

APPENDIX E

SUPPLEMENTARY INFORMATION



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Contact: Jeremy Blake
Department: City Planning
Phone: 474-3713

19 December 1995

Silverpeaks Tavern Limited
C/- Hovell Planning Services Limited
PO Box 1092
DUNEDIN

Dear Mr Hovell

**RESOURCE CONSENT APPLICATION No. 953558- 62 OROKONUI ROAD,
WAITATI. ESTABLISHMENT OF TAVERN**

Your resource consent application was considered by the Consent Hearings Committee at its meeting on 13 December 1995.

The Application

Silverpeaks Tavern Limited made application under the Resource Management Act 1991 to establish and operate a licensed public tavern at 62 Orokonui Road. The legal description of the property is Sections 88 and 89, Block I, North Harbour and Blueskin Survey District. The proposal involves the following:

- (a) A tavern, for the provision to the public of liquor, meals, and refreshments for consumption on the premises, and as takeaways;
- (b) An off licence facility.

The proposal is designed to accommodate 100 persons in the restaurant and 150-200 persons in the tavern. In conjunction with the above operations 50 carparks will be provided in a space created by demolishing the eastern wing of the building to house the proposed Tavern.

The applicant sought the hours from 7.00 am to 3.00 am the following day to allow functions such as weddings and sporting events to be catered for without the need to apply for a special licence from the Liquor Licensing Authority.

Submissions

The application was publicly notified on 31 September 1995 with submissions closing on 30 October 1995. Fifty submissions were received by Council, twenty opposing the proposed tavern and thirty in support.

A pre-hearing meeting was held on site on 23 November 1995. Access to the site was the main issue raised at the hearing, with a number of submitters noting the inadequacies in Orokonui Road to handle the expected number of patrons. Noise and disorderly behaviour were other major issues raised at the pre-hearing meeting. Several submitters noted that the large scale of the proposed tavern was inappropriate for the site and for a town the size of Waitati.

Appearances

Mr Keith Hovell appeared on behalf of the applicant and called Messrs J De Vries, J Gleeson and D Meaclem in support of the application..

Mr I Templeton, Mr M Grimwood, Mr Hillier, Mr A Beecroft, Mr and Mrs S Beamish and H Beamish, Mr P Appleby, Ms R McColl, Mr P Coons and Mr P Harris all spoke to their submissions opposing the application.

Decision

After considering the submissions of the applicant and the submitters the Consent Hearings Committee, acting under delegated powers, has granted consent to the application as a Non-Complying activity under Section 105 of the Resource Management Act 1991. Consent was granted subject to the following conditions:

- (a) That the tavern be established and operated substantially in accordance with the plans submitted to Council with this application or as per the amended plans submitted at the hearing.
- (b) That the applicant construct a pathway from the end of the legal road to the front of the tavern.
- (c) That the applicant install and maintain adequate signage on site to identify the exit from the site and warning persons to reduce speed as they leave the site.
- (d) That the maintenance of the sewerage treatment station be supervised by an operator with at least a 'C' grade certificate and the works must be visited not less than once a month.
- (e) That accurate daily records of chlorine levels in the water supply be kept so that chlorinating can comply with National Drinking Water Standards.
- (f) That solid waste be disposed of in a manner approved by the Environmental Health Section.

- (g) That adequate lighting be provided along the internal pathway and in the carparking area.

Reasons

In response to the concerns raised at the Pre-Hearing meeting the applicant began his submission by proposing an alternative location for the tavern still on the same property in Villa II. This building is further from the entrance to the park and further from the nearest residential neighbour. This venue reduced the capacity of the tavern from 300 to 250. During the hearing the Committee were very mindful that the disclosing of the new venue at the hearing may compromise the notification process as submitters had little time to digest the implications of the change. The application argued that the change in location on site did not significantly alter the fundamentals of the application and would have no greater impact on the surrounding environment as the new venue was still on the same title. When questioned none of the submitters considered that the change of location made a significant difference to their submissions on the tavern.

In coming to a decision the Committee was required to have regard to the matters set out under Sections 105 and 104 of the Resource Management Act. With respect to these the Committee was of the opinion that the adverse effects of the proposed tavern would be minor.

Access to the site was the main issue raised by this application. It was proposed by the applicant that although access via Orokonui Road was not ideal, its upgrade will be necessary even if the proposed Tavern facility does not proceed due to the traffic generated by existing residential development in the area, the Orokonui Holiday and Recreation Park and the Orokonui Rest Home. The applicant noted that most custom to the tavern is likely to be from users of the holiday park and local residents for whom a courtesy coach would be provided reducing the need for private vehicles to be driven to the site.

Every submitter opposing the application referred to the narrowness of Orokonui Road, and the negative affect that increased traffic would have on the safety of the road and the amenity of the area in general. The Waitati School Board of Trustees expressed concern as to the safety of children travelling along Orokonui Road to and from school.

The Council's Roading Department recommended that a number of works be carried out on Orokonui Road to improve its safety. These included the installation of raised pavement markers along both edges of the road and the installation of a 1.2 metre wide footpath along the northern edge of the road. Given the applicants expressed unwillingness to contribute to these works the Committee judged that any works required to be carried out on Orokonui Road should be considered via Council's Annual Plan process where funds for such works were allocated.

Committee was satisfied that Orokonui Road could cope with expected increase in vehicular traffic provided that the speed limit was observed. In coming to this decision Committee noted that a large number of vehicles used the road at present and the increase in traffic was not likely to be significant. The issue of patrons leaving the site intoxicated and disorderly behaviour was beyond the jurisdiction of the Committee, as it is the responsibility of the Liquor Licensing Authority and the Police.

With regards to noise Committee was of the view that both of the proposed tavern sites were sufficiently removed from the nearest residential properties to effectively mitigate any adverse effects. On this basis it was considered inappropriate to impose conditions in relation to hours of operation and hours during which amplified music could be played. These matters are more appropriately addressed by the Liquor Licensing Authority.

The non-complying use of Rural land was not considered to be significant given that the applicants site is not presently used for Rural purposes. Given that this proposal would not remove land from rural production it was not considered to be contrary to the objectives and policies of the Transitional and Proposed District Plans.

In respect of waste disposal Council placed conditions on the consent to ensure that the disposal of waste would not degrade to local environment.

The Committee identified a number of positive effects of the proposed tavern including the provision of a drinking establishment in the Waitati community which at present had none, the employment opportunities provided for locals and the boosts to tourism in the area. In terms of the siting of the tavern, Committee was of the opinion that the proposed property was advantageous because of the pleasant environment surrounding the premises and the isolation of the property meant that the operation of the tavern would have minimal effect on surrounding properties.

Having considered the matters set out in section 104 of the Act, Committee was of the opinion that the application could pass both the threshold tests set out in section 105(2)(b) of the Act. Accordingly, consent was able to be granted to this application.

Duration of Consent

It is brought to the applicants' attention that under the terms of section 125 of the Resource Management Act 1991 this consent shall lapse if effect has not been given to it within two years or Council has not granted an extension of time.

Rights of Appeal

In accordance with Section 120 of the Resource Management Act 1991, the consent holder or any person who made a submission may appeal to the Planning Tribunal against the whole or any part of this decision in accordance with Section 121, within 15 working days of the notice of the decision being received, at the following address:

The Planning Tribunal
Tribunals Division
PO Box 5027
Lambton Quay
WELLINGTON

Any appeal must be in the prescribed form specified in Form 7 of the Resource Management Act (Forms) Regulations 1991 and be accompanied by the required filing fee.

A copy of the appeal must be served on the following persons/organisations:

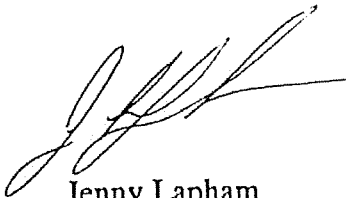
The Dunedin City Council (as consent authority)
The consent holder
Any person who made a submission on the application

Failure to follow the procedures prescribed in Sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

Building Consent

This is only Resource Consent and a separate application for Building Consent may be required before any work is undertaken on the site. You may check with the Building Inspectors Section, Development Services about this.

