

**APPLICATION FOR
LAND USE CONSENT**

John Robert Fairweather

**533 MOUNT CARGILL ROAD,
WAITATI**

Prepared By

Cubitt Consulting Ltd

February 2017

Table of Contents

Form 9 Consent Application

	Page Number
1. Description of Proposal	1
1.1 Description of Site	1
1.2 Proposed Activity	1
1.3 Status of Activity	2
2. Assessment of Environmental Effects	3
2.1 Introduction	3
2.2 Effects on amenity values	3
2.3 Landscape	4
2.4 Transportation	5
2.5 Provision for water supply and disposal of stormwater and sewage	6
2.6 Land disturbance and Hazards	6
2.7 Productive potential of land	6
2.8 Conflict and Reverse Sensitivity	7
2.9 Cumulative effects	7
2.10 Summary of environmental effects	7
3. District Plan Policy Framework	7
3.1 Sustainability	7
3.2 Rural zones	8
3.3 Transportation	9
3.4 Landscape	9
3.5 Conclusion – Objectives and Policies	9
4. Proposed District Plan	9
5. Section 104D and the “true exception” test	10
6. Affected Persons Approval and Notification	11
7. Conclusion	12

Appendices

- 1** Site plans (Included in Mike Moore's Report)
- 2** A Statutory and District Plan Assessment is incorporated in the AEE.
- 3** Landscape Report from Mike Moore

FORM 9
APPLICATION FOR A RESOURCE CONSENT
UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT,
1991

To: Manager - Resource Consents
Dunedin City Council
PO Box 5045
Dunedin 9058

John Robert Fairweather hereby applies for the resource consents described below:

1. **The current owner of the site is:**
John Robert Fairweather
2. **The location to which this application relates is:**
The site is located at 533 Mount Cargill Road, Waitati. The site is legally described as Sections 6 and 7 Block VII SO 1275 North Harbour & Blueskin SD and is held in computer registers OT 260/294, 79/251 (10.977 hectares).
3. **The type of resource consent sought is:**
Land use consent.
4. **A description of the activity to which the application relates:**
Resource consent is sought to reinstate a single residential activity on the land contained in the subject site. A preferred building site has been identified on the attached plan (30m x 30m).

The activity is fully described in the attached application at section 1.2.
5. **The following additional resource consents are required in relation to this proposal and have been applied for:**

Not applicable.
6. **We attach an assessment of effects that the proposed activity may have on the environment in accordance with Section 88 and the Fourth Schedule of the Act.**
7. **We attach other information required to be included in the application by the District Plan or Regional Plan or Regulations**
 - (a) Landscape Report, Mike Moore (including site plans)
 - (b) A Statutory and District Plan Assessment is incorporated in the AEE.
 - (c) The deposit for a non-notified application (to be forwarded by applicant).

Dated at Dunedin on 21 February 2017



Signed _____

Allan Cubitt, Director of Cubitt Consulting Ltd
As Agent for **John Robert Fairweather**

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1. Description of Proposal

1.1 Description of Site

The property is described in Council's rates book data as being 533 Mount Cargill Road, Waitati, Valuation Number 26580-54500. The site is legally described as Sections 6 and 7 Block VII SO 1275 North Harbour & Blueskin SD (Computer Register OT 260/294, 79/251) and has a site area of 10.977 hectares. Legal and formed access is via a leg-in access way directly off the main Mount Cargill Road reserve. This leg-in driveway appears to be legal road reserve.

The property is located on the eastern slopes of Weatherston Hill, extending from near the summit (approximately 380m) to the Cedar Creek valley base. While the land generally slopes moderately steeply to the east, there is a flatter area (at about the 295m contour) at the end of the access way from Mount Cargill Road. While this area has been cleared of trees, the bulk of the property is covered in a mix of regenerating native forest (Kanuka dominated on higher slopes), exotic plantation forestry and pest plants (gorse and broom). The exotic trees are largely Eucalyptus but there is also Wattle, Fir and Macrocarpa, with a dense, largely native understory beneath the forestry canopy.

This property is one of a number of original small farms scattered along the Mount Cargill Road and has been in the applicant's family since 1953. Historically, there was a farm house at the termination of the accessway while there are also the remains of a concrete dairy shed within the property. While the property was developed for farming purposes initially, the limited size, hard contour, and poor soil, meant farming was not commercially viable.

To the south of the site, there are a number of dwellings located both near the road and at lower levels amongst woodlots and bush. Most of these are on undersized rural allotments such as:

- 525 Mount Cargill Road – 5.9 hectares
- 524 Mount Cargill Road – 14.6 hectares
- 515 Mount Cargill Road – 12.4 hectares
- 487 Mount Cargill Road – 4.5 hectares
- 417 Mount Cargill Road – 5.56 hectares
- 393 Mount Cargill Road – 4.6 hectares

The land use in this area is a patchwork of pasture, exotic woodlots, exotic scrub and regenerating native bush. Further south, a quarry is located near the summit of Mt Cutten.

1.2 Proposed Activity

The applicant is seeking land use consent to re-establish a residential activity (along with accessory buildings as appropriate) on the property. A building platform (30m x 30m) has been identified on flatter area at the end of the access way from Mt Cargill Road, at about the 295m contour.

Because there is no specific proposal at present, an envelope approach to control the scale and character of future development has been proposed, along with a number of recommended mitigation conditions as follows:

- (a) All buildings, including accessory buildings, are to be located within the identified building platform (see Mike Moore's Figure 7).
- (b) All buildings shall be a maximum of 6m height above existing ground level.
- (c) All buildings shall be finished in naturally weathered timber or locally appropriate stone, or in colours that have low levels of contrast with the colours of the wider bushland setting. Painted surfaces will have light reflectivity ratings of no more than 15%.
- (d) All services are to be located below ground
- (e) The driveway is to retain an informal rural character with gravel surface and soft edges (i.e. no kerbs). Monumental gates and driveway lighting are not permitted.
- (f) All areas of existing indigenous vegetation (not including the native understory to the exotic species) are to be retained and managed to protect and enhance their extent and quality.
- (g) The vegetation in the area labelled 'screen planting area' in Mike Moore's Figure 7 is to be managed to ensure that its role in providing screening and / or planted context (and shelter) to the house site is maintained.
- (h) The area labelled 'bush regeneration area' in Mike Moore's Figure 7 is to be managed to encourage natural regeneration of indigenous species and regrowth or establishment of exotic species are to be controlled.

Effluent and stormwater from the site will be disposed of on-site using an approved system that is designed to take into account the topography of the site, the extent of vegetation and the proximity to watercourses. Rainwater collection from roof surfaces will serve as the primary source of water for domestic consumption. Power and telephone services are available nearby.

Some earthworks may be required to construct the building platform although we expect these to be minimal. If they are likely to exceed the District Plan standard, consent will be sought at building consent stage.

No subdivision is proposed.

1.3 *Status of Activity*

The property is zoned **Rural** in the Dunedin City District Plan. The land is not recognised as comprising high class soils. Mount Cargill Road is a **Collector Road** in the District Plan's Roading Hierarchy. The site is also within the Flagstaff Mt Cargill Landscape Conservation Area (FMCLCA).

Residential activity is only permitted in the Rural zone if the site has an area of at least 15 hectares. With a total area of 11 hectares, the subject site falls short of this minimum area and the proposal is therefore a **non-complying** activity in accordance with Rule 6.5.7(i).

The property is zoned **Rural Hill Slopes** in the proposed Dunedin City District Plan and is also located within Flagstaff-Mt Cargill SNL. Residential activity is only

permitted in this zone if the site has an area of at least 15 hectares. Non-compliance with this rule appears to be a non-complying activity.

Overall, the proposal is a **non-complying activity**.

2. Assessment of Environmental Effects

2.1 Introduction

Section 6.7 (Rural zone assessment matters) of the District Plan contains a range of assessment criteria in respect to activities requiring resource consent. The key matter however, is 6.7.15 which specifically relates to residential units. It reads as follows:

- (i) The cumulative effects of an increased density of residential development in this location.
- (ii) The potential for conflict between adjoining land uses or reverse sensitivity issues arising from the location of the proposed residential activity.
- (iii) The extent to which soil will be covered by hard surfaces.
- (iv) The extent to which a residential unit on the site affects the amenity and economic well-being of neighbouring properties.
- (v) The degree to which amenities relating to the open nature of the environment are compromised.
- (vi) The degree to which the productive potential of the site and adjoining properties and their future sustainable use is compromised.

Having regard to the other listed criteria set out in the plan, the following are considered to be the main issues that need to be addressed:

- Amenity
- Landscape
- Servicing
- Transportation
- Rural Productivity and Earthworks
- Hazards
- Conflict and Reverse Sensitivity
- Cumulative effect

These issues will be addressed in turn below.

2.2 The Effects on Amenity

The District Plan states that Dunedin's rural area *"has a generally low incidence of residential and other activities and is characterised by a low density of development, the size of buildings small and local roads having low traffic numbers. The character of the rural area is greatly influenced by the predominance of natural features and the productive use of the land."* The plan seeks to preserve the amenity values associated with this environment by way of a 15-hectare minimum allotment size.

However, in assessing the impact of the proposal on these values, the character of the existing environment becomes the key factor. For the most part, character of the wider area is generally rural in nature. However, the site, at 11 hectares, sits directly on the northern boundary of an area where there are several non-complying rural allotments that contain dwellings. These include four allotments that are significantly smaller than the subject site, being between 4.5 and 5.9 hectares, and a similar sized allotment to the subject site, being 12.4 hectares. The houses closest to the subject site are generally located near the road so are relatively visible. As a result, the immediate location is influenced by a higher level of residential development than would normally be the case in a rural zone.

