the minimum rural zone standard.

Most sites will have sufficient site area to provide for onsite manoeuvring however the dwellings on Lots 51 and 52 may be designed such that they will utilise the right of way to reverse onto. This is provided for within the district plan provisions and the stretch of right of way in question generally has good visibility.

The overall effects of this proposal are considered to create adverse effects on the existing transport network that are no more than minor.

10.2.5 Hazards

10.2.5.1 Geotechnical

SUB-2012-66 consented the establishment of new dwellings on Lot 53 and 61. Existing buildings are present on Lots 41, 42, 44, 61, and 81. It is most likely that the buildings on Lots 44 and 81 will be replaced with new modern dwellings within the same generally platform left behind by removal of the previous building.

Those buildings on Lots 41, 42, and 61 either have been, are or will be renovated as part of this development.

To confirm the suitability of the identified building platforms on new Lots, 43, 51, 52, 71 and 82 for residential development, GeoSolve were engaged by the applicant to undertake an investigation of the sites to confirm their suitability or otherwise and have prepared a report for inclusion herein. The report titled Geotechnical Assessment Orokonui Estate Subdivision, 90 Orokonui Road and dated 21 March 2018 is enclosed in Appendix D and refers.

The investigation found that generally the sites encountered "good ground" as defined by NZS 3604 mostly at approximately 1m depth with some rare areas where it is locally up to 1.8m. The report indicated that the site is not mapped as being within landslide terrain and there was no evidence of slope instability noted visually on the proposed platforms.

The report has provided a list of engineering considerations for subdivision on pages 8 – 12. The applicant accepts any conditions of consent based on these considerations.

GeoSolve's conclusions and recommendations are reproduced below and in summary confirms that site is considered suitably stable for residential development.

- *The subdivision is located on land that is locally steep however nominated building platforms are generally gently to moderately-sloping and the underlying soil types are generally in situ (apart from fill) with competent weathered soils generally encountered within the upper 1-1.5m. Foundation conditions are suitable for residential development.*
- *At the detailed design and building consent stage, detailed confirmatory site-specific investigations should be carried out in accordance with NZS 3604 for individual lot developments when foundation layouts are available.*
- *Provided that the recommendations of this report are followed, the site is considered suitably stable for residential development and will not create or exacerbate instability on this or adjacent property.*

10.2.5.2 Soil Contamination

The confirmed presence of HAIL activities within Lots 41, 43, and 44 and the potential presence of soil contamination within proposed Lots 42, 53, 61 and 81 has been discussed in Section 6 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health above.

It was recommended within SUB-2012-66 that the risk to human health at the time of subdivision be managed by way of conditions of consent.

We therefore contend that though a hazard may potentially exist at isolated locations, the associated risk can be mitigated such that the hazard will not affect future residential activities or pose a risk to human health.

We emphasize the summary in Section 6 which finds upon review of the PSI that there is no evidence that Lots 51, 52, 71 and 82 has ever been or was likely to have been subjected to a potential HAIL activity and therefore we contend that the NES:Soil does not apply to these proposed lots.

10.2.5.3 Earthworks

The proposal does not require any earthworks to be undertaken to facilitate the subdivision development given that all roading and services exist.

Future site development and dwelling construction will likely require earthworks to some degree, however those extents are undefined at present no consent for earthworks associated with individual dwelling construction is sought.

10.2.6 Amenity and Character

The plans and details comprising this application, record that the intended residential lots will generally reflect the Residential 5 zone development rules, and the buildings are to be conventional in design and appearance which leads to their successful integration into the current residential surroundings, especially when viewed from beyond the site boundaries.

Amenity within an area is only likely to be compromised when new development is not in keeping with that. Most of the existing properties in the vicinity contain dwellings of conventional design and appearance with surrounding gardens on sites of various sizes. Though the estate incorporates older buildings, the applicant renovates these and completes a full refurbishment to ensure the finished product is worthy of being a standalone residence within the estate. The development envisaged for all lots will be similar upon completion with certainty in that respect able to be controlled by appropriate consent conditions as required. Though unable to comply with the rural bulk and location provisions the additional dwellings and development as a whole will remain characteristic of residential development in the wider area.

