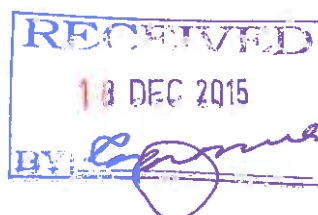


18 December 2015

The Resource Consents Planner
City Planning
Dunedin City Council
PO Box 5045
Dunedin



Dear Sir / Madam

**APPLICATION FOR RESOURCE CONSENT (SUBDIVISION AND LAND USE)
WESTACOTT HEIGHTS RESIDENTIAL DEVELOPMENT
RPR PROPERTIES LIMITED**

Please find below, information in support of a resource consent application (subdivision and land use) in relation to the proposed Westacott Heights Residential Development at Dalziel Road, Dunedin.

Also attached to this application are the following documents-

1. Form 9 application.
2. Subdivision scheme plans (6).
3. Property certificates of title.
4. Relevant property encumbrances.
5. Deposited plan 470050.
6. Geotechnical report.
7. Transportation report.
8. Landscape report.
9. HAIL report.
10. Proposed Plan zone map image.
11. Google Street View image of Lot 32.
12. Copy of sales agreement with adjoining owner.

DESCRIPTION OF ACTIVITY

The objective of this application is to obtain resource consent for the subdivision of the property at 35, 41, 43, 47 and 49 Dalziel Road, from its 5 existing sites into a total of 34 new sites for proposed residential use and 10 non-residential sites for various other purposes in support of the intended development. In addition to the resource consent sought for subdivision, the Applicant seeks resource consent for land use to enable new residential activities to become established on the new sites that do not comply with the underlying zone density requirements.

DUNEDIN:
P.O. Box 5933,
Dunedin 9058
T 03 477 3245

CHRISTCHURCH:
P.O. Box 140084,
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P.O. Box 103,
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CROMWELL:
P.O. Box 94,
Cromwell 3342
T 03 445 1826

QUEENSTOWN:
P.O. Box 2345,
Queenstown 9343
T 03 441 4715

WANAKA:
P.O. Box 235,
Wanaka 9305
T 03 443 0110

The reason for the subdivision aspect of this application is simply that all forms of subdivision require consent under the Dunedin City District Plan, regardless of the level of compliance that the proposal might achieve when measured against the relevant activity rules.

The reason for the land use aspect of this application is to recognise and address by way of specific consent a number of proposed non-compliances with the operative Dunedin City District Plan (the District Plan) and the proposed District Plan (the Proposed Plan). The large majority of these non-compliances relate to the objective of establishing a number of additional new residential activities within a property that does not enjoy sufficient land area for the proposal to be able to meet the density provisions of the District Plan. All non-compliances stem in some form from the proposed additional residential activities and/or associated infrastructure.

The Applicant is RPR Properties Limited. The Applicant is represented by the Company's two directors, Thomas and Loretta Richardson. The subject property is currently owned solely by the Applicant.

Background to the Property

The land subject to this application has been, until moderately recently, operated as a rural pasture farming activity. This activity was initiated many years ago (as evidenced by a number of old dry-stone walls that exist on the land, these being in the order of 80 years old) and prior to the rural farming activity we have no knowledge of how the land was used. It is likely that the rural farming activity was the first form of European cultivation that has occurred on this land. A dwelling and associated residential activity was established on the site during its use as a rural activity, although this activity was always in support of the primary rural activity.

In late 2006 and early 2007, the then owner of the property initiated discussions with Dunedin City Council about the possibility of having the property (which at that time encompassed a greater area of land than the present application property) rezoned for residential purposes. This was followed by a process of public consultation and then further discussion with Council staff. Ultimately, the rezoning proposal was not presented to Council as a formal application and the land remained as part of the Rural Zone.

In early 2011, the then owner of the property took up discussion again with Dunedin City Council, but this time in respect of a possible resource consent application to undertake a residential subdivision on the site to create a number of lifestyle-sized residential sites. Two resource consents (the principal being SUB-2012-92/A) were duly sought, and issued, to allow this development to occur. In late 2013 the development was given final effect and titles were issued for the new sites.

Since the new titles under the two previous consents were issued, four of the new sites have been transferred into separate ownerships. These sites are Lot 1 DP 453493, and Lots 3, 4 and 6 DP 470050. The first of these sites contains the dwelling and associated residential activity that was previously in place prior to the recent subdivisions. The latter

three sites were initially vacant land parcels, but two of these have since had a residential activity established on it (Lots 3 and 6 DP 470050). The other site remains vacant, as does a fifth site that is owned by the Applicant but excluded from the development land (Lot 8 DP 470050), although the Applicant expects that both of these sites are likely to have new residential activities established within the foreseeable future. In any case, these five properties are all excluded from the present application property, which deals with only Lots 2, 5, 7, 9 and 10 of DP 470050.

We further note that several of these adjoining sites, Lots 6 and 8 DP 470050, will be affected by the proposed development in respect of the manner in which legal and practical access is achieved to these properties.

The previously subdivided sites shown on DP 470050 include a title encumbrance preventing the owners from objecting to any new resource consent application in relation to much of the application property. Similarly, the sales agreement for the property at 31 Dalziel Road includes a similar restriction. The encumbrances and sales restriction were established as prior to the sale of these adjoining properties to ensure that future development could be achieved without having objections raised by these owners. Purchasers of these adjoining sites have understood, since prior to purchasing their respective properties, that the application property would likely be subject to a future application for more intensive residential development.

Since the completion of the subdivision under SUB-2012-92/A, no further changes to the title format of the property have occurred, other than the legal ownership of the land being transferred to the Applicant.

More recently, over the past year, the Applicant has re-initiated discussions with Council staff in respect of a developing the bulk of the remaining land into a more extensive collection of residential properties, with site areas more closely akin to a typical residential neighbourhood. It is largely a result of these discussions, and a modestly favourable (although entirely non-prejudicial) position of support indicated by staff within Council's policy planning and infrastructure departments that has encouraged the Applicant to submit this proposal for consent consideration.

The most recent event that has influenced that status of the application land is the notification of the Proposed Plan. The majority of the development land within which residential activities are proposed has been rezoned into a residential format by the Proposed Plan. Having said that, it is acknowledged that the Proposed Plan has some way to go before it will assume full operative status. Until that time both the District Plan and the Proposed Plan need to be considered.

Current Situation

The legal description of the application site is Lots 2, 5, 7, 9 and 10 DP 470050. The property has a total area of 16.00 hectares and is currently held in certificates of title 634078, 634081, 634083, 634085 and 634086, copies of which are attached. The physical address of the property is 35, 41, 43, 47 and 49 Dalziel Road, Dunedin.

The 5 existing certificates of title comprise the following individual areas-

634078	Lot 2 DP 470050	1.95 hectares
634081	Lot 5 DP 470050	2.29 hectares
634083	Lot 7 DP 470050	10.32 hectares
634085	Lot 9 DP 470050	0.49 hectares
634086	Lot 10 DP 470050	0.95 hectares

There are a number of existing subject easements registered over the application titles. These are shown on DP 470050 as 'A', 'B', 'C' and 'D' and these can be suitably accommodated within the proposed development. There are also several existing appurtenant easements, and these will remain in place at the conclusion of the proposed subdivision.

There are a number of other existing encumbrances registered over the subject titles. These describe various building line restrictions, land covenants, consent notices and mortgages. None of these encumbrances fundamentally flaw the proposed development, although these will need to be addressed as a matter of course in the legal documentation required to give effect to the proposed subdivision. Several of the more relevant property encumbrances are attached to this application for the reader's reference.

In the broader sense, the subject property is situated on the western side of the Halfway Bush suburb of Dunedin, between Taieri Road to the north-east and Dalziel Road to the west. The land to the south of the application block is owned by Dunedin City Council and contains the bulk of the Fraser's Gully reserve. The land to the north-west of the subject site, between the site and the intersection of Three Mile Hill Road and Dalziel Road comprises five lifestyle-sized residential properties (between 0.58 and 2.02 hectares in area). The land to the east of the application property is occupied by approximately 28 typical-sized residential sites, the majority of which are accessed from Ashmore Street. On the opposite side of Dalziel Road, to the west of the subject site, is located the Penno Block subdivision, which was a development completed in 1997 by Dunedin City Council that produced 9 rural-residential sized sites (each marginally greater than 2.00 hectares in area) and enlarged one existing site to 0.65 hectares in area. Other major features in the region are the Leslie Groves and Wakari Hospitals located approximately 1km to the east of the site, the Mount Grand water treatment station located the same distance to the south-west, the Ashburn Clinic health care facility located approximately 300m to the north of the site, and the Halfway Bush sports ground located approximately 250m to the east of the application land. Brockville Primary School is located some 1.2kms to the south and Wakari Primary School is located approximately 1.4kms to the east, while the Halfway Bush Convenience Store is located 70m to the east of the application site and the Dunedin Pony Club is located some 400m to the north-west.

The subject property is located within a region of mixed land use activities. The surrounding land uses range from typical residential activities with an average land area of around 800m² to the east of the site, to smaller lifestyle sized activities occupying around 0.25 to 0.65 hectares, to rural-residential type activities with areas generally slightly greater than 2.00

hectares, to the adjoining natural reserve block owned by Dunedin City Council comprising an area close to 50 hectares.

The subject site is currently zoned Rural under the District Plan, as is the Council reserve block to the south of the subject site. The land to the east is zoned Residential 1 and the land to the north and west is zoned Rural-Residential. There are no planning designations or special controls shown in the District Plan as being attached to the application property, nor is the site subject to any of the High Class Soils or Landscape Management classifications. The existing north-south watercourse is annotated in the District Plan as being subject to an esplanade strip requirement.

Under the Proposed Plan, the site is zoned a combination of Large Lot Residential 1 Zone and Rural Hill Slopes Zone. The former of these zones is proposed to exist generally across the flatter, clear proportions of the land, while the latter is proposed to exist generally across the steeper, bush covered regions.

All of the surrounding sites, with the exception of the Council reserve block to the south, are utilised for residential activities (or are intended to be utilised for residential activities). Many of these sites are also utilised for rural activities, although the scale of these activities is dictated by the sizes of the respective properties.

The application site itself resembles a roughly square block, measuring around 480m both east-west and north-south, and containing approximately 16.00 hectares. There are a number of 'holes' within the outline of the development block, which are created by discrete properties that are not part of the application property. All but one of these discrete properties are owned by external parties (the exception is Lot 8 DP 470050, which is owned by the Applicant but is not being adjusted as part of this development proposal). Of the discrete four sites that are owned by external parties, one of these has no infrastructural connection to the application property (Lot 1 DP 453493), while the remaining three sites (Lots 3, 4 and 6 DP 470050) all achieve legal access and partial infrastructure servicing by way of existing easements across the application property. A copy of DP 470050 is attached, and the easement locations are illustrated therein.

Adjoining the application site to the north is a narrow corridor of land (approximately 10m) running between Taieri Road and Dalziel Road. This corridor is made up of 5 part sections, being Pt Sec's 28, 32, 34, 36 and 38. The Applicant may seek to incorporate this land into the development at a later date if a useful function for the corridor is identified.

In terms of its elevation, the application site generally lies between 240m and 290m above sea level. The landform across the subject site exhibits a range of slopes, from reasonably steep at its lower extremities to reasonably flat at its higher elevations. Two existing natural watercourses run through the site, one from north to south on the eastern side of the property, the other from west to east on the southern side of the land. These watercourses both run into the Council reserve block, following which they merge into a single watercourse before joining the Fraser's Creek feature. The steeper slopes of the application property generally follow the sides of these two watercourses, which for the most part are vegetated with native bush.