At effectively 11 hectares, the 4-hectare deficiency is not considered significant in the context of this location. As a consequence, the proposal will have no more than minor adverse effects on the amenity and landscape values (discussed in more detail below) of the area as a consequence of the density shortfall. The building site will not be visible from vehicles travelling north on Mount Cargill Road while visibility from the east on Mount Cargill Road will be negligible due to roadside vegetation and other intervening vegetation. Visual effects from Green Road and the northern section of Mount Cargill Road will also be minor, again due to vegetation and also viewing distance. These factors along with the mitigation proposed will ensure that any dwelling built on the site will not stand out in any way.

Hence the proposal is not out of keeping with the existing character of the area and the surrounding development. The 4-hectare shortfall will not result in a character where manmade elements dominate natural features. The continued protection of the native vegetation on the site will aid the impression of the dominance of natural features on the site. Consequently, there will be no impact on the public's appreciation of the amenity values of the wider Rural zone as the result of this proposal.

In conclusion, we are of the view that adverse effects on amenity values and landscape character of the area, along with the effects of the residential unit itself, will be minor.

2.3 *Landscape Effects*

The site is located within a "landscape conservation area", not an "outstanding landscape" in terms of section 6(b) of the Act. The District Plan describes such areas as "... areas which have particular impact on landscape quality due to high levels of visibility from major public viewing locations and/or the presence of particular landscape character and values. The areas are generally the higher land visually containing the most densely settled urban and rural areas of Dunedin."

These landscapes are generally called "amenity landscapes" and are not afforded any particular status under the Act. Section 7(f) requires local authorities "to have particular regard" to the "maintenance and enhancement of amenity values". This imposes a duty to be "on enquiry" but does not require applicants "to recognise and provide for" such values as Section 6 requires. In the context of the LCA's identified in Dunedin, this is important as given their location (*the higher land visually containing the most densely settled urban and rural areas of Dunedin*) there are many other competing issues and it is not appropriate to retain the status quo purely for landscape reasons.

Mr Moore has identified the landscape values of the site and has assessed the proposal against these values, along with assessing the visual effects of the proposal from various viewpoints.

He identifies the landscape effects of the proposal as follows:

This area has moderate – high natural landscape values based on the distinctive natural landforms, the significant presence of native vegetation and the limited impact of structures. These values however, are modified by forestry activities and a degree of incoherence in the vegetation patterns, and given the degree of existing modification the area is not highly sensitive to change.

The application will result in one additional house, and whilst the site will be less tree'd than it is presently (given that harvesting of the exotic woodlot species is planned), there will still be a planted context and significant screening from surrounding roads. The character of the site is already significantly modified by exotic forestry and houses are part of the character of the nearby rural landscape to the south. In the area of the proposed building platform itself, natural landform and vegetation cover has already been modified and there will be no additional effects associated with creating access to the site as this already exists. Whilst a new building will be erected, it will have low visual prominence (given the mitigation measures proposed and minimal visibility from surrounding roads) and any adverse natural character effects will be offset in the long term by the proposal to manage the higher and most visually prominent part of the property to regenerate to indigenous forest. This will eventually blend with the adjacent bushland and extend the area of native forest cover.

Overall, it is my assessment that any adverse landscape character effects of the proposed development will be minor. In the long term, I believe that regeneration of native bush cover on the higher slopes will have a positive effect on natural landscape values that will outweigh any adverse effects of further domestication associated with the house.

As can be seen from this, Mr Moore considers any adverse effects will be no more than minor. However, in the longer term, he believes landscape effects of the proposal will be positive given the regeneration of native bush cover on the higher slopes. In his view this outweighs any adverse effects that may arise from domestication of the area with the development of a dwelling on the site.

Based on Mr Moore's assessment, we consider the proposal will maintain and enhance the values of the SHLCA.

2.4 *Transportation (Assessment matters 6.7.24, 20.6.1, 20.6.5, 20.6.7 and 20.6.10)*

Access will not change as a result of this proposal. As already noted, access to the proposed dwelling will be from the existing entrance from Mount Cargill Road, which provides formed frontage to the property. Good sight line visibility is available at the current access, which appears to be a legal road alignment that intersects with Mount Cargill Road proper.

Mount Cargill Road is a 'Collector Road' where it fronts the subject property. The primary function of a Collector Road is to distribute and collect local traffic within and between neighborhood's and link rural communities. They provide for both traffic movement and property access.

Given this road is a secondary route to the northern coastal area of Dunedin, traffic numbers are likely to be a relatively low. It is also likely that it has a low operating speed given the gradient and winding nature of the road. Given these factors and the good sight line visibility, it is not anticipated that the additional traffic movements generated by this proposal (in the order of 8 to 10 movements per day) will have any adverse effects on the safe and efficient operation of the road

Consequently, it is considered that effects on the operation of the transportation network will be less than minor.

2.5 *Provision of water supply and disposal of stormwater and sewage (Assessment matters 6.7.10 and 21.6.5)*

On-site servicing is proposed for domestic water supply and the disposal of stormwater and sewage. The primary source of potable water will be rainwater collection from roof surfaces. This will be stored on the site. Provision for firefighting in accordance with the requirements of the NZ Fire Service will also be made on site.

While no formal investigation of the site has been undertaken for on-site effluent disposal purposes, there is ample area for the construction of an effluent disposal system designed to meet the specific conditions of the site. The applicant is also aware of the need to comply with on-site disposal standards set by the Otago Regional Council. These standards should be easily met on this site.

The proposal will not generate adverse environmental effects as a result of servicing the proposed dwelling.

2.6 *Land disturbance and Hazards (Assessment matters 6.7.11 and 6.7.23)*

We are not aware of any hazards affecting the property and note that the proposed District Plan does not identify any hazards in this location. There is no evidence of any instability on the property and the building platform is located on the flattest part of the site. Some earthworks are likely to be needed to construct the dwelling but we anticipate these will comply with the District Plan. If not, this issue can be dealt with at building consent time.

The applicant is not aware of the site having ever been used for any use listed in the Hazardous Activities and Industries List. Physical inspection of the site does not identify any evidence of any HAIL activities ever having existed on the site (such as old sheep dips). However, a HAIL search has been requested from Council and the result will be provided once received.

2.7 *Productive potential of rural land (Assessment matter 6.7.15)*

The site does not contain high class soils and is not productive rural farm land but is a mix of native and exotic vegetation. It is proposed to harvest all the exotic forestry trees on the upper part of the site and this area will be managed to promote the regeneration of native vegetation. Given the conditions proposed in this application, the productivity of the native forest will be maintained and enhanced.

2.8 Conflict and Reverse Sensitivity (Assessment Matters 6.7.15(ii), 6.7.26)

Consideration is required of the extent to which the proposal will conflict with existing rural activities or affect their ability to continue to operate. As has been noted above, this rural neighbourhood is already influenced by a degree of rural - residential development. The proposed use will be in keeping with the existing environment. As a consequence, we do not anticipate any conflict with adjoining activities. Furthermore, the proposed dwelling will be nestled in amongst a setting of native vegetation, well separated from any neighbouring properties.

Given the above, we believe there is little opportunity for conflict or reverse sensitivity issues to arise in this neighbourhood.

2.9 Cumulative effects (Assessment matters 6.7.4 and 6.7.15)

Given the existing environment described above, this proposal will have little effect on amenity values or the openness of the rural environment. No additional rural sites are being created as it merely utilises an existing title.

No effect from this activity is expected to worsen or increase over time to the extent that it could become a more than minor adverse effect. In fact, the opposite is likely to be true. Permanent occupation of the land is likely to improve the quality of the native vegetation on the site, enhancing native re-growth and controlling pest species.

Consequently, cumulative effects will be less than minor.

2.10 Summary of effects on the environment

The above assessment leads us to conclude that the overall effects of the activity will be no more than minor. The visual effects of the proposed residential activity and adverse effects on the amenity and landscape character of this particular location will have no more than a minor. Some positive effects will arise, with native vegetation and pest plants being better managed. We have assessed transportation effects to be less than minor, while the proposed building site is hazard free.

3. District Plan Policy Framework

The key sections of the District Plan are Sustainability, Rural zone, Transportation and Landscape. Each of these sections is considered below.

3.1 Sustainability

The proposal is not considered inconsistent with the policy framework of the Sustainability section of the plan. These provisions seek to ensure that infrastructure is sufficient to cater for the activity without compromising the demands of future generations. They also encourage the protection of the natural and physical resources and the maintenance or enhancement of amenity values. Policy 4.3.8 seeks to avoid the mixing of incompatible activities.

The proposal is considered a sustainable use of the land. While the site cannot be considered an economic farm unit (even at 15 hectares in this location), establishing a dwelling on the site will have a number of positive effects. Allowing the applicant to live on the site will ensure that the land is better managed. This will ensure the

sustainability of the bush on the site, which will make a positive contribution to the environment in respect to landscape and ecological values.

The activity will be self-sustaining in terms of water supply and effluent and stormwater disposal. Rainwater collection will be the primary source of domestic water. Effluent and stormwater from the site will be disposed of on-site using an approved system that is designed to take into account the topography of the site, the extent of vegetation and the proximity to watercourses.