The development design is considerate of the existing environment by recognising existing buildings and platforms. The large-lot residential site layout promotes a density of development that will allow for an element of "community" to establish upon completion whilst acknowledging that the estate provides the transition from urban development in the northwest to rural land in the south and east. Each lot retains sufficient curtilage providing for onsite amenity many with extensive views out beyond the site boundaries over Blueskin Bay and beyond.

Significant in this local environment, is the established pattern of buildings and residential activities within and adjoining the site and the ability of the proposal to fit into that environment. The development proposed for the sites will be perceived as being consistent with this environment, with certainty in that respect able to be controlled by appropriate consent conditions.

10.2.7 Cumulative

The nature of cumulative effects is defined as the gradual build-up of consequences as a result of the activity that is under consideration.

The increased density of residential development is the primary cumulative factor in relation to this application. The site adjoins numerous other sites all less than 15 ha providing for residential activity.

The proposal is consistent with this pattern of development and the redistribution of the six activities along with the addition of five more with compatible dwellings is submitted as not being particularly significant in the context of this local environment and this unique site. The cumulative effect of this increase in density is considered to be no more than minor given the characteristics which make up this site are rare and not easily re-creatable.

10.2.8 Positive Effects

An assessment need not be restricted to just adverse effects, and can include the positive effects of granting consent to a proposal. The proposal applied for has shown consistency with the Resource Management Act provisions which seek to promote the sustainable management of natural and physical resources to enable people and communities to provide for their social and cultural wellbeing.

10.2.9 Mitigation Measures

In order to provide certainty to the council and to mitigate potential adverse effects, the proposal includes a number of conditions with respect to specified building platforms and development provisions.

Council can achieve further mitigation that might be deemed necessary, through additional resource consent conditions and subsequent monitoring procedures.

10.2.10 Discharge of Contaminants

There are no additional contaminant discharges proposed. The estate has numerous active discharge consents from the Otago Regional Council and these will not alter upon subdivision.

10.2.11 Monitoring

By way of resource consent and building consent procedures, Council will in effect be monitoring compliance with the consent and any conditions imposed.

10.3 Other Matters

10.3.1 Draft Conditions

Your Council has frequently circulated to applicants, draft consent conditions for comment prior to the formal consent decision being issued. We wholeheartedly support this initiative as it provides an early opportunity for any contentious consent issues or unworkable conditions to be resolved at a departmental level. This clearly is of mutual benefit as a potential Section 127 review or Section 357 objection could be avoided. We look forward to receiving a full complement of draft conditions in due course.

11 Resource Management Act Tests

Section 95A(ii)(a) states that Council must publicly notify an application if it decides the activity will have, or is likely to have, adverse effects on the environment that will be more than minor. It is acknowledged that though the adverse effects are considered to be minor, the out of zone nature of the activity may lead to this application being notified, on either a limited or full basis.

11.1 Section 104D

Notwithstanding that, it has been submitted that in terms of this application, the effects are likely to be no more than minor. Despite any decision Council makes under Section 95A, a consent authority may grant resource consent for a non-complying activity, only if it is satisfied that either the adverse effects will be minor, or the activity will not be contrary to the objectives and policies of the District Plan. This is referred to as the Section 104 test.

It has been submitted that the first limb of this test is passed. While "minor" is not defined, case histories have established that it suggests effects that are less than major and can include those effects that are more than simply minute or slight. Whether effects are minor is to be determined after having regard to any mitigation of effects that might be achieved by imposing conditions.

The assessment of the application against the Objectives and Policies of the Current and Proposed District Plans, though not finding a full measure of consistency, the application was not determined to be repugnant.