Other than where the native bush exists, the application property generally enjoys a ground coverage of pastoral grass. A relatively small amount of gorse and bracken exists in the north-east corner of the site.

The site has previously been subject to a geotechnical investigation (Geolink Land Investigations, circa 2011). A copy of the resulting report is attached. This investigation concludes that the majority of the application property is not subject to any limitations to development, although it also notes others portions of the land which are i) subject to moderate limitations to development, ii) subject to severe limitations to development, and iii) not suitable for development. The two most limiting categories closely coincide with the steep bush-clad slopes of the two watercourses on-site.

Access to the site is presently achieved from Dalziel Road, at a distance of 350m south of the Dalziel Road / Three Mile Hill Road intersection. The site also has legal frontage to Taieri Road, although due to topographical constraints no physical access has previously been established at this location. The Dunedin City District Plan recognises Dalziel Road as a Collector Road and Taieri Road as a Regional Road.

There are no established dwellings or residential structures of any significance within the existing property. However each of the 5 existing titles has consent and infrastructure as necessary to enable a single new residential activity to be readily established on each site.

While there are no significant residential structures within the application property, there are several existing artificial features of note. First among these are several sections of substantial old dry-stone walls that run across the development block. These exist around the rectangular perimeter of Lot 2 DP 470050 (except for the Dalziel Road boundary) and along the northern boundaries of Lots 4 and 10 DP 470050. These walls, while not having a significant historical value (these are younger than 100 years), certainly possess a heritage value that is representative of earlier farming practices. The previous residential subdivision on the land, by DP 470050, has recognised the heritage value of these walls by establishing protective covenants for these structures to ensure that future owners are unable to remove these structures, except for very minor alterations to enable access into residential properties.

The second artificial feature of note is a relatively large set of overhead power transmission lines that pass across the application property in an east-west alignment slightly north of the northern boundary of Lot 5 DP 470050. These overhead transmission lines comprise three sets of poles, spaced approximately 5.0m apart, with a total of around 16 cables attached. This corridor of transmission infrastructure is a reasonably dominant feature over what is otherwise generally bare pasture land.

The photographs below show an aerial view and a number of oblique views (both inwards and outwards) to the application site.



Photo A – Aerial view of application site.



Photo B – Looking into the application site from Taieri Road.



Photo C – Looking into the application site from Ashmore Street.



Photo D – Looking into the application site from Dalziel Road.



Photo E -- Looking from the site entrance north along Dalziel Road.



Photo F -- Looking from the site entrance south along Dalziel Road.



Photo G – Looking north from within the site (standing inside the easement north of Lot 4 DP 470050).



Photo H – Looking north-east from within the site (standing inside the easement north of Lot 4 DP 470050).



Photo I – Looking east from within the site (standing inside the easement north of Lot 4 DP 470050).



Photo J – Looking south-east from within the site (standing inside the easement north of Lot 4 DP 470050).



Photo K – Looking south from within the site (standing inside the easement north of Lot 4 DP 470050).



Photo L – Looking south-west from within the site (standing inside the easement north of Lot 4 DP 470050).



Photo M – Looking west from within the site (standing inside the easement north of Lot 4 DP 470050).



Photo N – Looking north-west from within the site (standing inside the easement north of Lot 4 DP 470050).



Photo O – Looking north from within the site (standing beneath the existing overhead transmission lines).



Photo P – Looking north-east from within the site (standing beneath the existing overhead transmission lines).



Photo Q – Looking east from within the site (standing beneath the existing overhead transmission lines).



Photo R – Looking south-east from within the site (standing beneath the existing overhead transmission lines).



Photo S – Looking south from within the site (standing beneath the existing overhead transmission lines).



Photo T – Looking south-west from within the site (standing beneath the existing overhead transmission lines).



Photo U – Looking west from within the site (standing beneath the existing overhead transmission lines).



Photo V – Looking north-west from within the site (standing beneath the existing overhead transmission lines).



Photo W – Looking at the application site from an oblique aerial perspective (looking south-east).

Proposed Residential Activity and Subdivision

The applicant proposes to establish an additional 29 residential activities within the application property. This will enable a total of 34 residential activities to occur on the land if we include the 5 underlying properties that enjoy existing permissions for residential activity. In addition to this, the Applicant wishes to subdivide the subject property in such a manner as to allow each new residential activity to occur on a separate titled site. The attached subdivision scheme plan illustrates the nature of the proposed subdivision.

The new allotments, to be created by way of the proposed subdivision, will achieve the following-

Site	Net Area (m ²)	Purpose
Lot 1	2,140	New Residential activity.
Lot 2	2,100	New Residential activity.
Lot 3	2,100	New Residential activity.
Lot 4	2,060	New Residential activity.
Lot 5	2,100	New Residential activity.
Lot 6	2,100	New Residential activity.
Lot 7	2,100	New Residential activity.
Lot 8	2,820	New Residential activity.
Lot 9	2,060	New Residential activity.
Lot 10	2,000	New Residential activity.

Lot 11	2,400	New Residential activity.
Lot 12	2,320	New Residential activity.
Lot 13	2,200	New Residential activity.
Lot 14	2,120	New Residential activity.
Lot 15	2,000	New Residential activity.
Lot 16	2,440	New Residential activity.
Lot 17	2,620	New Residential activity.
Lot 18	2,120	New Residential activity.
Lot 19	2,020	New Residential activity.
Lot 20	2,040	New Residential activity.
Lot 21	2,140	New Residential activity.
Lot 22	2,080	New Residential activity.
Lot 23	2,180	New Residential activity.
Lot 24	2,020	New Residential activity.
Lot 25	2,020	New Residential activity.
Lot 26	2,020	New Residential activity.
Lot 27	2,380	New Residential activity.
Lot 28	2,100	New Residential activity.
Lot 29	2,700	New Residential activity.
Lot 30	2,000	New Residential activity.
Lot 31	2,460	New Residential activity.
Lot 32	6,480	New Residential activity.
Lot 33	1,560	New Residential activity.
Lot 34	1,160	New Residential activity.
Lot 94	3,120	To be amalgamated with Lot 11 DP 470050 (to assist with access to that property).
Lot 95	3,700	To become a private Lane 'A' accessway reserve, owned in equal shares by the owners of Lots 1-31.
Lot 96	2,840	To become a private Lane 'B' accessway reserve, owned in equal shares by the owners of Lots 1-31.
Lot 97	2,580	To become a private Lane 'H' accessway reserve, owned in equal shares by the owners of Lots 1-31.
Lot 98	2,960	To become a private reserve (passive recreation), owned in equal shares by the owners of Lots 1-31.
Lot 99	2,760	To become a private reserve (active recreation), owned in equal shares by the owners of Lots 1-31.
Lot 100	1,580	To become a public road (legal) by way of vesting to Dunedin City Council.
Lot 101	5.60 hectares	To become a public reserve by way of vesting to Dunedin City Council.
Lot 102	1,260	To become a public reserve by way of vesting to Dunedin City Council.

Lot 103	3,960	To become a public reserve by way of vesting to Dunedin City Council.
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The majority of the new residential activities will have a site area of 2,000m² or greater. This site size has been selected by the Applicant as it is expected to provide desirable properties to the market. There are very few vacant sections of this size available within the Dunedin city region, and these sites will provide a greater choice of property types to prospective purchasers. The proposed site sizes, being considerably larger than the minimum site size of typical residential sections with the City (at 500m²), will provide an open, spacious neighbourhood, which will have which will enjoy a semi-rural lifestyle ambience.

Two sites, Lots 33 and 34, are less than 2,000m² in area (these sites are 1,560m² and 1,160m² respectively). These sites are smaller due to the confined topography at this region of the development property, but are still somewhat larger than the minimum site size of 500m² permitted in the adjacent Residential 1 Zone.

The character of the development will similarly be developed with a semi-rural lifestyle ambience in mind. To achieve this, in addition to the generous site sizes, the proposed development will include-

- Pedestrian pathways built along the sides of the existing heritage rock walls to maximize potential enjoyment of these features.
- Open swale drains along the sides of the private laneways to collect surface water run-off and stormwater from residential activities.
- Gravel shoulders and sealed footpaths along the private laneways rather than traditional concrete kerbing.
- Neighbourhood reserves available for private community activities and/or recreational infrastructure.
- Restrictions on the reflectivity of new structures and a requirement to plant 10% of each residential site.

All of the new residential allotments will gain access and service connections from the existing site frontages at Dalziel Road and Taieri Road. The existing sites that are not contained in the application property and presently utilise the existing access and service easements, of which there are 4, will continue to enjoy these rights across the application land.

Lot 94 is a narrow allotment that will be amalgamated with the adjacent Lot 11 DP 470050 (certificate of title 634311). This has been included in the development proposal on the request of the owner of Lot 11 DP 470050, who presently gains informal practical access by way of the proposed Lot 94 corridor. By purchasing this land, the adjoining owner will be able to formalise this access.

Lots 95, 96 and 97 are private laneways that will be owned in equal shares by the owners of Lots 1-31. These provide access through the development site from the proposed new legal road on the east to Dalziel Road on the west. A Body Corporate will be established to manage the maintenance of these laneways.

Lots 98 and 99 are private reserve areas for active and passive recreation facilities. As with the laneways, these reserves will be owned in shares by Lots 1-31 and maintained through the Body Corporate.

Lot 100 is a proposed new legal road (pubic), while Lots 101, 102 and 103 are proposed new public reserves. All of these sites will vest to Dunedin City Council as part of the subdivision process.

Yards, Height Restrictions and Buffer Planting Along Private Boundaries

The Applicant proposes that front yards will be set at a standard of 10.0m from existing and new public roads. This will apply to the sites that share a boundary with Dalziel and Taieri Roads and the new road (Lot 100). This yard offset is larger than the 4.5m required by the Proposed Plan, but is considered appropriate as a means of maintaining the rural amenity of the land, particularly in regard to the Dalziel Road frontage.

The Applicant proposes that side and rear yards will be set at a standard of 4.0m from neighbouring private properties (both internal and external), including where properties adjoin the proposed Laneways 'A', 'B', and 'H'. This proposed 4.0m yard is consistent with the standard yard required by the Proposed Plan. The only specific exception to this standard yard occurs on the eastern side of Lots 33 and 34 where a 10.0m yard offset is preferred in order to mitigate adverse effects to the neighbouring properties at 165-173 Ashmore Street and 469 Taieri Road.

The Applicant proposes that yards from right-of-way easements will be set at a standard of 1.0m. This is consistent with both Plans and is in line with established practice over recent years.

A height restriction is proposed for Lots 33 and 34 to assist with the mitigation of effects from these sites on the adjacent private properties. It is proposed that the maximum height of any structure established on Lot 33 will not exceed the lowest ground-storey floor level of the principal residential structures within 165-173 Ashmore Street (approximately 279.5m Otago Datum). Similarly, it is proposed that the maximum height of any structure established on Lot 34 will not exceed the floor level of the principal residential structure within 469 Taieri Road (approximately 276.0m Otago Datum). The existing contour of the land within proposed Lots 33 and 34 still enables new residential units to be established in these sites while respecting the proposed height restrictions.

The Applicant proposes to incorporate an 8.0m strip of buffer planting along the eastern sides of Lots 33 and 34 to further insulate the neighbouring properties from possible cross-boundary effects.

