

BEFORE DUNEDIN CITY COUNCIL

IN THE MATTER of the Resource
Management Act 1991
(the RMA)

AND

IN THE MATTER an application for
resource consents by
BC Alexander and MA
Wilkinson for
subdivision and land
use at 46 District
Road, Roseneath, SUB
2018-67, LUC 2018-
357

DECISION OF COMMISSIONERS APPOINTED BY DUNEDIN CITY COUNCIL

15 MARCH 2019

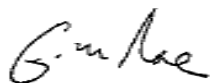
Commissioners:

Gary Rae (Chair)
Ros Cleavin-Day
Colin Weatherall

DECISION

1. Having carefully considered all the relevant reports and documentation supplied with the application, submissions received, along with expert evidence, and the s. 42A report presented to us during the course of the hearing, we have resolved to **grant consent** to the applications for resource consent for subdivision and land use consent at 46 District Road, Roseneath, **with conditions** set out in Section 12 of this Decision report. Our report, including reasons for the Decision, follows.

Dated this 15th day of March 2019

A handwritten signature in black ink, appearing to read 'G. m. Rae'.

Gary Rae, Commissioner (Chair)

Ros Cleavin-Day, Commissioner

A handwritten signature in black ink, appearing to read 'Ros Cleavin-Day'.

Colin Weatherall, Commissioner

1 INTRODUCTION

1.1 Background

- [1] BC Alexandra and MA Wilkinson (***the Applicant***) have made applications to subdivide the land at 46 District Road, Roseneath, into two new lots with residential activity to be established on both new lots.
- [2] A resource consent application was lodged with Dunedin City Council (***DCC***) and was publicly notified on 22 September 2018. Two neutral submissions were received, with both submitters requesting conditions be placed on the consents.
- [3] A table outlining the submitters, and their comments and requests is attached to this Decision report as ***Appendix 1***.

1.2 Hearing Procedures/Attendances

- [4] The hearing was held in the Edinburgh Room at the Dunedin City Council on 22 February 2019.

An independent panel of Commissioners, comprising ***Gary Rae (Chair), Ros Cleavin-Day, and Colin Weatherall*** was appointed by the DCC to hear submissions and make a decision on the applications.

- [5] The following staff were in attendance at the hearing:
- ***Phil Marshall***, Senior Planner/ advisor to the Commissioner
 - ***Wendy Collard***, Governance Support Officer
 - ***Lianne Darby***, Reporting Officer - Planner
 - ***Peter Christos***, Urban Designer
 - ***Logan Copland***, Graduate Planner – Transport
- [6] Appearances for the Applicant were by:
- ***Simon Jenkin***, surveyor/agent
 - ***Brian Alexander*** and ***Margaret Wilkinson***, the Applicants
- [7] The two submitters did not appear at the hearing. A letter was tabled from ***Fire and Emergency New Zealand (FENZ)*** elaborating on its submission and the conditions it wished to be imposed on any consents issued. ***Mr Peter Petchey*** advised the Governance Support Officer prior to the hearing that he would not be able to attend.

[8] The hearing closed on 22 February 2019.

1.3 Procedural Matters

[9] No procedural matters were raised at the hearing.

2 THE APPLICATIONS

2.1 The proposal

[10] The subdivision application is to subdivide a 4.9 hectare rural property at 46 District Road into two lots. Proposed Lot 1 is 3.4 ha, containing the existing house and access. Proposed Lot 2 is a rear site of 1.5 ha, which will obtain access over a right of way from the existing access to Lot 1. A further right of way is proposed over Lot 1, in favour of Lot 2, to provide access to pedestrians down to the beach.

[11] The land use consent application is to erect a dwelling on proposed Lot 2. An indicative building platform for the new dwelling is shown on the application plans in a location and it is located some 15 metres from the new boundary between Lots 1 and 2.

2.2 The site and location

[12] The site is a small property on the coastal edge of the Roseneath promontory, Otago Peninsula. It is situated in an isolated pocket of six small rural properties with dwellings, none of which are actively used for farming. This pocket of land is situated between the residential settlement of Roseneath to the north and the Otago Harbour.