Yours faithfully



Jenny Lapham
COMMITTEE SECRETARY

TO: Chief Executive

FROM: Development Planner

(Prepared by Suzanne Ducker, Planner)

DATE: 16 August 1996

SUBJECT: RESOURCE CONSENT APPLICATION NO 960462

62 OROKONUI ROAD

INTRODUCTION

This report has been prepared on the basis of information available at the time of preparation. The purpose of the report is to provide a framework for the Committee's consideration of the submission and the evidence of the applicant and submitters. The comments and recommendations contained in the report are open to support or challenge by the applicant and submitters alike. The Committee is not in any way bound by the report nor by any comments made herein. The Committee will decide on the application following completion of the hearing process.

DESCRIPTION OF PROPOSAL

In May of this year, Silverpeaks Tavern Limited (the applicant) applied to the Council for a change of consent condition of Resource Consent No. 953558, under Section 127 of the RMA 1991. The applicant requested that condition 1 be modified from "That the tavern be established and operated substantially in accordance with the plans submitted to Council with this application or as per the amended plans submitted at the hearing" to "That the tavern be established and operated to use the hall presently on the site, in the location shown on the attached plan." Effectively, the applicant wants to move the location of the proposed activity from one of the two buildings previously approved under the original application to another location - that of the existing hall - on the site. The applicant stated that after further investigation into the financial feasibility of upgrading either building consented to in the previous application, it was determined that the buildings could not be upgraded to the required standards at a reasonable cost because of their age and condition.

The proposed new site is the existing hall, adjacent to and behind the original site of the administration building. It is approximately 500 square metres in area - of which the majority of the area is in one large room/ hall. The applicant now desires to demolish the entire administration building and use part of the area for carparking for 50 cars. In addition, the applicant has just recently hinted that the large room of the hall would be used for functions and that it is now their desire to erect an addition onto the hall for use as a tavern, kitchen and bottle shop. At the time of preparation of this report no further details of this addition were available.

THE PROCEDURAL PROCESS

The procedural issue is whether the Committee should confine its consideration of this application to the requested change in condition, or, whether it should hear submissions on the application as if it were a fresh application. The application was publicly notified in such a way that the Committee is able to take either course of action.

The City Planning Department's advice is for the Committee to hear this whole application as a fresh application for a resource consent. The reason is that while some of the effects on the environment from the new location on the site may be the same or similar to the previous application, there may well be other adverse effects. Council should therefore be in a position to impose appropriate conditions if deemed necessary.

The Committee should also be aware that the hall is the third location on the site proposed by the applicant for this activity. The original application proposed part of the old administration building to be used for the activity. At the previous hearing, the applicant identified another possible location, that of an existing villa, on the site. In addition, as noted above, the applicant now desires to add an extension onto the hall for the tavern, kitchen and bottle shop. The applicant and Orokonui Holiday and Recreation Park Limited (owners of the site) should consider formulating a strategic plan for the entire site so that Council may consider the full effects on the environment of the activities proposed for the entire Park.

BACKGROUND

On 19 December 1995, the Consent Hearings Committee of the Council granted consent to Resource Consent application No. 953558 in regards to 62 Orokonui Road for a tavern for the provision to the public of liquor, meals, and refreshments for consumption on the premises, and as takeaways; and for an off licence facility. The tavern was designed to accommodate 100 persons in the restaurant (function room) and 150-200 persons in the two bars with 50 carparking spaces adjacent to the site. Flexible hours of 7:00 am to 3:00 am were included with the application so that a variety of functions could be held at the tavern. Consent was granted subject to seven conditions:

- a. That the tavern be established and operated substantially in accordance with the plans submitted to the Council with this application or as per the amended plans submitted at the hearing.*
- b. That the applicant construct a pathway from the end of the legal road to the front of the tavern.*
- c. That the applicant install and maintain adequate signage on site to identify the exit from the site and warning persons to reduce speed as they leave the site.*
- d. That the maintenance for the sewerage treatment station be supervised by an operator with at least a "C" grade certificate and the works must be visited not less than once a month.*
- e. That accurate daily records of chlorine levels in the water supply be kept so that chlorinating can comply with National Drinking Water Standards.*
- f. That solid waste be disposed of in a manner approved by the Environmental Health Section.*
- g. That adequate lighting be provided along the internal pathway and in the carparking area.*

The following potential adverse effects were raised by this proposal and addressed by the Committee: Access to the site, noise generated from the activity, use of rural land for non rural activities and waste disposal. The following positive effects of the proposed tavern were also identified: the provision of a drinking establishment in the Waitati community, employment opportunities, the

pleasant environment and surroundings of the premises and the isolation of the property. The committee felt that the conditions imposed on the application would mitigate the adverse effects on the environment and that the remaining adverse effects would be minor.

LEGAL DESCRIPTION OF SITE

The legal description of the site is Sections 88 and 89, Block I, North Harbour and Blueskin Survey District. The entire site has an area of 26.2657 hectares.

DISTRICT PLAN PROVISIONS

A resource consent is required in respect of this activity for the following reasons:

Transitional District Plan - Silverpeaks Section

The site is zoned Rural F in the Transitional District Plan, Silverpeaks Section. This zone does not provide for licensed premises and therefore this proposal would be considered a non complying activity.

Proposed District Plan

The site is zoned Rural in the Proposed District Plan. This zone does not provide for licensed premises and therefore this proposal is considered a non complying activity.

In summary, this application should be treated as a non complying activity.

SUBMISSIONS

Twelve submissions were received on this proposal. Three submissions opposed the proposal and nine were in support. The main issues addressed in the submissions in opposition were traffic and pedestrian safety on Orokonui Road, noise, extensive hours of operation and the effects of the change from the original building to a large hall. The main reasons for support of the proposal were the use of a more modern building, good access from Orokonui Road and a reduction in noise levels due to the location of the new building.

DISTRICT PLAN OBJECTIVES AND POLICIES

Transitional District Plan - Silverpeaks Section

The Transitional District Plan has as its primary rural objective - 'to recognise, provide for and promote the optimum use of rural land within the District' (Objective 3.1.2). The discussion of this objective includes the following: 'In highlighting the optimum landuse and where necessary limiting the range of landuse options, Council seeks in the longer term to secure the highest and best use of the land, determined within the overall context of the District'.

Objective 3.1.3 seeks 'To provide for the optimum use of public investment in existing and proposed services and facilities within the rural area.

The Rural F Zone in the transitional District Plan recognises the importance of two major estuaries. The objectives and policies of the zone 'seek to recognise the biological and economic significance of the two principal estuaries within the District - Purakanui Inlet and Blueskin Bay'.

The Proposed District Plan

The following objectives and policies are relevant to this application:

Objective 3.2.4 - To ensure that activities which are not functionally dependent on the natural resources of the rural area do not locate there.

Objective 3.2.6 - To maintain and enhance the amenity values of the rural area.

Objective 4.2.1 - To ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied, or mitigated.

Policy 3.3.3 - To allow the establishment of activities that are complementary to rural resources provided that adverse effects resulting from these activities can be avoided, remedied, or mitigated.

Policy 3.3.13 - To avoid, remedy, or mitigate the adverse effects arising from traffic movement in the rural area.

Policy 4.3.1 - Maintain or enhance the amenity values and character of residential areas.

Policy 19.3.3 - Protect people and communities from noise and glare which could impact upon health, safety and amenity.

RESOURCE MANAGEMENT ACT (1991) REQUIREMENTS:

Section 105(2)(b) of the RMA states:

105 (2) A consent authority shall not grant a resource consent -

(b)...for a non complying activity unless it is satisfied that-

(i) The adverse effects on the environment (other than any effect to which Section 104(6) applies) will be minor; or

(ii) granting the consent will not be contrary to the objectives and policies of the plan or proposed plan.

Further, Section 104(1) of the RMA states those matters Council must consider in assessing a resource consent application:

104 (1) Subject to Part II, when considering an application for a resource consent and any submissions received, the consent authority shall have regard to -

- (a) Any actual and potential effects on the environment of allowing the activity;*
- (b) Any relevant regulations;*
- (c) Any relevant national policy statement, New Zealand coastal policy statement, regional policy statement, and proposed regional policy statement;*
- (d) Any relevant objectives, policies, rules, or other provisions of a plan or proposed plan;*
- (e) Any relevant district plan or proposed district plan, where the application is made in accordance with a district plan;*
- (f) Any relevant regional plan or proposed regional plan, where the application is made in accordance with a district plan;*
- (g) Any relevant water conservation order or draft water conservation order;*
- (h) Any relevant designations or heritage orders or relevant requirements for designations or heritage orders;*
- (i) Any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

CONSIDERATION OF PROPOSAL

Council previously granted consent for a tavern, takeaways and off licence at 62 Orokonui Road. This report will address the effects that are associated with the request for a modification to one of the conditions of the original consent. In particular, this report will address the effects of relocating the proposed activity from the two locations identified in the previous decision to the existing hall on the site.