The Applicant proposes to incorporate a 3.0m strip of buffer planting along the western sides of Lots 19-22 as a means of partially screening the proposed residential activities from the adjacent property at 31 Dalziel Road. The Applicant has previously discussed the possibility of this planting with the owner at 31 Dalziel Road, and this is considered a feature that may be well received by that owner. In addition to the proposed planting, the Applicant

also intends to install a more substantial fence along this boundary as a replacement of the existing post and wire fence.

Access

Physical and legal access to the proposed sites will be achieved from both Dalziel Road and Taieri Road. Lots 1-7 will make use of the existing private formation from Dalziel Road for legal access, shown as laneway 'H' on the application plans. The adjacent properties known as Lot 3 and Lot 4 DP 470050 will also continue to make use of this access from Dalziel Road. Therefore, a maximum of 9 properties will gain access from Dalziel Road at this location, which is equal to the current number of sites that have access in this manner. Lots 8-31 will gain access by way of a new public road that will be constructed from Taieri Road, and the private laneways shown as 'A' and 'B'. Lot 32 will have direct and independent access by way of an existing vehicle crossing at Dalziel Road. Lots 33 and 34 will achieve access from the new public road that connects to Taieri Road, but without sharing use of the private laneways.

The proposed legal road (Lot 100) will be built to Council's normal standard for low-volume residential roads, except that there will only be a footpath installed along one side of the formation. Dual footpaths are not considered necessary in consideration of the low population within this neighbourhood and the provision of a number of other pedestrian pathways throughout the development (which will share the demand). On-street parking will be provided within the cul-de-sac that is shown at the end of the new road.

A number of new planting features will be installed along Taieri Road and private Laneway 'A' as indicated on the subdivision scheme plans. The purpose of these features is to provide a degree of screening from the development site for the residents living on the northern side of Taieri Road. The new road has also been designed with a vertical grade (no steeper than 1:10) such that the main headlight beam when in dipped mode will not fall directly onto windows on the opposite side of the new intersection (although some residual glare is expected to fall onto these windows), and the new road further incorporates a horizontal curve that will result in headlights being directed towards the planted screening feature, where possible, instead of towards neighbouring houses. As a result of these design features, it is only the first 20m of the new road which is anticipated to generate headlight glare effects of any significance.

The Applicant proposes also to establish a temporary shade cloth fence along the Taieri Road boundary to achieve the same screening effects as the proposed feature planting, for a period of time while the planting is becoming established.

In further consideration of headlight glare, it is noted that the number of vehicles expected to pass from the development site in the mornings, during peak times, is not particularly high. In addition to this, for much of the year the sun will have risen at the time the peak traffic flow begins, and in these periods it can be reasonably expected that headlights will not be in operation. It is the Applicant's view that with all of these mitigation measures considered (both artificial and natural elements), the proposed development will not generate a level of adverse effect in respect of headlight glare that will be unacceptable.

The Applicant considers that it is also valuable to note that a new vehicle access to Taieri Road from the existing property could be established as of right. This is essentially the permitted baseline consideration. Such an access would be private rather than public and could be installed to support a number of the existing consented residential activities within the development neighbourhood, potentially providing access for all of the 9 existing sites. A more realistic expectation might be simply a single access to support only the residential activity on Lot 7 DP 470050, but in either case it is the entitlement for the owner to establish a vehicle access of sorts that is important. With this in mind, it is the scale of the access (and the associated effects) that is in many ways more important than the effects generated by the act of creating an access.

The three proposed private laneways ('A', 'B' and 'H') will be implemented within a legal easement width of at least 10.0m, and will each be formed with a suitable 2-way carriageway, a sealed footpath on one side, and an open stormwater swale drain. Parking spaces will also be provided within the laneways, and in particular within the vicinity of the Lot 99 private reserve.

In addition to the new legal road and the proposed private laneways, a number of lesser rights-of-way will also be created to support smaller groupings of sites. Rights-of-way are proposed as follows-

- ROW C, created over Lot 5, in favour of Lot 6.
- ROW D, created over Lot 8, in favour of Lot 9.
- ROW E, created over Lot 34, in favour of Lot 33, 94, Lot 11 DP 470050, DCC (public), and DCC (private).
- ROW F, created over Lot 33, in favour of Lot 34, 94, Lot 11 DP 470050, DCC (public), and DCC (private).
- ROW G, created over Lot 94, in favour of Lot 6, DCC (public), and DCC (private).

Note, the DCC (public) easements are intended for public pedestrian access, while the DCC (private) easements are intended for access in support of public infrastructure maintenance. It is also possible to create a right-of-way easement in favour of DCC (private) through the remainder of Lot 94 should this be necessary to support infrastructure maintenance through this region.

It is anticipated that Council's Transportation Planning department will wish to review and approve a full set of design plans for the new legal road and the three proposed right-of-way formations prior to these being constructed. We expect that a condition requiring this to occur will be installed on the consent.

Reserves and Pedestrian Pathways

Five new reserves are proposed as part of the Westacott Heights residential development. Two of the smaller reserves, shown as Lots 98-99 on the subdivision scheme plan, will be private reserve areas owned in equal shares by the owners of Lots 1-31. An offer of a share of the ownership of these reserves will also be made to the owners of the existing sites at Lots 3, 4, 6 and 8 DP 470050. The collective owners will be responsible for maintenance of

these reserves and for any capital expense relating to the installation of any community infrastructure within this reserve (subject, of course, to any necessary building consents).

The remaining three reserves proposed will be vested to Dunedin City Council as public land. Lot 101 comprises the largest allotment of the development and this land contains the bulk of the existing natural gully and native bush areas. The purpose of this reserve is for natural amenity and native bush protection. The smaller reserve shown as Lot 102 is also for natural amenity, although the land in this reserve will need to be cleared of noxious vegetation (gorse and broom) and replanted with suitable plants. The final reserve area, shown as Lot 103, will become a recreational reserve and the Applicant proposes to develop this into an open, accessible area that can be enjoyed by the local community and broader visitors. It is understood through recent discussions with Council's Parks and Recreation Services department that it is desirable for Council to acquire the three public reserves as this would offer a natural extension to the Fraser's Gully reserve that Council presently owns. This land will complete the network of natural reserve in this neighbourhood, providing a contiguous block from Taieri Road through to Ellis Park and Kaikorai Valley Road.

It is also worth noting that Council's Parks and Recreation Services have not appeared particularly interested in acquiring the land in the vicinity of Lots 33 and 34. Initial discussions included vesting these sites to Council along with the large reserve block, however due to the existing gorse and broom coverage, this area was not considered particularly valuable and potentially problematic to maintain. It was partly this opinion that guided the Applicant into deciding that these areas might be better utilised as new residential properties.

Being aware of the benefit to the City that will result from the vesting of the three public reserve, the Applicant seeks consideration for an offset value to be made against the development contribution levies that would ordinarily apply to this development. This is further discussed below.

A new network of public pedestrian pathways will be created through the development site to provide suitable pedestrian linkage between Dalziel Road, Taieri Road, Ashmore Street and the various public reserve areas. These pathways will also maximize the amenity value of the existing heritage dry-stone walls. These proposed public pedestrian pathways are shown on the attached subdivision scheme plan.

Water Supply

The new residential properties will each be supplied with domestic water by way of normal connections to the City's water supply reticulation.

One or more new water mains will be installed from the existing infrastructure in Dalziel Road and Taieri Road, through the proposed new legal road and along the three laneways as is necessary to provide acceptable fire-fighting capacity. From this main, individual water connections shall be installed to the boundaries of Lots 1-31.

Lot 32 will be supplied with a new water connection directly from the existing main in Dalziel Road.

Lots 33 and 34 will be supplied with a new water connection directly from the existing main in Taieri Road.

The detailed design of the water supply infrastructure will be undertaken following issue of subdivision consent. It is anticipated that the consent will include a condition to require review and approval of the detailed design for the water infrastructure prior to any construction.

Stormwater Drainage

The drainage of stormwater from the proposed residential sites will be achieved by way of a combination of open swale drainage, artificial channel drainage and in-pipe drainage.

These drainage facilities will ultimately discharge stormwater into the two on-site open watercourses. Initial evaluation of these on-site watercourses suggest that there is ample capacity for the proposed discharge, quite possibly without the need for any public or private retention facilities. Given the long length of overland travel between the application land and the toe of Frasers Gully system, the Applicant expects that any additional flows generated by the proposed residential development will, in respect of stormwater discharge, have negligible effect on the receiving environment.

The existing adjoining properties, being Lots 3, 4, 6 and 8 DP 470050, will be provided with connections to the new infrastructure to ensure that these sites continue to be able to drain stormwater satisfactorily.

The Applicant understands that concentrated stormwater drainage cannot be discharged across a private boundary in any greater capacity than presently occurs. It is anticipated that the detailed civil design of the subdivision infrastructure will ensure that no adjoining properties are adversely effected in respect of stormwater discharges.

The detailed design of the stormwater drainage infrastructure will be undertaken following issue of subdivision consent. It is anticipated that the consent will include a condition to require review and approval of the detailed design for the stormwater infrastructure prior to any construction. This condition would commonly include the requirement for a stormwater management plan, and this plan would be expected to confirm with greater confidence whether any on-site stormwater retention is necessary.

Foul Sewage Drainage

The Applicant has been recently investigating two options for possible drainage of foul sewage. The first of these is a traditional sewerage system, draining through a new piped network to a new public pump station installed at a suitable location on the property (unfortunately a pump of some form is required as there is no nearby existing foul sewer at a level that for would make gravity discharge possible). The pump station would then pump

effluent to the existing public foul sewer in Taieri Road. It is likely that a number of smaller domestic pumps may also be required with this option to enable the lower-lying sites to discharge into the new piped network.

The second option that the Applicant is investigating is the possibility of a pressurised pipe system similar to the drainage scheme that Council has recently installed at Allanton. This system would remove the need for a public pump station, replacing this with smaller individual domestic pumps within the new sites. These smaller pumps would each discharge into a surcharged pressurised pipe, which would itself discharge into the existing public foul sewer in Taieri Road.

At this point in time, sufficient investigation has been completed to confirm that the latter of these two systems (i.e. the Allanton-type system) is the preferred option. This is principally due to the significant difference in installation costs expected between the two systems. Accordingly, the Applicant proposes the use of the preferred system and anticipates a consent conditions requiring the provision of technical specifications for pressurised pipe system to Council's Water and Waste department as part of the engineering approval process.

All of the proposed sites will be able to be serviced for foul sewage by way of the proposed pressurised infrastructure, as indicated on the attached services plan. Several private easements are likely to be required to adequately protect this infrastructure, and these will be created as necessary at the time of survey.

The existing adjoining properties, being Lots 3, 4, 6 and 8 DP 470050, will be offered new connections to the proposed foul sewage infrastructure. If this offer is taken up, these connections would replace the existing septic tank solutions that are presently utilised by these adjoining properties.

The detailed design of the foul sewage drainage infrastructure will be undertaken following issue of subdivision consent. It is anticipated that the consent will include a condition to require review and approval of the detailed design for the foul sewage infrastructure prior to any construction.

Electricity Supply and the Existing Overhead Transmission Lines

The supply of electricity to the new residential sites can be readily achieved from the existing on-site supply network. A residential sub-station has previously been installed within the existing access easements corridor to support the earlier subdivision under DP 470050. It is our understanding that this sub-station can be upgraded without difficulty to provide suitable electricity supply to Lots 1-31.