Overall, the proposal is not only sustainable in its own right, but will ensure on-going improvement in the environment in a number of respects.

3.2 *Rural zones*

Policies 6.3.3 and 6.3.12 seek to discourage land fragmentation and the establishment of non-productive uses of rural land. This proposal does not involve a subdivision but seeks the sustainable use of an existing under-sized allotment. As discussed above this area is already relatively fragmented compared to the wider rural environment. The site does not contain high class soils and is not productive, being mainly covered in native vegetation. Allowing the applicant to live on the site will likely enhance the productive potential of the natural systems on the land. The proposal is not in conflict with these policies.

Policy 6.3.4 deals specifically with rural residential development but is more of a process policy setting out where such zones should be created. Such areas should be able to accommodate such development without significantly altering the character or amenity of the rural area. Natural hazard areas should be avoided as should high class soils. The unsustainable development of infrastructure should also be avoided. This proposal is consistent with that philosophy.

Objective 6.2.2 and policy 6.3.5 seek to maintain or enhance the character and amenity of the rural area, while policy 6.3.6 seeks to minimise effects on the amenity of adjoining properties. The proposal is in keeping with the character of this part of the Rural Zone and any new effects on the amenity values of the area will be negligible. Better management of the vegetation will enhance amenity values. Effects on landscape and amenity values have been assessed as minor by Landscape Architect, Mr Mike Moore.

Policy 6.3.14 addresses cumulative effects. Granting consent to this application is unlikely to result in additional built development on the property over and above the permitted baseline in relation to ancillary rural buildings. As discussed above the proposal is in keeping with the existing character and amenity values of the area and as a consequence cumulative effects will be minimal.

In summary, the proposal is not considered contrary or inconsistent with the relevant objectives and policies of the Rural Zones.

3.3 *Transportation*

Objective 20.2.4 is designed to maintain and enhance a safe, efficient and effective transportation network. Policy 20.3.4 ensures that traffic generating activities do not

adversely affect the safe, efficient operation of the roading network. As discussed above the effects on the safe and efficient functioning of the transportation network will be less than minor

3.4 Landscape

Mr Moore has undertaken a comprehensive review of the proposal against the relevant landscape objectives and policies. The two relevant objectives of Section 14 Landscape are Objective 14.2.3 ('Ensure that land use and development do not adversely affect the quality of the landscape') and Objective 14.2.4 ('Encourage the maintenance and enhancement of the quality of Dunedin's landscape'). Mr Moore concludes that:

"The visibility of the site is very limited and the controls proposed over the scale and visual character of the proposed building will ensure that where it is seen, it is not visually prominent and that it integrates well with its natural landscape setting. Taking a wider view of its landscape context, it will fit in unremarkably with the rural houses in the area directly adjacent to the south. Given the proposed controls, the house will have minimal effect on the dominance of the natural landscape elements. In the longer term, the proposal for natural regeneration of the higher slopes of the property will result in greater dominance of natural elements. No skylines or significant views will be impacted. I am not aware of any Manawhenua values that will be impacted."

In summary, we consider the proposal supports all relevant landscape objectives and policies of the District Plan.

3.5 Conclusion – Objectives and Policies

Having considered the relevant objectives and policies of the District Plan, it is concluded that the proposal is not inconsistent with the policy framework.

4. Proposed District Plan

The proposed District Plan was notified on the 26th September 2015 and submissions closed until the 24th of November 2015. Hearings are currently being held. There are numerous submissions on the rural provisions of the proposed District Plan. Hence very little weight can be given to the provisions of that plan. However, some regard must be given to the policy framework of the proposed plan.

The proposed District Plan zones the site 'Rural Hill Slopes Zone and also within the Flagstaff – Mt Cargill SNL overlay. The Rural zones contains a number of objectives and policies relevant to the proposal. However perhaps the key objective in the Plan in relation to Residential activity in rural zones, is that this should be limited to the extent that it directly supports farming or which is associated with papakāika. This particular site is not a farm but will continue to be used for conservation purposes, a use which is enabled by the zone policies. Policy 16.2.1.7 is to "Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless it is the result of a surplus dwelling subdivision." The site doesn't comply with the density standard of the zone but it is an existing site and does not involve further subdivision. In that regard, it is similar to the outcome sought by this policy, which is to recognise existing resources. Policy 16.2.3.2 is to "Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones" and as we have concluded above, the proposal achieves this for this particular rural area.

The Natural Environment section also contains a number of relevant objectives and policies. In relation to landscapes, Objective 10.2.5 seeks the protection of significant Natural Landscapes (SNL's) from inappropriate development and their values are maintained or enhanced while Policy 10.2.5.8 requires new buildings and structures in these overlay zones to have exterior colours and materials that avoid or, if avoidance is not possible, minimize adverse visual effects caused by reflectivity.

In relation to this policy suite, Mr Moore concludes that "*considering the mitigation controls proposed, the proposed development will have minimal adverse effect on the natural landscape values and will, in the longer term result in extended indigenous forest cover. The house will have very limited visibility and low visual prominence.*" I agree and do not find the activity proposed to be 'inappropriate' for this location.

With respect to the indigenous vegetation on the property, Objective 10.2.1 seeks that these areas are maintained and enhanced while Policy 10.2.1.1 encourages conservation activity in all zones. This proposal achieves those outcomes.

Overall, we do not find the proposal contrary to the proposed District Plan.

5. Section 104D of the Act and the 'True Exception' Test

Section 104D of the Act sets out a test that non-complying activities must pass before they can be considered for consent. The test has two limbs, being that the activity must have no more than a minor adverse effect on the environment or that it must not be contrary to the policy framework of the District Plan. The conclusion reached above is that the proposal passes both these tests. Consequently Council can consider the proposal for consent.

Given that the activity passes both limbs of the section 104D test, the only other issue that needs to be considered is the question of plan integrity and precedent. The 2009 Environment Court Decision *Protect Piha Heritage Soc Inc v Auckland RC A015/09* noted that the RMA makes no reference to the integrity of planning instruments, precedent or to the coherence of and public confidence in the District Plan. While these are useful concepts that may be applied in appropriate cases, the Court stated that the need to apply them is less necessary where the plan provisions are effects based and the proposal does not generate adverse effects which are more than minor.

The Environment Court in *Berry v Gisborne DC W20/07* made it quite clear from that there will be very few cases where "Plan integrity will be imperilled to the point of dictating that the instant application should be declined".

In our view this proposal does not offend the effects-based policies of the District Plan and does not generate adverse effects that are any more than minor. In fact, we have concluded that overall the effects are likely to be positive because of the significant ecological benefits that will be gained.

In terms of the 'true exception' test often applied by the DCC, our view is that this proposal meets the true exception test because of the nature of the site and the surrounding environment. The site is located in an area where land use pattern is different from other large tracts of the Rural zone. As described above, there are several undersized rural allotments in the area that contain a dwelling. This particular site did historically contain a dwelling but is now effectively a conservation block with limited 'productive' values in the traditional sense.

As a consequence of this, any precedent set by granting consent to this proposal would not be undesirable and would not create difficulties for Council in administering the District Plan consistently. There does not appear to be any other independent block of land adjoining this site that is undersized which does not already contain a dwelling. Hence granting consent to this proposal could not be used as a precedent in this particular area.

6. Affected Persons and Notification

Section 95A (1) of the Resource Management Act (hereafter 'the Act') provides that a consent authority may, in its discretion, decide whether to publicly notify an application for a resource consent. Section 95A (2) states that the consent authority must publicly notify an application if the applicant requests public notification of the application, or if a rule or National Environmental Standard (NES) requires public notification of the application. However, in this instance the applicant has not requested that the application be publicly notified and there is no District Plan rule or NES that requires public notification of the application.

Section 95C of the Act provides that a consent authority must publicly notify an application, if before the notification decision has been taken, the applicant does not provide any further information requested before the deadline for doing so, or refuses to provide this information, or likewise refuses to agree or respond to a consent authority's request to commission a report. In this instance, Section 95C does not apply.

Section 95A of the Act requires that the consent authority must publicly notify an application if it decides under Section 95D of the Act that the activity will have or is likely to have adverse effects on the environment that are more than minor.

The only exception to this is when a rule or NES precludes public notification of the application and that there are no special circumstances in relation to the application that would warrant such a rule or NES to be dispensed with. However, in this instance there is no rule or NES that precludes public notification of the application and therefore the 'more than minor effect on the environment' test provided by Section 95D of the Act applies.

In deciding whether an activity will have adverse effects on the environment that are more than minor, Section 95D of the Act states that a consent authority must disregard:

- any effects on persons who own or occupy the site or adjacent land;
- trade competition and its effects;
- any effects on persons who had given written approval of the application;
- any adverse effect that does not relate to a matter which a rule or NES reserves control or restricts discretion.

Section 95D also states that a consent authority may disregard any adverse effect if a rule or NES permits an activity with that effect.

In our view the adverse effects of this proposal are minor.

If a consent authority does not notify an application for resource consent, Section 95B of the Act states that it must decide whether there are any affected persons or affected order holders in relation to the activity. The exception to this is that if there is a rule or NES that precludes limited notification of the application. In this instance, there is no rule or NES that precludes limited notification of the application.