The original application sited the proposed activity in part of the old administration building of which approximately 600 square metres would be used for a public bar, lounge bar, function room, bottle store, kitchen and associated storage and toilet facilities. The eastern wing of the building was to be demolished and the area used for additional carparking for the facility. The administrative building has a main long narrow centre area with a series of wings. Each of the bars or the function rooms was to be located in one of these wings and separated from the other wings in the building. At the public hearing an alternative location of an existing villa was also included as an acceptable location for the proposed activity. This villa was located deeper into the applicant's property and further away from off site residential activities. Details of the floor plan of the revised location were not submitted at the hearing as the applicant successfully argued that the revised location would have less effects on the environment as the proposed building was smaller and located deeper into the site than the original building.

The new building proposed in this application is a large existing hall that has one main room. It is located between the Administrative Building (identified in the first proposal) and the Chapel. The applicant has recently stated that the hall will be used for functions and an additional building will be erected adjacent to the hall for the tavern, kitchen and bottle shop. No further details of this new building have been supplied by the applicant and therefore will not be considered as part of this

application.

Access to the Site

Access to the site is via Orokonui Road, which is a no exit road extending from Mt Cargill Road for a distance of approximately 800 - 900 metres as a public road. The road is narrow and winding with a number of blind corners. The safety of the road is not improved by the number of boats, trailers, goats etc. that can be found stored on the roadside margins. All of the submitters in opposition to the proposal were concerned with the access to the site via Orokonui Road. They state that the previous hearing did not fully address the traffic and safety concerns of the residents. Staff previously recommended several conditions to mitigate the adverse effects, however most conditions were not imposed as they related to areas off site. The Committee was satisfied that Orokonui Road could cope with the expected increase in vehicular traffic provided that the speed limit was observed.

The proposed new location is a hall of approximately 500 square metres. The entire hall will be used as a hall and function room. The hall has previously been granted consent as a place of assembly for up to 350 people. The original application had a function room area of approximately 150 square metres plus an outdoor deck of 30 square metres. It was estimated that the restaurant (function room) would accommodate approximately 100 people and the two other bars approximately 100 people each.

The potential effects of one large function room of 500 square metres could be significantly greater than the effects of the three separate rooms in the previous application. The effects of large numbers of cars arriving to the site and leaving the site at the same time could be more than minor. Cars have to travel through a residential area to get to the site or back onto the main road. The disturbance to the residents in the adjoining areas could be significant.

Noise

The effects of noise emanating from the bars on site should be similar to those of the previous application. However, the noise generated from large functions held in the hall could be significantly greater than the original proposal. While the new location is still approximately 500 metres away from the nearest off site residential activity, the noise from a band playing in the large function hall could travel across the valley to the residential areas. In addition, as discussed above, the noise associated with large groups of vehicles leaving the site at the same time after a function, late in the evening could be more than minor. The adjoining residents, living in an area zoned residential should be able to expect a certain level of amenity and peace and quiet. This application would only guarantee a quiet atmosphere between the hours of 3:00 am to 7:00 am, as the hours of operation for this proposal are 7:00 am to 3:00 am.

The Dunedin City Council District Licensing Agency Sale of Liquor Policy recommends that on and off licensed operations which are located in residential areas or which affect residential areas by traffic travelling through them be restricted to their hours of operation. The policy recommends hours of 9:00 am - 10:00 pm on Monday - Wednesdays; 9:00 am - 11:00 pm on Thursdays and 9:00 am - 12:00 midnight for Fridays and Saturdays. The Committee should consider a similar restriction on the hours of operation to mitigate the adverse effects of noise on the community. These hours would provide a certain level of amenity to the residents in the area and would be more appropriate for a community tavern.

Landuse

It is the intent of both the Transitional and Proposed District Plans that the productivity of rural land and soil resources be protected and used as efficiently and effectively as possible. The applicant's site has long been used for non-rural activities. The property is extensively landscaped with a large number of substantial buildings spread throughout the grounds.

The character of the site may be described as semi-rural as it contains large areas of open space and many mature trees. However, the site is not used for farming or forestry activities and it seems unlikely that such activities will occur on the site in the short to medium term, given the capital already invested into the property. The applicant's site does not comprise high class soils as defined in the Proposed District Plan. On this basis it is not considered that this proposal is inconsistent with the objectives and policies of the District Plan as it is not removing land from rural production.

The revised location should have similar effects to those identified in the first report and discussed above again. The applicant is using an existing building, on an area of land that is not being used for farming or forestry activities. This revised application should still be consistent with the objectives and policies of both District Plans.

Waste Disposal

The Environmental Health Officer of the Council believes that the environmental effects of the change from the original proposal will be negligible. He recommends that the original conditions imposed on the consent be included on this revised application.

SUMMARY

As a non-complying activity, the Committee must be satisfied that either the proposal meets the objectives and policies of both the Transitional and Proposed District Plans or that the effects are no more than minor, before consent may be granted.

The primary concern of both the Transitional and Proposed District Plans is to maintain and enhance the natural and physical resources of the City. In relation to this application, the protection of the productivity of rural land and the maintenance of amenity values are important. In this case the land is not currently used for rural purposes. So establishing a tavern on the site is not reducing the rural productivity of the area. Council must therefore consider whether the adverse effects of the proposal on the surrounding environment are minor.

While it was previously determined that Orokonui Road could cope with the additional traffic on Orokonui Road, the revised application includes the possibility for larger groups of people arriving and exiting the site at the same time. This places added pressure on a road that has already been identified as being narrow and winding with some blind corners. As the applicant has not entered into an agreement with Council to upgrade part of Orokonui Road, the only option at this point is to limit the number of people in the hall (function room) and therefore the number of people travelling along Orokonui Road at the same time.

In addition, the effects of noise generated on site and noise from traffic travelling to and from the site could also be greater than anticipated in the original application. The potential for larger groups of people in the hall could increase the noise levels to those which could be heard in the residential areas adjacent to the site. In addition, the large groups of people arriving and leaving a function at the same time could also increase the noise associated with the proposed new location. The best way to mitigate these potential effects is to limit the number of people permitted in the function hall and limit the hours of operation of the facility.

If the original conditions are transferred to this application and further conditions are imposed to mitigate the potential for additional effects from the change of location, the adverse effects of this proposal should be minor.

RECOMMENDATIONS AND CONDITIONS

It is recommended, pursuant to the Resource Management Act 1991:

1. That resource consent be granted to the proposal as a Non Complying Activity under section 105, subject to the following conditions:

- a. That the tavern be established and operated to use the hall presently on the site, in the location shown on the attached plan.
- b. That the hall shall not accommodate more than 200 people at any one time.
- c. That the hours of operation for the tavern, including the function hall be limited to the following: Monday - Wednesday 9:00 am - 10:00 pm; Thursday 9:00 am - 11:00 pm; Friday - Saturday 9:00 am - 12:00 midnight.
- d. That the applicant construct a pathway from the end of the legal road to the front of the tavern.
- e. That the applicant install and maintain adequate signage on site to identify the exit from the site and warning persons to reduce speed as they leave the site.
- f. That the maintenance for the sewerage treatment station be supervised by an operator with at least a "C" grade certificate and the works must be visited not less than once a month.
- g. That accurate daily records of chlorine levels in the water supply be kept so that chlorinating can comply with National Drinking Water Standards.
- h. That solid waste be disposed of in a manner approved by the Environmental Health Section.
- i. That adequate lighting be provided along the internal pathway and in the carparking area.
- j. That on the execution of this resource consent, Resource Consent No. 953558 granted on 19 December 1995 shall lapse.