Lot 32 will be supplied with electricity directly from existing network infrastructure in Dalziel Road.

Lots 33-34 will be supplied with electricity either directly from existing network infrastructure in Taieri Road or alternatively from the upgraded transformer within the development site.

The large overhead transmission lines will be relocated to an underground alignment as part of the development works. Discussions with Delta over recent months have confirmed that this is feasible. The removal of these overhead lines will vastly improve the development property.

Telecommunications Supply

The supply of telecommunication to the new residential sites is expected to be achieved from the existing on-site supply network. This network infrastructure has previously been installed within the existing access easements corridor to support the earlier subdivision under DP 470050. We anticipate that there is sufficient capacity within the existing network to satisfactorily service the proposed development.

Lot 32 will be supplied with telecommunications from the new infrastructure also (there is no existing network within Dalziel Road). Due to the relative isolation of this site it will likely require an easement over Lots 1 and 2 to ensure that this service connection can be installed through to the main reticulation network.

Lots 33-34 will be supplied with telecommunications either directly from existing network infrastructure in Taieri Road or alternatively from the upgraded transformer within the development site.

Geotechnical Matters

The attached geotechnical report by Geolink Land Investigations, circa 2011, describes the land stability throughout the application property. This report shows four categories of land stability, from no limitations to development (in green shading), to areas that are subject to moderate limitations to development (in yellow), to areas subject to severe limitations (in red), and lastly to areas that are not suitable for development (in pale blue/white). The subdivision scheme plans shows the line separating the 'no limitations' (green) and 'moderate limitation' (yellow) regions.

The majority of the proposed residential sites are fully located in the region of 'no limitations'. None of the proposed residential sites occupy any part of the regions of 'severe limitations' or 'not suitable for development'.

Several of the proposed residential sites stray into the region of 'moderate limitations', the affected sites being Lots 6, 8-13, 27-29 and 31-34. Of these sites, all but Lots 27, 32, 33 and 34 include a sufficient platform of land that is subject to the 'no limitation' category to enable a new dwelling to be established clear of the questionable regions. It is anticipated that the Applicant, or a proposed future land owner, would have the 'moderate limitation' regions removed from these four allotments by way of site-specific geotechnical analysis (the Geolink report recognises this). It is considered reasonable that that the consent will

include a condition to require geotechnical confirmation by a suitably qualified person in regard to Lots 27, 32, 33 and 34. Should any of these proposed sites fail to pass the further geotechnical assessment, the allotments will either be progressed for purposes other than residential use, or the land will alternatively be merged into one of the adjoining reserve areas.

HAIL Matters

The Applicant has reviewed the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) and has confirmed that none of the activities or industries shown on that listing have occurred within the application site, to the best of his knowledge.

Further to this, the Applicant has included with this application a HAIL assessment report based on property records and evidence of previous land use. This report concludes that there is no indication or evidence of hazardous activities or industries having taken place on the application land.

Easements

New access easements will be created as part of the proposed subdivision over the right-of-way areas shown Lane's 'A', 'B' and 'H', and ROW's 'C', 'D', 'E', 'F' and 'G'. The existing right-of-way easements that will become obsolete with the vesting of the new legal road will be cancelled through the subdivision conveyancing process.

New service easements for conveying water, stormwater, foul sewage, electricity and telecommunications will be created as necessary to protect all new infrastructure that is installed. It is likely that these easements will primarily coincide with the new access easements noted above, although we can expect that there may be several secondary service easement alignments that will extend beyond these.

New pedestrian pathway easements will be created in favour of Lots 1-31, and the general public, to enable full community / City-wide use of the proposed pedestrian linkages between Dalziel Road, Taieri Road, Ashmore Street and the new public reserve areas.

A suitable easement in gross in favour of Aurora will be created along the alignment of the new underground electricity cable(s).

Esplanade Strip

The District Plan indicates that an esplanade strip will be required alongside the existing open watercourse that runs in a north-south direction through the site. This can certainly be achieved through the subdivision process if necessary, however as this watercourse is contained within the proposed Lot 100 road, and the Lot 101 and 103 reserves, which will be vested to Dunedin City Council with the subdivision, it would seem perhaps unnecessary to go to the effort of creating an esplanade strip.

The Applicant requests that the requirement for an esplanade strip is formally waived by Council in the resource consent decision. If not, the esplanade strip will be created as is the usual practice.

Development Contributions

The Applicant understands that development contributions will apply to the proposed activity. However, we request that the assessment of the value of these contributions takes into account the following other contributions that have been offered to the City as part of this development, and which will benefit the City as a whole (not just the development land)-

- The large block of natural and recreational reserve (Lots 101, 102 and 103, with a total area of 6.12 hectares), which will be vested to Council at the time of subdivision.
- Any other new infrastructure that forms part of this application or is otherwise required by way of consent condition(s), and which will ultimately lead to a direct improvement of the City's existing infrastructure systems and networks.

We have been advised by Council that the mechanism to offset development contributions is by way of a private development agreement between the Applicant and Council. By all accounts this has not been previously attempted under the current development contributions policy, so there is no current precedent for how this might be applied. The Applicant would like to enter into more detailed discussions with Council about the value of development contributions, but understands that this is perhaps best left until the consent is issued and the relevant infrastructure conditions known.

Proposed Plan (Second Generation District Plan)

The Proposed Plan, also known as the Second Generation District Plan, was notified in late September with submission closing in late November. At the date of this application Council is processing submissions and it is unknown whether any of the proposed Rules have been given effect to. This is likely to be assessed more fully when the Applicant provides expert evidence during the application's 'discovery' period.

The Proposed Plan has zoned the majority of the land within which the new residential activities are proposed as Large Lot residential 1. The remainder of the application site, most of which is the large natural reserve area, has been zoned Rural Hill Slopes.

There also appears to be several proposed adjustments to the zoning format in the surrounding environment, including the Council reserve to the south of the application site changing from its present Rural Zone status to become part of a new Recreation Zone, and the modification of several properties north of the application site from their present Rural Zone status to become part of the adjoining Rural-Residential Zone.

The Applicant is generally satisfied by the rezoning formats offered by the Proposed Plan, and a submission to this effect has been made to Council for consideration by the Committee as the plan implementation process moves forward over the coming months.

The proposed allotment layout, and site sizes, is to a large degree consistent with the provisions of the Proposed Plan. Lots 1-31 all lie within the Large Lot Residential 1 Zone, and these sites are all at least 2,000m² in size, which complies with the density provisions of the Large Lot Residential 1 Zone. Lots 32, 33, and 34 lie within the Rural Hill Slopes Zone, and these do not comply with the density provisions of that zone. Regardless of the density non-compliances in regard to Lots 32, 33 and 34, the Applicant considers that the proposed residential activities at these locations represent the best use of the land, and should consent be granted for the proposed development it might be reasonable to zoning in the Proposed Plan to be modified through its implementation process to better accommodate these non-complying sites.

In terms of a broader view of the planning implications in the region surrounding the application site, it would appear that having a transitional Large Lot Residential 1 Zone extending between the denser General Residential Zone to the east and the Rural-Residential Zone to the west, would make a great deal of sense (certainly more sense than having the General Residential Zone and the Rural-Residential Zone interrupted by a relatively small block of Rural Zone as is presently the case). The concept of reducing the density of residential activities in a staged and uninterrupted manner, as the City extends from its centre outwards, is a relatively robust and defensible concept.

Adjoining Owners

The adjoining owners located at Lot's 3, 4, 6 and 8 DP 470050 are all aware that the application site is intended for residential development. The access easements that presently serve these sites will be adjusted as a result of the proposed subdivision (these will be cancelled, either in full or in part, as a result of the creation of the new legal road). These adjustments will happen as part of the legal conveyancing process. What will be more noticeable to these owners will be the change in the nature of the existing access, including the new legal road and the larger laneway formations.

The same owners are restricted from objecting to the proposed residential development through covenant encumbrances that have been previously registered on the relevant certificates of title prior to these properties being sold. The Applicant does not expect these owners to submit in objection to the proposed activity during the public notification period.

Similarly, the owner of Lot 1 DP 453493 is restricted from objecting to the proposed residential development through a condition of the sales and purchase agreement that was used to transfer this property from the Applicant to the current owners. A copy of this agreement is attached. The relevant clause of this agreement (clause 15.10 of the Further Terms of Sale), states: *'The purchaser warrants that it will not unreasonably withhold consent to any application by the vendor in respect of development of the vendor's land which will form the balance land after subdivision of the land which is the subject of this agreement.'* For clarification, the vendor of that sale was RPR Properties Limited and the purchaser was Christopher Rietveld and Mary Wouters. The balance land is shown within the sales agreement and this contains 16.7 hectares, which broadly coincides with the extent of the land subject to this application. The question of whether consent for the

proposed development has been unreasonably withheld by the adjoining owner is somewhat subjective, however it is very clear that the adjoining owner has been well aware, and agreeable to, further development occurring within the application land. Had this not been that case, then adjoining owner simply would not have purchased the land. Furthermore, it is the Applicant's firm view that the purchaser was well aware at the time of the sales agreement that the intended future development was that of an intensified residential format across the whole of the balance land, excluding the gully areas, wholly consistent with what is now proposed.

The Applicant does not expect these owners to submit in objection to the proposed activity during the public notification period.

The adjoining property at 53 Dalziel Road, being Lot 1 DP 348982 and Lot 1 DP 7348 (held in certificate of title 201007), is not subject to any such restriction. The Applicant has consulted with the owner of this adjoining property and has reached an arrangement whereby the proposed Lot 32 will be sold to this owner as the conclusion of the proposed subdivision. Lot 32 will be sold as an independent site with its attached consent from a residential activity (i.e. it will not be amalgamated into the existing property at 53 Dalziel Road). The Applicant understands that the purchasing owner intends to utilise the land with Lot 32 initially as additional grazing paddock, but then later to give effect to the consented residential activity. With this arrangement reached, it is not anticipated that the owner of the property at 53 Dalziel Road will submit in opposition to the proposed development.

Earthworks

An earthworks consent is almost certainly going to be required for the new public road construction and private accessway construction. However, this earthworks consent is not being sought at this time and will be applied for separately at a later date once the final detailed design has been completed and any influencing conditions of the principal consent have been accommodated.

REASONS FOR APPLICATION

The subject site is zoned **Rural** in the District Plan. Dalziel Road and Taieri Road are classified as Collector and Regional Roads respectively in the Plan's Roding Hierarchy.

The proposal fails to comply with the District Plan, as noted below-

Rural Section

1. Rule 6.5.2(iii), which requires new residential activities within the Rural Zone to have a minimum area of 15 hectares per site.

We seek land use consent from Council to allow the establishment of the proposed residential activities with various undersized site sizes, for the following reasons-

- i. The proposed land use is the optimal method of utilising the City's land resource at this location. Traditional productive rural land uses cannot be

efficiently established due to the fragmented nature of the property. A 'Large Lot' lifestyle form of residential development achieves the greatest potential of the land, in a manner that minimises adverse effects and maintains a transitional environments between the Residential 1 Zone to the east and the Rural-Residential Zone to the west. City infrastructure at this location possesses the necessary capacities to support the proposed development.

