

Application Form for a Resource Consent

50 The Octagon, PO Box 5045, Moray Place
Dunedin 9058, New Zealand
Ph 03 477 4000 | www.dunedin.govt.nz

PLEASE FILL IN ALL THE FIELDS

Application details

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

☒ Land Use Consent ☒ Subdivision Consent

I opt out/do not opt out (delete one) of the fast-track consent process (only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity: _____

See AEE

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

Site location/description

I am/We are the: ☒ owner ☐ occupier ☐ lessee ☐ prospective purchaser of the site (tick one)

Street Address of Site: 33 Gladfield Road, Owhiro

Legal Description: Section 2 Survey Office Plan 468887

Certificate of Title: 648358

Contact details

Name: Allan Cubitt (agent) (applicant/agent (delete one))

Address: 4 Norfolk Street, Dunedin Postcode: 9012

Phone (daytime): 0272083181 Email: allan@cubittconsulting.co.nz

Chosen contact method (this will be the first point of contact for all communications for this application)

I wish the following to be used as the address for service: ☒ email ☐ post ☐ other _____ (tick one)

Address for invoices or refunds (if different from above)

Name: Dave Johnson

Address: C/- P O Box 215, Dunedin 9054

Bank details for refunds

Bank Account Name: _____

Account Number:

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Bank Branch Account Number Suffix

Ownership of the site

Who is the current owner of the site? the applicant

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

Address: _____ Postcode: _____

Phone (daytime): _____ Email: _____

Occupation of the site

Please list the full name and address of each occupier of the site: _____
the applicant _____

Monitoring of your Resource Consent

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

_____ (month and year)

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

Detailed description of proposed activity

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

See AEE

Description of site and existing activity

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

See AEE

_____ (Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? Rural

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

no

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

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

Address: _____

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

(Attach separate sheets if necessary)

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

Declaration

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

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

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

Allan Cubitt

19/10/18

Signature of Applicant/Agent (delete one): _____ Date: _____

Privacy – Local Government Official Information and Meetings Act 1987

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

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

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

What happens when further information is required?

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

Fees

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

Development contributions

Your application may also be required to pay development contributions under the Council's Development Contributions Policy. For more information please ring 477 4000 and ask to speak to the Development Contributions Officer, or email development.contributions@dcc.govt.nz.

Further assistance

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

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

City Planning Staff can be contacted as follows:

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

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

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

By Email: planning@dcc.govt.nz

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

Information requirements (two copies required)

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

In addition, subdivision applications also need the following information

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

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

OFFICE USE ONLY

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

☐ Yes ☒ No

Application: ☐ Received ☐ Rejected

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

Comments: kkk _____

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

Planning Officer: _____ Date: _____

APPLICATION FOR SUBDIVISION AND LAND USE CONSENTS

Gladfield Country Golf Club

**33 GLADFIELD ROAD,
OWHIRO**



Prepared By

Cubitt Consulting Ltd

October 2018

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Appendices

- 1** Subdivision plan
- 2** Computer Freehold Register

1. Description of Proposal

1.1 Description of Site

The property subject to this application is located at 33 Gladfield Road, Owihoro, Valuation Number 27871-14522. Legally described as Section 2 Survey Office Plan 468887 (CFR 648385), the property has an area of 21.2 hectares and has legal and formed frontage to both Gladfield Road and Gladstone Road South. State Highway No.1 also forms the southern boundary of the property, and is a 'Limited Access Road' in this location.

The property is owned by the Gladfield Country Golf Club Incorporated, who operate a golf club from approximately 15.8ha of the site. The golf club buildings are accessed from Gladfield Road, approximately 350m from the Gladfield Road/SH 1 intersection to the east. The remaining 5.3ha is bare land currently leased out for grazing. A drain flows through the northern part of the site while a Telecom fibre optic cable runs along the northern boundary of the site. The East Taieri rural water scheme pipeline also flows along Gladstone South Road, just across the northern property boundary.

While the area is zoned Rural, it is characterised by a number of undersized rural properties and a range of different uses. Directly to the west along Gladstone Road South is a number of lifestyle properties ranging from 5 to 9ha, with most in the 6 to 7 range. These include the following:

- 405 Gladstone Road South – 5.8ha
- 411 Gladstone Road South – 9.7 ha
- 316 East Taieri Allanton Road – 6.5ha
- 461 Gladstone Road South – 7.5ha
- 473 Gladstone Road South – 6.37ha
- 485 Gladstone Road South – 6.0ha
- 495 Gladstone Road South – 7.2ha

The property at 411 Gladstone Road also contains a golf course, along with a function centre.

Directly north of the site is a small industrial property of 4939m², which contains a depot/yard. There are also a number of undersized allotments to the east (for example, 262 Main South Road at 4.35ha) while there is an enclave of small sites directly south of the property, across the SH that range between half a hectare up to 2has, with a number of larger lifestyle blocks located on the hill in behind these. Another enclave of undersized rural sites (ranging between 4500m² to 4has) lies to the west along the SH.