Suzanne Ducker

PLANNER

Jack Chandra

Development Planner

APPENDIX B

DUNEDIN CITY COUNCIL

50 THE OCTAGON, BOX 5045, DUNEDIN, NEW ZEALAND. TELEPHONE: (03) 477-4000. FACSIMILE: (03) 474-3594

Our Reference: City Planning/RMA 960570
Enquires to: Suzanne Ducker
Direct Telephone: 474-3692

RECEIVED

18 SEP 1996

16 September 1996

Silverpeaks Tavern Limited
c/- Hovell Planning Services Limited
PO Box 1092
DUNEDIN

Dear Sir

RESOURCE CONSENT APPLICATION NO 960462
62 OROKONUI ROAD

Your resource consent application was considered by the Consent Hearings Committee at its meeting on 28 August 1996.

THE APPLICATION

In May of this year, Silverpeaks Tavern Limited (the applicant) applied to the Council for a change of consent condition of Resource Consent No. 953558, under Section 127 of the RMA 1991. The applicant requested that condition 1 be modified from "That the tavern be established and operated substantially in accordance with the plans submitted to Council with this application or as per the amended plans submitted at the hearing" to "That the tavern be established and operated to use the hall presently on the site, in the location shown on the attached plan." Effectively, the applicant wanted to move the location of the proposed activity from one of the two buildings previously approved under the original application to another location - that of the existing hall - on the site. The applicant stated that after further investigation into the financial feasibility of upgrading either building consented to in the previous application, it was determined that the buildings could not be upgraded to the required standards at a reasonable cost because of their age and condition.

The proposed new location is the existing hall, adjacent to and behind the original location of the administration building. It is 570 square metres in area - of which the majority is in one large room/hall. The applicant now desires to demolish the entire administration building and use part of the area for carparking for 50 cars. In addition, at the hearing, the applicant presented a revised plan which included using the large room of the hall for functions and erecting an addition onto the hall of 125 square metres to serve as a bar/restaurant for 120 people. A bottle shop is no longer proposed at the site as part of this application.

The activity is non-complying in terms of the Rural F Zone of the Silverpeaks Section of the Transitional District Plan and also in terms of the Rural Zone of the Proposed District Plan.

The legal description of the site is Sections 88 and 89, Block I, North Harbour and Blueskin Survey District. The entire site has an area of 26.2657 hectares.

THE PROCEDURAL PROCESS

The Committee decided to consider this application as if it were a fresh application for a resource consent, rather than the requested change in condition under 127 of the RMA 1991. The Committee was of the opinion that the application had changed to a degree that the effects on the environment may be different to those considered assessed in the original application. To fully address the potential for further adverse effects arising from this application and to allow the placement of additional conditions to mitigate these effects, the Committee considered this application as a fresh resource consent.

SUBMISSIONS

Twelve submissions were received on this proposal. Three submissions opposed the proposal and nine were in support. The main issues addressed in the submissions in opposition were traffic and pedestrian safety on Orokonui Road, noise, extensive hours of operation and the effects of the change from the original building to a large hall. The main reasons for support of the proposal were the use of a more modern building, good access from Orokonui Road and a reduction in noise levels due to the location of the new building.

APPEARANCES

Mr K Hovell appeared on behalf of the applicant, Silverpeaks Tavern Limited. Mr Hovell gave evidence to support his client's application and provided a revised plan which included using the existing hall for functions and erecting an addition of 125 square metres onto the hall to provide a bar/restaurant area of 195 square metres

(including a 36 square metre deck) for 120 people. D Meaclem appeared in support of the proposed activity. M Grimwood, J Hillier and S & H Beamish appeared in opposition to the activity in its proposed form. Adrian Blair, Secretary for the Dunedin Liquor Licensing Agency, appeared to answer questions relating to liquor licensing for the Committee.

DECISION

After considering the submissions of the applicant and the submitters to the application, the Consent Hearings Committee has granted consent to the application as a non-complying activity under Sections 105 and 108 of the Resource Management Act 1991, subject to the following conditions:

1. That the hall presently existing on the site be limited to 200 persons when alcohol is served and that it function independently from the adjacent bar/restaurant.
2. That the bar/restaurant be limited to 120 people at any one time and that it not extend into the hall area.
3. That the hours of operation for the consumption of alcohol at the bar/restaurant and function hall be limited to the following: Monday - Wednesday 9:00 am - 10:00 pm; Thursday 9:00 am - 11:00 pm; Friday - Saturday 9:00 am - 12:00 midnight.
4. That 65 carparks be established for the hall and bar/restaurant activity. A layout of the carparking area shall be submitted to the Council Planning Department for approval.
5. That the applicant construct a pathway from the end of the legal road to the front of the tavern.
6. That the applicant install and maintain adequate signage on site to identify the exit from the site and warning persons to reduce speed as they leave the site.
7. That the maintenance of the sewage treatment station be supervised by an operator with at least a "C" grade certificate and the works must be visited not less than once a month.
8. That accurate daily records of chlorine levels in the water supply be kept so that chlorinating can comply with National Drinking Water Standards.
9. That solid waste be disposed of in a manner approved by the Environmental Health Section.
10. That adequate lighting be provided along the internal pathway and in the carparking area.
11. That on the execution of this resource consent, Resource Consent No. 953558 granted on 19 December 1995 shall lapse.

REASONS

After considering those matters listed in Sections 104 and 105 of the Resource Management Act 1991, and the provisions of the Transitional and Proposed District Plans, the Committee was of the opinion that granting a resource consent to the

proposed application as submitted to Council (and also including the revised plan submitted at the hearing) could have effects on the environment that were more than minor. However, the Committee was of the opinion that the potential adverse effects on the environment could be mitigated by the placement of suitable conditions on the consent and it has done so accordingly.

The Committee was concerned with the potential increase in the number of people travelling down Orokonui Road and through a residential area, particularly after having consumed alcohol. As this activity could affect the amenity values enjoyed by the residential community, the Committee decided that mitigative measures were necessary. To mitigate the potential effects of this activity, the Committee decided to limit the number of people allowed to use the site at one time and to limit the hours of operation for the consumption of liquor on the site. The proposed hours are consistent with the Council's District Licensing Agency Sale of Liquor Policy. These hours are considered to be more appropriate for a community bar/restaurant and function hall that have the potential to affect amenity values, particularly noise and traffic, in an adjacent residential community.

An additional condition was included with this application to provide carparking on site for both the bar/restaurant and the function hall. The carparking requirement was determined using the provisions from the Silverpeaks Section of the Transitional District Plan. As the applicant intends to demolish the old administrative building adjacent to the hall, there should be ample space to provide this carparking.

DURATION OF CONSENT

It is brought to the applicants' attention that under the terms of Section 125 of the Resource Management Act 1991, this consent shall lapse if effect has not been given to it within two years or Council has not granted an extension of time.

RIGHTS OF APPEAL

In accordance with Section 120 of the Resource Management Act 1991, the consent holder or any person who made a submission may appeal to the Planning Tribunal against the whole or any part of this decision in accordance with Section 121, within 15 working days of the notice of this decision being received, at the following address:

The Planning Tribunal
Tribunals Division
PO Box 5027
Lambton Quay
WELLINGTON

Any appeal must be in the prescribed form specified in Form 7 of the Resource Management Act (Forms) Regulations 1991 and be accompanied by the required filing fee.

A copy of the appeal must be served on the following persons/organisations:

The Dunedin City Council (Consenting Authority).

The consent holder

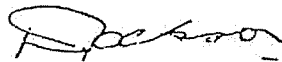
Every person who made a submission on the application.

Failure to follow the procedures prescribed in Sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

BUILDING CONSENT

This is only a Resource Consent and a separate application for a Building Consent may be required before any work is undertaken on the site. Please check with the Building Inspectors' Section, Development Services.