- ii. The surrounding environment already displays a mixed pattern of residential and rural-residential activities. Many of the adjoining properties are significantly undersized for the Rural Zone (as small as 2,547m²) while none of the adjoining properties achieve the minimum site size required by the Rural Zone (15 hectares). The application site is comprised of 5 separate properties (each having the right to establish a residential activity) with a combined area of 16.00 hectares. The properties within the immediate vicinity of the application site are similarly sized. The local built environment is in no way consistent with the expectation of the Rural Zone. Development in the format proposed is a credible concept if the provisions of the Rural Zone are put to one side.
- iii. The majority of the effects of the proposed activity have been assessed as being no more than minor. The few effect that are considered more than minor are believed to not exceed an acceptable level.
- iv. Consent has been previously issued to develop a number of residential sites within the application property. This supports the assessment that the application site is appropriate for residential development. This application seeks to expand on the previously consented development, along a similar, albeit slightly denser, fashion.

2. Rule 6.5.3(i)(a)(i), Rule 6.5.3(i)(b)(i) and Rule 6.5.3(i)(b)(iii), which require new residential activities within the Rural Zone to have various minimum yards between 12m and 20m.

We seek land use consent from Council to allow the establishment of new residential activities on the proposed residential sites with standard yard offsets reduced to 10.0m where properties adjoin legal roads, 4.0m where properties adjoin other properties (including external properties) and the three proposed laneways, and 1.0m where properties adjoin the minor right-of-way easements. This is proposed for the following reasons-

- i. A breach in these Rules is necessary to achieve the proposed new undersized residential activities. If Council is of a mind to issue consent for the breach described in 1 above for the undersized sites (which is the principal non-compliance for consideration) then consent should also be issued for the associated bulk and location breaches to properly enable the proposed activity.
- ii. Where different yard offsets have been specifically proposed as mean of mitigating effects (e.g. 10.0m yards on the eastern boundaries of Lots 33 and 34), these will supersede the standard yard widths proposed.

3. Rule 20.5.7(iii), which require vehicle crossings near intersections between Regional and Local Roads of less than 100 km per hour to be located at a minimum distance of 36m from the intersection. We seek land use from Council to overcome the situation whereby a number of existing vehicle crossings will be made non-complying as a result on the proposed intersection at Taieri Road. This situation affects the existing crossings at 480, 482, 484, 486, 488 and 490 Taieri Road (on the opposite side of the road from the proposed intersection). This situation is considered acceptable for the following reasons-
- i. The attached transportation report concludes that the proposed intersection will be able to operate in a safe and efficient manner. Specific mention is made of the wide median strip in the centre of Taieri Road and the ability of this feature to provide space for vehicles to avoid conflict.
 - ii. The alternative to a public road would be the provision of a private access at the same location. This would provide the same form of intersection, with the same level of traffic, but would avoid creating non-complying vehicle crossings as the intersection would not be considered a legal intersection but would itself be a private vehicle crossing. In either format the transportation effects are the same, while a private access would not achieve the benefits of a public road in respect of achieving the simplest form of public access to the new reserve areas.

In accordance with Rule 6.5.7(i) the proposed land use is assessed as being a non-complying activity.

Subdivision Section

4. Rule 18.5.1(ii) and Rule 18.5.1(A)(i), which require subdivision of new residential activities within the Rural Zone to have a minimum area (or average minimum area) of 15 hectares per site.

We seek consent from Council to allow subdivision of the proposed residential activities with various undersized site areas. This breach to the District Plan provisions is of the same nature as described under non-compliance 1 above, and the same reasons for issuing consent apply. The proposed subdivision will simply serve the purpose of providing a vehicle for the proposed residential properties to be held in separate ownerships, the effects of which are no greater than the establishment of the undersized residential activities themselves.

In accordance with Rule 18.5.2 the proposed subdivision is assessed as being a non-complying activity.

Overall, the proposed development is assessed as being a **non-complying activity**.

In regard to the Proposed Plan, at the time of this application it is unknown which Rules, if any, have been given effect to. For this reason it is impossible to determine the activity status of the application under the Proposed Plan. Consideration of the applications consistency with the Objectives and Policies of the Proposed Plan are discussed in the relevant section below.

AFFECTED PERSONS

The site does not comply with the minimum area provisions of the Dunedin City District Plan. Due to the scope of the non-compliance, the Applicant accepts that this application is likely to be subject to a full public notification process.

As a full public notification process is anticipated, no affected person's consents have been sought from specific parties. All parties will instead have an opportunity to make submissions through the notification process.

The adjoining owners located at Lot's 3, 4, 6 and 8 DP 470050 are all aware that the application site is intended for residential development. These owners, plus the owner of Lot 1 DP 453493, are restricted from objecting to the proposed residential development through covenant encumbrances that were registered on the relevant certificate of titles prior to these being sold. The Applicant does not expect these owners to submit in objection to the proposed activity during the public notification period.

The adjoining property at 53 Dalziel Road, being Lot 1 DP 348982 and Lot 1 DP 7348 (held in certificate of title 201007), is not subject to any such restriction. However, this owner has reached an agreement with the Applicant which involves the transfer of Lot 32 at the conclusion of the subdivision process. For this reason, the Applicant does not anticipate this owner to submit in objection to the proposed activity.

EFFECTS ON THE ENVIRONMENT

The following assessment of effects on the environment has been carried out in accordance with Schedule 4 of the Resource Management Act 1991. It includes those assessment matters listed in Sections 6.7, 14.7, 16.7, 18.6, 20.6 and 21.6 of the District Plan considered relevant to the proposed activity.

Schedule 4 RMA

In accordance with section 6(1)(a) of Schedule 4, we do not consider that it is likely that the proposed activity will result in any significant adverse effect on the environment.

In accordance with section 6(1)(b) of Schedule 4, an assessment of the actual or potential effects on the environment of the proposed activity is contained herein.

In accordance with section 6(1)(c) of Schedule 4, we are not aware of any previous activity on the site that has included the use of hazardous substances and installations. This will be further assessed when property records are received from Dunedin City Council and Otago Regional Council.

In accordance with section 6(1)(d) of Schedule 4, the Applicant does not propose the discharge of any contaminant.

In accordance with section 6(1)(e) of Schedule 4, relevant mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effects are described below under the various assessment headings.

In accordance with section 6(1)(f) of Schedule 4, prior consultation has been undertaken with the following parties/organisations-

- Dunedin City Council planning and infrastructure departments.
- Delta (as electricity service provider).
- The adjoining owner at 53 Dalziel Road.
- The owners of Lots 3, 4, 6 and 8 DP 470050.

The nature of these consultations is described in the application sections above.

In accordance with section 6(1)(g) of Schedule 4, we do not consider that the scale and significance of the proposed activity will require monitoring beyond the normal subdivision certification and approval processes.

In accordance with section 6(1)(h) of Schedule 4, we do not consider that it is likely that the proposed activity will have an adverse effect that is more than minor on the exercise of a protected customary right.

In accordance with section 6(2) of Schedule 4, the assessment of effects below has considered the applicable aspects of relevant policy statements and plans.

In accordance with section 7(1)(a) of Schedule 4, the assessment of effects below has considered the effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects.

In accordance with section 7(1)(b) of Schedule 4, the assessment of effects below has considered the effect on the locality, including any landscape and visual effects.

In accordance with section 7(1)(c) of Schedule 4, the Applicant has considered the effect of the proposed activity on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity, and considers that this effect will be no more than minor. There is a sufficient buffer between the proposed residential activities and the existing open watercourses (where the local ecosystem is focused) for any potential effects to be mitigated.

In accordance with section 7(1)(d) of Schedule 4, the Applicant does not consider that it is likely that the proposed activity will have an adverse effect that is more than minor assessment on natural and physical resources (having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value) for present or future generations.

In accordance with section 7(1)(e) of Schedule 4, we do not consider that it is likely that the proposed activity will have an adverse effect in respect of release of contaminants into the environment.

In accordance with section 7(1)(f) of Schedule 4, we do not consider that it is likely that the proposed activity will have an adverse effect in respect of natural hazards or the use of hazardous substances or hazardous installations.

Section 6.7 (Rural)

Sustainability Section (6.7.1)

The proposed activity is not considered to be inconsistent with the provision in the Sustainability section of the Dunedin City District Plan.

The Applicant submits that the land in question will be put to a better usage as smaller lifestyle-sized residential activities (the majority of which are 2,000m² or greater in area) than what is provided for by the present range of undersized rural-residential activities. This will better enable the residential capacity potential of the land, in a location that is considered sustainable, which will (to a modest degree) alleviate the demand for residential activity in other local environments where development may not be as sustainable.

The proposed activity is unlikely to result in the need for capital investment by the City into new public infrastructure.

The anticipated environmental effects described under Rule 4.5 of the District Plan are supported by the proposed activity.

Amenity Values (6.7.3)

Assessment of amenity values includes consideration of the effect that the proposed activity is likely to have on amenity values of the site and surrounding environment and whether there is the ability to relocate the activity into a zone within which it would be permitted.

In terms of the former, the various assessment headings below serve to introduce and consider all of the various amenity value effects (for instance, visibility, noise, lighting, etc.), and there is no need to duplicate those comments here.

In respect of the latter, we are not able to consider the merits of shifting the proposed activity into a zone within which it would be permitted because the location itself forms the foundation of the proposed activity. It is the land, and the proposed manner in which the land is used, that creates the zoning non-compliance – it is impossible to relocate the Applicant's property into an alternative zone. If this application was for a business activity (e.g. a retail outlet or recreational facility), then it would certainly be possible to assess the merits of establishing the activity at an alternative location, but this is not the case.

Cumulative Effect (6.7.4)

We do not consider that the site and surrounding environment will be adversely affected by cumulative effects beyond a more-than-minor level as a result of this proposal.

This is because the application site is confined within a relatively small region of existing Rural Zone, bordered by an established Residential 1 Zone on the east and established Rural-Residential Zones on the north and west. To the south of the application site is a Council-owned natural reserve (Fraser's Gully Reserve). Once the proposed development has been implemented, there will be very little potential for further residential development within the surrounding region, and as such, very little potential for cumulative effects to be realised.

Intensity of Activities (6.7.5)

We do not consider that the site and surrounding environment will be adversely affected by the intensity of the proposed activity to a more than minor degree. Construction processes, will for a time be obvious on-site, and thereafter the new residential activities will be apparent as a modification from the existing rural environment, however due to the interim nature of the former and the buffer created by the Lot 101 reserve of the latter, we consider these effects to be acceptable.

Noise (6.7.6)

We do not consider that the site and surrounding environment will be adversely affected by noise from the proposed activity beyond a minor level. Construction processes, will for a time create noise, however this will be temporary and can be controlled to acceptable levels using common consent condition methods. Once the proposed residential activities have been established there will be some ongoing noise resulting from these activities, and from traffic at the new intersection with Taieri Road, however this noise will have the same character as the noise which is generated by the existing adjacent residential neighbourhood and it will be largely distanced from the majority of nearby properties by way of the Lot 101 reserve. For these reasons we consider the effects of noise from the proposed development to be acceptable.

The single possible exception to the above submission is the potential impact of the proposed development on the adjacent properties at 53 Dalziel Road, 165-173 Ashmore Street and 469 Taieri Road due to the proximity of the proposed Lots 32, 33 and 34. However, we note that the potential effect of noise from the proposed residential development is reduced by the following elements-

1. The adjoining owner at 53 Dalziel Road has arranged to acquire Lot 32 from the Applicant at the conclusion of the subdivision. This will put the nature of any future effects squarely under the control of that owner. For this reason, all anticipated effects from the proposed development on the property at 53 Dalziel Road can be considered acceptable, and
2. The topography of Lots 33 and 34 comprises a moderate falling slope to the west, away from the adjoining properties along Ashmore Street and Taieri Road. This

means that the new residential activities on Lots 33 and 34 will be established at a lower level than the existing neighbouring dwellings. Furthermore, the proposed height restrictions on Lots 33 and 34 will ensure that no structures are built to exceed the existing ground floor levels of the neighbouring sites, and

3. The Applicant has proposed a 10.0m yard offset to apply along the boundary of the Ashmore Street and Taieri Road neighbours, which will restrict future structures within Lots 33 and 34 from being established within this distance from the neighbouring properties. Furthermore, the Applicant proposes to establish and protect an 8.0m wide planted corridor along these boundaries to provide additional softening of any effects arising from new residential activities on Lots 33 and 34.