Section 95E states that a person is 'affected' if the adverse effects of an activity on a person are minor or more than minor (but not less than minor). In deciding this, section 95E (2) of the Act states that a consent authority:

- may disregard any adverse effect if a rule or NES permits an activity with that effect;
- must disregard any adverse effect that does not relate to a matter which a rule or NES reserves control or restricts discretion;
- must have regard to any relevant statutory acknowledgement;
- must disregard any effects on persons who have given written approval of the application.

In our view the adverse effects of the proposal are minor. However we do not believe anyone is adversely affected by this proposal given the nature of the receiving environment and the lack of visibility of the dwelling. As a consequence, we request that the application be processed on a non-notified basis.

Section 95A(4) of the Act gives Council a discretion to notify an application if it decides that special circumstances exist. The Courts have held that special circumstances are unusual or exceptional but may be less than extraordinary or unique. Furthermore, it is not mandatory to consider whether special circumstances exist.

In our view, there are no special circumstances that would warrant any form of notification. Council staff have indicated that 'plan integrity' could be considered a special circumstance. However, we disagree as 'plan integrity' is a matter for consideration as part of the substantive assessment under section 104. The decision *The Fuller Group Limited v Auckland RC [1999] NZRMA 439* decision seems to support this position and indicates that if there are no significant adverse effects, then there are hardly likely to be special circumstances.

In any event, our view is that the Plans integrity is not under threat for the reasons set out in Section 4 above.

Hence, we respectfully request that the proposal be processed on a non-notified basis.

7. Conclusion

Both limbs of the Section 104D tests for non-complying activities are satisfied and Council can therefore consider the proposal for consent. Any adverse effects arising from this proposal will be minor and will be in keeping with the existing development in the vicinity. In fact, a number of positive effects are likely to result. The proposal neither compromises the integrity of the District Plan nor creates an undesirable precedent. Consequently, the proposal promotes the purpose of the Act, being the sustainable management of the natural and physical resources and we ask that consent be granted accordingly.

Proposed house site, 533 Mt Cargill Road, Dunedin, Landscape Assessment

Proposed House site, 533 Mt Cargill Road, Dunedin

Landscape Assessment Report 21 February 2017



Prepared by

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BSc, Dip LA, MRRP, ANZILA

LANDSCAPE ARCHITECT

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Email m.moore@clear.net.nz

Introduction

John Fairweather is applying for Resource Consent to erect a dwelling on his approximately 10.97 ha property at 533 Mt Cargill Road, Dunedin. The property is zoned Rural in the Dunedin City District Plan and is also within the Flagstaff Mt Cargill Landscape Conservation Area (FMCLCA). In terms of Rule 6.5.7 the proposed development is a non-complying activity.

This report addresses the likely effects on the landscape arising from the proposed development. It will be structured as follows:

- Site and area description
- Landscape Values
- The proposed development and mitigation measures
- Landscape effects
- Visual effects
- Statutory Planning Assessment
- Conclusion

Site and area description

As illustrated in Figure 1, the site is located on the eastern slopes of Weatherston Hill and within the valley associated with Cedar Creek. It extends from near the Weatherston Hill summit (approximately 380m) to the valley base. The land slopes moderately steeply to the east and the proposed building site (which has been cleared of trees) is a flatter area located at approximately the 295m contour where there is an existing access way from Mt Cargill Road. The geology is volcanic and the property is covered in a mix of regenerating native forest and exotic plantation forestry. The exotic trees are largely Eucalyptus but there is also Wattle, Fir and Macrocarpa, with a dense, largely native understory beneath the forestry canopy. Historically, there was a farm house at the termination of the accessway.

The Cedar Creek catchment is the primary landscape context of the site and is characterized by a patchwork of various vegetation cover, including regenerating native

forest (Kanuka dominated on higher slopes), gorse, broom, and exotic forestry woodlots. The landscape reflects changing land use, from historic farming to regenerating native bush and forestry. To the south of the site, Mt Cargill Road crosses into the upper Weatherstons Creek catchment and in this area, the land use is a patchwork of pasture, exotic woodlots, exotic scrub and regenerating native bush, with a number of dwellings located both near the road and at lower levels amongst woodlots and bush. Further south, a quarry is located near the summit of Mt Cutten.

Figures 2 - 6 illustrate the character of the site and area.

Landscape Values

This area is within the Flagstaff Mt Cargill Landscape Conservation Area (FMCLCA) in the Operative Dunedin City District Plan. The 'features and characteristics to be conserved' listed in section 14.5.3 (a) (ii) that are generally relevant to this site and application, are as follows:

- The visual dominance of natural landform and other natural elements (such as remaining indigenous vegetation) over cultural or human-made landscape elements e.g. buildings or plantations.
- The extent, integrity, coherence and natural character of the major natural elements such as landform, streams and areas of indigenous vegetation.
- The extent and quality of views from the principal public routes and viewpoints.
- The skyline generally defined by natural elements.
- The large diversity of indigenous vegetation types including:
 - Cloud forest of *Libocedrus* and some podocarps (Leith Saddle and Mt Cargill)
 - Podocarp broadleaf forests
 - Various shrublands.

In the proposed Dunedin City District Plan (2GP) the site is included within the Flagstaff – Mt Cargill Significant Natural Landscape (FMCSNL). The 'values to be protected' as discussed in Section A3.3.2.2 that are generally relevant to this site and application, can be summarized (with some interpretation required) as follows:

Natural Science Values

- Distinctive natural landforms including the volcanic peaks.
- Significant areas of indigenous vegetation (listed).

Cultural / Historic Values

- Places with values of significance to manawhenua as listed, including the volcanic peaks of Mihiwaka, Mt Kettle and Mt Cargill (cultural identity markers).
- The area has recognized value to the community as a natural landscape backdrop to Dunedin City, a recreational resource close to the city, a natural northern approach to the city. The hilltops are distinctive landmarks.

Aesthetic and amenity values

- The area is highly visible and forms the backdrop to urban Dunedin, the west harbour and Blueskin Bay.
- Whilst aesthetic values are variable, the area contains striking and memorable landforms, some of which are iconic landmark features of Dunedin, as well as areas with high naturalness values.
- The area is valued as a natural setting for recreational activities and affords scenic and panoramic views.

In my assessment, the area in the vicinity of this property has landscape values of moderately high significance. These are based on the distinctive natural landforms of Weatherston Hill and Mt Kettle, and the significant presence of native vegetation but are modified by a somewhat incoherent vegetation pattern. This is due to a large extent to the presence of the blocks of exotic woodlots and remnant shelter trees which stand out from the native bush due to their different scale and colour, and which do not relate to the landform. The exotic trees on site contribute to this incoherence. The area to the south of the site which is more pastoral, also suffers from incoherence in the vegetation patterns and natural landscape qualities in this area are also reduced by the presence of the quarry. As experienced from Mt Cargill Rd at least, this area has a more domesticated character than the Cedar Creek catchment.

The proposed development and mitigation measures

The proposed development involves provision for erection of a dwelling, along with accessory buildings as appropriate. There is no specific proposal at present and instead, an envelope approach to control the scale and character of future development, is proposed, with the recommended mitigation measures, as outlined below. At present, the exotic trees on site provide a strong tree framework to the proposed house site that provides significant screening. I understand that it is proposed to harvest all the exotic forestry trees on the upper part of the site, and that this would be done before any house was built. This means that the house site will be significantly more open than at present.

Figure 7 illustrates the location of the proposed building platform. This is 30 x 30m in area and is located to coincide with an area of flatter contours. The associated mitigation measures recommended to ensure that development integrates acceptably and minimizes any adverse landscape and visual effects, are as follows:

- (a) All buildings, including accessory buildings, are to be located within the identified building platform (see Figure 7).
- (b) All buildings shall be a maximum of 6m height above existing ground level.
- (c) All buildings shall be finished in naturally weathered timber or locally appropriate stone, or in colours that have low levels of contrast with the colours of the wider bushland setting. Painted surfaces will have light reflectivity ratings of no more than 15%.
- (d) All services are to be located below ground
- (e) The driveway is to retain an informal rural character with gravel surface and soft edges (i.e. no kerbs). Monumental gates and driveway lighting are not permitted.
- (f) All areas of existing indigenous vegetation (not including the native understory to the exotic species) are to be retained and managed to protect and enhance their extent and quality.

- (g) The vegetation in the area labeled 'screen planting area' in Figure 7 is to be managed to ensure that its role in providing screening and / or planted context (and shelter) to the house site is maintained.
- (h) The area labelled 'bush regeneration area' in Figure 7 is to be managed to encourage natural regeneration of indigenous species and regrowth or establishment of exotic species are to be controlled.

Landscape effects

This area has moderate – high natural landscape values based on the distinctive natural landforms, the significant presence of native vegetation and the limited impact of structures. These values however, are modified by forestry activities and a degree of incoherence in the vegetation patterns, and given the degree of existing modification the area is not highly sensitive to change.

The application will result in one additional house, and whilst the site will be less tree'd than it is presently (given that harvesting of the exotic woodlot species is planned), there will still be a planted context and significant screening from surrounding roads. The character of the site is already significantly modified by exotic forestry and houses are part of the character of the nearby rural landscape to the south. In the area of the proposed building platform itself, natural landform and vegetation cover has already been modified and there will be no additional effects associated with creating access to the site as this already exists. Whilst a new building will be erected, it will have low visual prominence (given the mitigation measures proposed and minimal visibility from surrounding roads) and any adverse natural character effects will be offset in the long term by the proposal to manage the higher and most visually prominent part of the property to regenerate to indigenous forest. This will eventually blend with the adjacent bushland and extend the area of native forest cover.