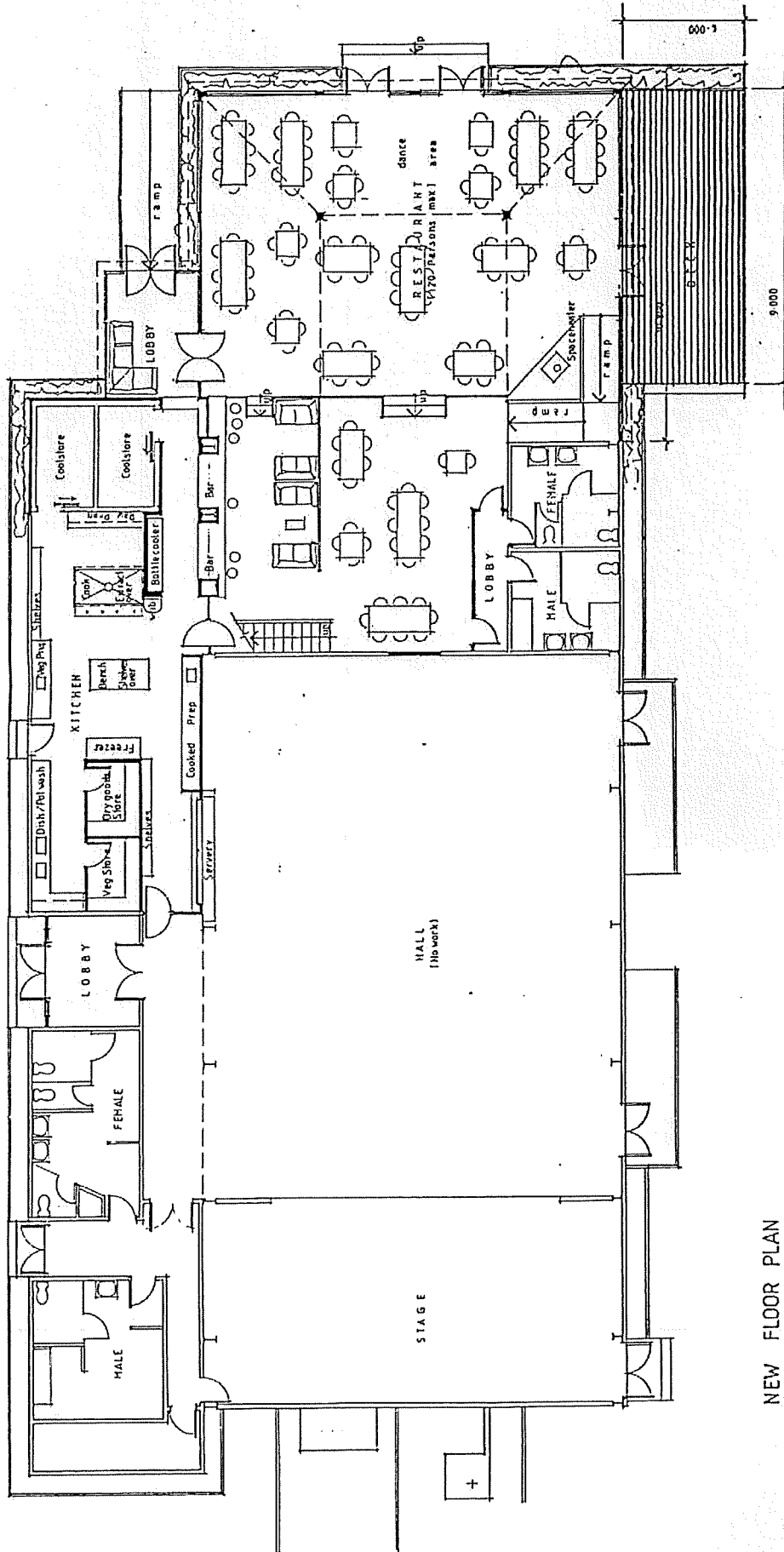
Yours faithfully



Doug Jackson

COMMITTEE SECRETARY

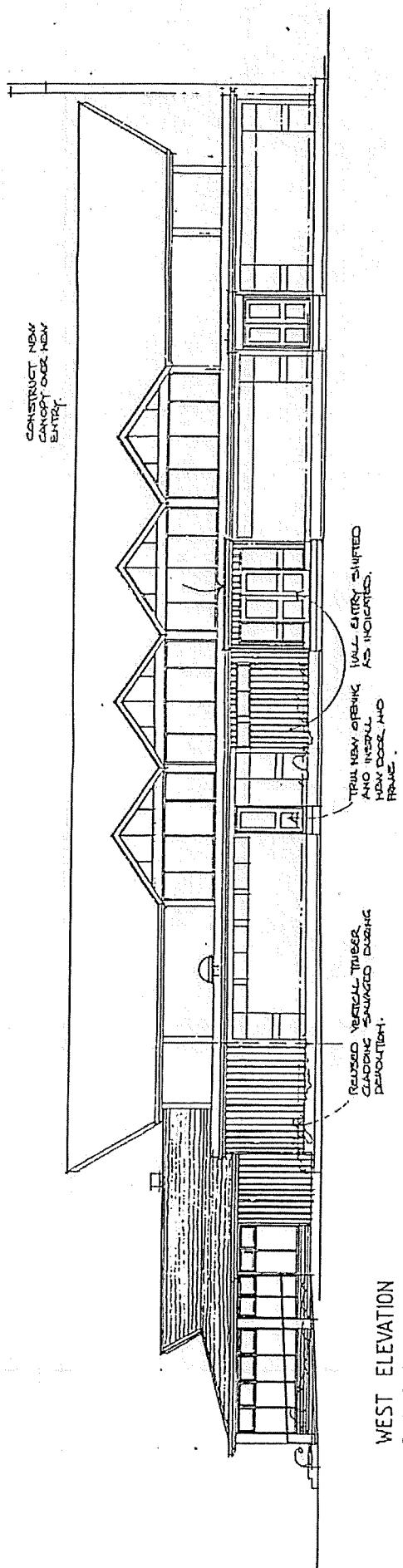
APPENDIX E.2



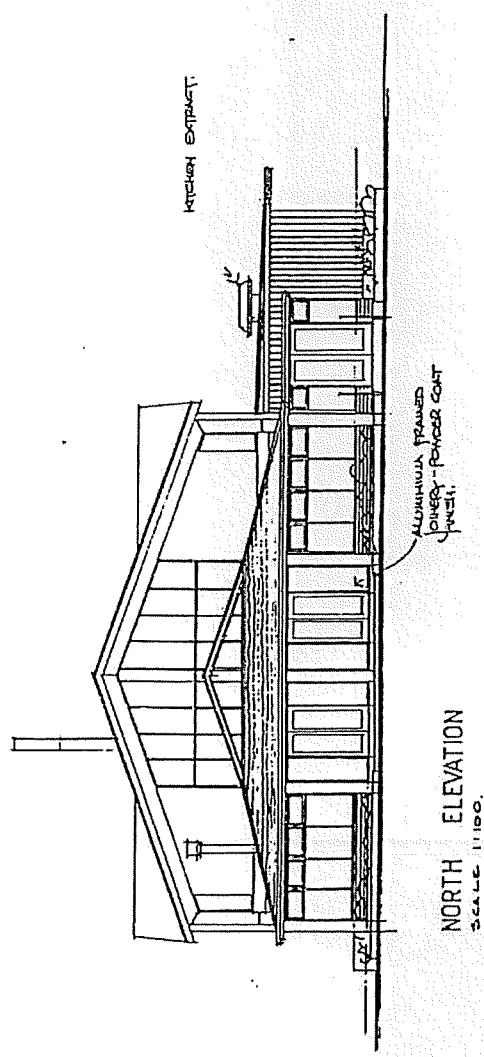
NEW FLOOR PLAN
SCALE 1"=100'

ALTERATIONS & ADDITIONS TO OROKONUI COMMUNITY CENTRE

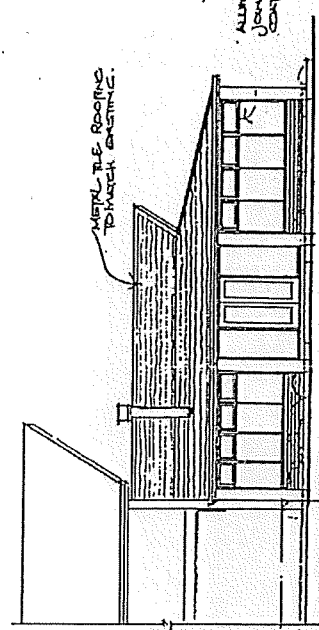
JOHN VARNEY ARCHITECT	REVISIONS	DATE	JULY 1996
BY: [Signature]		JOB NO	3192



WEST ELEVATION
SCALE 1:100.



NORTH ELEVATION
SCALE 1:100.



PART EAST ELEVATION
SCALE 1:100.