[13] The site has an irregular boundary along its southwest and southeast sides which follows legal road or esplanade reserve along the coastal edge. An existing gravel driveway opposite Clyde Street leads to the existing residential dwelling on the site, approximately 225 metres from the road. The site slopes steeply upwards from the coastal edge, with the house situated on the ridgeline in the most seaward position available on gently sloping ground.

[14] The existing dwelling resulted from a resource consent granted in 2004¹.

¹ RMA:2004-0516

3 ACTIVITY STATUS

- [15] **Ms Darby**, in her section 42A Report, noted that there are two district plans to consider, the Operative Dunedin City District Plan (“ODP”) and the Proposed Second Generation Dunedin City District Plan (“2GP”). The subject site is zoned Rural with respect to the ODP, and Rural Residential 1 with respect to the 2GP.
- [16] Decisions were released on the 2GP on 7 November 2018, and appeals have been lodged with respect to many of those decisions. **Ms Darby** said that, in these circumstances, the rules of both plans need to be taken into account for assessing this proposal.
- [17] In response to questions **Ms Darby**, assisted by **Mr Marshall**, Senior Planner, advised us that there was one generic appeal relating to the Rural Zone provisions (which also raises infrastructure issues), but there were no specific appeals lodged with respect to the zoning of the subject site in the 2GP as Rural Residential 1. The section 42A Report notes that the rule which determines minimum site size and the discretionary activity status of subdivisions is under appeal. Ms Darby’s view was that, in these circumstances, weighting should lie predominantly with the Operative District Plan.
- [18] On that evidence, we consider that whilst there may conceivably be some change to the minimum site size rule from the appeal process, the proposed zoning of this site as Rural Residential 1 seems very unlikely to change as a result of resolution of a more generic appeal. We have however taken a conservative approach and have considered the relevant provisions from both plans in our determination of the issues.
- [19] The section 42A Report describes the zoning and activity status of the application as follows:

ODP

- Rural Zone
- The subdivision is a Non-Complying Activity, as the resultant lots are less than 15 ha.
- The existing dwelling on Lot 1 and the proposed dwelling on Lot 2 will be a Non-Complying Activity, as they are on sites of less than 15 ha.

2GP

- Rural Residential Zone
- The subdivision is Discretionary, as one site is less than 2 ha, but the sites are at least 75% of the minimum site size and will average more than 2 ha.
- The residential use of the new lots is a Permitted Activity as all relevant performance standards are able to be met.

[20] Overall, the proposed subdivision and the proposed land use both need to be considered as a Non-Complying Activity.

4 STATUTORY REQUIREMENTS

[21] The proposal is to be considered pursuant to sections 104, 104B and 104D of the RMA.

[22] In terms of section 104D consent may be granted for a non-complying activity only if either:

(a) *The adverse effects of the activity on the environment ... will be minor; or*

(b) *The application is for an activity that will not be contrary to the objectives and policies of ... the relevant plan, ...*

[23] Section 104B enables us to grant or refuse consent to a non-complying activity and if granted, to impose conditions of consent. Section 104(1) of the RMA outlines the matters that we must have regard to when making our decision. The following sections address these matters.

5 EFFECTS ON THE ENVIRONMENT

5.1 Context

[24] A wide range of effects on the environment were assessed in the section 42A Report, based on the relevant rules and assessment matters in the ODP and the 2GP for subdivision and dwellings in the Rural and Rural Residential Zone.

[25] **Ms Darby's** assessment on those matters was, for the most part, not in dispute by any parties to the application. There were no submissions in opposition. The two submissions were neutral, and sought conditions be imposed on the consent on

specific matters of interest, to do with retaining some mature trees to maintain the amenity of a neighbour (**Mr Peter Petchey**); and the provision of suitable water supply for fire-fighting capability.

- [26] We are satisfied that **Ms Darby's** assessment of effects, which was assisted by advice from Council's staff in specialist areas, was very comprehensive and we concur with that assessment. Accordingly, we are prepared to adopt her evidence on what we consider are the key environmental effects, as summarised briefly below.