Overall, it is my assessment that any adverse landscape character effects of the proposed development will be minor. In the long term, I believe that regeneration of

native bush cover on the higher slopes will have a positive effect on natural landscape values that will outweigh any adverse effects of further domestication associated with the house.

Visual effects

Visibility of the site is very limited given its valley location and the extent of the bush and tree cover in the area. The relevant viewpoints are limited to Mt Cargill Road and Green Road and these are discussed below:

Mt Cargill Road adjacent to the south

Figure 2 illustrates a view toward the site from Mt Cargill Road near the access driveway. There are no other viewpoints toward the site of any significance to the south of the property. Existing vegetation both in front of the property and that proposed to be retained for screening purposes, will ensure that there is no visibility of the proposed house from this part of Mt Cargill Road.

Mt Cargill Road adjacent to the east

Mt Cargill Road runs adjacent to the eastern boundary of the property. As Figure 3 illustrates, visibility toward the house site is virtually entirely screened by the roadside vegetation and other intervening vegetation. Visual effects from this section of Mt Cargill Road will be negligible.

Mt Cargill Road to the north

Figures 4 and 5 are from two of only a few places on Mt Cargill Road to the north of the site where views up the Cedar Creek valley are possible. Viewing distances are 1.2 and 2.6km respectively. From this direction, a house on the proposed building site will be visible as the Eucalyptus dominated woodlots will be removed. The house will however, be seen against a backdrop of the trees along the southern boundary and this, combined with the proposed height and colour controls and the considerable viewing distances, will

ensure it is not visually prominent. Of more significance in terms of visual effects and change to the landscape than the proposed house, will be the removal of the woodlot. The boundary Macrocarpa trees will however, still be seen on the skyline. In my assessment any adverse effects associated with visibility of the proposed house will be minor from these viewpoints, and in the long term the replacement of exotic woodlot by native bush cover on the upper slopes will have a positive effect.

Green Road

Green Road is a minor rural road running between Mt Cargill and Blueskin Roads. The property is visible from a few places along this road at distances of approximately 1.0 – 1.2km, as Figure 6 illustrates. With the woodlot trees removed, the proposed house will be visible and will have a planted backdrop. This backdrop, combined with the proposed height and colour controls and the considerable viewing distance, will ensure it is not visually prominent and will integrate acceptably. In my assessment, any adverse visual effects associated with the house will be minor. Eventually, the expanded native bush cover on the slopes above the house site will have a positive visual effect.

Statutory planning assessment

Operative Dunedin City District Plan

The Operative Dunedin City District Plan provisions relevant to the landscape and visual effects of this application are found in the Rural and Landscape sections of the plan. Brief comment on these is provided below as follows:

Rural Section

Objective 6.2.2

Maintain and enhance the amenity values associated with the character of the rural area

Policy 6.3.5

Require rural subdivision and activities to be of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner that avoids, remedies or mitigates adverse effects on rural character. Elements of the rural character of the district include, but are not limited to:

- (a) A predominance of natural features over human made features,
- (b) High ratio of open space relative to the built environment,
- (c) Significant areas of vegetation in pasture, crops, forestry and indigenous vegetation,
- (d) presence of large numbers of farmed animals,
- (e) noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes,
- (f) low population densities relative to urban areas,
- (g) generally unsealed roads,
- (h) absence of urban infrastructure.

Policy 6.3.6

Avoid, remedy or mitigate the adverse effects of buildings, structures and vegetation on the amenity of adjoining properties.

Policy 6.3.7

Recognise and maintain significant landscapes within the Rural Zone by limiting the density of development within Landscape Management Areas

Policy 6.3.14

Subdivision or land use activities should not occur where this may result in cumulative adverse effects in relation to:

- (a) amenity values
- (b) rural character
- (c) landscape management areas or Areas of Significant Conservation Values.

Irrespective of the ability of a site to mitigate adverse effects on the immediately surrounding environment.

Assessment matters

6.7.3 Amenity values

- (i) The effect that the activity will have on amenity values

6.7.4 Cumulative Effect

The cumulative effect of the activity on the natural and physical resources of the City including, but not limited to, cumulative adverse effects in relation to:

- (i) Amenity values
- (ii) Rural character
- (vi) Landscape Management Areas or Areas of Significant Conservation Values

6.7.9 Bulk and location

The bulk and location of buildings and their effect upon the amenity values of the site, adjoining sites, adjoining roads and the surrounding areas.

6.7.13 Visual impact

- (i) The visual impact arising from an activity on the character of the rural landscape, visual amenity and significant views.
- (ii) The potential effect of structures on significant views from public viewpoints, including visibility from State Highway 1.
- (iii) The effect of an activity on the open amenity of the rural area

6.7.15 Residential Units

- (i) The cumulative effects of an increased density of residential development in this location
- (iv) The extent to which a residential unit on the site affects the amenity and economic well-being of neighbouring properties.
- (v) The degree to which amenities relating to the open nature of the environment are compromised.

6.7.21 Trees

The objectives and policies of the Trees Section

6.7.22 Indigenous Vegetation and Habitats

- (i) The cumulative effects of the incremental loss or modification of areas of indigenous vegetation and habitats of indigenous fauna.
- (ii) The potential for the enhancement of indigenous habitat or vegetation.

6.7.25 Landscape

The objectives, policies and assessment matters of the Landscape Section.

Comment

In my assessment, the proposed new house will have minimal impact on rural character and amenity values. Given that regeneration of indigenous vegetation is proposed for the upper part of the property associated with the house development, there will be positive effects on amenity values in the longer term. The natural / built balance will be adjusted slightly, in favour of the built, but given the mitigation controls proposed, impacts will be minimal. There are no neighbours who will be affected visually, and visual effects generally will be confined to a handful of fairly distant viewpoints on the surrounding roads.

Landscape Section

Objective 14.2.3

Ensure that land use and development do not adversely affect the quality of the landscape.

Objective 14.2.4

Encourage the maintenance and enhancement of the quality of Dunedin's landscape

Policy 14.3.3

Identify those characteristics which are generally important in maintaining landscape quality in the rural area (as listed in part 14.5.3 of this section) and ensure they are conserved.

Policy 14.3.4

Encourage development which integrates with the character of the landscape and enhances landscape quality

Assessment Matters

14.7.1 Visibility

The effects of the visibility of the proposed activity or development from the main public viewpoints.

14.7.2 Adverse Effects

The extent to which any adverse effects on the landscape can be avoided, remedied or mitigated

14.7.3 Sympathetic Siting and Design

The extent to which the activity or development is sympathetic to the forms, character and scale of the landscape in its siting and design.

14.7.4 Landscape Features and Characteristics

The extent to which the activity or development impacts upon the important landscape features and characteristics to be protected, preserved or conserved (identified in part 14.5 of this section) within the relevant landscape management area.

14.7.5 Compatibility of Scale and Character

The extent to which the activity or development is compatible with its landscape setting in terms of its scale and character

14.5.3 (a) (ii) Flagstaff / Mt Cargill Landscape Conservation Area - Features and characteristics to be protected

- *The visual dominance of natural landform and other natural elements (such as remaining indigenous vegetation) over cultural or human-made landscape elements, e.g. buildings or plantations.*
- *The extent, integrity, coherence and natural character of the major natural elements such as landform, streams and areas of indigenous vegetation.*
- *The extent and quality of views from the principal public routes and viewpoints.*
- *The skyline generally defined by natural elements.*
- *The following significant landform features listed in the NZ Geological Society Geopreservation Inventory for the Otago Region:*
 - *Dunedin patterned ground (Flagstaff)*
 - *Organ Pipes (Mt Cargill).*
- *The large diversity of indigenous vegetation types including:*
 - *Cloud forest of Libocedrus and some podocarps (Leith Saddle and Mt Cargill)*
 - *Podocarp broadleaf forests*
 - *Various shrublands.*
- *The values related to the cultural significance to Manawhenua of the summits of Mt Cargill, Mt Holmes, Mt Zion and Swamy Summit.*

Comment

The visibility of the site is very limited and the controls proposed over the scale and visual character of the proposed building will ensure that where it is seen, it is not visually prominent and that it integrates well with its natural landscape setting. Taking a wider view of its landscape context, it will fit in unremarkably with the rural houses in the area directly adjacent to the south. Given the proposed controls, the house will have minimal effect on the dominance of the natural landscape elements. In the longer term, the proposal for natural regeneration of the higher slopes of the property will result in greater dominance of natural elements. No skylines or significant views will be impacted. I am not aware of any Manawhenua values that will be impacted.

Dunedin City 2GP

Under the Proposed Dunedin City District Plan (2GP), the site is within the Rural Hill Slopes Zone and also within the Flagstaff – Mt Cargill SNL overlay. Because the 2GP is at an early stage in the submission and decision making process, limited weight should be given to it.

The objectives and policies in the 2GP that are relevant to the landscape and visual effects of this proposal, along with brief comment, are outlined below:

Natural Environment.

Objective 10.2.5

Outstanding Natural Features (ONF's), Outstanding Natural Landscapes (ONL's) and Significant Natural Landscapes (SNL's) are protected from inappropriate development and their values, as identified in Appendix A3, are maintained or enhanced.

Policy 10.2.5.8

Require new buildings and structures, additions and alterations, and wind generators – on site generation in Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones to have exterior colours and materials that avoid or, if avoidance is not possible, minimize adverse visual effects caused by reflectivity.