11.2 Section 104(1)(b)(iv) – True Exception

Pursuant to Section 104(1)(b)(vi) a consideration of true exception is also relevant. Case law has required that for consent to be granted to a non-complying activity, the application needs to be a "true exception". This is to ensure that granting of a non-complying activity does not set an undesirable precedent that could lead to a proliferation of similar activities, undermining the integrity and consistent administration of the District Plan.

In this case, this proposal is non-complying because of the present rural zoning even though the site has longstanding history as providing for residential type land uses. Though the hospital operation has ceased, the remaining infrastructure and built environment supports the continued use and development of this site for residential activities whilst its presence on the fringe of an established township provides for compatibility in its wider environment.

A hearings panel has previously determined that the physical and infrastructural characteristics associated with the historic use of the site, demonstrate that the site has features that could be construed as representing a 'true exception' thus separating it from other non-complying activities.

Subsequent consents continued to recognise the compromised state of this rural zoned site and have authorised residential activity at densities significantly higher than that permitted within the Rural zone. An effects-based assessment of the proposal indicates only minor effects, and certainly ones that can be mitigated.

That there are few, if any, other sites demonstrating similar circumstances, presents this proposal as an opportunity to be assessed as unique in that environment. In doing so, this provides the potential to allay any concern that the granting of a favourable decision would set an undesirable precedent.

12 Conclusion

This application proposes to undertake an eleven lot residential subdivision of a 7ha site in the Rural zone, and to obtain land use consent for residential activities on each of the resultant sites.

While the application status is non-complying, our assessment has determined that it is not repugnant in terms of the District Plan Objectives and Policies and that the adverse effects on the environment are less than minor, or can be mitigated to be such. Furthermore, the risk of a precedent being set is remote given the exceptional and unique circumstances associated with the specific location of the proposal. In conclusion, these are summarised as follows:

- This site is situated on the fringe of an existing coastal township
- The land is developed to support residential occupation at densities significantly beyond those proposed.
- The physical urban-rural fence is not compromised by approval of this consent.
- The proposed development is compatible with the adjoining residential land uses.
- The existing infrastructure is superior to that of both the rural zone and the adjoining Waitati township.
- The overall density of residential dwellings as a result of the proposal will be consistent with the wider receiving environment.
- The Council is able to impose additional mitigating conditions as considered appropriate.
- The adverse effects are assessed as being no more than minor.
- This proposal represents a unique set of circumstances that minimises the risk of any precedent being set.

In these circumstances, we are of the view that any effects will be able to be confined to the site, and once the required statutory tests are carried out, Council should be able to reach a favourable decision.

The proposals intention to relocate and increase the density of residential activities currently approved, on an existing underutilised land resource, consistent with the surrounding environment, ensures that existing land resources are used effectively whilst the overarching principles of sustainability and wise management of resources are maintained.

Prepared By
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M L Duncan
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13 Appendices

13.1 A - Application Plans

D6230/11 – Overall Proposed Subdivision Plan
D6230/11-41 – Lot 41
D6230/11-42 – Lot 42
D6230/11-43 – Lot 43
D6230/11-44 – Lot 44
D6230/11-51 – Lot 51
D6230/11-52 – Lot 52
D6230/11-61 – Lot 61
D6230/11-71 – Lot 71
D6230/11-81 – Lot 81
D6230/11-82 – Lot 82

13.2 B – Orokonui Service Company Service Agreement

13.3 C - Former Orokonui Hospital - Preliminary Site Investigation for Ground Contamination

(Tonkin and Taylor Limited)

13.4 D - Geotechnical Assessment - Orokonui Estate Subdivision

(GeoSolve Limited)

13.5 E - Certificate of Title

CFR 768400

13.6 F – Affected Persons Consent Forms



PROVISIONAL ONLY
 DETAIL, AREAS & DIMENSIONS
 SUBJECT TO RESOURCE
 CONSENT & FINAL SURVEY



Appendix A

terramark
setting new boundaries
 Surveying, Resource Management & Engineering
 Dunedin 03-4774783 Mosgiel 03-4897107 Balclutha 03-4180470