The three elements described above will all either avoid or insulate the properties at 53 Dalziel Road, 165-173 Ashmore Street and 469 Taieri Road from any potential adverse noise effects arising from the proximity of the residential activity on the proposed Lots 32, 33 and 34. The Applicant acknowledges that these effects, even with the insulating elements described, have the potential to be more than minor, however it is considered unlikely that these effects will reach levels that are unacceptable.

The potential adverse effects from noise issues on the adjoining properties located at Lot's 3, 4, 6 and 8 DP 470050 and Lot 1 DP 453493 are fully mitigated by way of the existing reverse sensitivity covenants that has previously been registered on the titles of these sites and the sales agreement provisions previously agreed.

The potential adverse effects from noise issues on the adjoining properties located at 493 Dalziel Road, 5, 17 and 27 Three Mile Hill Road and 19 Dalziel Road (all to the north of the application site) are mitigated by way of suitable separation distances between the proposed building platforms and the existing dwellings on these nearby properties (the nearest dwellings will be at least 87m apart), and this is further mitigated by the existing line of dense vegetation that runs along the southern boundary of these nearby properties (refer Photo O above). This vegetation extends to greater than 6.0m in height through most sections and is sufficiently dense as to achieve 100% screening from lighting and visibility effects, and a moderate level of screening from noise effects. Overall, the effects of noise on the properties at 493 Dalziel Road, 5, 17 and 27 Three Mile Hill Road and 19 Dalziel Road is anticipated to be no more than minor.

Glare and Lighting (6.7.7)

We do not consider that the site and surrounding environment will be adversely affected by glare and lighting from the proposed activity, beyond an acceptable level. Once the proposed residential activities have been established there will be some ongoing glare and lighting resulting from the new dwellings and from traffic using the new road, however these effects will be minimised by way of the distance between many of the light sources and the neighbouring properties, and where these sources are in closer proximity by way of the proposed planted features that are designed to shield the neighboring properties from lighting effects.

The potential adverse effects from glare and lighting issues on the adjoining properties located at Lot's 3, 4, 6 and 8 DP 470050 and Lot 1 DP 453493 are fully mitigated by way of the existing reverse sensitivity covenants that has previously been registered on the titles of these sites and the sales agreement provisions previously agreed.

The potential adverse effects from glare and lighting issues on the adjoining property located at 53 Dalziel Road (to the south of the application site) are deemed to be acceptable by virtue of that owner's arrangement to take ownership of proposed Lot 32.

The potential adverse effects from glare and lighting issues on the adjoining properties located at 493 Dalziel Road, 5, 17 and 27 Three Mile Hill Road and 19 Dalziel Road (all to the north of the application site) are fully mitigated by way of the existing line of dense vegetation that runs along the southern boundary of these nearby properties (refer Photo O above). This vegetation extends to greater than 6.0m in height through most sections and is sufficiently dense as to achieve 100% screening from lighting and visibility effects.

Overall, the effects of noise on the surrounding properties is anticipated to be no more than minor.

Odour (6.7.8)

The proposed activity is that of a large-lot (but otherwise typical) residential development. All anticipated effects relating to odour will be consistent with normal residential activities and are not expected to be offensive in any way. We believe that these effects will be no more than minor.

Bulk and Location (6.7.9)

The effects of bulk and location issues are anticipated to be acceptable. Clearly, the application seeks consent to undertake a number of new residential activities on sites that do not comply with the Rural Zone bulk and location (and density) provisions, however the actual effects arising from the proposed non-compliances, in terms of bulk and location, are themselves considered for the most part to be no more than minor.

The single possible exception to the above determination is the potential bulk and location impact of the proposed development on the adjacent properties at 165-173 Ashmore Street and 469 Taieri Road due to the proximity of the proposed Lots 33 and 34. However, we note that the potential effect of noise from the proposed residential development is reduced by the following elements-

1. The topography of Lots 33 and 34 comprises a moderate falling slope to the west, away from the adjoining properties along Ashmore Street and Taieri Road. This means that the new residential activities on Lots 33 and 34 will be established at a lower level than the existing neighbouring dwellings. Furthermore, the proposed height restrictions on Lots 33 and 34 will ensure that no structures are built to exceed the existing ground floor levels of the neighbouring sites, and
2. The Applicant has proposed a 10.0m yard offset to apply along the boundary of the Ashmore Street and Taieri Road neighbours, which will restrict future structures

within Lots 33 and 34 from being established within this distance from the neighbouring properties. Furthermore, the Applicant proposes to establish and protect an 8.0m wide planted corridor along these boundaries to provide additional softening of any effects arising from new residential activities on Lots 33 and 34.

These two elements described above will all help to insulate the properties at 165-173 Ashmore Street and 469 Taieri Road from any potential adverse bulk and location effects arising from the proximity of the residential activity on the proposed Lots 33 and 34. The Applicant acknowledges that these effects, even with the insulating elements described, have the potential to be more than minor, however it is considered unlikely that these effects will reach levels that are unacceptable.

The potential adverse effects from bulk and location issues on the adjoining properties located at Lot's 3, 4, 6 and 8 DP 470050 and Lot 1 DP 453493 are fully mitigated by way of the existing reverse sensitivity covenants that has previously been registered on the titles of these sites and the sales agreement provisions previously agreed.

The potential adverse effects from bulk and location issues on the adjoining properties located at 493 Dalziel Road, 5, 17 and 27 Three Mile Hill Road and 19 Dalziel Road (all to the north of the application site) are mitigated in a similar manner as the effects on 53 Dalziel Road (discussed above), by way of suitable separation between the proposed building platforms and the existing dwellings on these nearby properties (the nearest dwellings will be at least 87m apart), and being further mitigated by the existing line of dense vegetation that runs along the southern boundary of these nearby properties (refer Photo O above). This vegetation extends to greater than 6.0m in height through most sections and is sufficiently dense as to achieve 100% screening from lighting and visibility effects, and a moderate level of screening from noise effects. Overall, the effects of bulk and location issues on the properties at 493 Dalziel Road, 5, 17 and 27 Three Mile Hill Road and 19 Dalziel Road is anticipated to be no more than minor.

Water and Effluent Disposal (6.7.10)

The supply of water and the discharge of effluent can be satisfactorily achieved by way of the proposed reticulation methods. Therefore no adverse effect is anticipated in this regard.

High Class Soils (6.7.11)

High Class Soils do not exist within the application site, therefore there will be no adverse effect in this regard.

Visual Impact (6.7.13)

Perhaps the most obvious anticipated change to the environment resulting from the proposed residential development will be the modification of the application property from a semi-rural-residential 'soft' landscape to a more 'transitional' neighbourhood that offers a greater density of residential land use. It would be easy to consider this application as facilitating a change to the environment from the current landform (open pasture with no

dwelling) to a residential environment with 34 new dwellings and little in the way of pasture, however this would be an incorrect assessment as this would fail to take account of the residential activities that are already permitted (but not yet established) within the application site.

The change in the character of the site will result from an increase of residential activities from the 5 that are presently permitted to the proposed 34 residential activities. In addition to the increase in residential activities, we need to acknowledge that the establishment of the proposed new road and laneway formations and the three new private reserve areas proposed will alter the existing landscape character also.

The existing situation allows for 5 new residential activities to be created throughout the application site. The siting of the dwellings associated with the 5 permitted residential activities will be scattered across the subject land (i.e. one on each of Lots 2, 5, 7, 9 and 10 DP 470050). In addition to these 5 sites, there are 4 existing properties that are not part of this application, but which exist within the same landform and which enjoy permission for new residential activities (these being Lot's 3, 4, 6 and 8 DP 470050). Only two of these 4 adjoining sites have been built on at the time of this application. Therefore, we can confirm that there is a relatively substantial difference between the appearance of the present landform (two established residential activities), and the currently permitted landform (which will include 9 residential activities when completed), and the proposed landform (containing a total of 38 residential activities). It is the modification from the 9 residential activities that are presently permitted to the proposed 38 that is of the most relevance to this assessment.

The reason for the above discussion is to establish that the proposed activity does not seek to change the appearance of the landform as it exists today. The open-space pasture, which is apparent in Photo's B and C above (looking into the site from Taieri Road and Ashmore Street respectively) will, at the completion of the previously consented development, be interrupted by an additional 8 residential dwellings and associated curtilage and amenity. Note that the existing residential activity on Lot 3 DP 470050 can be seen in the photos (the second existing residential activity is very new and does not appear in the photos).

The question then becomes what level of effects on the landscape character, and what level of effects through visual impacts, will arise as a result of the change in land use from 9 scattered residential activities to 38 more densely arranged residential activities (plus the new road and laneways, and reserve areas).

In respect of landscape character, we do not believe that the proposed residential development is likely to give rise to an effect at a level that is more than minor. The site is located in the Rural Zone, but the land use is far from consistent with the provisions of that zone. The existing 9 residential activities are scattered and serve (or will serve when complete) to effectively remove any sort of rural or semi-rural character that might have otherwise existed within the application property and surrounding land. The smallest of these existing sites is 2,547m² (Lot 6 DP 470050), and at this size any sort of rural or rural-residential character is effectively removed. This consideration, coupled with the knowledge that there is no recognition of existing landscape values at the application site within the

District Plan, as well as the presence of the dominant overhead electricity transmission line feature, demonstrates that there are very few, if any, landscape character values presently attached to the application site. On this basis, the proposed modification to the landform environment cannot give rise to any adverse effect to landscape character.

In consideration of the second aspect of this section, being the effect that the proposed residential development might have in respect of visual impact, we comment below.

In respect of the nearby community, including the existing properties to the north and south of the application site, and the existing properties previously subdivided from the central region of the development block, we do not consider that these properties will be adversely affected by visual impacts from the proposed activity that exceed an acceptable level.

The largest potential impact of the proposed development, in terms of visual amenity, is the effects on the properties at 53 Dalziel Road, 165-173 Ashmore Street and 469 Taieri Road. The effects on 53 Dalziel Road can be deemed to be acceptable by way of that owner's participation in the proposed development and the arrangement whereby that owners will acquire the proposed Lot 32. In regard to the properties at 165-173 Ashmore Street and 469 Taieri Road, the Applicant's proposed mitigation measures, including height restriction, enlarged yard offsets and planting buffers, as previously described, are expected to reduce the visual amenity effects on these properties to an acceptable level.

The potential adverse effect from visual impact issues on the adjoining properties located at Lot's 3, 4, 6 and 8 DP 470050 and Lot 1 DP 453493 are fully mitigated by way of the existing reverse sensitivity covenants that has previously been registered on the titles of these sites and the sales agreement provisions previously agreed.

The potential adverse effect from visual impact issues on the adjoining properties located at 493 Dalziel Road, 5, 17 and 27 Three Mile Hill Road and 19 Dalziel Road (all to the north of the application site) are fully mitigated by way of the existing line of dense vegetation that runs along the southern boundary of these nearby properties (refer Photo O above). This vegetation extends to greater than 6.0m in height through most sections and is sufficiently dense as to achieve 100% screening from lighting and visibility effects.