Comment

Considering the mitigation controls proposed, the proposed development will have minimal adverse effect on the natural landscape values and will, in the longer term result in extended indigenous forest cover. The house will have very limited visibility and low visual prominence.

Rural zone

Objective 16.2.3

The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:

A predominance of natural features over human made features;

A high ratio of open space, low levels of artificial light, and a low density of buildings and structures;

Buildings that are rural in nature, scale and design, such as barns and sheds;

A low density of residential activity, which is associated with rural activities;

A high proportion of land containing farmed animals, pasture, crops and forestry;

Significant areas of indigenous vegetation and habitats for indigenous fauna; and

Other elements described in the character descriptions of each rural zone located in Appendix A7.

Policy 16.2.3.1

Require buildings, structures and network utilities to be set back from boundaries and identified ridgelines, and of a height that maintains the rural character values and visual amenity of the rural zones.

Policy 16.2.3.2

Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.

Policy 16.2.3.9

Require activities to be designed and operated to ensure that adverse effects from lights spill on rural character and amenity, and the ability of people to view the night sky, would be insignificant.

Comment

The proposed house will slightly alter the built / natural balance in its vicinity but the recommended mitigation measures (along with the minimal visibility) will ensure that its visual prominence is low and that its effects on naturalness are no more than minor. Eventually, regeneration of native bush cover associated with the development will more than compensate for any effects of increased domestication. Houses are part of the rural landscape character in the area directly adjacent to the south and this proposed dwelling will integrate readily in this context. There may be some adverse effects associated with night time lighting but given that there are already houses and associated lighting in the area adjacent to the south (and visible up Cedar Creek valley from points below) these will be minor.

Conclusion

The property is within a 'Landscape Conservation Area' overlay in the Operative Dunedin District Plan and a 'Significant Natural Landscape' overlay in the Proposed Dunedin City District Plan (2GP). The landscape values these overlays seek to protect are largely related to natural character. The area which forms the context of the site has moderate – high natural character in my assessment, with landscape values that are modified to an extent by the presence of exotic woodlots and some resultant incoherence in the vegetation patterns.

The proposed development will result in one additional house in this area. This will integrate well in the context of existing rural houses in the area directly adjacent to the south and because the proposed mitigation measures will ensure it is not visually prominent. To compensate for any effects of increased domestication, the proposal includes the requirement to manage the higher, more visually prominent part of the property to regenerate in indigenous forest cover. This will have significant positive effects on landscape and visual values in the long term.

Proposed house site, 533 Mt Cargill Road, Dunedin, Landscape Assessment

It is my assessment that any adverse landscape character effects associated with the proposed house will be minor. In terms of visual effects, the site has low levels of visibility from surrounding viewpoints. Considering this, and the mitigation measures proposed to minimize prominence, any visual effects will be minor at worst.

It is my conclusion that the proposed development is generally consistent with the landscape relevant provisions of the Operative and Proposed Dunedin District Plans.

Mike Moore

Landscape Architect

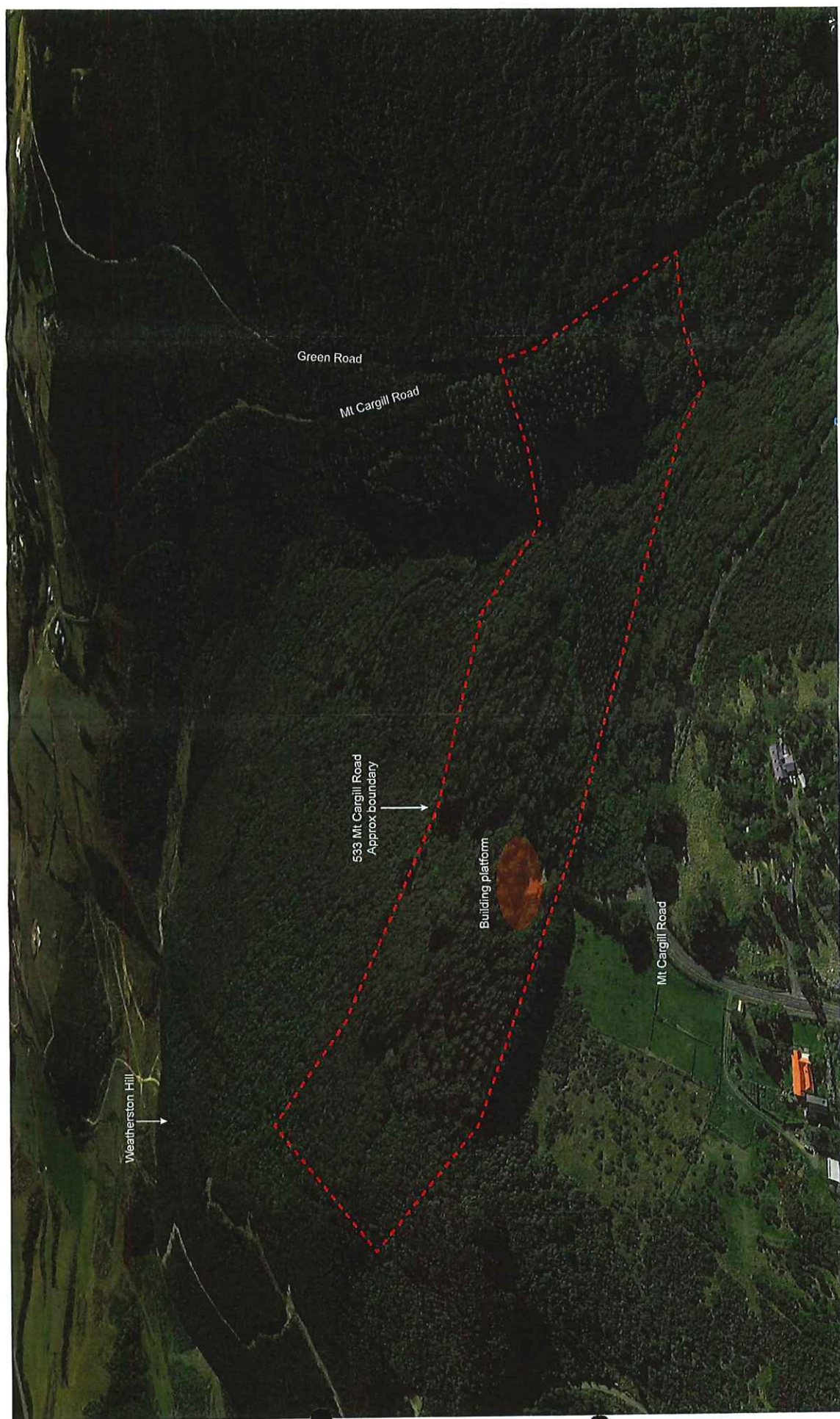


Figure 1 : Location Plan, 533 Mt Cargill Road



Figure 2 : View northward toward the site from Mt Cargill Road, adjacent to the property entrance

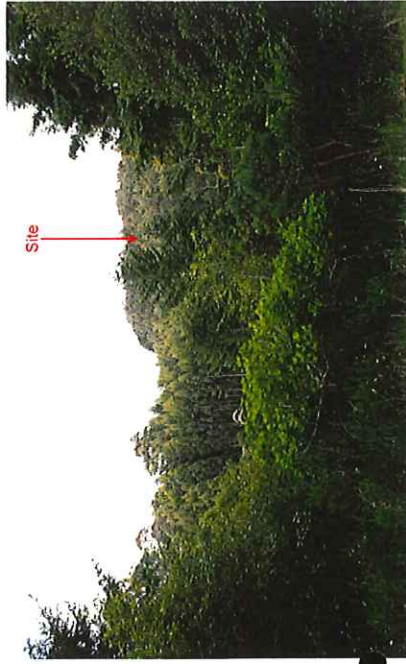


Figure 3 : View westward toward the site from Mt Cargill Road, to the east of the property

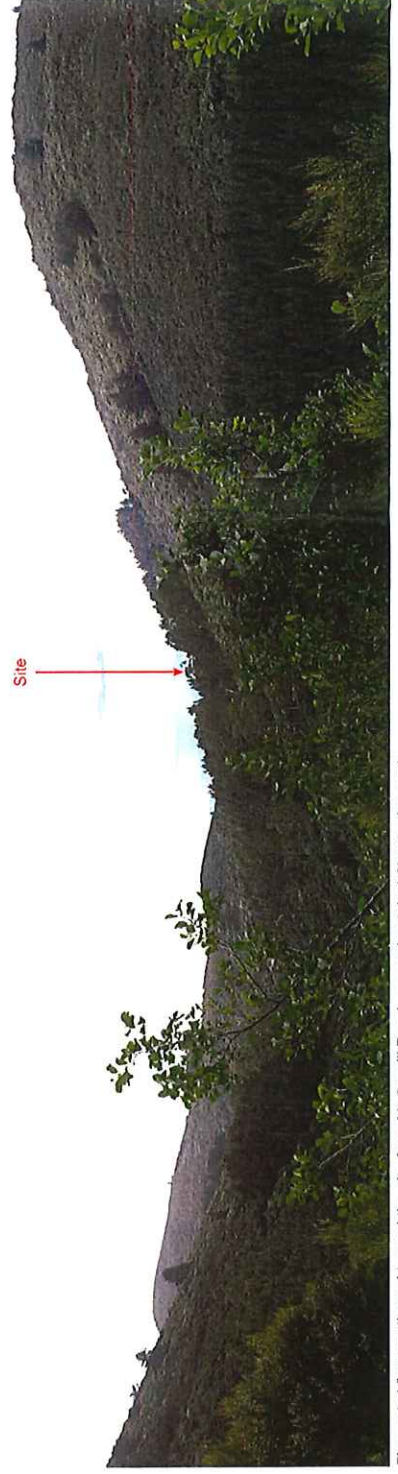


Figure 4 : View southward toward the site from Mt Cargill Road, approximately 1.2km to the north