Lot 41
Orokonui Estate
The Hall

Scale: 1:600@ A4	Job No: D6230
Date: June 2018	Plan No: D6230/11 - 41

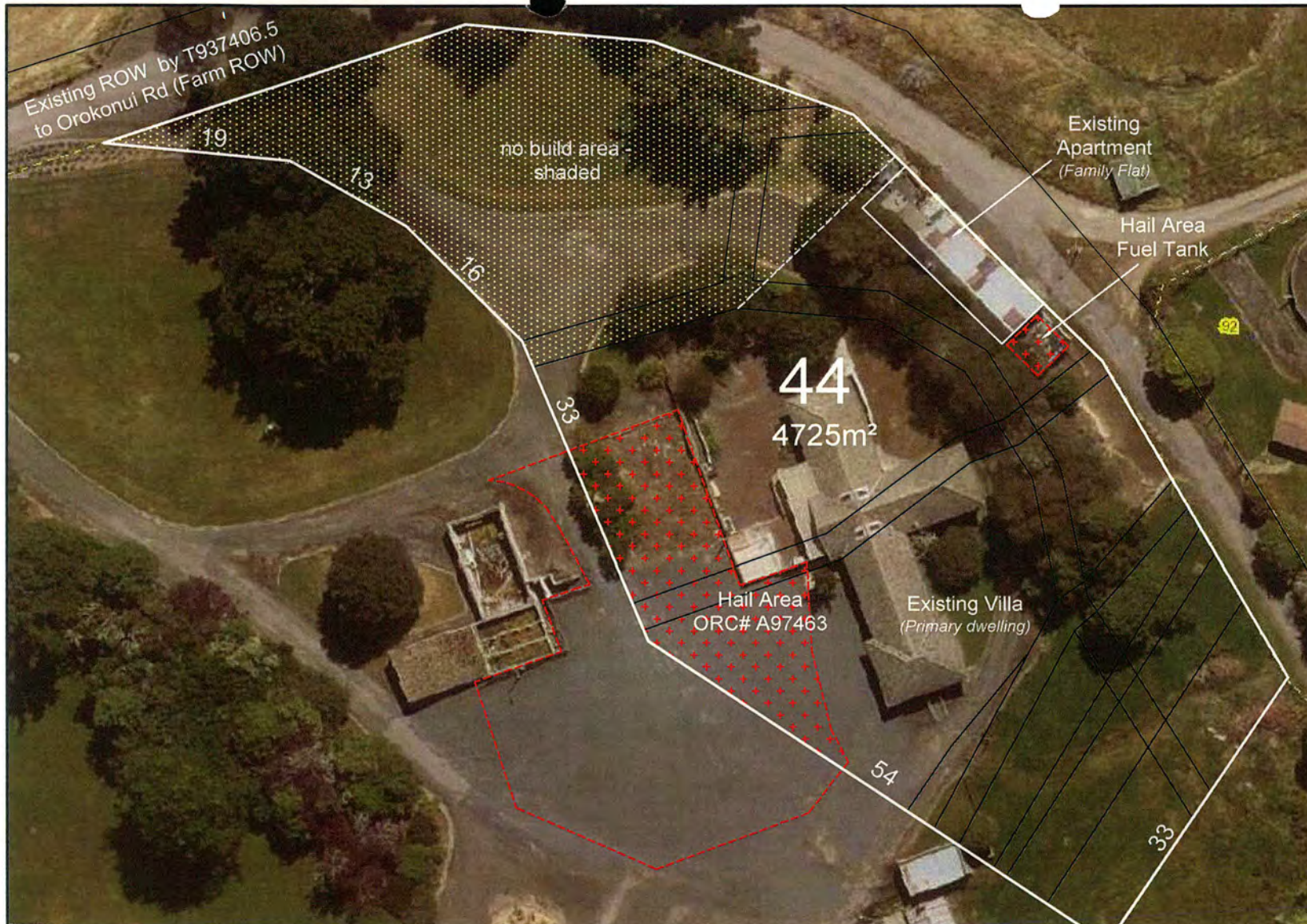


Lot 42
Orokonui Estate
The Chapel

terramark 
setting new boundaries
Surveying, Resource Management & Engineering
Dunedin 03-4774783 Mosgiel 03-4897107 Balclutha 03-4180470