APPENDIX E.3

ALTERATIONS & ADDITIONS TO OROKONUI COMMUNITY CENTRE		REVISIONS	DATE	JOB NO.
JOHN VARNEY H E & S (ARCH) LTD CITY ENGINEERING DIVISION, 602 M.L.S.D.			July 1996	3192

Decision No: C 9 /97

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of an appeal under section 120
of the Act

BETWEEN SILVERPEAKS TAVERN
LIMITED

Appeal : RMA 739/96

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

His Honour Judge Skelton - (Sitting alone pursuant to section 279 of the Act)

HEARING at DUNEDIN on the 3rd day of February 1997

APPEARANCES

Mr P. Gurnsey representing the appellant
Mr J.G. Butler for the respondent

RECORD OF DETERMINATION OF APPEAL

This appeal under section 120 of the Act arises out of a decision issued by the respondent on 16 September 1995 granting the appellant's application for land use consent to establish a tavern on the grounds of the Orokonui Holiday and Recreation Park Limited at Waitati. The appeal was against two conditions to be attached to this consent, namely condition 1 limiting the use of the hall presently on the site and condition 3 limiting the hours of operation.



In an interlocutory decision issued on 4 December 1996 I determined that the consent should commence on that date pending the outcome of the appeal - see Decision No: C85/96.

This matter was set down for call at Dunedin on 3 February 1997. When it was called that day appearances were entered as set out above. There was no appearance by or on behalf of any other person who might have had an interest in these proceedings, and I was advised that no submitters had given notice of intention to be heard pursuant to section 271A of the Act.

The appellant and the respondent have reached agreement about the way in which this appeal may be determined by consent. The appeal is to be disallowed in respect of condition 1 which is to remain unchanged. Condition 3 is to be deleted and replaced by the following:

"That the hours of operation for the sale and consumption of alcohol at the bar/restaurant and function hall be limited to the following: Monday-Wednesday 9.00 am to 10.00 pm; Thursday 9.00 am to 11.00 pm; Friday-Saturday 9.00 am to 12.00 midnight; Sunday 9.00 am to 12.00 pm."

Having regard to the foregoing, these proceedings are now determined in the following way:

1. There being no opposition, this appeal is allowed to the extent necessary to delete condition 3 of resource consent no. 960462 as proposed by the respondent and replace it with a new condition 3 as set out above. In all other respects, the appeal is disallowed and the respondent's decision is confirmed.



2. There will be no orders for costs.

DATED at CHRISTCHURCH this 10TH day of February 1997.




P.R. Skelton
Environment Judge

Reference: Dev 100/62 Orokonui Rd/RMA20000189
Enquiries to: Jo Harvey
Direct phone: 474-3564

26 April 2000

DG Hatfield & Associates
PO Box 235
DUNEDIN

Attention: Geoff Bates

Dear Sir

RESOURCE CONSENT: 2000/0189
APPLICANT: Orokonui Holiday & Recreation Park Ltd
ADDRESS: 62 Orokonui Road, Waitati
LEGAL DESCRIPTION: Section 89 and Part Section 88 Block I North Harbour & Blueskin SD

Thank you for your letter dated 7 March 2000 submitting a subdivision consent application at 62 Orokonui Road, Waitati. Your application was considered under delegated authority by the Team Leader - Consents on 26 April 2000.

THE APPLICATION

Subdivision consent is sought for the creation of three allotments from the land held in Certificate of Title 18A/413, known as the Orokonui Holiday & Recreational Park.

The land is the site of the former Orokonui Hospital Complex and was purchased by the applicant in 1984 with the intention to develop the site into a Holiday Park. The site incorporates the former hospital buildings and housing and includes sealed roadways, landscaping, effluent and water reticulation and an effluent disposal plant.

A comprehensive application for subdivision and land use consents was lodged in 1999 (990846 & 990847). These applications have subsequently been withdrawn some way through the consent process.

A simplified application has now been submitted with the possibility that a future owner may resubmit the 1999 proposal at a later date.

Lot 1 is to contain the existing rest home/hospital on a site of 2.82ha. Lot 2 is a 1.93ha parcel containing the former bowling green pavilion and is to be amalgamated with the adjacent CT 18A/412. Lot 3 is the remaining 19.79ha from CT 18A/413 and includes all remaining facilities of 'Orokonui Park'.

DECISION

*Under delegated authority and pursuant to Sections 34(4) and 105(1)(c) of the Resource Management Act 1991 and after having regard to Section 104 of the Act, the Dunedin City Council **grants** subdivision consent to the non-complying subdivision activity being the creation of Lots 1, 2 and 3 at 62 Orokonui Road, Waitati, legally described as Section 89 and Part Section 88 Block I North Harbour & Blueskin SD (CsT 18A/412 and 18A/413), subject to the conditions imposed below in accordance with Sections 108 and 220 of the Resource Management Act 1991:*

- 1 That the subdivision activity shall be undertaken in accordance with the *DG Hatfield & Associates* Plan No. 6230/3c (drawn 2/00) and specifications submitted with the application dated 7 March 2000.
- 2 That prior to approval of the survey plan pursuant to Section 223 of the Resource Management Act 1991, the applicant shall ensure the following:
 - a) The following amalgamation conditions shall be endorsed on the survey plan:
 - (i) “That Lot 2 hereon be transferred to the owners of Lot 1 DP 25982 CT 18A/412 and that one Certificate of Title be issued to include both parcels; and
 - (ii) “That Lot 3 hereon and Section 89 Block I North Harbour and Blueskin SD balance CT 18A/413 be held in the same Certificate of Title. (See CSN 985819.1)”
 - b) Easement ‘B’, as shown on the application plan, shall be reserved and shown on the survey plan in a Memorandum of Easements.
 - c) Any other appropriate easements shall be included in the Memorandum of Easements to ensure they are duly granted or reserved.
- 3 That prior to certification pursuant to Section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:
 - a) Consent notices shall be registered on the certificates of title for Lots 1, 2 and 3 for the following ongoing condition:
 - (i) That any application for building consent on Lots 1-3 shall be accompanied by a report from a suitably qualified person confirming the stability of the site.
 - b) The consent notice for Lots 1 and 3 shall include an ongoing condition regarding the supply of water to Lot 1 from the owners of Lot 3. The wording of this consent notice shall be approved by the Water Manager, Dunedin City Council, provided that it clearly states how Lot 1 is to pay for water used and its share of the cost of operating and maintaining the private water system.
 - c) The consent notice for Lot 3 shall include the following ongoing condition:
 - (i) That foul effluent from the site is not discharged outside the boundaries of Lot 3.

A copy of the approved plan is enclosed.

ADVICE NOTICES

Foul effluent is currently disposed of on-site, following treatment, as authorised by Discharge Permit 96296. If the allotments are sold the Otago Regional Council recommends some form of agreement be entered into to ensure the ongoing maintenance and management of the effluent system occurs. Furthermore, the consent holder should advise the Otago Regional Council of the legal description of the land upon which the discharge occurs to allow the Regional Council to amend its records accordingly.

The Otago Regional Council also advises that any further development at the site may mean current discharge and water permits may not be able to be complied with. The Regional Council requests that it be informed of any future development at the Orokonui site.

RESOLUTION

The Council resolves, pursuant to Section 321(3)(c) of the Local Government Act 1974, that access is available to Lot 3 via an existing right of way easement running with the land and the provisions of Section 321(1) do not apply.

A copy of the formal document will be available when the Council is advised of the deposited plan number.

REASONS FOR DECISION

The site is zoned **Rural F** in the Silverpeaks Section of the Transitional District Plan. The *subdivision* proposal is a **non-complying** activity in terms of this Plan in accordance with Ordinance 11.8(a)(i) as the allotments do not constitute independent economic farm units.

The site is zoned part **Residential 5** and part **Rural** in the Proposed District Plan. The proposal is a **non-complying** activity in terms of this Plan in accordance with Rules 18.5.1(i) and 18.5.2. Lot 1 is almost totally zoned Residential 5. A small portion of Lot 1 and the remainder of the site is zoned Rural. Lot 2, zoned Rural, is less than 15ha in area. Lot 2 is to be amalgamated with the adjoining CT 18A/412, nonetheless the amalgamated site will still only be approximately 3.5ha. As such, the proposal is a non-complying activity.