Figure 5 : View southward toward the site from Mt Cargill Road, approximately 2.6km to the north



Figure 6 : View south-westward toward the site from Green Road, approximately 1.2km to the north



Figure 7 : Development Concept Plan, 533 Mt Cargill Road
Scale 1:2000 (A3)



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**




R. W. Muir
Registrar-General
of Land

Search Copy

Identifier OT79/251
Land Registration District Otago
Date Issued 11 August 1886

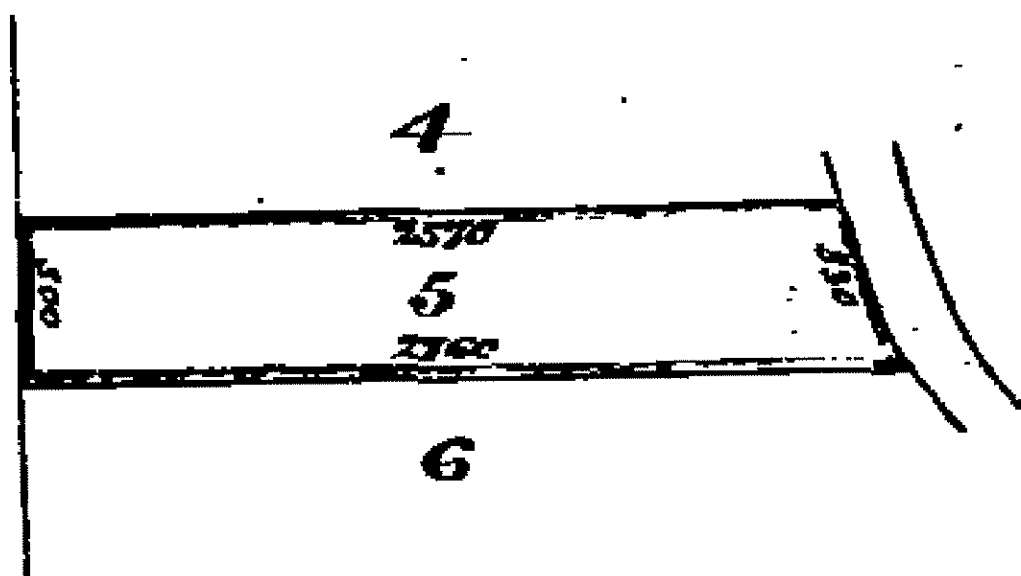
Prior References
OT51/80

Estate	Fee Simple
Area	5.3924 hectares more or less
Legal Description	Section 5 Block VII North Harbour & Blueskin Survey District

Proprietors
John Robert Fairweather

Interests
8902396.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - - 1.11.2011 at 10:13 am

XII





**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**
Limited as to Parcels

Search Copy



R. W. Muir
Registrar-General
of Land

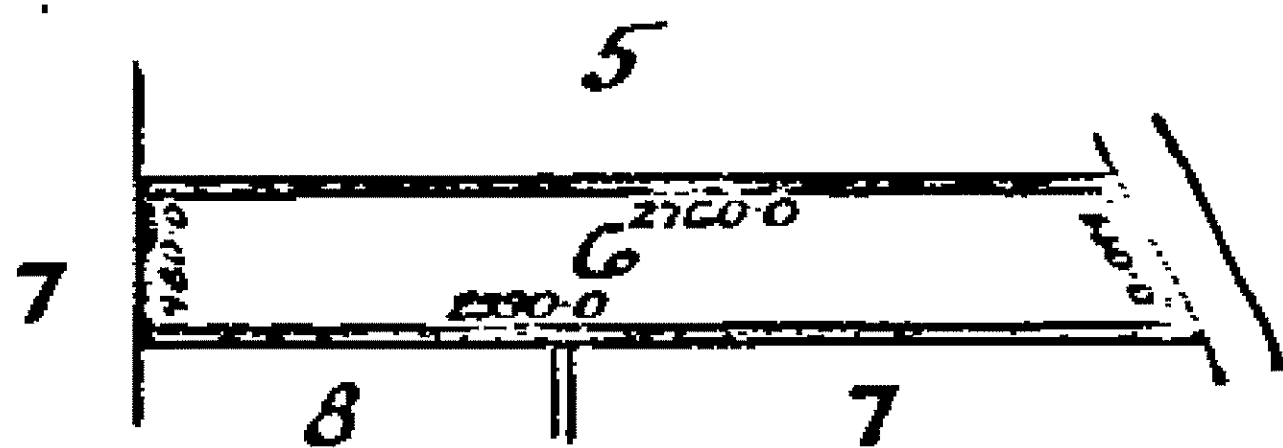
Identifier OT260/294
Land Registration District Otago
Date Issued 15 July 1933

Prior References
DI J375

Estate	Fee Simple
Area	5.5847 hectares more or less
Legal Description	Section 6 Block VII North Harbour & Blueskin Survey District

Proprietors
John Robert Fairweather

Interests
8902396.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - - 1.11.2011 at 10:13 am



Lorna Jackson

From: Allan Cubitt <allan@cubittconsulting.co.nz>
Sent: Monday, 13 March 2017 11:47 a.m.
To: Melissa Shipman
Subject: FW: LUC-2017-98 533 Mount Cargill Road - Proposed Dwelling
Attachments: Image (63).jpg; 533 Mt Cargill Rd mark-up 8-03-17.pdf

Hi Melissa,
Hopefully this clarifies things for you.
Cheers, Allan

From: Mike Moore [mailto:m.moore@clear.net.nz]
Sent: Thursday, March 9, 2017 1:46 PM
To: Allan Cubitt <acubitt@xtra.co.nz>
Subject: RE: LUC-2017-98 533 Mount Cargill Road - Proposed Dwelling

Hi Alan – please have a check of this and forward on to Melissa if ok.

Regards, Mike

.....

In answer to your points:

- The bush regeneration area is currently exotic woodlot and will be managed to revert to indigenous forest
- The image attached outlines in yellow the exotic forestry. I understand that this will all be harvested except for the area ringed in black. I don't think it's intended to replant but assume there would be existing use rights to do so – except for the area above the building site which is the bush regeneration area.
- Pg 6 of my report is referring to the bush regeneration area.
- The pdf attached marks the District Plan landscape mapping approximately
- The proposed screen planting is existing native and exotic vegetation
- The Macrocarpa trees form part of the screen planting area
- Some earthworks are likely to establish a dwelling but the gradients are fairly gentle

From: Melissa Shipman [mailto:Melissa.Shipman@dcc.govt.nz]
Sent: Wednesday, 8 March 2017 1:35 p.m.
To: Allan Cubitt <allan@cubittconsulting.co.nz>
Cc: Ali Charlton <charltonali@gmail.com>; Mike Moore <m.moore@clear.net.nz>
Subject: RE: LUC-2017-98 533 Mount Cargill Road - Proposed Dwelling

Alan, Ali informs me that she does not have any interests in this site ☺ If you could ask the 533 Mount Cargill property owner whether we can access the site thanks – understand you're in a hearing today. Hear from you tomorrow.

From: Allan Cubitt [mailto:allan@cubittconsulting.co.nz]
Sent: Wednesday, 8 March 2017 11:39 a.m.
To: Melissa Shipman

Cc: Ali Charlton; Mike Moore

Subject: Re: LUC-2017-98 533 Mount Cargill Road - Proposed Dwelling

Hi Melissa,

Currently in a hearing but have copied Ali in to arrange access and mike to deal with questions.

Cheers

On Wednesday, March 8, 2017, Melissa Shipman <Melissa.Shipman@dcc.govt.nz> wrote:

Alan, are we able to access the site for a site visit at any time? Are you also able to provide the following additional information?

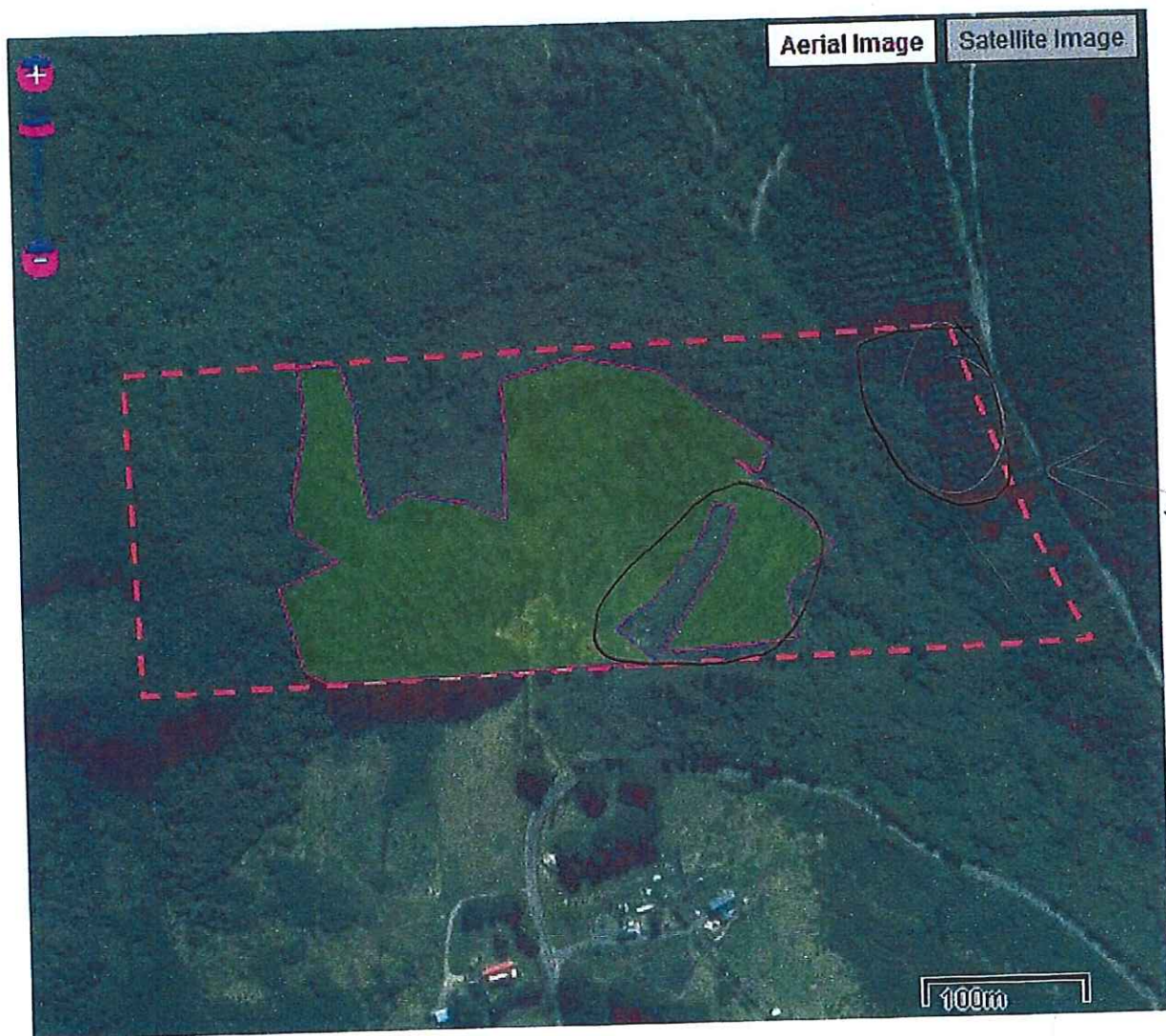
- Can you please mark-up Figures 4/5/6 with the bush regeneration area identified on Figure 7? I understand that the bush regeneration area is an existing bush regeneration area and that the proposal is to manage it.
- The application states that existing exotic forestry trees on the upper part of the site will be harvested – can you identify this area on the Development Concept Plan? Will it be replanted following harvest, or will it form part of a regenerating bush area?
- Page 6 of Mike Moore's assessment refers to a proposal to manage the higher and most visually prominent part of the property to regenerate to indigenous forest – can you confirm whether he is referring to the existing bush regeneration area or other areas?
- Can you identify on Figures 1/5/6/7 where the Flagstaff Mt Cargill LCA/VPA/VRA boundaries lie across the site and surrounds.
- Can you please confirm whether the proposed screen planting area comprises protection of existing exotic plantings for screening purposes?
- Mike Moore's assessment refers to boundary Macrocarpa trees (page 8). Can you confirm whether these form part of the Screen Planting Area?
- Do you anticipate any earthworks to establish a dwelling of up to 6m high on the site?

Thank you.

Regards,

Melissa Shipman

Planner, City Planning





URA / UPA Boundary
Approx LCA Boundary

Figure 1 : Location Plan, 533 Mt Cargill Road



Figure 2 : View northward toward the site from Mt Cargill Road, adjacent to the property entrance

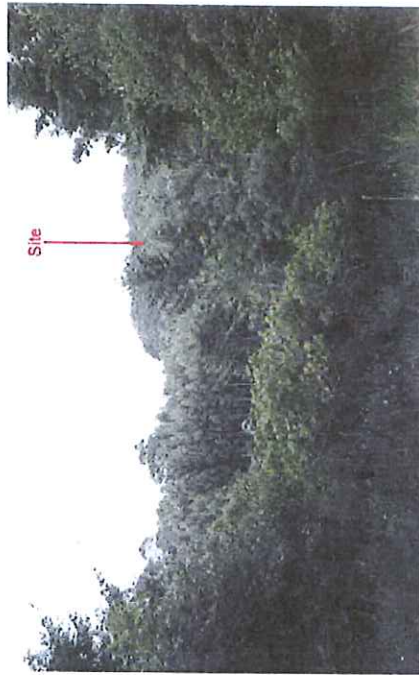


Figure 3 : View westward toward the site from Mt Cargill Road, to the east of the property

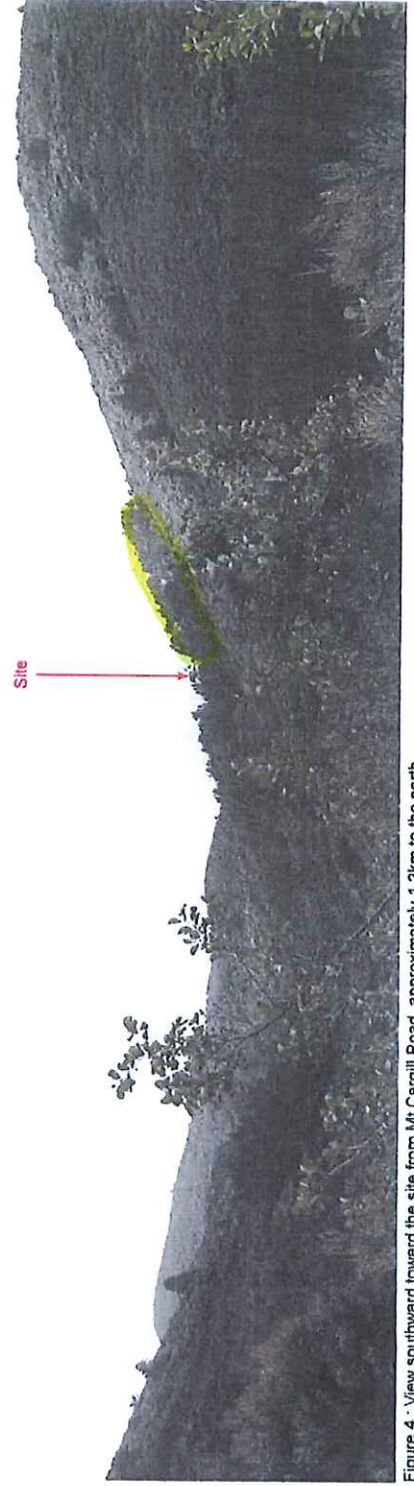


Figure 4 : View southward toward the site from Mt Cargill Road, approximately 1.2km to the north

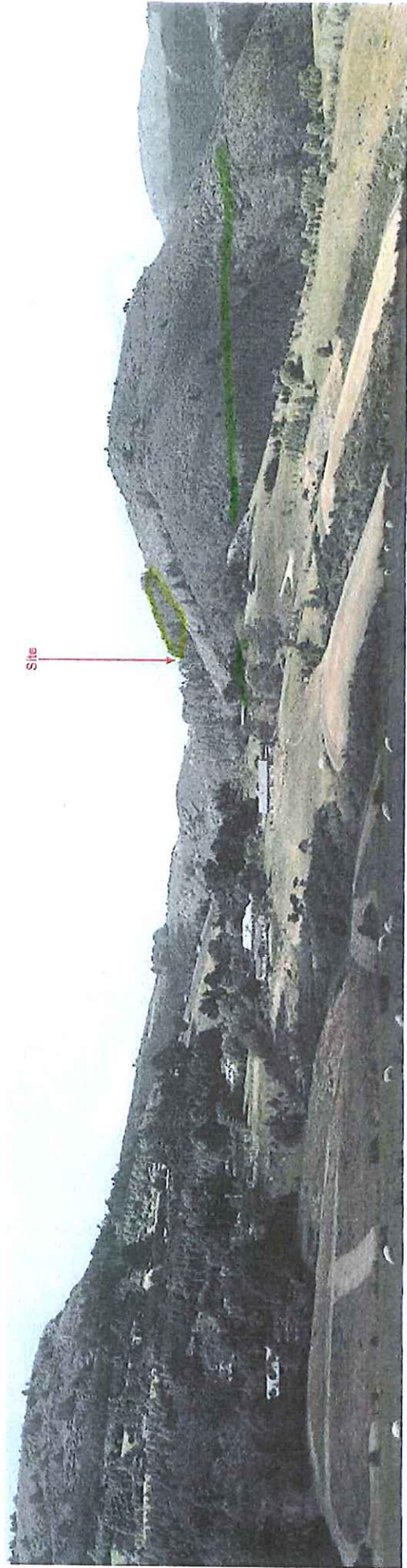


Figure 5 : View southward toward the site from Mt Cargill Road, approximately 2.8km to the north



Figure 6 : View south-westward toward the site from Green Road, approximately 1.2km to the north

- Bush regeneration area
 - Approx CQA Line



Figure 7 : Development Concept Plan, 533 Mt Cargill Road

Scale 1:2000 (A3)

Approx UPA / URA Line
 " " ~~UCA~~ LCA Boundary.