Job No: D6230	Scale: 1:400 @ A4
Date: June 2018	Plan #: D6230/11-42





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 SUBJECT TO RESOURCE
 CONSENT & FINAL SURVEY

terramark
setting new boundaries
 Surveying, Resource Management & Engineering
 Dunedin 03-4774783 Mosgiel 03-4897107 Balclutha 03-4180470

Lot 44
The Villa
Orokonui Estate

Scale: 1:600@ A4	Job No: D6230
Date: June 2018	Plan No: D6230/11-44



PROVISIONAL ONLY
DETAIL, AREAS & DIMENSIONS
SUBJECT TO RESOURCE
CONSENT & FINAL SURVEY



Lot 51 Orokonui Estate

terramark
setting new boundaries
Surveying, Resource Management & Engineering
Dunedin 03-4774783 Mosgiel 03-4897107 Balclutha 03-4180470

Job No: D6230	Scale: 1:700 @ A4
Date: June 2018	Plan #: D6230/11-51



PROVISIONAL ONLY
DETAIL, AREAS & DIMENSIONS
SUBJECT TO RESOURCE
CONSENT & FINAL SURVEY



Lot 52 Orokonui Estate

terramark
setting new boundaries
Surveying, Resource Management & Engineering
Dunedin 03-4774783 Mosgiel 03-4897107 Balclutha 03-4180470

Job No: D6230	Scale: 1:700 @ A4
Date: June 2018	Plan #: D6230/11-52



Lot 53
Orokonui Estate
The Workshop and Barn

terramark 
setting new boundaries
Surveying, Resource Management & Engineering
Dunedin 03-4774783 Mosgiel 03-4897107 Balclutha 03-4180470