The Planner (Policy) has no concerns with the creation of Lots 1 and 3 as they comply with the minimum requirements of the Residential and Rural Zones of the Proposed District Plan respectively. Lot 2 is smaller than the minimum requirement of 15ha. However, as Lot 2 is to be amalgamated with an existing undersized allotment, the proposal has the effect of lessening the degree of non-compliance of both lots. The Planner (Policy) advises that future applications to subdivide or erect additional dwellings will not be supported by the policies of the Proposed District Plan.

The property has not been utilised for rural purposes for some time. Land is not to be removed from rural production as part of this proposal.

The Technical Services Engineer, City Consultants, advises that the Orokonui area is not known to have problems with erosion or slippage. Slopes in excess of 15° should however, be subject to investigation prior to development. Soils comprise silt loam (loess) resting over volcanic rock (typically basalt). Consent notices are therefore to be registered on the certificates of title for the allotments advising that a report from a suitably qualified person confirming the stability of the site will be required at the time of building consent.

An asbestos dump site is located on Lot 3. Apparently asbestos was removed from a former hospital building prior to its demolition and was deposited there in accordance with an Otago Regional Council consent. It is considered that the conditions of Otago Regional Council Land Use Consent 97463 are adequate to control the presence of this hazard.

The Planning Engineer, Water Business Unit, advises that the site is served by a private water scheme. Part of Lot 1 is within the boundary of the Waitati Water Scheme and is also zoned Residential and a restricted water supply could be made available if required. The Planning Engineer recommends the reservation of Easement B, as shown on the application plan, by including it within a Memorandum of Easements so as to secure the existing water supply and fire fighting capacity on Lot 1. Consent notices are required to be registered on the titles of Lots 1 and 3 to secure the water supply to Lot 1 from the owners of Lot 3. These consent notices are to clearly state how Lot 1 is to pay for water used and its share of the maintenance of the private water system.

The application was forwarded to the Otago Regional Council for comment. The Regional Council has not identified any concerns with the application but has highlighted various side

issues that have been brought to the applicant's attention in the form of advice notices contained within this decision. The Regional Council confirms that Orokonui's effluent is land disposed at the site, following treatment, as authorised by discharge permit 96296. The Regional Council comments on the applicant's statement that the sewer main has been "trouble free". A problem with the effluent treatment system caused untreated effluent to discharge into Waitati Bay at the end of 1999. Furthermore, there have been problems with the consent holder meeting the effluent quality conditions of their discharge permit. However, the Regional Council considers that if the treatment system is maintained and operated appropriately these problems will not occur.

Council's Environmental Health Officer is satisfied that the proposed subdivision is likely to have any adverse effects on public health, providing the Otago Regional Council's discharge permit conditions are adhered to. No discharge of effluent is to occur outside the boundaries of Lot 3. This ongoing condition has been imposed as a condition of this consent by way of a consent notice registered on the title for Lot 3.

As the site is served by a private sewerage scheme, Waste Services has no issues with this proposal.

The Transportation Planner is satisfied that the proposal will not significantly alter the existing traffic and parking situation. Each lot has access to a legal road and the ability to deal with the traffic effects on the site. Lot 1 has its own access off Hill Street and an internal roading system with the ability to provide a good deal of parking. Lot 2 is to be amalgamated with the adjoining CT 18A/412 that gains access from Orokonui Road. Lot 3 has its own roading system and is able to provide adequate parking on the site.

Lot 3 is effectively landlocked and a resolution is required from the Council to confirm that access is available to the site via a right of way. This right of way is a conditional easement and cannot be removed without reference to Council.

The Proposed District Plan indicates an esplanade provision is required for a water body that runs through the site. As part of the comprehensive subdivision and land use application submitted in 1999, it was requested that consideration be given for a waiver of the esplanade reserve requirement in this instance. The application was forwarded to the Department of Conservation (DoC) for comment in this regard. These comments remain applicable for the current application, in which the applicant again requests consideration of a waiver.

DoC advises that the gully in question does not contain a permanent waterway and only carries runoff during periods of heavy rain. No fishery values were identified during a site visit. Due to the lack of fishery values and limited potential for recreational use of this area, the Area Manager of the Coastal Otago Area Office does not consider esplanade provisions to be necessary.

The Building Safety Officer has no requirements for this consent.

The Registrar General of Lands has approved the amalgamation conditions.

No reserves contribution is levied in this instance as the proposal does not create additional allotments available for residential development. The proposal recognises the existing occupation of the land. The application does not state that the allotments are created for residential purposes.

DURATION OF CONSENT

It is brought to your attention that under the terms of Section 125 of the *Resource Management*

Act 1991, this consent shall lapse if effect has not been given to it within two (2) years, unless Council has granted an extension of time.

OTHER NECESSARY CONSENTS

It is brought to your attention that this resource consent is for **subdivision only**. Any activity which would otherwise contravene Section 9 or Section 13 of the *Resource Management Act 1991* requires a further **land use consent**. A separate application for Building Consent may also be required in terms of the *Building Act 1991* before any work is undertaken on the site.

RIGHTS OF APPEAL

In accordance with Section 357 of the *Resource Management Act 1991* you may seek a review of this decision or any of its conditions within fifteen (15) working days of the decision being received by applying to the Dunedin City Council Hearings Commissioner.

Application for review must be in writing and must be lodged with the required \$112.50 **deposit** fee. Under the new Resource Management Application Charges 1 July 1999-30 June 2000, applicants will be charged for the actual costs of the services.

Applications should be addressed to:

The Planning Administrator
City Planning
Dunedin City Council
P O Box 5045
DUNEDIN

Yours faithfully

Jo Harvey
Planner

Encl.

2 October 2012

Scott & Butson Estate Ltd
C/- Geoff Bates
Terramark Ltd
PO Box 235
Dunedin 9054

Dear Geoff

**APPLICATION FOR ESPLANADE STRIP WAIVER: SUBDIVISION: SUB-2012-66
62 OROKONUI ROAD
WAITATI**

Your application for the waiver of the esplanade strip requirement for the subdivision of 62 Orokonui Road, Waitati being the site the former Orokonui Hospital, pursuant to sections 77 and 230 of the Resource Management Act 1991, was heard by the Hearings Committee, comprising Colin Weatherall (Chairperson), Andrew Noone, and Jinty McTavish, on 25 September 2012.

The Hearings Committee has **agreed** to the waiver of the esplanade strip in regard to the subdivision consent SUB-2012-66. The full text of this decision appears on page 2.

DESCRIPTION OF ACTIVITY

Resource consent is sought for the staged subdivision of the land at 62 Orokonui Road, Waitati. The subject site is legally described as Lot 3 DP 302886 and Section 89 Block I North Harbour & Blueskin Survey District, held in CFR 11110, and has an area of 19.6.250ha. The subject site is the location of a former hospital, and has a number of buildings (some institutional) distributed around the site amongst mature trees and pasture.

The proposed is to subdivide in two stages. Stage 1 will create Lots 1 (7005m², containing a two storey house), Lot 3 (10.8ha, containing the former nurses home; beds for 80), and Lot 2 (8.1 ha). At Stage 2, Lot 2 is to be subdivided into Lot 4 (2.9ha, chapel, community hall centre, restaurant & bar, residential accommodation, former play-centre, and one bedroom apartment), Lot 5 (2.8ha, barn and a villa/workshop), Lot 6 (6220m², two residential dwellings), Lot 7/8 (5500m² + 9000m², single storey dormitory used for residential activity and tennis court), and Lot 9 (5500m², dormitory building converted into two residential units). A balance area, Section 89 (1107m²) contains the existing sewage treatment plant.

The applicant notes that there are no waterbodies on the site, but the District Plan shows an esplanade requirement through the site. The alignment of this waterway coincides largely with an existing gully through the property but the applicant notes that no watercourse of any consequence exists. Accordingly, due to the lack of any fishery values or public recreational purpose, the applicant has requested that the Council not require an esplanade strip or reserve in this case. Furthermore, both the water take from the adjacent Orokonui Stream and the effluent discharge to land are controlled by the existing Otago Regional Council consents, with conditions imposed to safeguard the downstream biota and sensitivity of the receiving environment respectively.

The Hearing and Appearances

The following people were in attendance at the hearing.

Geoff Bates (Surveying Consultant) represented the applicant.

Council staff: Lianne Darby (Handling Officer), John Sule (Senior Planner, Advisor to Committee), Lynn Robins (Governance Support Officer), Dolina Lee and Paulien Leijnse (Parks and Recreation Services).

Procedural Matters

There were no procedural matters raised.

Summary of Evidence Heard

Mrs Darby provided a brief summary of her report and the proposed subdivision. She advised that the District Plan required an esplanade strip along the edge of the subject waterway, except where the new lots were greater than 4.0ha when an esplanade strip would be discretionary. The question of an esplanade reserve or strip had been previously assessed in 2000 by the Department of Conservation which, due to the lack of fishery values and limited potential for recreational use of the waterway, had not considered an esplanade reserve or strip necessary. Mrs Darby recommended that no esplanade strip be taken on this occasion, and recommended that the Committee consider waiving Council's rights to any esplanade along this section of waterway in the future.

Mr Bates addressed the Committee, expressing his disappointment that the esplanade strip matter had come again after being waived in 2000. Mr Bates noted that the stream served a small catchment of approximately 10ha, and that it only flowed during substantial rainfall. He supported the planner's recommendation to waive in perpetuity. He also requested that all costs associated with the hearing and planner's report regarding the esplanade strip waiver be dismissed. Mr Bates responded to questions from the Committee. The Committee advised Mr Bates that costs were an issue for the Resource Consents Manager to decide.

Mr Sule advised the Committee that he was unsure whether an esplanade strip requirement could be waived in perpetuity. It was more suitably addressed through the changing of the District Plan.

Mrs Darby had nothing more to add, and recommended that the esplanade strip be waived in perpetuity.

DECISION

That the esplanade reserve requirement for SUB-2012-66 for 62 Orokonui Road, Waitati, as required by sections 77 and 230 of the Resource Management Act 1919 and the Dunedin City District Plan Rule 18.5.4, be waived in regards to this subdivision proposal only.

REASONS

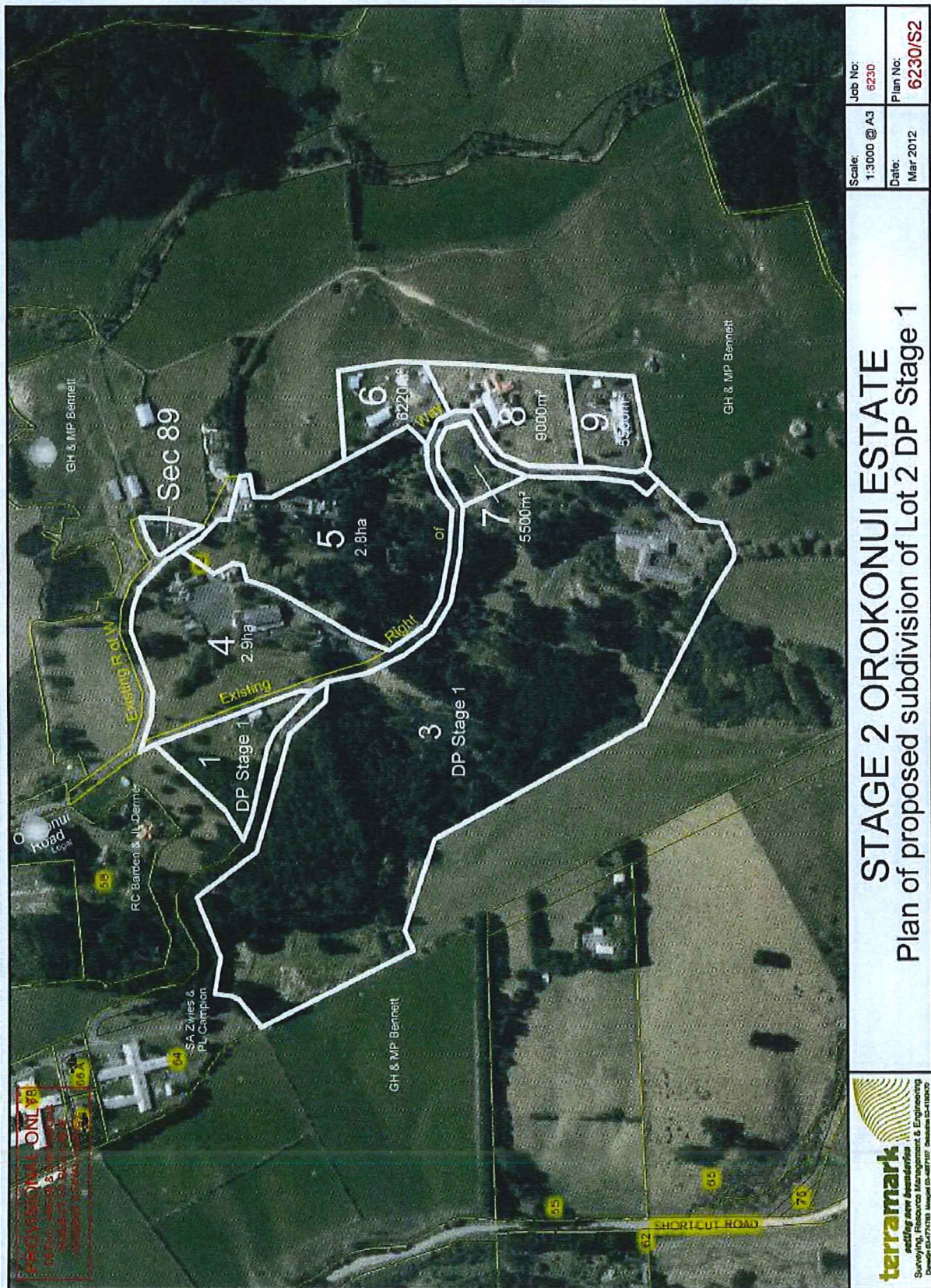
The Hearings Committee considered that the waiving of the esplanade reserve requirement is appropriate in these circumstances for the following reasons:

1. The Committee agree with the applicant that the subject watercourse has few values where there would be any real benefit from having an esplanade strip or reserve along its banks. The Committee also notes that the Department of Conservation previously considered the matter, and likewise did not see benefit in creating an esplanade strip or reserve.
2. The Committee considers that the determination of esplanade reserve or strip requirements is an aspect of the processing of subdivision consents along specified waterways, and that due process must be followed. Therefore, the fact that this waterway had previously had its esplanade reserve or strip requirements waived did not mean that it was unreasonable to revisit the issue as part of the next subdivision

proposal. Furthermore, the Committee wished to retain the opportunity to revisit the matter of esplanades for this watercourse in the future as watercourses had the potential to change their nature in response to changes in ground water levels. Therefore, the waiving of the esplanade strip and reserve requirements was specific to Stages 1 and 2 of this subdivision proposal.

Yours faithfully

Colin Weatherall
CHAIR



Current legal users:

- 1? 58 Orokonui Road: Hendrik Jan Visser
Jaimee Visser
- 1 60 Orokonui Road: Andrea Joy Newman,
Michael Peter Stringer
Grant Rae Trustee Ltd
- 1 64 Orokonui Road: Paul Leslie Campion
Shirley Ann Zwies
- 1 66 Orokonui Road: Russell Stuart Wall
Susan Alison Mary Wall
- 1 66A Orokonui Road: Moira Joy Crossman
- 8 68 Orokonui Road (eight flats):
Matthew Ian Lewis Isabel Caroline Smith (1) & (2)
Damian Rhys Bertanees, Donna Michele Miller (3)
Julien Robert Connell (4)
Quinta Wilson (5)
John Robertson Bentham (6)
Bonnie Fowler, Craig Michael Fowler (7)
John Robertson Bentham, Kay Marie Bentham (8)
- 5 80 Orokonui Road: Carole Anne Scott, Christopher James Scott
- 6 90 Orokonui Road: Scott and Butson Estate Ltd
Lot 4: 3 units (corresponding with Lots 41, 44 and family flat)
Lot 5: 1 unit
Lot 6: 1 unit
Lot 7/8: 1 unit
Total: actual or consented - 6 units.
- 2 90D Orokonui Road: Scott and Butson Estate Ltd
- 1 3 Chevilode Street: Graeme Henry Bennett, Marie Patricia Bennett

27 actual or consented users.

15 likely users (units)

Additional proposed users:

Proposed Lots 42, 43, 51, 52, 71 & 82.