The small rural township of East Taieri lies approximately 1600m to the east.

1.2 Proposed Activity

The subject site has been a golf course for many decades. It was originally the home of the Taieri Golf course until they relocated to their current Milners Road site in 1969. The Gladfield Country Golf Club was established on the site, initially leasing the land from the Kirkland family. The site was eventually purchased from the Kirkland's in 2000. Since that time, the Gladfield Country Golf club has continued to improve and reconfigure the course.

However, as is the case with many golf clubs in the country, the applicant has an aging membership, with a limited uptake of new memberships. The golf club only has approximately 70 members at present which is not sustainable into the future.

This was brought into sharp focus earlier this year when it came time for the club to refinance their mortgage. They were informed by their bank that they had 6 months to arrange alternative finance as the bank was no longer prepared to finance them. It was only due to support from another major client of that particular bank that a 2-year extension deal, at a satisfactory interest rate, was brokered.

As a consequence of this experience, the club must take relatively quick action to secure their financial future. Hence, it was decided that the club needed to dispose of the surplus land they owned that was not used as part of the golf course, being the 5.3-hectare block that fronts Gladstone Road South. This land is presently leased to an Allanton farmer who winters some hogget's and takes a cut of hay in the summer. This only provides a very limited return given its size, and the lack of farmers who wish to lease it as it is not contiguous to farmland.

To achieve this, a subdivision and land use consent is sought. The 21 hectare parent title is to be subdivided into two parcels as follows:

Lot 1 – 5.3ha of bare land to be sold.

Lot 2 – 15.8ha to be retained by the Golf Club.

Land use consent is sought for a dwelling site as shown on the attached scheme plan. This platform is elevated and located 40m from the western boundary and 10m to the golf course (Lot 2) boundary.

There are two options available for electricity connection, one being from the golf club buildings and the other being from the north across Gladstone Road South. The option from the golf club buildings would require an easement across Lot 2. Water is available from the East Taieri scheme that runs along the northern boundary of the site.

Access to Lot 1 will be from the existing access from Gladstone Road. The existing access to the golf club from Gladfield Road will remain unchanged.

1.3 Status of Activities

The site is zoned **Rural** in the operative Dunedin City District Plan. No other planning notation affects the site. Gladstone Road South Road appears to be **District Road**.

Subdivision in the Rural Zone is a restricted discretionary activity provided that each resulting site has an area of at least 15ha [Rule 18.5.1(i)]. Because the proposed lots do not comply with this, the proposed subdivision is a **non-complying** activity in accordance with Rule 18.5.2.

Likewise, Residential activity is only permitted in the Rural zone if the site has an area of at least 15 hectares [Rule 6.5.2(iii)] and complies with the bulk and location requirements. Again, the residential use of proposed Lot 1 is therefore a **non-complying** activity in accordance with Rule 6.5.7(i).

The site is zoned **Rural Taieri Plains** in the proposed Dunedin City District Plan. The minimum site size rules for subdivision in the Rural zone in proposed District Plan are legally operative. In the Taieri Plains zone, 40 hectares is the minimum site size. Rule 16.7.4.3 provides that general subdivision that does not comply with the standard for minimum site size is a **non-complying activity**.

Rule 16.5.2 (1) sets the density standard for dwellings in the zone at 25 hectares. Rule 16.5.2 (3) identifies non-compliance with this standard as a non-complying activity. However, these rules are not operative.

The zone maps for the PDP identify part of the site as being within a Hazard 1 – Flood zone, although this does not apply to the building platform given its elevation. The drain that passes through the northern part of the site has been designated in the PDP by the Otago Regional Council as D218 for the purpose of the “East Taieri Drainage Scheme”.

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

2. Assessment of Environmental Effects

2.1 Introduction

Being a non-complying activity, Council is not restricted in terms of the matters it can consider. Both the Rural zone and the Subdivision section 18.6.1 of the operative District Plan, contain a range of assessment criteria in respect to resource consent applications. Having regard to those matters and after considering all potential effects of the activity, the following are the main issues that would normally need to be addressed and assessed:

- Lot size and dimension
- Amenity values and character of the area
- Transportation
- Conflict and Reverse sensitivity
- Provision for water supply and disposal of stormwater and sewage
- Hazards
- Productive potential of rural land

With respect to the proposed District Plan, the assessment matters included within the provisions are effectively repeating what policies one must consider in assessing an application. This is unnecessary as an assessment of the objectives and policies is required regardless of what the District Plan may direct on this matter. However, for completeness, we have included them here.

Rule 16.12.2.1 contains the following are assessment matters for all non-complying activities under the proposed district plan.