The potential adverse effect from visual impact issues on the adjoining Residential 1 Zone properties to the east of the application site adjoining Ashmore Street (beyond the effects generated by Lots 33 and 34 as discussed above) cannot be assessed as being no more than minor. The view of the application site, when observed from this location, is illustrated in Photo C above. Clearly, there will be a notable difference in the appearance of the application property between what is presently permitted to occur on the land and what would be permitted should this consent be granted.

The Applicant acknowledges that while the introduction of an additional 29 residential activities within the visible landscape (increasing from the existing permitted 9 to a total of 38) has the potential to generate an adverse effect on the visual values from the Ashmore Street properties, we submit that there are several mitigating elements, as noted below-

1. The existing landscape include provision for 9 residential activities, only one of which is presently established. With the completion of the permitted dwellings, which will be scattered through the existing pasture-land, the visual impacts then arising from an increase in the residential density will appear less intrusive, and
2. The existing dominant feature of the overhead electrical transmission lines already interrupts the existing visual value of the land when observed from Ashmore Street, and
3. The proposed new residential activities are not expected to protrude above, or break, the landform horizon when observed from Ashmore Street. The existing residential activity on Lot 3 DP 470050 is visible on Photo C and this is located at an elevation equal to or greater than any of the proposed new residential sites. We can therefore expect that none of the new activities are likely to extend higher than the roof of this existing dwelling.

For these reasons, it is not anticipated that the proposed residential activity and land subdivision will generate adverse visual impact effects to the properties along Ashmore Street that are unacceptable.

The potential adverse effect from visual impact issues on the adjoining Residential 1 Zone properties to the north-east of the application site (on the opposite side of Taieri Road) similarly cannot be assessed as being no more than minor. The view of the application site, when observed from this location, is illustrated in Photo B above. As with the Ashmore Street view-shaft, there will be a notable difference in the appearance of the application property between what is presently permitted to occur on the land and what would be permitted should this consent be granted.

The Applicant acknowledges that while the introduction of an additional 29 residential activities within the visible landscape (increasing from the existing permitted 9 to a total of 38), as well as the introduction of the new public road, has the potential to generate an adverse effect on the visual values from the Taieri Road properties, we submit that the same mitigating elements exist as described above in relation to the visual impact effects that apply to the Ashmore Street properties. Further to these, the Applicant also proposes to establish a planted screening feature along the Taieri Road frontage to provide additional insulation from the effects of the proposed development to the properties on the northern side of Taieri Road. For these same reasons, it is not anticipated that the proposed residential activity and land subdivision will generate adverse visual impact effects to the properties along Taieri Road that are unacceptable.

The only remaining view-shaft that needs to be considered is the potential for visual impact effects to the rural-residential properties west of the application site (within the Penno Block). The visual impact effects to these properties is not expected to be more than minor for the same reasons that have been noted above in relation to the Ashmore Street and Taieri Road properties, but with a further justification that this view-shaft is looking towards the built-up city environment and this urban view occupies the perspective above the application site. Therefore, the introduction of the proposed life-style sized 'Large Lot' residential activities will appear in the relatively narrow space between the existing built up environment and Dalziel Road alignment, when viewed from the Penno Block properties.

The Applicant does not consider that this adjustment to the visible landscape is likely to constitute a more than minor adverse effect.

Overall, we consider that there is potential for a more than minor adverse visual impact effect in respect of the properties on the west side of Ashmore Street, on the property at 469 Taieri Road, and on the properties on the north-east side of Taieri Road. We believe that these effects, while potentially more than minor in size, are likely to fall within acceptable limits. We do not consider that any properties, other than those noted above, will be subject to any visual impact beyond a more-than-minor level as a result of this proposal.

Residential Units (6.7.15)

It is anticipated that there will be very little potential for conflict between adjoining land use activities arising from the proposed residential development. The landscape is already subject to 9 permitted residential activities and the increase from this to a total of 38 residential activities is considered acceptable. This residential development is designed to provide a suitable transition between the established residential properties to the east and the established rural-residential properties to the west. Furthermore, the local infrastructure is capable of supporting the proposed development. For these reasons, no conflict of land uses is anticipated.

The proposed development is not expected to result in any adverse effects at a more than minor level in respect of hard-surfacing of existing soil, amenity and economic well-being of the site and/or neighbouring properties, or the open nature of the environment. These issues are discussed in greater detail, where relevant in the various sections above and below.

In respect of the productive potential of the applicant property and adjoining sites, this is not considered to be adversely affected by the proposed activity beyond a more than minor level. The productive potential of adjoining sites is not affected in any way by the proposed residential development, while the productive potential of the application land is already severely restricted due to the previously consented residential development.

Overall, the Applicant does not consider that there will be any adverse effect resulting from the proposed activity at a level of more than minor in respect of residential units.

Clearance of Vegetation (6.7.17)

No native bush is proposed as part of this application. Minor clearing of gorse and bracken may be undertaken where needed to support construction processes and or to improve site marketability. This is considered consistent with the relevant provisions of the District Plan and no more than minor adverse effects are anticipated.

Archeological Sites (6.7.20)

The Applicant is not aware of any archeological sites that exist within the application property. Should any archeological sites be discovered during the course of the development, these will be protected and investigated in the proper manner. We do not expect there will be any adverse effect in regard to archeological sites.

Indigenous Vegetation and Habitats (6.7.22)

The comments made under Clearance of Vegetation above apply equally to the consideration of indigenous vegetation and habitats.

Hazards (6.7.23)

A geotechnical report has been previously commissioned and is attached to this application. The proposed residential development has been designed in accordance with this report.

In terms of other hazards, including contamination, the Applicant is not aware of any of these being present within the application property.

For these reasons we do not expect there will be any adverse effects generated by the proposed activity in regard to hazards.

Conflict and Reverse Sensitivity (6.7.26)

We do not consider that the site and surrounding environment will be adversely affected in regard to conflict and reverse sensitivity beyond a more-than-minor level.

The potential adverse effects on the adjoining properties located at Lot's 3, 4, 6 and 8 DP 470050 and Lot 1 DP 453493 are mitigated by way of the existing reverse sensitivity covenants that have previously been registered on the titles of these sites and the sales agreement provisions previously agreed.

Section 14.7 (Landscape)

Visibility (14.7.1)

This assessment matter has been fully described under the Visual Impact (6.7.13) section above. No further discussion is necessary.

Adverse Effects (14.7.2)

All of the relevant adverse effects are addressed under the various headings above and below.

Sympathetic Siting and Design (14.7.3)

No particular siting and design considerations are considered necessary for the proposed new residential activities. We do not expect there will be any adverse effects generated by the proposed activity in regard to siting and design that haven't already been assessed under the relevant sections above and below.

Landscape Features and Characteristics (14.7.4)

The application site does not exist within any protected landscape regions as shown in the District Plan.

The visual impact of the proposed activity is assessed under the Visual Impact (6.7.13) section above. This includes an evaluation of the effect of the proposed activity on the existing landscape character of the site.

Compatibility of Scale and Character (14.7.5)

The scale and character of the proposed residential development are compatible with the surrounding land use. The applicant proposes that this development will form a transitional density neighbourhood between the Residential 1 Zone land to the east and the Rural-Residential Zone land to the west. The proposed site sizes will comprise a mid-range density between these two adjacent zones.

We do not expect there will be any adverse effects generated by the proposed activity in regard to compatibility of scale and character.

Section 16.7 (Indigenous Vegetation and Fauna)

The assessment matter described under Section 16.7, regarding indigenous vegetation and fauna, have been suitably addressed in other parts of this assessment.

Section 20.6 (Transportation)

Parking and Loading (20.6.1)

Suitable parking and loading facilities will be provided as part of the proposed residential development. We do not expect there will be any adverse effects generated by the proposed activity in this regard.

On-Site Manoeuvring (20.6.5)

Suitable manoeuvring facilities will be provided as part of the proposed residential development. We do not expect there will be any adverse effects generated by the proposed activity in this regard.

Vehicle Crossings (20.6.7 to 20.6.10)

Suitable formation and placement of vehicle crossings will be available as part of the proposed residential development. We do not expect there will be any adverse effects generated by the proposed activity in this regard.

The non-compliances generated to several existing vehicle crossings on the north side of Taieri Road (and their proximity to the proposed intersection) are considered acceptable due to the suitable standard of the existing Taieri Road formation. The Applicant is seeking a land use consent to recognise these.

Road Construction (20.6.12)

Suitable road construction can be achieved as part of the proposed residential development. We do not expect there will be any adverse effects generated by the proposed activity in this regard.

Section 21.6 (Environmental Issues)

The assessment matter described under Section 21.6, regarding environmental issues, have been suitably addressed in other parts of this assessment.

DISTRICT PLAN OBJECTIVES AND POLICIES

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the District Plan have been taken into account when assessing the application. The objectives contained in Sections 4.2, 6.2, 14.2, 18.2, 20.2 and 21.2 (and their associated policies) have been evaluated and we comment below on those objectives and/or policies in which the proposed activity is supportive of, or inconsistent with. We have not provided discussion on those objectives and/or policies that we consider are not particularly relevant to the proposed activity.

We also note that where non-complying activities are proposed in particular zones, there are often conflicts between the various Objectives and Policies. For instance, Objective 18.2.1 encourages subdivision to be undertaken in a coordinated and sustainable manner, whereas Objective 21.2.2 discourages noise associated with a development that might adversely affect amenity values. In some instances it is impossible to be consistent with one objective without being inconsistent with another. In respect to this application, the proposed activity is held to be inconsistent with several objectives and policies, however in each of these occurrences the proposed activity is considered to support other objectives of the District Plan. With this in mind, the Applicant is satisfied that in an overall sense the proposed activity is considered to be sufficiently consistent with all of the Objectives and Policies of the Dunedin City District Plan to enable consent to be issued.

The proposal is considered to be supportive of the following objectives and/or policies:

Objective 6.2.1 (and Policy 6.3.1)

"To maintain the ability of the land resource to meet the needs of future generations."

The proposed residential development seeks to increase the number of residential sites within the application land from 5 to 34. The application land is presently fragmented into a number of properties, all of which are significantly undersized for the Rural Zone, and this means that the land resource has only limited value in terms of its rural capacity. It has a far greater value attached to its capacity for residential land use, and we submit that the highest return on the land potential for meeting the needs of future generations is in the form of the proposed residential development.

Objective 14.2.4 (and Policy 14.3.4)

"To encourage the maintenance and enhancement of the quality of Dunedin's landscape."

The proposed residential development will modify an existing block of land within the Rural Zone from a region that has a low level of visual quality (demonstrated by the existing scattered properties and dominant overhead electricity transmission line), to a new high-quality and spacious residential development. The Applicant considers that the proposed activity will result in a significant enhancement to the quality of Dunedin's landscape.

Objective 18.2.1

"To ensure that subdivision activity takes place in a coordinated and sustainable manner throughout the City."

The proposed residential subdivision indeed sustains the potential for the City's resources and will provide, in part, for the reasonably foreseeable needs of land use activities of future generations. The application site is ideally suited for residential development because of i) its location between existing established blocks of residential and rural-residential land uses, ii) its already significant level of density non-compliance with the District Plan, iii) there is very limited potential in the productive capacity of the land, iv) local infrastructure is able to support the development, and v) the effects of the proposed activity are mostly no more than minor, and where these are potentially more than minor they are considered acceptable.