Job No: D6230	Scale: 1:700 @ A4
Date: June 2018	Plan #: D6230/11-53



PROVISIONAL ONLY

DETAIL, AREAS & DIMENSIONS
SUBJECT TO RESOURCE
CONSENT & FINAL SURVEY



Lot 61
Orokonui Estate
The Therapy Building

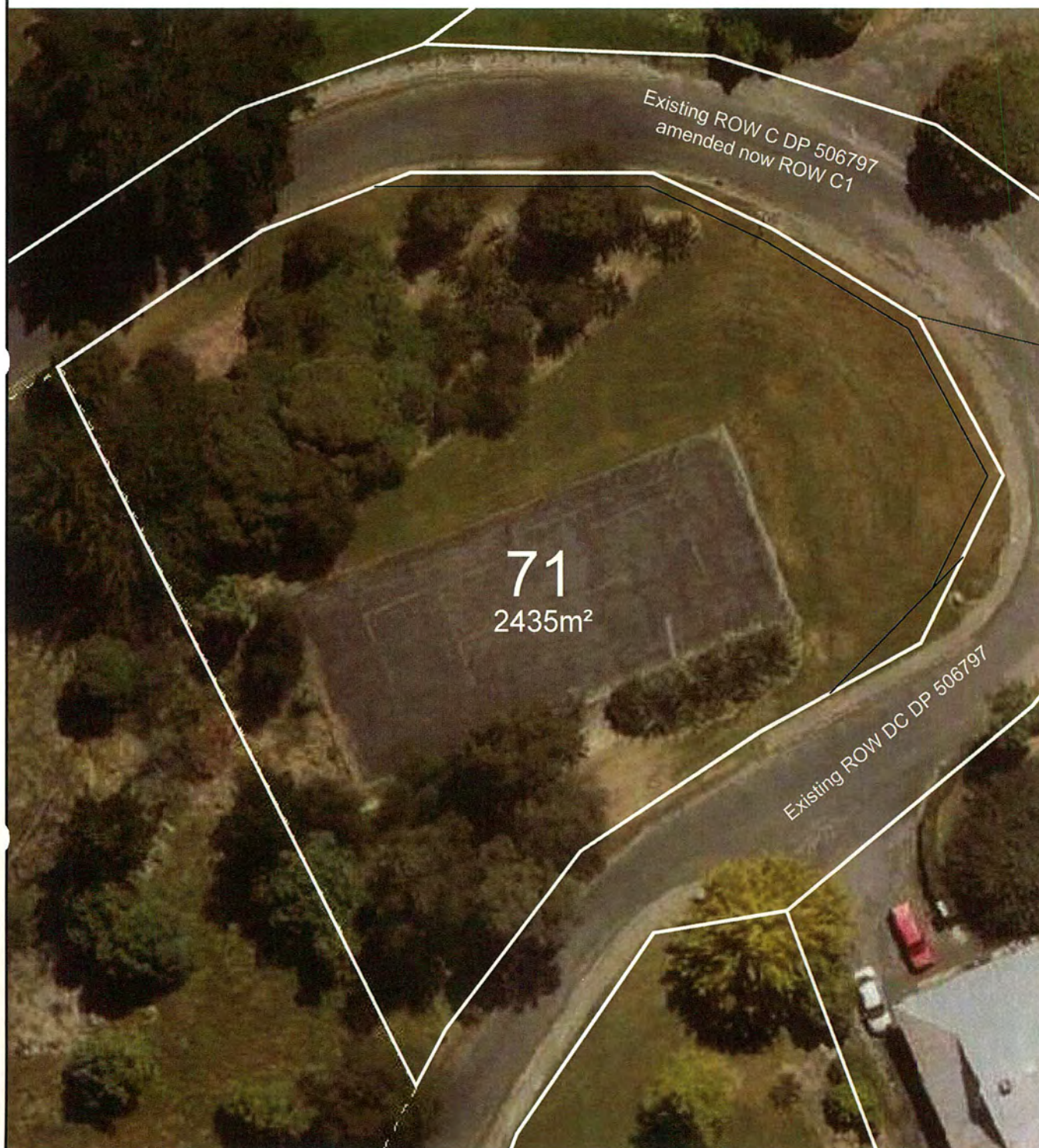
terramark 
setting new boundaries
Surveying, Resource Management & Engineering
Dunedin 03-4774783 Mosgiel 03-4897107 Balclutha 03-4180470

Job No: D6230	Scale: 1:500 @ A4
Date: June 2018	Plan #: D6230/11-61



PROVISIONAL ONLY

DETAIL, AREAS & DIMENSIONS
SUBJECT TO RESOURCE
CONSENT & FINAL SURVEY



Lot 71
Orokonui Estate
The Tennis Court

terramark 
setting new boundaries
Surveying, Resource Management & Engineering
Dunedin 03-4774783 Mosgiel 03-4897107 Balclutha 03-4180470

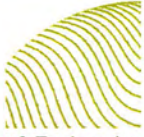
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Date: June 2018	Plan #: 6230/11-71