Relevant objectives and policies (priority considerations):

a. Objectives 16.2.1, 16.2.2, 16.2.3, 16.2.4

b. The activity does not detract from, or preferably contributes to, the strategic direction objectives, including, but not limited to, those related to:

i. Objective 2.2.2, 2.2.3, 2.2.4, and 2.3.1

General assessment guidance:

c. In assessing the significance of effects, consideration will be given to:

- i. short to long term effects, including effects in combination with other activities; and*
- ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and*
- iii. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with:*

1. wāhi tūpuna; and

2. the customary use of mahika kai (Objective 14.2.1).

- iv. If located outside a **wāhi tūpuna mapped area**, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna.*

d. In assessing activities that are noncomplying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

In relation activities for Minimum site size infringement, Rule 16.12.6 Assessment of noncomplying performance standard contravention provides as follows:

Relevant objectives and policies (priority considerations):

a. Objectives 2.2.2, 2.2.4, 2.3.1, 2.4.6

b. Objectives 16.2.3, 16.2.4

c. Areas important for food production are protected from subdivision activities that may diminish food production capacity (Policy 2.2.2.1).

d. Subdivision activities that provide for residential activity at a rural residential or suburban scale are avoided (Policy 2.2.4.4).

e. The productivity of farming and other activities that support the rural economy is maintained or enhanced through restricting subdivision activities that may lead to land fragmentation and create pressure for residential oriented development (Policy 2.3.1.2).

f. The identified character values of the rural zones are maintained (Policy 2.4.6.2).

g. Subdivisions are designed to ensure any associated future land use and development maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8).

h. Subdivisions are designed to ensure any future land use and development will:

- i. maintain or enhance the productivity of rural activities;*
- ii. maintain high class soils for farming activity, or ensure any loss is no more than minor;*
- iii. maintain land in a rural rather than rural residential use; and*

iv. not increase the potential for reverse sensitivity from residential activities in the rural zones (Policy 16.2.4.3).

i. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.

j. A legal mechanism is proposed that will ensure that any proposed undersized allotment cannot be used for a residential activity, and overall there is no net increase in residential development potential.

Condensing all these provisions down, and having regard to the operative District Plan provisions, we are of the opinion that the key effects that need to be considered are as follows:

- The effects on productive potential of rural land
- The effects on rural character and visual amenity values
- The effects of fragmentation
- The provision of services.
- Reverse sensitivity effects
- Natural hazards

The permitted baseline is also of particular significance in this proposal. The baseline is established by determining what can occur as of right on the site and determining the existing lawfully established development of the site. Any effects from an activity that is equivalent to or less than that need not be regarded. Because the site exceeds the 15-hectare minimum, a dwelling could be erected as of right on the platform proposed. Hence, the physical effects of the proposal can be largely ignored.

2.2 Productive potential of rural land

The site does contain high class soils and has not been part of a productive farm property for many decades as it has been a golf course. This includes the 5.3ha Lot 1 that while not part of the actual golf course, has not been part of a productive farming operation as it has always been part of the wider golf course property. While this part of the property has been leased out to farmers, its size and severance from other farm properties essentially makes it worthless as a productive farm unit.

Subdivision of this site from the golf course will not impact on its productive potential and it will reflect the size of many of the existing properties located to the west within the block bounded by Gladfield Road, Gladstone Road South, Riverside Road and the State Highway. This is an area of large lifestyle, hobby farms, not productive farm units.

To ensure as much of the productive land as possible is available for ongoing agriculture use, the dwelling platform has been located on the elevated land on the southern boundary of proposed Lot 1. This will ensure all the flat land within the lot, being the majority of the site, can continue to be leased to farmers in the area or be made available for intensive agriculture uses if the new owner so chooses.

Overall, the proposal will have a less than minor adverse effect on rural productivity, particularly when the permitted baseline is considered.

2.3 *Rural Character and Visual Amenity Values*

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

However, in assessing the impact of the proposal on these values, the character of the existing environment becomes the key factor. This character has generally been described in paragraph 1.1 and 2.2 above, with the subject site being located within a block bounded by Gladfield Road, Gladstone Road South, Riverside Road and the State Highway that is largely an area of lifestyle, hobby farms, not productive farm units. Surrounding development is at an even higher density.

The subject site is the only property within this block that meets the 15-hectare minimum, with the exception of 54 Riverside Road which, at 15.53 hectares, takes in land across Gladstone Road South also. The remaining sites range between 5.8 to 13.6 hectares in area. Leaving aside the subject site, the average density is 8.6 hectares.

As a result, the location is influenced by a reasonably high level of residential development. Including the proposal in the density calculation will see the average density maintained at 9 hectares.

What also must be highlighted is the fact that a dwelling could be erected on this site as right given the property exceeds the 15-hectare density standard. It is only the subdivision proposal that creates the need for consent. The effects on rural character and visual amenity values could already be present in the environment had the club chosen to build a dwelling (for say, a manager's accommodation) without the subdivision proposal.

With respect to the impact on neighbouring properties, the dwelling is to be located no closer than permitted 40m setback from the nearest external boundary, being the property at 405 Gladstone Road South. This property is also screened by a row of mature pine trees that are located within the subject site (and are therefore under the control of the applicant). As a consequence, there will be no impact on the amenity values of this property.

Hence, the addition of a further dwelling in this environment will not have any impact on the amenity values and landscape character of this particular area, particularly when the permitted baseline is considered. Overall, any adverse effects of the proposal on rural character or visual amenity values will be less than minor.

2.4 *The Effects of Fragmentation*

The issue with fragmentation in the rural zone is the effect it has on productivity and the pressure it can create for residential development. This is not a 'normal' productive rural site, being a golf course. This subdivision is merely rationalising the existing resources on the site, separating the golf course from the land that is surplus to the needs of the club. In doing so, the sustainability of the golf club will be assured.

As we have highlighted above, this particular location is already fragmented to well below what the District Plan considers appropriate, with the average density of the Gladfield Road, Gladstone Road South, Riverside Road, State Highway block being below 10 hectares. Development to the south and south west is also significantly higher than this density. This proposal will maintain the average density of the location.

One issue that does arise is that the golf course site remains at over 15 hectares, which would enable a dwelling to be built on it as of right under the current density rules. Although this will soon change, Council may wish to utilise a covenant restricting further development on this site while the golf course is operational.

Having regard to the overall development density in the area, it is considered that proposal will only have a minor adverse effect as a result of fragmentation.

2.5 *Servicing and Access*

The house proposed for Lot 1 can be readily serviced from existing water, electricity and telecommunications infrastructure in the area. The preferred option for these connections has not yet been established and can be addressed prior to Section 224(c) certification. Some easements maybe required to facilitate these connections. There is ample room on-site to safely dispose of effluent that is outside the area identified as flood prone.

The existing access way from Gladstone Road South to the property will continue to be utilised by this proposal and will be upgraded to the appropriate Council standard if needed. Visibility at the crossing point appears to be adequate from both directions.

2.6 *Reverse Sensitivity Issues*

As we have highlighted throughout this report, the receiving environment is not a typical rural environment but more of a lifestyle area. Proposed Lot 1 reflects the size of many of the properties located within this area and does not adjoin a productive farming unit.

The dwelling platform complies with the District Plan yard standards to all external boundaries with the exception of the new boundary to the golf course. However, this is not considered an issue given the difference in elevation between the two sites, with the proposed dwelling platform sitting lower than the golf course.

Hence, we do not anticipate reverse sensitivity to be an issue in this location.

2.7 *Hazards*

The proposed District Plan identifies part of Lot 1 as a Hazard 1 – Flood zone. However, the dwelling site sits outside this zone, being on the elevated part of the site. There is also ample area on the elevated part of the site to deal with the disposal of waste so it is not affected by any future flood threat. Access to the platform is likely to follow an existing historical track alignment along the pine trees on the western boundary. While this is shown to be within the flood zone, site inspection indicates that this is elevated above the surrounding ground. In any event, should an extreme event occur (very unlikely in this location), any future owner would have access across the golf course to their dwelling.

With respect to the HAIL regulations, the applicants advise that the site, to their knowledge, has never been utilised for any hazardous activity. However, a HAIL search will be undertaken.

2.8 Conclusion

The above assessment leads us to conclude that the overall adverse effects of the activity will be less than minor. The permitted baseline would enable the development of a house in the location proposed without consent. The site is located in an area that has an average density of less than 10 hectares and the proposed subdivision reflects that.

3. District Plan Policy Framework

The key sections of the District Plan are Sustainability, Rural Zone, and Subdivision. Each of these sections is considered below.

3.1 Sustainability

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

The proposal is consistent with the permitted baseline for residential development in the rural zone. The wider site is not used for rural purposes but removing the proposed house site from the golf course may provide the opportunity for greater use of the site for rural purposes. There will be no impact on the City's reticulated infrastructure.

3.2 Rural zones

The relevant objectives and policies of the Rural Zones section chiefly seek to protect the productive potential of the zone, public infrastructure, and rural character and amenity values.

The productive values of the site will not be impacted on by the proposal and may in fact be improved. The proposal is in keeping with surrounding development and there will be no new effects on the amenity values of the area, over and above the permitted baseline. There will be little conflict with the other activities in this location.

In summary, we consider the proposal consistent with all relevant objectives and policies of the Rural Zones.

3.3 Subdivision

The objectives and policies of the Subdivision section seek to ensure that subdivision is coordinated and sustainable, with physical limitations and potential land uses considered to ensure that adverse effects are avoided, remedied or mitigated. All necessary infrastructure should be provided by the developer to avoid the need for unsustainable upgrades of public services [Objective 18.2.7 and Policy 18.3.7].

The physical limitations are discussed in the assessment of effects and it has been determined that there is no impediment to the subdivision as proposed. There will be no adverse effects on public services or roading infrastructure.

The proposal is consistent with the objectives and policies of the Subdivision section.

3.6 Conclusion – Objectives and Policies

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

4. Proposed District Plan

The proposed District Plan was notified on the 26th September 2015 and submissions closed on the 24th of November 2015. Decisions are to be released in the next few weeks. There are numerous submissions on the provisions of the proposed District Plan. Hence very little weight can be given to the provisions of that plan. However, some regard must be given to the policy framework of the proposed plan.

The proposed District Plan zones the site 'Rural Taieri Plains'. There are a number of objectives and policies relevant to the proposal.

Objective 16.2.1 is to reserve the rural zones *"for productive rural activities and the protection and enhancement of the natural environment along with certain activities that support the wellbeing of rural communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika."* The subject site is not used for rural purposes, being a golf course. However, the land within Lot 1 is surplus to requirements of the golf course. Creation of the new site with a dwelling will support the productive rural use of the land.

Policy 16.2.1.7 requires residential activity to be *"avoided in the rural zones on a site that does not comply with the density standards for the zone, unless it is the result of a surplus dwelling subdivision."* While the proposed subdivision is not for a surplus dwelling, it is reasonably consistent with the philosophy of this policy as it deals with land surplus to the needs of a non-productive activity. Creating a separate title for this land may enable it to be used more productively in the future.

Policy 16.2.3.8 is to *"only allow subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones."* As highlighted above in the effects assessment above, this subdivision will have no impact on rural character and visual amenity.

Policy 16.2.4.3 is to *"only allow subdivision where the subdivision is designed to ensure any future land use and development will:*

a. maintain or enhance the productivity of rural activities;

...

c. maintain land in a rural rather than rural residential land use; and

d. not increase the potential for reverse sensitivity from residential activities in the rural zones.

Again, as noted in the effect's assessment above, these matters are not compromised by this proposal. The subdivision relates to land surplus to the requirements of an existing non-productive activity.

In terms of Policy 2.2.4.4 of the Strategic Directions section of the PDP, this proposal does not result in a subdivision that provides for residential activity of a fundamentally different type than provided for in the zone. and the resultant surplus section reflects the existing density in the area. The resultant surplus section reflects the existing density in the area. Policy 2.3.1.3 of that section of the PDP talks of avoiding cumulative effects on rural productivity and rural character values by setting and strictly enforcing a minimum site size standard for subdivision in the rural zones. The policy goes on to say that minimum site size is to be determined by considering, amongst other things, *"the existing pattern of settlement and land use in each rural zone"*. Here the location does not reflect the standard adopted by the PDP.

While there is some inconsistency with the PDP, in our opinion the proposal does not compromise policy outcomes sought in any significant way. On that basis, we do not find it contrary to the PDP policy framework in an overall sense.

5. Section 104D of the Act and 'Other Matters'

Given the proposal's non-complying status, consideration must be given to the provisions of section 104D of the Resource Management Act. That section requires an application for a non-complying activity to pass one of two thresholds in order to be considered for approval, namely the environmental effects must be no more than minor or the proposal must not be contrary to the objectives and policies of the District Plans. Our assessment above indicates that the proposal in fact passes through both gateways and Council can therefore consider granting consent to the application accordingly.

Given that the activity passes both limbs of the section 104D test, the only other issue that needs to be considered is the question of plan integrity and precedent. The Dunedin City Council tends to apply the 'true exception' test promulgated in the Russell decision in this regard. It should be noted that there are few, if any, other Environment Court divisions outside that of Judge Smith's Court that apply this test. In our view the Council should apply the actual authorities on this issue and not just solely the Russell test. The authority on precedent effects is Dye v Auckland Regional Council, CA86/01, which notes that the granting of a resource consent has no precedent effect in the strict sense. It is obviously necessary to have consistency in the application of legal principles and all resource consent applications must be decided in accordance with a correct understanding of those principles. In factual terms however, no two applications are ever likely to be the same, albeit one may be similar to the other. The most that can be said is that the granting of consent may well have an influence on how other applications should be dealt with. The extent of that influence will depend on the extent of the similarities.

More recently, the Courts have been quite critical of arguments based around plan integrity. As noted the EC in *Wilson v Whangarei DC* W20/07, arguments about plan integrity are *"overused and it can rarely withstand scrutiny when measured against the provisions of the RMA."* [Paragraph 43]. The Court of Appeal stated in the *Auckland RC v Living Earth (2008)* decision that having specific and explicit regard to the integrity of the Plan is not required as a matter of law. The 2009 EC

decision *Protect Piha Heritage Soc Inc v Auckland RC A015/09* noted that the RMA makes no reference to the integrity of planning instruments, precedent or to the coherence of and public confidence in the District Plan. While these are useful concepts that may be applied in appropriate cases, the Court stated that the need to apply them is less necessary where the plan provisions are effects based and the proposal does not generate adverse effects which are more than minor. The EC in *Berry v Gisborne DC W20/07* made it quite clear from that there will be very few cases where “plan integrity will be imperilled to the point of dictating that the instant application should be declined”.

Given this particular environment, it cannot be said that the activity could adversely affect the integrity of the Plan by creating an 'undesirable precedent'. The site is not currently used for a productive rural use, being a golf course, and it is located within an area that is not a typical rural environment, with the density of residential development significantly higher in this location. Significantly, the permitted baseline would enable the creation of a dwelling on this site without resource consent. The way that baseline is being achieved here (by creating an independent title for surplus land), will ensure the sustainability of the golf club moving forward into the future.

If the principle of the 'true exception' test is applied, then it is evident that the proposal on this site and in this location, is a 'true exception' that is outside the generality of the provisions of the plan and the zone.

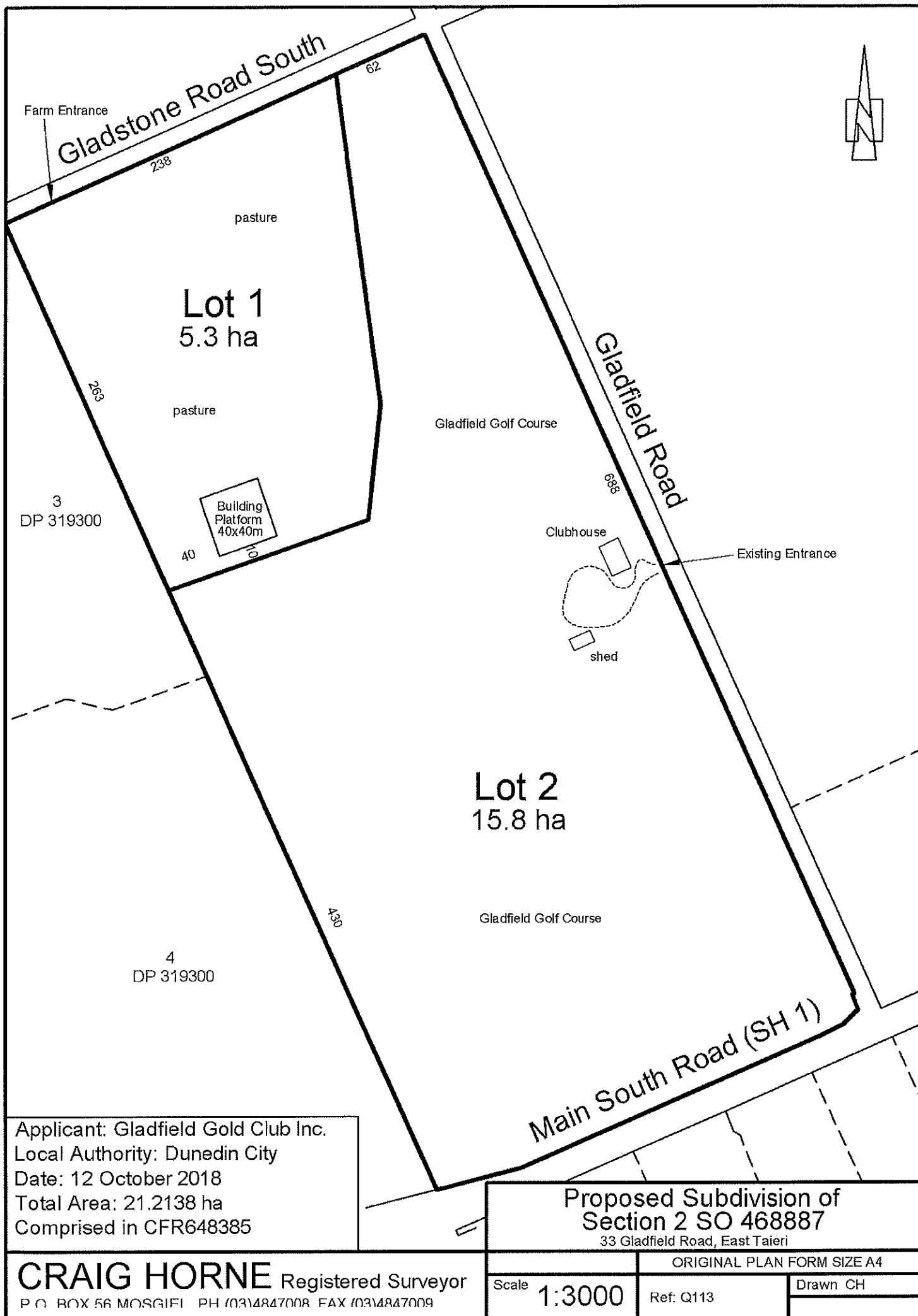
6. Affected Persons and Notification

With regard to sections 95A, 95B and 95C of the Act, it is considered that the subject application should be processed on a non-notified basis because:

- The activity will have or is likely to have adverse effects on the environment that are less than minor.
- The applicant did not request public notification of the application.
- There is no rule or National Environmental Standard that requires public or limited notification of the application.
- The activity will NOT have adverse effects that are minor or more than minor on any person(s) or order holders(s).
- No special circumstances exist in relation to the application.

7. Conclusion

We are confident that any adverse effects arising from this proposal will be less than minor when the permitted baseline and surrounding environment is considered. While there will be some inconsistency with relevant planning documents, overall the outcomes sought by those plans is not compromised by this proposal. We are of the view that the proposal promotes the purpose of the Act, being the sustainable management of the natural and physical resources.





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



Search Copy

Identifier 648385
Land Registration District Otago
Date Issued 25 February 2014

Prior References
OT4D/138

Estate Fee Simple
Area 21.2138 hectares more or less
Legal Description Section 2 Survey Office Plan 468887
Proprietors
Gladfield Country Golf Club Incorporated

Interests

347675 Gazette Notice declaring No.1 State Highway (Picton-Bluff) fronting the within land to be a limited access road - 3.11.1969 at 10:00 am
9296575.2 Mortgage to Westpac New Zealand Limited - 4.2.2013 at 2:20 pm



Title Plan

SO 468887

Approved on: 20/11/2013

Surveyor: Maïke Louise Duncan
Firm: Tennant Ltd

Sections 1 and 2

Land District Chicago

Digitally Generated Plan

Digitally Generated Plan
Generated on: 20/11/2013 1:41pm Page 2 of 2

John Sule

From: Robert Buxton <robert@buxtonwalker.co.nz>
Sent: Tuesday, 20 November 2018 11:26 a.m.
To: Planning
Subject: FW: Request for Further Information - 33 Gladfield Road SUB-2018-118 LUC-2018-587

Categories: Gabi

Please put on ECM. Thanks, Robert

From: allan@cubittconsulting.co.nz
Sent: Tuesday, 20 November 2018 11:18 AM
To: Robert Buxton
Subject: RE: Request for Further Information - 33 Gladfield Road SUB-2018-118 LUC-2018-587

Hi Robert,
I have passed this on to the ORC for the necessary approvals.
The benched area has only ever been used for burning the green waste from the Golf Course. I have lodged an application for a HAIL search.
With respect to access if the driveway is ever impassable, if it was necessary to provide a legal easement, we would suggest that a pedestrian accessway from the car park to the dwelling is all that is needed (and this would be restricted to times of flooding only).

Regards, Allan

From: Robert Buxton <robert@buxtonwalker.co.nz>
Sent: Thursday, November 15, 2018 10:28 AM
To: allan@cubittconsulting.co.nz
Cc: planning@dcc.govt.nz
Subject: Request for Further Information - 33 Gladfield Road SUB-2018-118 LUC-2018-587

Hi Allan

Tried to call first, left a message. Please find a s92 request for further information below. Feel free to call to discuss.

SUB-2018-118 LUC-2018-587, 33 Gladfield Road, East Taieri - Request for further information

Thank you for your application for subdivision consent for two Lots on the 21ha site. After an initial assessment of your application, the Dunedin City Council has determined that further information is required pursuant to section 92 of the Resource Management Act 1991.

Requested information:

The further information required is detailed below. It will help the Council to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated. As discussed due to the timing, please include assessment of the 2GP as well.

1. As noted in the application under 2.7 please provide an assessment of the potential for soil contamination, including a HAIL search and a check with the ORC records. I noted on my site visit that at the approximate location of the proposed building platform there is a benched area that appears to be being used for burning rubbish, please include comment about activities on this benched area in any assessment.

2. The northern portion of the site include two designations by the ORC, Lower Taieri Flood Protection Scheme (D217) and the East Taieri Drainage Scheme (D218) as shown in the proposed 2GP. Please provide the written approval from the requiring authority for the proposed subdivision. Note also under Rule 16.4.7 of the proposed 2GP, the ORC is considered an affected party for activities in the Hazard 1 (flood) overlay.
3. Regarding the flooding hazard, in 2.7 of the application reference is made to access across the golf course, please identify where this would be and how it would be legally provided.

Responding to this request:

Within 15 working days from the date of this email you must either:

- provide the requested information; or
- provide written confirmation that you cannot provide the requested information within the timeframe, but do intend to provide it; or
- provide written confirmation that you do not agree to provide the requested information.

The processing of your application has been put on hold on 15 November 2018.

If you cannot provide the requested information within this timeframe, but do intend to provide it, then please provide:

- written confirmation that you can provide it; and
- the likely date that you will be able to provide it by; and
- any constraints that you may have on not being able to provide it within the set timeframe.