5.2 Landscape

- [27] While the existing dwelling was prominent when built, the plantings established as part of the 2004 dwelling consent have mitigated this effect. We were impressed with **Ms Wilkinson's** account of the efforts made by the applicants to establish this planting. A new dwelling on any of the available building areas on proposed Lot 2 will not be prominent to views due to the separation, topography and existing vegetation on the site.
- [28] We accept that the existing character of the area is not typically rural due to the presence of several small size rural allotments with dwellings. **Mr Christos**, DCC Urban designer, advised us that the development will not significantly alter the natural character of the site and its surrounds.
- [29] The applicant has volunteered conditions requiring a consent notice to be registered on the new title of Lot 2 for a landscape plan to be prepared and additional screen planting implemented for the new dwelling. A condition requiring a new dwelling to meet all relevant bulk and location rules in the district plan in force at the time has also been accepted by the Applicant.
- [30] We note the concerns in **Mr Petchey's** submission regarding the need to protect the tall trees along the northern boundary. However, the evidence of **Mr Jenkins**, surveyor for the Applicant, was that the line of trees is not on the subject site and therefore we have no ability to protect these trees as part of this consent. In any event, **Mr Christos** said these trees are only one mitigating factor and the effects of the proposal can be mitigated in other ways.

5.3 Amenity values

- [31] Amenity values may be determined with respect to what is on the ground, and also by the expectations provided by the zoning of a site and surrounds.

- [32] Whilst zoned Rural in the ODP the site is part of a pocket of land which has much more of a rural-residential character. Even after subdivision, as proposed, the resultant sites will be larger than, or of similar size to, the adjacent properties.
- [33] This was recognised by the 2GP Hearings Panel in its decision to rezone this small pocket to Rural Residential 1. We note that no appeals have been lodged specific to the decision to rezone this enclave of anomalous zoning, and therefore considerable weight can be given to this when determining the amenity values anticipated by the zoning for this area.
- [34] Through the submission process the only concern to be raised on amenity was to do with the protection of the tall trees near the northern boundary, which was addressed in our decision report under 'Landscape'.
- [35] We consider an amenity benefit of this application is the volunteered easement to provide a walkway over Lot 1 for the benefit of owners of Lot 2 down to the beach.

5.4 Conflict and Reverse Sensitivity

- [36] The proposal would result in one additional dwelling in this area, on a new lot. This may normally create a potential conflict, or reverse sensitivity, issue in a Rural Zone. However, in this instance the site is in an enclave of small rural residential sized allotments and there is no active farming, or realistic potential for farming to occur, and so the potential for reverse sensitivity issues to arise is low.

5.5 Transportation

- [37] The proposed subdivision will result in one additional allotment with a dwelling, using the existing entranceway onto District Road.
- [38] **Mr Copland**, DCC's Graduate Planner – Transport, gave evidence that the impacts of the proposed development on the transport network will be no more than minor, subject to standard conditions relating to width and formation of the right of way.

5.6 Infrastructure

- [39] The proposal is for the new Lot 2 to be self-serviced for wastewater and stormwater disposal, and with rainwater storage tanks for domestic and fire-fighting supply. Wastewater is proposed to go to a septic tank.

[40] The DCC's 3 Waters department assessed the application in terms of the current rural zoning of the site, noting that if the new owners of Lot 2 seek a connection to the urban water supply they will need to apply to DCC for an 'extraordinary supply', which requires metering and other measures. Conditions on this and other aspects of infrastructure were recommended.

[41] **Fire and Emergency NZ's** submission requested conditions relating to storage of water for firefighting and access for firefighting appliances, and these were all supported by **Ms Darby**, and were accepted by the Applicant.

5.7 Other effects

[42] We accept and adopt **Ms Darby's** evidence with respect to the other identified effects of the activity, including earthworks; hazards; physical limitations; sustainability; and cumulative effects.

6 REGIONAL POLICY STATEMENTS AND PLANS

[43] **Ms Darby** assessed the proposal against the operative Regional Policy Statement for Otago 1998, as well as the proposed Regional Policy Statement for which decisions are currently under appeal but the relevant provisions can be given significant weight.

[44] Her evidence was that the proposal is consistent with all relevant provisions of the operative RPS, and many of the relevant provisions of the proposed RPS with the exception of Objective 5.3 and Policy 5.3.1 to do with ensuring sufficient land is managed and protected for economic production.

[45] We accept that evidence, noting also that in our overall evaluation the objectives and policies concerning economic rural production will have limited relevance in terms of the current land holdings and the imminent zoning of the site for rural residential purposes.

7 OBJECTIVES AND POLICIES OF DISTRICT PLANS

- [46] **Ms Darby's** section 42A Report provides a very comprehensive assessment of the relevant objectives and policies of both the ODP and the 2GP.
- [47] Her assessment was that the proposal is consistent with many of the objectives and policies of the ODP, and the 2GP, to do with manawhenua, infrastructure and servicing, amenity, sustainability, conflict and reverse sensitivity, and natural resources. Her evidence was that it is inconsistent with the policies on rural productive worth, and natural and physical resources, and is contrary to Policy 17.2.4.3 relating to the subdivision of Rural Residential zoned land into large lot residential sites under the 2GP.
- [48] **Ms Darby's** overall assessment was that the proposal is consistent with the objectives and policies of both the ODP and the 2GP.
- [49] We substantially agree with **Ms Darby's** evidence on objectives and policies. However, we do not consider the proposal is contrary to any of the policies in the 2GP, noting that the resultant lot sizes and the additional dwelling will be consistent with the pattern of development anticipated in terms of the Rural Residential 1 zoning under the 2GP. The proposed zoning in the 2GP as notified was confirmed by the decision of the Hearings Panel and is not subject to direct appeal.

8 DECISION MAKING FRAMEWORK

- [50] We consider it is not necessary to assess the proposal in terms of Part 2 of the RMA, as the relevant objectives and policies are very recent and we have found the proposal is consistent with those.
- [51] However, we acknowledge and accept **Ms Darby's** evidence that the proposal is, overall, consistent with Part 2.
- [52] In terms of Section 104(1)(a) we have found that the proposal will have less than minor adverse effects on the environment.
- [53] In terms of Section 104(1)(b) we have found the proposal is, overall, consistent with the relevant provisions of the operative and proposed RPSs, and the ODP and the 2GP.

- [54] Section 104(1)(c) requires the consent authority to have regard to any other matters relevant and reasonably necessary to determine the application.
- [55] **Ms Darby's** evidence was that we can consider consistent administration and interpretation of the district plan under this section. She said that case law generally applies a 'true exception' test to applications for a Non-Complying activity. She said that the application is not a true exception in terms of the ODP, but that it is consistent with the proposed Rural Residential 1 zoning under the 2GP and so the true exception test would not apply.
- [56] We consider that, even under the ODP, the proposal does have exceptional factors including the nature and characteristics of the site which is in an enclave of small fragmented allotments, adjacent to a residential area and separated from the wider Rural Zone. This was recognised also by the 2GP Hearings Panel in its decision to retain the Rural Residential 1 Zoning proposed in the notified version of the 2GP. That decision noted the Rural Zoning of 46 District Road is an anomaly in that it is surrounded by properties that are all at Rural Residential 1 scale.²
- [57] In these circumstances we consider there is no issue of plan integrity at stake.
- [58] In terms of Section 104D, we accept the evidence of **Ms Darby** that overall the proposal passes both 'gateway tests'.

9 CONCLUSION

- [59] For all of the reasons outlined above we consider the proposal meets all the statutory requirements for consideration of a Non-Complying activity, and accordingly grant consent subject to conditions outlined below.

10. CONDITIONS

SUB-2018-67

1. *The proposal shall be given effect to generally in accordance with the plan prepared by Simon Jenkin entitled, 'Lots 1 & 2 Being Subdivision of Lot 1 DP 23139 46 District Road, Roseneath, Dunedin,' attached to this consent as Appendix 2, and the*

² Refer to 2GP decisions, Rural Residential section, decision reasons 3.8.4.3.1

accompanying information submitted as part of SUB-2018-67 received by Council on 29 June 2018, except where modified by the following:

2. Prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:
 - a) If a requirement for any easements for services is incurred during the survey then those easements shall be granted or reserved and included in a Memorandum of Easements on the survey plan.
 - b) That Right of Way A must be duly created or reserved over the existing driveway of Lot 1 in favour of Lot 2, and must be shown on the application plan in a Memorandum of Easements. The right of way must have a legal width of at least 4.5m.
 - c) That Pedestrian Right of Way B must be duly created or reserved over Lot 1 in favour of Lot 2, and must be shown on the application plan in a Memorandum of Easements. The pedestrian right of way must have a legal width of at least 2.0m.
3. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:
 - a) That a planting plan prepared by a suitably qualified landscape architect must be prepared for the purpose of screening views of the future house on Lot 2 from public viewpoints. The planting plan is to clearly show how views of the house will be screened by regularly spaced, medium-sized trees and shrubbery along the southern edge of the property. The planting plan must be submitted to rcmonitoring@dcc.govt.nz for approval, and the approved planting plan attached to the consent notice of condition 3(b) below.
 - b) That a consent notice must be prepared for registration on the title of Lot 2 for the following on-going conditions:

'That, if it is proposed to build on land steeper than 15° to the horizontal, a favourable site-specific geotechnical assessment prepared by a suitably qualified person, noting that the ground is stable and the associated earthworks will not cause instability, must be submitted to the Council with the building consent application.'

'That the residential dwelling on this site must be screened by vegetation from public viewpoints on an on-going basis in accordance with the attached planting plan, as required by Condition 3a. The screen planting must be established by the end of the first growing season following the construction of the dwelling, (or residential occupation of, whichever comes first) and must be maintained in perpetuity. With the exception of weed species, minimal vegetation should be removed from this site as part of, and following, its development.'

'Prior to the occupation of any building, on-site fire-fighting water supply must be provided in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. The Code of Practice provides for a range of options for the provision of firefighting water supply and therefore evidence of agreement with the New Zealand Fire Service on the firefighting water supply to be provided to meet the Code of Practice shall be provided to Council at the time of building consent application.'

'A firefighting connection in accordance with the New Zealand Fire Service Fire-fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is to be located within 90m of the buildings on this site. In order to ensure that connections are compatible with New Zealand Fire Service equipment the fittings are to comply with the following standards:

- a) Either: For flooded sources - 70mm Instantaneous Couplings (Female) NZS 4505, or for suction sources - 100mm Suction Couplings (Female) NZFS 4505 must be provided.*
- b) Flooded and suction sources must be capable of providing a flow rate of 25litres/sec at the connection point/coupling. The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.*
- c) The connection shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5m. Access must be maintained at all times to the hardstand area. '*

'Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1.0m above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.'

'The minimum formed width of vehicular access to each future dwelling shall be not less than 4.0m wide and have a vertical clearance of no less than 4.0m high to ensure Fire and Emergency New Zealand appliances have sufficient vehicular access to the property.'

- c) That the full length of Right of Way A must be formed to a minimum width of 4.0m and be adequately drained. The right of way must be hard surfaced from the edge of the carriageway of District Road to a distance not less than 5.0m inside the property boundary.*

Land Use LUC-2018-357

1. *The proposal shall be given effect to generally in accordance with the plan prepared by Simon Jenkin entitled, 'Lots 1 & 2 Being Subdivision of Lot 1 DP 23139 46 District Road, Roseneath, Dunedin,' attached to this consent as Appendix 2, and the accompanying information submitted as part of LUC-2018-357 received by Council on 29 June 2018, except where modified by the following:*
2. *That only one residential unit shall be established in total on each of Lots 1 and 2 SUB-2018-67*
3. *A dwelling in the position of the building platform (as shown on the application plan for LUC-2018-357) may encroach into the 40.0m side yard under the Operative District Plan to the degree provided for by, and only in the position of, the building platform. Building, however, is not confined to the building platform, and a dwelling may be constructed on Lot 2 in any position provided all bulk and location requirements, under the District Plan rules relevant at the time of building, are met (or a further resource consent will be required).*
4. *Access to a building platform on Lot 2 shall be formed to a minimum width of 4.0m and a vertical clearance of not less than 4.0m high to ensure that the New Zealand Fire Service appliances have sufficient vehicular access to the property.*
5. *A new dwelling on Lot 2 shall have an adequate fire-fighting water supply available at all times in accordance with SNZ PAS 4509:2008 in order to reduce the fire risk to the property. This can be stored in underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1.0m above ground level) which can be accessed by an opening in the top of the tank so that couplings are not required.*
6. *A hardstand area shall be formed beside the tanks of condition 3 above so that a fire service appliance can park on it, if so required.*
7. *Any additional planting required by the consent notice attached to the title of Lot 2 for a planting plan must be undertaken within the growing season following the completion of building of the new dwelling on this site. If the house is in a different position to that anticipated by the building platform included in the application, then the planting must be adjusted so as to still fulfil its purpose of screening the dwelling from public view.*