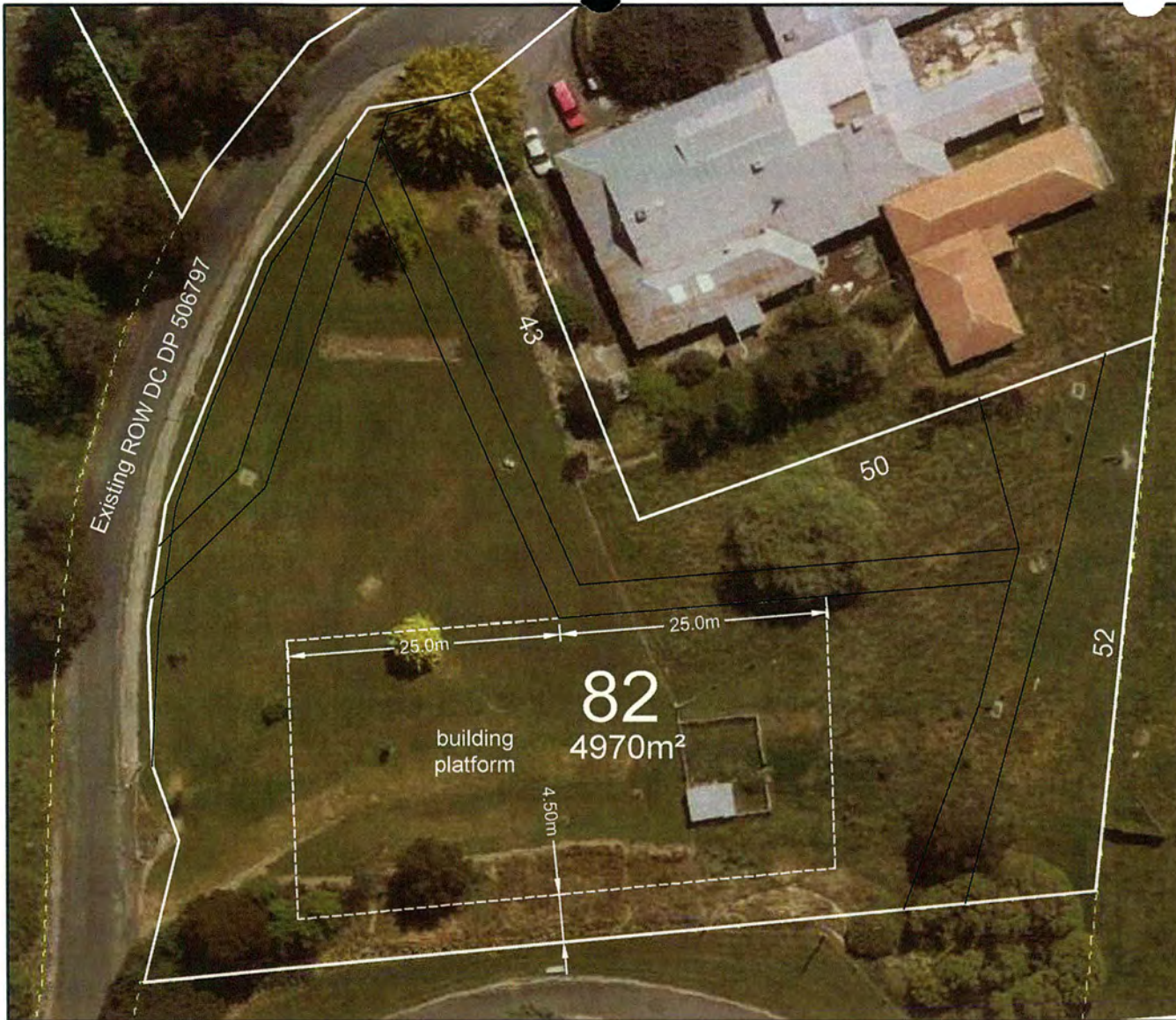
PROVISIONAL ONLY
DETAIL, AREAS & DIMENSIONS
SUBJECT TO RESOURCE
CONSENT & FINAL SURVEY



Lot 81
Orokonui Estate
The Female-2 Villa

terramark 
setting new boundaries
Surveying, Resource Management & Engineering
Dunedin 03-4774783 Mosgiel 03-4897107 Balclutha 03-4180470

Job No: D6230	Scale: 1:400 @ A4
Date: June 2018	Plan #: 6230/11-81



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 SUBJECT TO RESOURCE
 CONSENT & FINAL SURVEY



terramark
setting new boundaries
 Surveying, Resource Management & Engineering
 Dunedin 03-4774783 Mosgiel 03-4897107 Balclutha 03-4180470

Lot 82 Orokonui Estate

Scale: 1:600@ A4	Job No: D6230
Date: June 2018	Plan No: 6230/11-82