The Council will then set a revised timeframe for the information to be provided.

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council.

Restarting the processing of your application:

The processing of your application will restart:

- when all of the above requested information is received (if received within 15 working days from the date of this letter); or
- from the revised date for the requested information to be provided, if you have provided written confirmation that you are unable to meet the above timeframe and the Council has set a revised timeframe for the information to be provided; or
- from the date that you have provided written confirmation that you do not agree to providing the requested information; or
- 15 working days from the date of this letter (if you have not provided the requested information or written confirmation being 6 December 2018).

Once the processing of the application restarts:

If you have provided all the requested information, then we will consider its adequacy and make a final decision on whether your application requires public or limited notification pursuant to sections 95A, 95B, 95D, 95E and 95F of the Resource Management Act 1991, or, whether any parties are considered adversely affected from whom you will need to obtain written approval in order for the proposal to be considered on a non-notified basis.

If you have not provided the requested information, then your application will continue to be processed and determined on the basis of the information that you have provided with the application:

- if the Council decides to give public or limited notification of the application, then the Council must publicly notify the application under section 95C(1) of the Resource Management Act 1991. You will be invoiced for any outstanding payment needed to make up the \$6,500 deposit required for public notification.
- if the Council decides to process the application on a non-notified basis, and all written approvals have been received, then the application must be considered under section 104 of the Resource Management Act 1991. The Council may decline the application on the grounds that it has inadequate information to determine the application. In making an assessment on the adequacy of the information, the Council must have regard to whether this request resulted in further information being made available.

Please note that requests for further information, interim correspondence and assessment of the further information can introduce additional work and therefore costs. Deposits are based on the average cost of processing similar consents in the previous year. There is normally a sizable range between the lowest and highest cost for similar consents. These additional costs incurred as a result of the further information request will be passed onto you and, as such, the final cost of processing this application may be higher than previous 12-month average for similar applications.

Please contact the writer on 027 800 7452 if you have any questions or concerns regarding the above request or the further processing of the application.

Yours faithfully

Robert Buxton
**Consultant Planner for
Dunedin City Council**

John Sule

From: Robert Buxton <robert@buxtonwalker.co.nz>
Sent: Friday, 22 March 2019 10:55 a.m.
To: Planning
Subject: FW: 33 Gladfield Road ORC response

Categories: Gabi

Please add to ECM as agreement to notify.

From: allan@cubittconsulting.co.nz
Sent: Wednesday, 20 March 2019 11:04 AM
To: Robert Buxton
Subject: RE: 33 Gladfield Road ORC response

Hi Robert,
Yes please notify as soon as possible.
Thanks

From: Robert Buxton <robert@buxtonwalker.co.nz>
Sent: Wednesday, March 20, 2019 8:48 AM
To: allan@cubittconsulting.co.nz
Subject: RE: 33 Gladfield Road ORC response

Thanks Allan

I did question John about notification, which he looked into, but considered notification appropriate given the minimum site size for land use for the 2GP Rural Zone Taieri Plains is 25ha.

As noted in your email of Wed 27/02/2019 10:00 AM where you asked if we are in a position to notify, please confirm that we proceed with notification.

Regards Robert.

From: allan@cubittconsulting.co.nz <allan@cubittconsulting.co.nz>
Sent: Tuesday, 19 March 2019 8:14 PM
To: Robert Buxton <robert@buxtonwalker.co.nz>
Subject: RE: 33 Gladfield Road ORC response

Hi Robert,
Neither the DCC or the ORC records identify any HAIL activities occurring on the site of the proposed subdivision. There is reference to the adjoining golf club activities (and associated turf management practices) but these have not encroached on to this site.
Accordingly, we do not believe the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations apply to this proposal.
Regards
Allan

From: Robert Buxton <robert@buxtonwalker.co.nz>
Sent: Tuesday, March 19, 2019 9:20 AM
To: allan@cubittconsulting.co.nz
Subject: FW: 33 Gladfield Road ORC response

Thanks Allan

Can you provide your assessment in terms of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 20. We will then look at notifying.

Regards, Robert

From: allan@cubittconsulting.co.nz <allan@cubittconsulting.co.nz>
Sent: Friday, 15 March 2019 10:20 AM
To: Robert Buxton <robert@buxtonwalker.co.nz>
Cc: 'John Sule' <John.Sule@dcc.govt.nz>
Subject: FW: 33 Gladfield Road ORC response

Gents,
ORC files don't show any issue here. The site has not been used for golf course purpose.
Regards
Allan

From: Simon Beardmore <Simon.Beardmore@orc.govt.nz>
Sent: Friday, March 15, 2019 9:50 AM
To: Allan Cubitt <allan@cubittconsulting.co.nz>
Subject: RE: 33 Gladfield Road ORC response

Hi Allan,

Reply attached.

Regards,

Simon



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