Note: the planting plan need not be applied to the precise location shown in its approved form, however the species and spacing of plants must ensure that the dwelling in its settled location will be adequately screened

ADVICE NOTES

Transportation

1. In the event of future development on Lot 2, Transport will assess provisions for access, parking and manoeuvring at the time of resource consent or building consent application.

Infrastructure

2. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
3. Private drainage issues and requirements (including any necessary works) are to be addressed via the Building Consent process.
4. Certain requirements for building on this site may be stipulated via the building consent process and are likely to include the following points:
 - Stormwater from driveways, sealed areas and drain coils is not to create a nuisance on any adjoining properties.
 - Surface water is to be managed on such a way as not to create a nuisance on any adjoining properties.
 - For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
 - As required by the New Zealand Building Code E1.3.2, surface water resulting from an event having a 2% probability of occurring annually, shall not enter dwellings. The finished floor level shall be set accordingly.

Earthworks

5. This consent does not address any earthworks associated with the development of the new lots, or the formation of any new access on legal road or within the new lots, manoeuvring areas, or retaining walls (should any be required). Should future earthworks on-site breach the performance standards of Section 17 of the District Plan or the provisions of the Proposed Plan for Earthworks – small scale, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.

General

6. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
7. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
8. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
9. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
10. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

APPENDIX 1 - SUBMISSIONS

Submitter	Support / Oppose	Reasons for submission	Wish to be heard?
1. Fire and Emergency New Zealand (Fire and Emergency NZ)	Neutral	• The submission is concerned with the provision of sufficient water supply for fire-fighting purposes which might impact on the operations of the Fire and Emergency NZ. • The decision makers have a duty to avoid, remedy or mitigate actual or potential adverse effects on the environment. • The risk of fire represents a potential adverse effect of low probability but high potential impact. • Fire and Emergency NZ has a responsibility under the Fire and Emergency New Zealand Act 2017 ('the Act') to reduce the incidence of unwanted fire and the associated risk to life and property. • Water supply for fire-fighting is best achieved through compliance with the <i>New Zealand Fire Services Water Supplies Code of Practice SNZ PAS 4509:2008</i> (Code of Practice). • The proposed development should take into account the operational requirements of Fire and Emergency Nz to adequately provide for fire-fighting activities to all parts of the building in a safe, effective and efficient manner as required under the Act. • The site is not serviced by reticulated water supply. Applicant has proposed a condition requiring the provision of fire-fighting water supply for Lots 1 and 2. Fire and Emergency NZ commend the applicant for the condition, subject to amendments in accordance with the Code of Practice. • Any water supply needs to be accessible by Fire and Emergency NZ. • The width of the current access is not given, and photos indicated it is narrow with a lot of vegetation on either side. Fire appliances require a minimum access width and clearance height of 4.0m (appendix A). • Submitter seeks conditions to be placed on new titles via consent notice regarding supply of water supply, connection to tank/s, position of tank/s, and access width. • Submitter seeks condition for land use consent regarding requirements for access.	Yes.
2. Peter Petchey	Neutral	• Site has spectacular views, but is located on the shady side of Roseneath hill. • The row of mature trees along the hillside above the subdivision will shade the site during winter; however, trees provide essential shelter from prevailing southerly winds for houses on District Road including submitter's own house. • Risk that new property owner will seek to have trees removed due to shading. • Removal of trees would have extreme negative effects for existing residents. • Requests condition that existing and future owners of new lots not seek redress for the shading of their property from these trees.	Yes.

APPENDIX 2 - SUBDIVISION PLAN