Policy 18.3.13

"To recognise the relationship that a heritage resource may have with the land surrounding that resource."

As described in the application document above, there are a number of old dry-stone walls with heritage value running through the application property. The Applicant intends to promote these rock walls as a feature of the proposed residential development, and there are a number of pedestrian pathways designed alongside these alignments (refer to the attached subdivision scheme plan). These rock walls will become more accessible as a result of the proposed activity, and thus the heritage values attached to these walls will be enhanced.

The proposal is considered to be inconsistent with the following objectives and/or policies:

Policy 6.3.6

"To avoid, remedy or mitigate the adverse effects of buildings structures and vegetation on the amenity of adjoining owners."

The assessment of effects detailed in the section above has recognised that there may be a potential adverse effects, at a more than minor level, on a number of neighbourhood properties. These effects arise from issues including noise, lighting and visibility. However, the assessment of effects concludes that while these effects have the potential to be more than minor, they are also likely not to exceed an acceptable level. Furthermore, we do not consider that the proposed activity is inconsistent with Objective 6.2.2, which sits above Policy 6.3.6, as the existing character of the rural area in this location has already been significantly modified from the character that we might find in a typical Rural Zone region by way of historical happenings. On this basis, while the application cannot be said to be consistent with Policy 6.3.6, we would submit that the extent to which it is inconsistent with this policy is minor.

Objective 21.2.2 (and Policy 21.3.3)

"To ensure that noise associated with the development of resources and the carrying out of activities does not affect public health and amenity values."

The assessment of effects detailed in the section above has recognised that there may be a potential adverse effect from noise, at a more than minor level, on a number of neighbourhood properties. However, the assessment of effects concludes that while these effects have the potential to be more than minor, they are also likely not to exceed an acceptable level. Certainly, the potential effect of noise is not anticipated to be anywhere near the level that might affect public health. Furthermore, Policy 21.3.7 directly addresses the potential for buffer zones to be used as a means to mitigate the effects of noise, and the proposed activity is consistent with this policy by way of its inclusion of the Lot 101 reserve (which provides a separation between the majority of the proposed residential activities and the Ashmore Street and Taieri Road communities), by virtue of the existing vegetation screens between the application property and neighbouring sites to the north and south, and by the proposed new planting features to provide additional screening. On this basis, while the application cannot strictly be said to be consistent with Objective 21.2.2, we would submit that the extent to which it is inconsistent with this policy is minor.

PROPOSED PLAN OBJECTIVES AND POLICIES

The Objectives and Policies of the Proposed Plan also needs to be considered as part of this application.

A review of the Objectives and Policies of the Large Lot Residential 1 section of the Proposed Plan suggests that the proposed development is very much consistent with these provisions. If the Proposed Plan was to be implemented in its present form, the application activity would comply in respect of the density where this is proposed within the Large Lot Residential 1 Zone.

A review of the Objectives and Policies of the Rural Hill Slopes section of the Proposed Plan suggests that the proposed development is inconsistent with these provisions in much the same way as it is inconsistent with the provisions of the current Rural Zone (operative District Plan). In this regard, the considerations of the Objectives and Policies of the District Plan, as made above, are equally relevant and do not require repetition.

SECTION 104D

Section 104D of the Resource Management Act specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of the District Plan. It is our opinion that the proposal meets the second of these two limbs (i.e. that the activity is not contrary with the objectives and policies of the District Plan), keeping in mind that where objectives and policies conflict with each other the proposed activity cannot remain consistent with all. In these instances, we submit that the degree to which this proposal is inconsistent with the objectives and policies is acceptable.

We ask that Council exercises its discretion under Section 104D to grant consent.

PRECEDENT AND TRUE EXCEPTION

Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matter of precedent has been previously addressed by the Environment Court and case law now directs the Council to consider whether approval of a non-complying activity will create an undesirable example. Where the Plan's integrity is at risk by virtue of such a precedent the Council is required to apply the 'true exception test'. This is particularly relevant where the proposed activity is contrary to the objectives and policies of the District Plan.

In this case, the application is non-complying because the proposed new residential activities are all significantly undersized when measured against the District Plan provisions for a residential activity in the Rural Zone.

Due to the particular character the existing subject property and the nature of the proposed residential development (described under Reasons for Application above), we do not believe that approval of this application will undermine the integrity of the District Plan.

Furthermore, the application property has been previously deemed as subject to exceptional circumstances as part of the resource consents issued under SUB-2012-92/A and LUC-2013/445. It would reasonable to suggest that the same set of exceptional circumstances still exist within the property and that these will be just as acceptable today as they were a few years ago.

The Applicant submits the following matters to demonstrate exceptional circumstances-

- The property currently comprises 5 discreet undersized titles. Each of which have the necessary consents in place to establish individual residential activities. The existing sites are significantly below the minimum size for a subdivision within the Rural Zone.
- The immediately surrounding land use pattern is far from consistent with the provisions of the Rural Zone, in which this land exists. The land use pattern further afield comprises residential and rural-residential forms of land use – there is no nearby land use that could be considered consistent with the provisions of the Rural Zone.
- The existing title format of the application property makes the land unsuitable for traditional rural activities. The greatest potential in the existing land resource at this location lies with residential development.
- The application property contains a significant region of native bush and several open watercourses. These gully systems form the head of the Frasers' Gully feature. The Applicant is proposing to gift this feature to the City as a public reserve, which will combine with the existing reserve land to the south of the application site and provide a complete entity, including new connections between the reserve and Dalziel and Taieri Roads.

PART 2 MATTERS

It is also considered that the proposal meets Part 2 matters of the Resource Management Act 1991. For the reasons outlined above, the proposal is not considered inconsistent with sections 5(2)(c) – *“Avoiding, remedying, or mitigating any adverse effects of activities on the environment”*, section 7(c) – *“The maintenance and enhancement of amenity values”*, and section 7(f) – *“The maintenance and enhancement of the quality of the environment”*.

CONCLUSION

In summary, the applicant is seeking the following-

1. A land use consent is sought for the establishment of 34 new residential activities within the land held in certificates of title 634078, 634081, 634083, 634085 and 634086. Each of the proposed new residential sites are undersized in respect of the current Rural Zone density provisions and furthermore will not be able to comply with the Rural Zone yard provisions, and
2. A land use consent for the proposed breach of the minimum yards as required by the Rural Zone provisions, and
3. A land use consent to recognise and overcome the resulting non-compliances relating to the proximity of several existing vehicle crossings to the proposed intersection at Taieri Road, and
4. A subdivision consent for the proposed subdivision of the new residential sites.

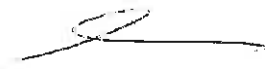
We believe that this application has demonstrated that all potential environmental effects, where more than minor, are within acceptable limits. Furthermore, we believe that this application has demonstrated that the proposed activity is not contrary to the objectives and policies of the District Plan and that it does not introduce any Plan integrity issues.

We request that Dunedin City Council give consideration to the proposed activity and that resource consent for the proposed activity be issued following the likely public notification and Hearing processes.

Please feel free to contact me should you require further information, otherwise I look forward to hearing from you in due course.

Yours Faithfully

PATERSON PITTS PARTNERS LIMITED

A handwritten signature in black ink, appearing to be 'Kurt Bowen', written over a horizontal line.

Kurt Bowen

Registered Professional Surveyor



**DUNEDIN CITY
COUNCIL**
Kaitiaki Take Kōwhiri o Dunedin
CITY PLANNING

APPLICATION FORM FOR RESOURCE CONSENT

APPLICATION DETAILS

We of RPR Properties Limited hereby apply for
☒ Land Use Consent ☒ Subdivision Consent ☐ Other _____ (select one)

Brief description of proposed activity: Proposed residential development of 34 sites in the Rural Zone.

(eg Alter house, construct garage, establish a commercial activity, subdivide the site, remove a tree etc)

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

The following additional resource consents are required and have/have not (delete one) been applied for:

☐ Water Permit ☐ Discharge Permit ☐ Coastal Permit ☒ Not applicable

SITE DESCRIPTION/LOCATION

We are the Owners of the site (owner, occupier, lessee, prospective purchaser etc)

Street address of site: 35, 41, 43, 47 and 49 Dalziel Road, Dunedin

Legal description: Lots 2, 5, 7, 9 and 10 of DP 470050

Certificate of title:	<u>634078,</u>	Valuation No.	Property No.
	<u>634081,</u>		
	<u>634083,</u>		
	<u>634085 and</u>		
	<u>634086</u>		

ADDRESS FOR CORRESPONDENCE

Name (agent) Attention: Kurt Bowen

Address: C/- Paterson Pitts Group
PO Box 5933, Dunedin 9058

Phone: Daytime: (03) 477-3245 Fax: (03) 474-0484

E-mail: kurt.bowen@ppgroup.co.nz

OWNERSHIP OF THE SITE

Who is the current owner of the subject site? The Applicant

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

Address: _____
 _____ Phone: _____

MONITORING OF YOUR RESOURCE CONSENT

What is your best estimate of the date of completion of the work for which this resource consent is required?
 Your resource consent will be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your resource consent will be monitored six months before it is due to expire, which is normally 18 months after the date the consent is granted.)

September 2016

(month and year)

DETAILED DESCRIPTION OF PROPOSED ACTIVITY

Describe your proposal in detail, including reference to the rules in the District Plans that the proposal does not comply with.

Refer to separate documents attached.

(Continue on a separate sheet if necessary)

AFFECTED PERSONS' APPROVALS

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

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Please Note: You must submit the completed written approval form(s), and the plans of the proposed activity signed by affected persons, with this application for resource consent, *unless* it is a notified application in which case affected persons' approvals need not be provided with the application.

Refer to separate documents attached.

DECLARATION

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

Signature of Applicant/Agent (delete one)



Have you read the notes on the following page?

PRIVACY – Local Government Official information and Meetings Act 1987

Under this Act, any person can request applications lodged with Council. Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld, Council will make a decision, following consultation with you. If Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen.

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

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

WHAT HAPPENS WHEN FURTHER INFORMATION IS REQUIRED?

If an application is not in the required form or does not include adequate information, the Council may not accept the application. In addition, section 92 of the Resource Management Act 1991, allows the Council to request further information from an applicant at any stage through the process where it is considered necessary to better understand the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated.

FEES

The Council has set application fees. These may be subject to change by resolution of the Council and will be publicly notified. Enquire at the planning enquiries counter for the details.

FURTHER ASSISTANCE

If you require any further help, please contact: **Planning Enquiries**
First Floor, Civic Centre
50 The Octagon
PO Box 5045
Dunedin

Phone 477 4000
Fax 474 3523

This is also where you can lodge your resource consent application. We are there to provide you with planning information. If you consider you need further planning advice, you may wish to discuss your application with an independent planning consultant.

INFORMATION REQUIREMENTS

OFFICE USE

- ☐ Completed and Signed Application Form
- ☐ Description of Activity and Assessment of Effects
- ☐ Plans
 - ☐ Site Plan and Elevations
- ☐ Certificate of Title (less than 3 months old)
- ☐ Written Approvals
- ☐ Forms and Plans signed by Affected Persons
- ☐ Application Fee

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

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information and adequate assessment of effects) Yes ☐ No ☐

Application: Received ☐ Rejected ☐ Received by: Counter / Post / Courier / Other

Comments:

Include reasons for rejection and/or notes to handling officer.

Planning Officer: Date: