

Appendix 4: Completed Application Form



Application Form for a Resource Consent

50 The Octagon, PO Box 5045
Dunedin 9054, New Zealand
Ph 03 477 4000 | www.dunedin.govt.nz

PLEASE FILL IN ALL THE FIELDS

Application details

I/We Lindsay Carruthers (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: To erect a dwelling on a property located at 6366 Hyde-Middlemarch Road, Middlemarch

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: 6366 Hyde-Middlemarch Road, Middlemarch

Legal Description: SEC 1 SO 23734

Certificate of Title: 14D/1174

Contact details

Name: Emma Peters, Consultant, Sweep Consultancy Limited (agent) (applicant/agent (delete one))

Address: P.O. Box 5724 Dunedin Postcode: 9054

Phone (daytime): 0274822214 Email: emma@sweepconsultancy.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: _____

Address: _____

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? 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: _____

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.

Please see attached 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.

Please see attached AEE.

_____ (Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? 2006 Plan: Rural; 2GP: Rural Middlemarch Basin

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

Breaches of district plan rules

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.

Please see attached AEE.

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: _____

Please note: You must submit the completed written approval form(s), and any plans signed by affected persons, with this application, unless it is a fully notified application in which case affected persons' approvals need not be provided with the application. If a written approval is required, but not obtained from an affected person, it is likely that the application will be fully notified or limited notified.

Assessment of Effects on Environment (AEE)

In this section you need to consider what effects your proposal will have on the environment. You should discuss all actual and potential effects on the environment arising from this proposal. The amount of detail provided must reflect the nature and scale of the development and its likely effect. i.e. small effect equals small assessment.

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.

Please see attached AEE.

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have/have not (delete one) been applied for:

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

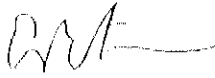
Declaration

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.

Signature of Applicant/Agent (delete one):



27-11-2019

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, Dunedin 9054
- In Person: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon
- By Phone: (03) 477 4000
- By Email: planning@dcc.govt.nz

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

Information requirements

- ☐ 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: _____

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

Planning Officer: _____ Date: _____

Assessment of Environmental Effects



6366 Hyde-Middlemarch Road, Middlemarch

27 November 2019

Prepared by Emma Peters
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27 November 2019

Senior Planner – Non Notifieds
Dunedin City Council
P.O. Box 5045
Dunedin 9054

Hi,

6366 Hyde-Middlemarch Road, Middlemarch

Property

Our client, Lindsay Carruthers, owns a property at 6366 Hyde-Middlemarch Road, Middlemarch legally described as SEC 1 SO 23734 contained in record of title 14D/1174 (**property**). A copy of the certificate of title is appended to this letter in Appendix 1. The location of the property is shown in Figure 1 below.

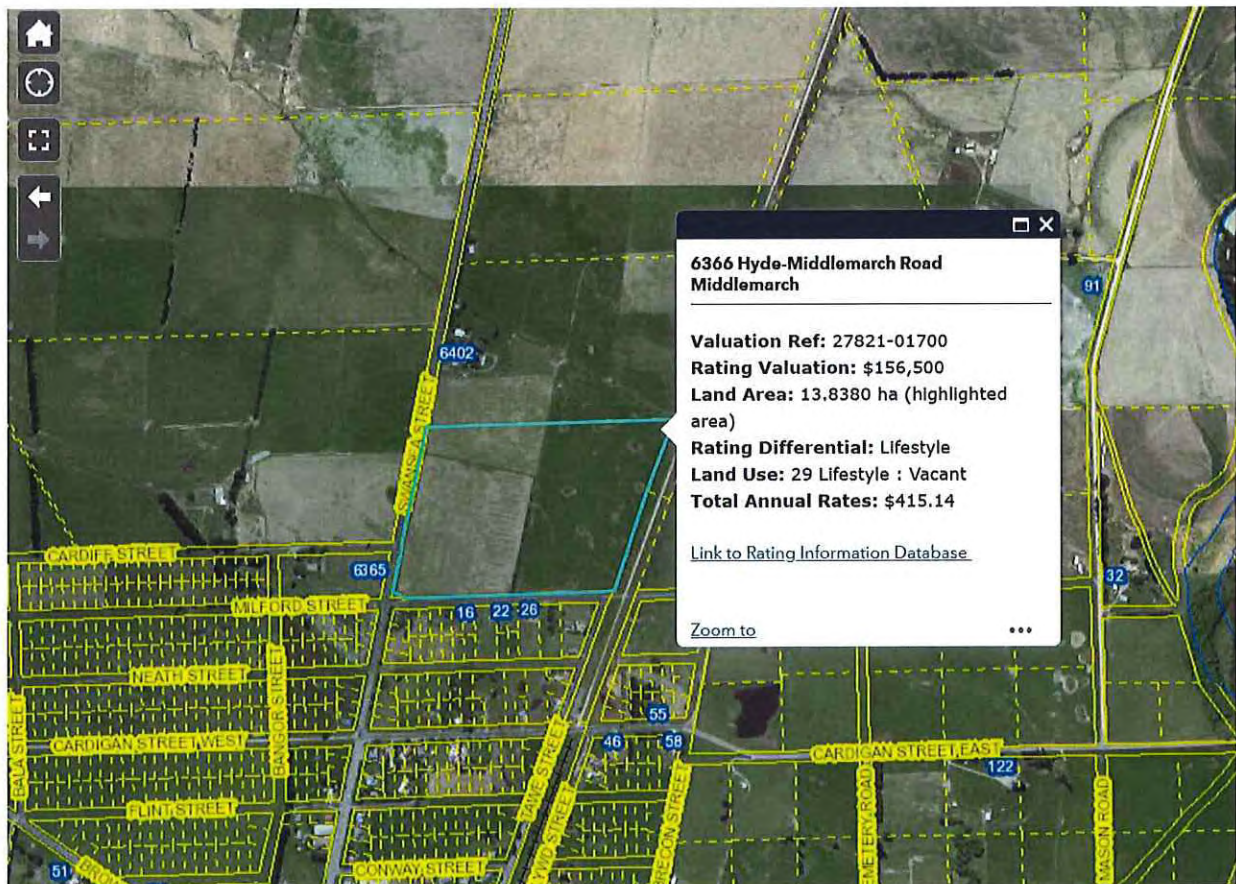


Figure 1: Location of Property.

The property comprises of just under 14 hectares of vacant land which is used for pastoral grazing including

the growing of grass for hay, baleage and/or silage. The property is immediately adjacent to the rural township of Middlemarch.

Zoning

Pursuant to the Dunedin City District Plan (2006) (2006 plan) the property is zoned *Rural* (see Zone Map 2). Pursuant to the Second Generation District Plan Appeals Version (2GP) the property is zoned *Rural – Middlemarch Basin*. The zoning of the property pursuant to the 2006 plan and 2GP are shown in Figures 2a and 2b below.

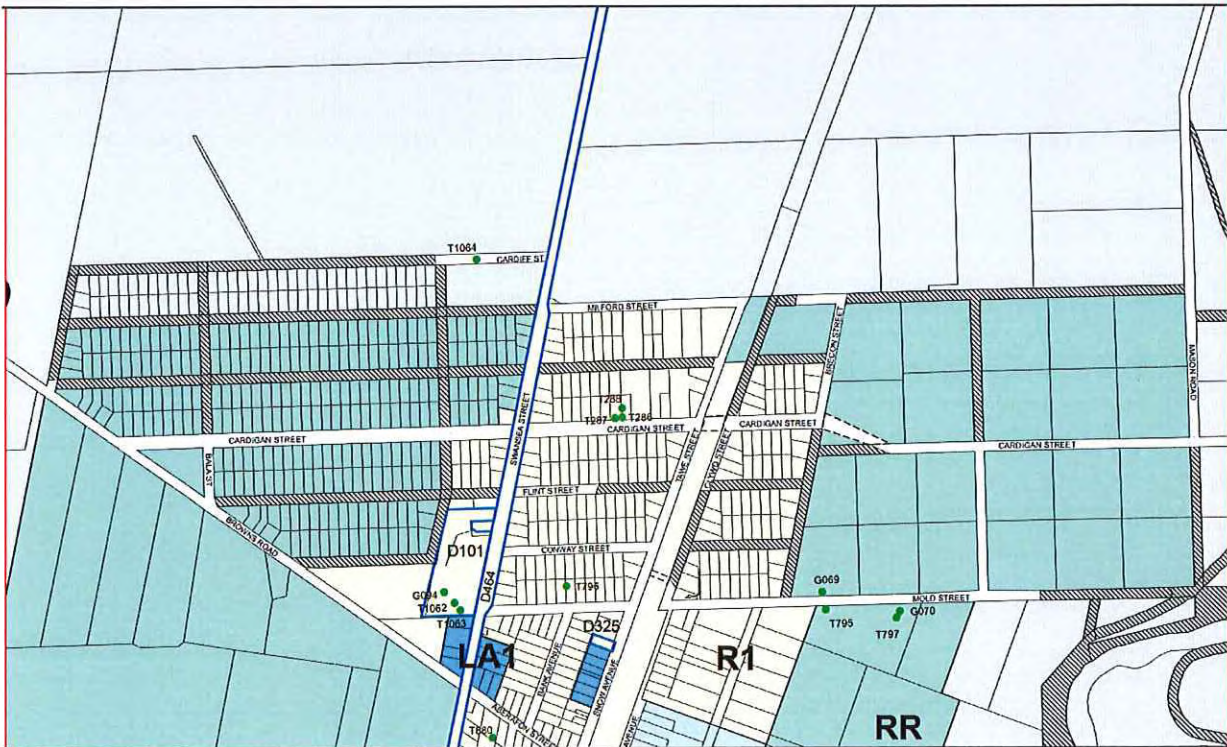


Figure 2a: Zoning pursuant to 2006 Plan.

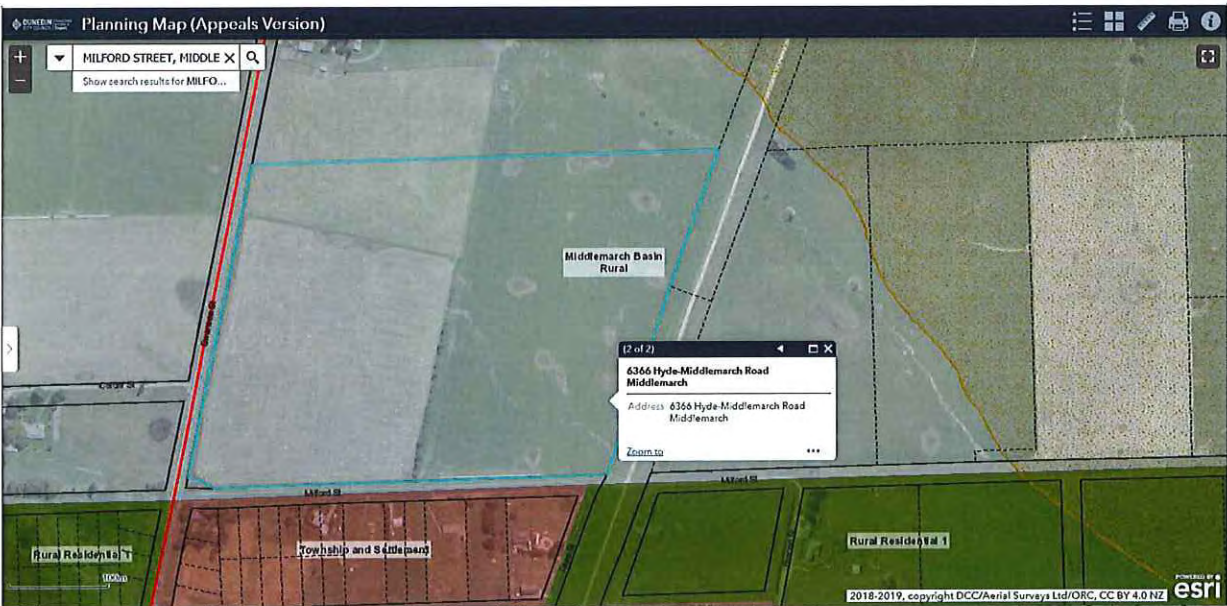


Figure 2b: Zoning Pursuant to 2GP.

Proposed Activity

Lindsay is a long time resident of the Middlemarch area and wants to erect a dwelling in the south-west corner of the property. The proposed dwelling is to be set back approximately 150 metres from Swansea Street (SH87) and approximately 43 metres from Milford Street. A site plan showing the location of the proposed dwelling on the site is appended at Appendix 2. The dwelling will be single level and will look something similar to the elevation shown below in Figure 3.

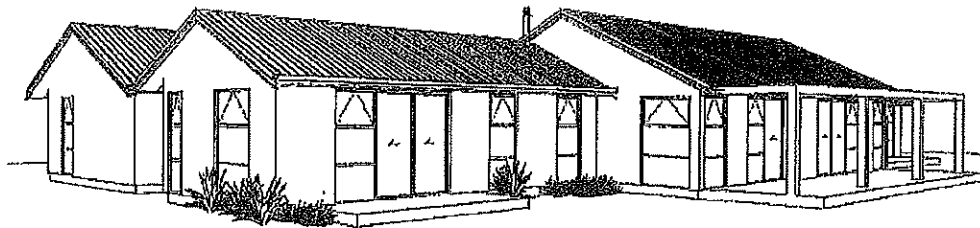


Figure 3: North Elevation of Proposed Dwelling.

The property will continue to be used for pastoral grazing purposes including the production of hay, baleage and/or silage. It is anticipated that the dwelling and the associated curtilage at approximately 1,000m² will occupy less than 1% of the total area of the property. Lindsay requests a consent duration of 5 years in which to build his dwelling. This should provide sufficient time for design, building consent and building of his dwelling.

A completed application form is attached at Appendix 4. Lindsay will pay the application fee upon receipt from the Dunedin City Council (**Council**) of an invoice for a non-notified land use consent application.

Activity Status

2006 Plan

Residential activity is defined in the 2006 plan as meaning:

"...the use of land and buildings by a residential unit for the purpose of permanent living accommodation and includes rest homes, emergency housing, refuge centres, halfway houses, retirement villages and papakaika housing if these are in the form of residential units. Residential Activity also includes

(a) home occupation;

(b) childcare facility for up to and including 5 children;

(c) home stay or boarding house for up to and including 5 guests

- provided that these are secondary to the permanent living accommodation."

Residential activity is permitted in the rural zone provided the site has a minimum site area of 15 hectares pursuant to Rule 6.5.2.(iii) and provided the residential activity complies with relevant conditions attaching to permitted activities listed in Rule 6.5.3. The property contains less than the 15 hectares required but the

proposed activity can comply with relevant conditions attaching to permitted activities as is demonstrated in Table 1.

Table 1: Analysis of Proposed Activity Against Conditions Attaching to Permitted Activities.

Condition ¹	Analysis
R.6.5.3.(i) Minimum Yards (a)(i) Front Yard: 20m (b)(i) Side & Rear Yards: 40m	The proposed dwelling for Lindsay will be set back from Swansea Street (SH87) by approximately 150 metres and 43 metres from Milford Street. The distances to the northern and eastern boundaries will also exceed the minimum yard requirements. Proposed activity complies with this condition.
R.6.5.3(ii) Max. Height 10m	The proposed dwelling will be single level and have a maximum height that is less than the permitted maximum height for the zone. Proposed activity complies with this condition.
R.6.5.3(iv) Car Parking, Loading and Access	The proposed dwelling will be accessed from Milford Street not SH87. There will be sufficient space for parking associated with the residential activity. Formation of the access from Milford Street will comply with relevant performance standards contained in <i>Section 20 Transportation</i> of the 2006 plan. Proposed activity complies with this condition.
R.6.5.3(v) Trees Associated with Forestry Activity and Shelterbelts	The proposed dwelling is located at sufficient distance from Milford Street such that any trees or shelterbelts planted in association with the proposed dwelling will not create any shading issues for either Milford Street or houses located on the south side of Milford Street. Proposed activity complies with this condition.
R.6.5.3(viii) High Class Soils	According to Map 76 there are high class soils on the property. However, any topsoil excavated for access, building platform or foundations will be retained and used elsewhere on the property. Proposed activity complies with this condition.
R.6.5.3(ix) Noise, Glare, Lighting and Electrical Interference	The proposed dwelling will be designed so that its use will comply with relevant performance standards pertaining to these matters. Proposed activity complies with this condition.

Despite the proposed dwelling being able to comply with all relevant conditions attaching to permitted activities, the proposed activity has an activity status of non-complying² pursuant to the 2006 plan due to the breach of the minimum site requirement of 15 hectares for residential activity.

2GP

Residential activity is defined in the 2GP as meaning:

"The category of land use activities that consists of:

- supported living facilities (including rest homes, retirement villages, and student hostel)*
- standard residential (including papakaika); and*
- working from home."*

'Standard residential' is defined as: *"The use of land and buildings for residential activity at a domestic scale. For the sake of clarity, this definition includes:*

- short-term house rentals*
- boarding houses*

¹ Any conditions from Rule 6.5.3 not listed in Table 1 are not included due to not being applicable to the proposed activity.

² 2006 Plan Rule 6.5.7(i).

- supported living accommodation (with 10 or fewer residents); and
- emergency and refuge accommodation.

This definition excludes supported living facilities. Papakaikā is managed as a sub-activity of standard residential. Standard residential is an activity in the residential activities category."

A residential building is defined as: "A building that is, or will be, used entirely or in part, for residential activity and contains one or more residential units or, for the purposes of hazards or National Grid related rules, any sleeping accommodation."

Pursuant to Rule 16.5.2.1.h a single residential activity is permitted in the Middlemarch Basin rural zone on any site that existed before 26 September 2015, and that is 15ha or larger, provided the residential activity is established prior to 7 November 2023 and which complies with relevant performance standards detailed in Rules 16.5 and 16.6.

The property is a site that existed prior to 26 September 2015, if consent is granted Lindsay will have the consented period in which to build the proposed dwelling – 5 years has been requested, and the proposed dwelling will comply with all relevant performances standards, excepting density, as detailed in Table 2 below.

Table 2: Analysis of the Proposed Activity Against Relevant Performance Standards.

Performance Standard ³	Analysis
R.16.5.1 Acoustic Insulation	Not applicable as the proposed dwelling will be located more than 40 metres from Swansea Street (SH87).
R.16.5.2 Density	Rule 16.5.2.1.h requires a minimum site area of 15 hectares. The proposed activity does not comply with this performance standard.
R.16.5.3 Electrical Interference	The proposed dwelling will comply with Rule 9.3.2 by not causing any electrical interference for surrounding sites. The proposed activity will comply with this performance standard.
R.16.5.5 Light Spill	Lighting associated with the proposed dwelling will be designed and installed so as to comply with the performance standards detailed in Rule 16.5.5. Proposed activity will comply with this performance standard.
R.16.5.9 Noise	Use of the proposed dwelling will comply with relevant noise performance standards detailed in Rule 9.3.6. The proposed activity will comply with this performance standard.
R.16.5.13 Tree Species	Any shelterbelts or small woodlots planted on the property will comply with Rule 10.3.4 which prohibits the planting of 10 species of trees which are considered to be pests (see Rule 10.3.4.1). The proposed activity will comply with this performance standard.
R.16.6.1 Fire Fighting	The proposed activity will comply with relevant performance standards detailed in Rule 9.3.3. The proposed activity will comply with this performance standard.
R.16.6.5.1.c Max. Height 10m	The proposed dwelling is single story and will have a height which is less than the maximum permissible height of 10 metres. The proposed activity will comply with this performance standard.
R.16.6.8 Parking Loading & Access Standards	Access to the proposed dwelling will be from Milford Street and will comply with relevant performance standards detailed in Rule 6.6. The proposed activity will comply with this performance standard.
R.16.6.10 Setbacks	The location of the proposed dwelling complies with all required boundary setbacks. The proposed activity will comply with this performance standard.

3 Any performance standards from Rules 16.5 and 16.6 not listed in Table 2 have not been included due to not being applicable to the proposed activity.

Pursuant to the 2GP, the proposed residential activity has an activity status of non-complying due to the site containing less than 15 hectares. However, the density provisions in relation to rural zones are under appeal.

Notification

Section 95A of the Resource Management Act 1991 (**RMA**) governs the process for determining if an application is to be publicly notified. The process contains four steps with criteria set out for each step. The four steps are:

Step 1: mandatory public notification in certain circumstances.

Step 2: public notification precluded in certain circumstances.

Step 3: public notification required in certain circumstances.

Step 4: public notification in special circumstances.

With respect to the criteria for step 1, as listed in subsection (3) of s95A, the applicant has not requested the application be notified; Council has all relevant information and the application does not include recreation reserve land. Therefore, there is no requirement for mandatory public notification.

With respect to criteria for step 2, the consent application is not for one of the activities listed in s95A(5)(b) (i) – (iv) and, therefore, public notification is not precluded.

With respect to criteria for step 3, there is no rule or national environmental standard requiring notification (s95A(8)(a)), nor will the proposed activity have adverse effects that are more than minor (s95A(8)(b)) – see *Assessment of Environmental Effects* below for further detail.

With respect to step 4, subsection 9 of s95A, requires a determination as to whether special circumstances exist in relation to the application that warrant the application being publicly notified – if yes, publicly notify the application; if no, determine whether to give limited notification under s95B.

Case law holds that what constitutes 'special circumstances' are circumstances which must be unusual or exceptional, but may be less than extraordinary or unique⁴ - the circumstances must be out of the ordinary. Although, public opinion may be a contributing factor it is not determinative⁵.

There are no 'unusual', 'exceptional' or 'out of the ordinary' circumstances relating to the application. The application is for a standard residential activity on a slightly undersized rural site which will continue to be used for rural productive purposes. Consent has been granted for similar applications pursuant to the 2006 plan. Any adverse effects associated with the proposed activity will be less than minor.

Similarly s95B sets out the steps for determining whether there is a need for limited notification of an

⁴ *Peninsula Watchdog Group Inc v Minister of Energy* [1996] 2 NZLR 529.

⁵ *Murray v Whakatane District Council* [1997] NZRMA 433.

application. Step 1 determines whether there are certain affected groups or affected persons that must be notified. No protected customary rights or marine title groups are affected by the application, nor will the application affect land the subject of a statutory acknowledgement made in accordance with an act specified in schedule 11 of the RMA. None of the circumstances set out in step 2 (s95B(6)) apply meaning Council is not precluded from limited notification of the application. Step 3 (s95B(8)) requires determination of any other affected party in accordance with s95E. There are no other affected parties because any adverse effects will be less than minor as demonstrated by the assessment of environmental effects below. Step 4 (s95B(10)) requires that the application be notified on a limited basis if special circumstances exist which warrant limited notification. No such special circumstances exist.

The application can be dealt with on a non-notified basis.

Assessment of Environmental Effects

The only issues with respect to the breach of the minimum site size for proposed residential activity are:

- Effects on rural character and amenity including visual amenity; and
- Integrity of the plan.

Effects on Rural Character and Amenity Including Visual Amenity

The property is located between State Highway 87 and the Central Otago Rail Trail and is located immediately adjacent to the rural township of Middlemarch which is situated on the south side of Milford Street directly opposite the property. Middlemarch is zoned *Residential 1* (2006 plan) and *Township and Settlement* (2GP) both of which provide for residential activity at a density⁶ of one residential unit per 500m² and subdivision⁷ to a minimum site size of 500m². Currently there are four dwellings visible on the south side of Milford Street (62 Swansea Street, 16 and 22 Milford Street and 53 Tawe Street) and a memorial hall building immediately adjacent to the site on the corner of Milford Street and SH87. This part of Middlemarch between Milford Street and Cardigan Street East exhibits a very much rural residential character despite its urban zoning with a low number of dwellings a number of which have established plantings, and use of land in between the houses for pastoral grazing activity.

The property is currently vacant and is used for pastoral grazing activities including the growing of grass for hay, baleage and/or silage. There are several shelterbelts on fencelines including part of the boundary with SH87. The property exhibits rural character and amenity values typical for this locality. Both the 2006 plan and the 2GP provide descriptions for the rural zone in which the property is located with the 2GP description being more relevant to the property. Refer to Appendix 3 for copy of the zone description pursuant to both the 2006 plan and the 2GP. Key rural character and amenity values of the property and

6 2006 Plan Rule 8.7.1.(i); 2GP Rule 15.5.2.1.i.i.

7 2006 Plan Rule 8.7.2.(xii)(a); 2GP Rule 15.7.4.1.h.

surrounding area are:

- Open rural character
- Clear use of the land for pastoral farming activity, with associated fencing and shelterbelts.

The location of the dwelling has been carefully selected so that it will be seen in conjunction with the existing settlement pattern of Middlemarch when viewed from SH87 by those travelling south towards Middlemarch which will be the highest frequency public viewpoint with the longest duration. When travelling north from Middlemarch along SH87 the proposed dwelling will be partially screened by the Gerald Habershon Memorial Hall and then quickly lost to view behind the shelterbelt bounding SH87 further along the property boundary.

The image below in Figure 4 shows the character of the site looking south-east from SH87 towards Middlemarch. The red dot shows the approximate location of Lindsay's proposed dwelling. When travelling south along SH87, Lindsay's proposed dwelling will be seen in proximity to existing buildings and associated vegetation and infrastructure such as power lines.



Figure 4: View over Property from SH87 Towards Milford Street and Middlemarch.

The image below in Figure 5 shows the character of the site looking north from Milford Street. Again the red dot shows the approximate location of Lindsay's proposed dwelling.



Figure 5: View North over Property from Milford Street.

Although the proposed dwelling will be a change in that it will introduce a built element to this viewpoint – built elements are not unexpected in this visual landscape. Built element can be introduced to the property via the erection of farm sheds and if the property contained slightly over 1 hectare more in area, the introduction of residential activity would be a permitted activity. The built elements and shelterbelts that can be seen in the background provide a rural context for Lindsay's proposed dwelling.

Any adverse effects on rural character and amenity including visual amenity of the property and surrounding area will be less than minor, particularly given the property is only slightly less than the 15 hectares at which point the residential activity becomes a permitted activity.

Integrity of the Plan

This is the idea that the integrity of the plan will be threatened by granting consent to residential activity on undersized rural allotments because that grant of consent will create a precedent and 'open the floodgates' for residential activity on similar undersized allotments.

The circumstances of the present application and property limit the applicability of any precedent value for any future application. The property will continue to be used for rural productive use being pastoral grazing including the production of hay, baleage and/or silage. The property is only slightly less than the 15 hectares required for the residential activity to be permitted. The property could be made to comply with the 15 hectares by including the shortfall from the neighbouring record of title to the north which is also owned by Lindsay. However, given that the effects on rural character and amenity including visual amenity will be less than minor it seems rather pointless to require Lindsay to go through the expense of such a 'paper exercise'. There are no other similar sized sites immediately adjacent to the urban zone of Middlesmarch township.

CONCLUSION

Any adverse effects on rural character and amenity values including visual amenity will be less than minor. Although, Lindsay could include an additional hectare of ground from an adjoining title, it seems pointless to require that when the effects of the proposed dwelling will be less than minor.

Granting consent for Lindsay's proposed dwelling will not create a precedent which will threaten the integrity of the district plan. There are no other similar sites immediately adjacent to the urban zoned area of Middlemarch. As such, Council should grant consent to the application.

Please make contact if you wish to discuss this matter further or require any further information.

Yours sincerely,



Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214
www.sweepconsultancy.co.nz

Appendix 1: Record of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



Identifier OT14D/1174
Land Registration District Otago
Date Issued 16 February 1993

Prior References

OT105/14

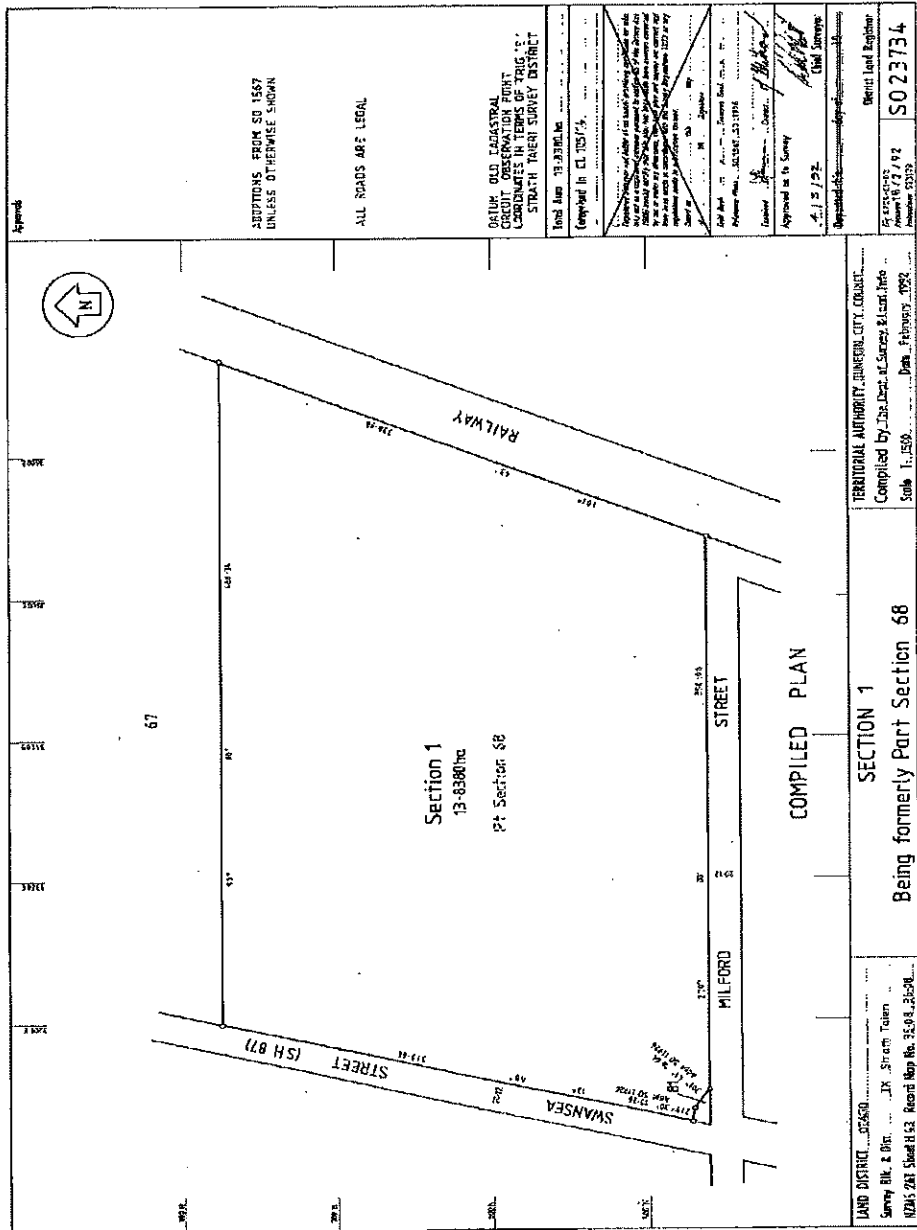
Estate	Fee Simple
Area	13.8380 hectares more or less
Legal Description	Section 1 Survey Office Plan 23734

Registered Owners

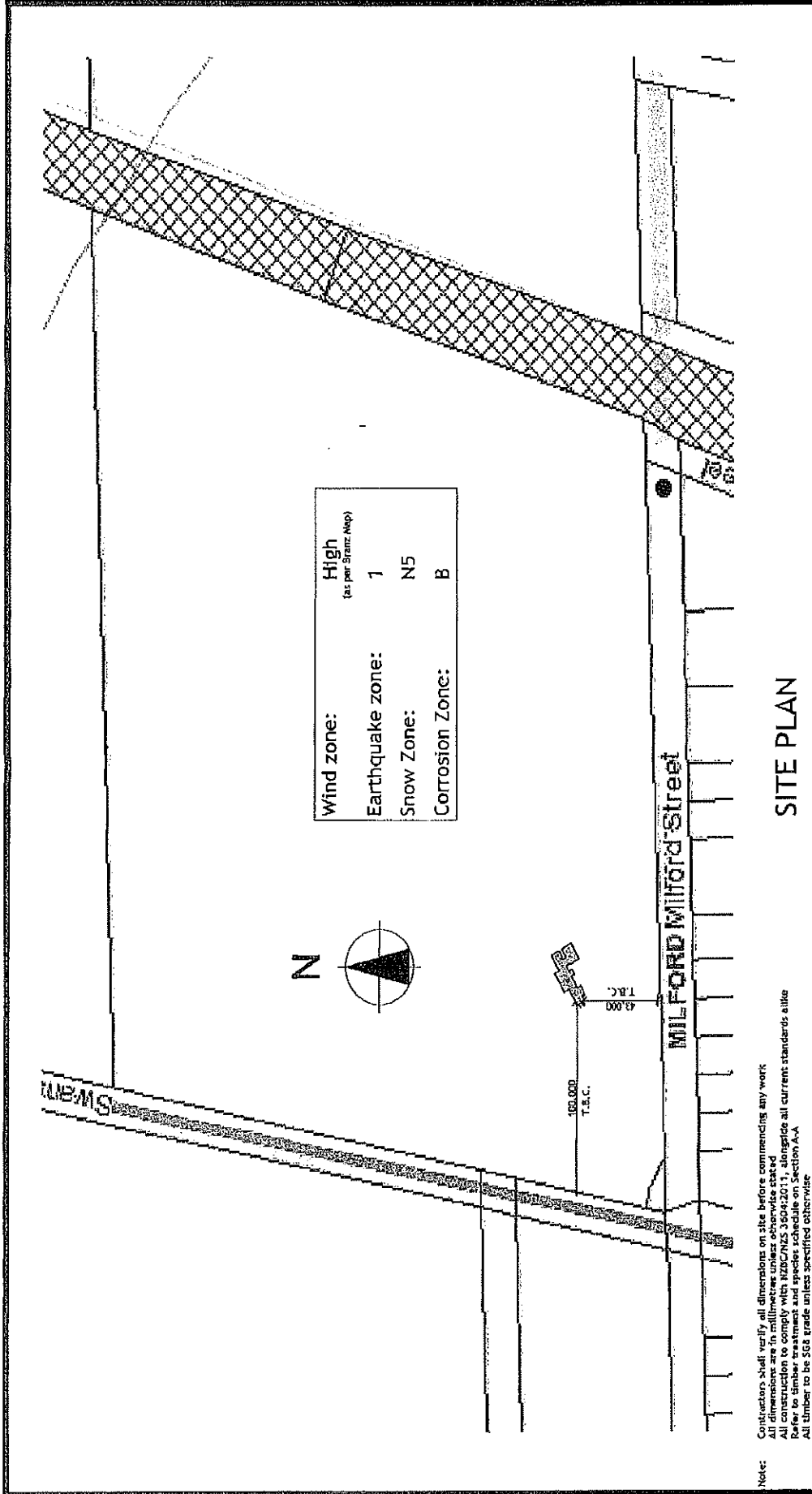
Lindsay William Carruthers and HGW Trustee's Limited

Interests

Subject to Section 11 Crown Minerals Act 1991
Subject to Part IV A Conservation Act 1987



Appendix 2: Site Plan





HOWLER HOMES
 0800 4 FOWLER
 www.fowlerhomes.co.nz

Proposed New Carruthers Home
 , Middlemarch



KingsburyArchitecture
 info@kingsburyarchitecture.com

Date: Monday, 9 September 2019
 Scale: 1:2000
 Designed By: Corey Kingsbury
 Drawn By: Corey Kingsbury

101

027 405 8083

Appendix 3: Zone Descriptions

The introduction to the rural chapter of the 2006 plan

"The rural area of the City includes the Rural and Rural Residential Zones and covers more than 318,000ha, which is approximately 95% of the total area of the City. The sustainable use, development and protection of the natural and physical resources of the rural area enables people to provide for their wellbeing by the creation of economic wealth, employment and the opportunity to participate in leisure activities...Physically the rural area is diverse, including:

- the terraces, flats and plains associated with the Taieri, Waitati and Waikouaiti Rivers*
- the coastal downs and lowlands from Taieri Mouth north to Saddle Hill and north of Waitati*
- the hills around the Dunedin urban area including the Otago Peninsula, Flagstaff, Mt Cargill and the Silverpeaks*
- the rolling uplands of Strath Taieri*
- the mountain ranges of Lammermoor, Lammerlaw and Rock and Pillar..."*

The rural zone description is very generalised, stating:

"The character of the rural area is dominated by pastoral farming from the grassy lowlands to the tussock high country. This has resulted in a low density of development and a sense of openness throughout much of the rural area. The rural area is enhanced by ecological, landscape and recreation values arising from the natural resources of the rural area, including indigenous vegetation, wildlife, wetlands and other water bodies, and values arising from the coastal environment. Built structures that are located in the rural area are of a small size.

Soil quality varies in the City, but there are approximately 12,000 ha of high class soils capable of being used intensively to produce a wide variety of plants including horticultural crops. The sustainability of the high class soil resource is at risk from the expansion of residential development.

The rural environment's varied topography and climate, combined with human influences, have produced a complex pattern of land use. Parts of the rural area are subject to natural hazards such as instability or flood hazard. Most arable farming (including market gardens and horticulture) and intensive animal farming is found on the Taieri Plain, the river flats and lower hills of the coastal area. Areas inland of the Maungatuas and Silverpeaks are used mainly for extensive farming. Plantation forestry is principally found on the hills in the coastal part of the City.

As well as primary activities based on livestock, horticulture and forestry, various other activities are associated with the use of the resources of the rural area. These activities include rural processing industries, factory farming, mining, recreation, tourism ventures and horse training and breeding. Rural processing industries include sawmills and dag crushing operations, whereas with respect to factory farming there are a number of piggeries and poultry farms. Various minerals are found in the City, but few are exploited at present. Several quarries are worked for aggregate. Sand is recovered in various places and ceramic and fire clay at Hyde. Tourism ventures are prevalent on the Otago Peninsula, capitalising on wildlife attractions. A significant horsebreeding and training industry is centred at Wingatui. Invermay Agricultural Centre is a research facility that makes an important contribution, at both a local and a national level, to the development of the rural community. Dunedin

International Airport at Momona is a nationally important resource, necessary for the efficient movement of people and goods and making a significant economic contribution to the region...Over the past 20 years the Dunedin rural area has undergone considerable change. Economic trends have generally resulted in rural depopulation and an undermining of the traditional social and economic structure of the rural area. This has not however adversely affected the ability to sustainably manage the natural and physical resources of the rural area for future generations. On the other hand, pressure has increased for the establishment of rural residential development within rural areas, particularly in close proximity to urban areas. This poses a greater threat to sustainable management as land fragmentation associated with rural residential development may prove irreversible and the presence of an increased density of residential development can create long term impediments to primary production activities."

Appendix A7.2 of the 2GP provides provides the following description of the Middlemarch Basin rural zone:

"Situated in the north-west of Dunedin district, the Middlemarch Basin Rural Zone is an outwash plain of the Taieri River. Relatively flat, this landform is surrounded by the high country ranges which rise steeply from either edge. Open and wide in the south but narrowing towards the north, the plain forms a scenic access route carrying the majority of transport travelling from inner Dunedin into neighbouring Central Otago via State Highway 87 which runs north to south along with the Taieri River and the railway.

The beginning of a trend to intensify land use in the foothills of the Rock and Pillars may have a future impact on the amount of water that is available in the Middlemarch Basin, by drawing water from the tributaries and therefore reducing the available water that reaches the basin itself.

Middlemarch is the main settlement and at the core of the roads which criss-cross across the plain. The roads, tracks, fences and shelterbelts form a typical rural patchwork on the land which speaks of the long tradition of farming in this area. Historic farm dwellings and settlements are located on the periphery of the plain, often nestled into the foothills of both the Rock and Pillars to the west, and the Taieri Ridge to the east. The flourishing Central Otago Rail Trail has provided a burgeoning tourist industry for Middlemarch township.

Though open and expansive, the landscape is highly modified. The initial establishment of flood embankments enabled the drainage of marshland, allowing farming, and preventing future flooding of arable land. Pastoral farming of beef, sheep and deer are the main and ongoing land use. In recent decades, farm practice on the plains has changed to a system encouraging intensification whilst still operating within the bounds of a dryland environment."

The values of importance listed in A7.2 are:

- "a. An open, expansive rural character.*
- b. The presence of highly productive land, including high class soils, which are sometimes subject to drought.*
- c. A long tradition of pastoral farming, now predominantly beef, sheep and deer. Roads, tracks, fences and shelterbelts form a typical rural patchwork on the land which echoes this tradition.*
- d. Human made elements which emphasise local character and contribute to visual quality. Heritage buildings, drystone walls and post features are cultural characteristics of this rural landscape.*
- e. Tourist industry centred around the Central Otago Rail Trail."*

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7 February 2020

Amy Young
Planner
Dunedin City Council
P.O. Box 5045
Dunedin 9054

Sent via email to:
Amy.Young@dcc.govt.nz

Hi Amy,

LUC-2019-623 – REQUEST FOR FURTHER INFORMATION

Thank you for your letter dated 18 December 2019 requesting further information (**FIR**). In the FIR, you requested the following:

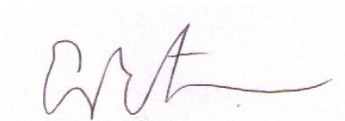
"Please provide an Objectives and Policies assessment for both plans. See Section 16.2 Objectives and Policies in the 2GP and Section 6.2 and 6.3 in the 2006 Dunedin City District Plan."

Please find enclosed a consideration of the relevant objectives and policies of both the 2GP and the 2006 Dunedin City District Plan as requested.

The proposed activity is largely consistent with the relevant objectives and policies.

Please contact Emma Peters of our office if you have any questions regarding any of the above information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Emma Peters', is written over a light blue rectangular background.

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214 www.sweepconsultancy.co.nz

2GP RELEVANT OBJECTIVES AND POLICIES

Objective 16.2.1 (under appeal)

Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of 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 papakaika.

Policy 16.2.1.5 (under appeal)

Require residential activity...in the rural zones to be at a level (density) that supports farming activity and achieves objectives 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4 and their policies.

Objective 2.3.1: Land and facilities important for economic productivity and social well-being

Land and facilities that are important for economic productivity and social well-being, which include...productive rural land are:

- a. protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and...

Objective 2.4.6: Character of rural environment

The character and visual amenity of Dunedin's rural environment is maintained or enhanced.

Policy 16.2.1.7 (under appeal)

Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless it is the result of a surplus dwelling subdivision.

Consideration:

The productive rural use of the site for pastoral grazing activities including the production of hay, baylege and/or silage is already well established. The residential activity will directly support that farming activity. In this instance, the residential activity is not a competing or incompatible use and it is estimated that Lindsay's house and curtilage will occupy only 0.7% of the total area of the site. The ability of Lindsay to live on the site will not give rise to reverse sensitivity issues. The assessment of environmental effects demonstrates that any adverse effects on rural character and visual amenity of the locale will be less than minor. Lindsay is happy to offer a condition of consent requiring him to submit a landscape plan for the curtilage of the house for approval by the manager of resource consents, the landscape plan to be submitted at the time of application for building consent.

Consistency with Policy 16.2.1.7 can be achieved by the addition of approximately 1 hectare of land to the existing title for the site. Rule 16.5.2.1.h.ii

provides that: “...in the Middlemarch Basin, Hill Country and High Country rural zones, a single residential activity is permitted on any site that existed before 26 September 2015, and that is 15ha or larger, provided the residential activity is established prior to 7 November 2023.” The site existed prior to 26 September 2015 and contains just under 14ha which is less than the required 15ha.

However, requiring the additional 1ha in the circumstances of this particular application, would seem an entirely pointless, paper exercise as any adverse effects of the residential activity will be less than minor and Lindsay is offering a condition of consent requiring a landscape plan of the curtilage of the house. The offer from Lindsay for submission of a landscape plan will be withdrawn if Council requires the additional land to be included with the existing title.

Policy 16.2.1.7 is only one policy of several which provide for the achievement of the relevant objectives of the 2GP being: protection of rural productive land and its use; and, maintenance of the rural character and amenity values of the locale. Consistency with the greater majority of that policy framework, or as in this case all of that policy framework except Policy 16.2.1.7, must lead to a consideration by Council of a grant of consent. This is supported by the fact that the activity status is 'non-complying' and not 'prohibited'. Policy 16.2.1.7 cannot be used as a blanket prohibition for residential activity on an undersized site where the adverse effects of the residential activity will be less than minor and can be mitigated by a proffered condition of consent.

Summary:

Consistent with Objective 16.2.1 and Policies 16.2.1.5 (including Objectives 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4). Inconsistent with Policy 16.2.1.7.

Objective 16.2.2 (under appeal)

The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:

- a. the potential for reverse sensitivity in the rural zones is minimised;
- b. the residential character and amenity of adjoining residential zones is maintained; and
- c. a reasonable level of amenity for residential activities in the rural zones.

Policy 16.2.2.1 (under appeal)

Require residential buildings...to minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from:

- a. site boundaries;...

Policy 16.2.2.3

Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on

adjoining sites.

Consideration:

Lindsay's house will not give rise to reverse sensitivity issues with the adjoining residential zone. The productive rural use of the site is already established. The assessment of effects demonstrates that any adverse effect of Lindsay's house on the rural character values and visual amenity of the locale will be less than minor. Lindsay is happy to offer a condition of consent requiring him to submit a landscape plan for the curtilage of the house for approval by the manager of resource consents, the landscape plan to be submitted at the time of application for building consent.

Summary:

Consistent with Objective 16.2.2 and Policies 16.2.2.1 & 16.2.2.3.

Objective 16.2.3

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

- a. a predominance of natural features over human made features;
- b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;
- c. buildings that are rural in nature, scale and design, such as barns and sheds;
- d. a low density of residential activity, which is associated with rural activities;
- e. a high proportion of land containing farmed animals, pasture, crops, and forestry;
- f. extensive areas of indigenous vegetation and habitats for indigenous fauna; and
- g. other elements as described in the character descriptions of each rural zone located in Appendix A7.

Policy 16.2.3.1

Require buildings and structures to be set back from site boundaries and of a height that maintains the rural character values and visual amenity of the rural zones.

Policy 16.2.3.2

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

Consideration:

The residential activity is associated with and in support of the pastoral grazing activity on the site. Lindsay's house is located so that it complies with

boundary setbacks. Lindsay's house will be single storey and will, therefore, be well within the maximum height limit of 10m for buildings in this zone¹. The assessment of effects demonstrates that any adverse effect of Lindsay's house on the rural character values and visual amenity of the locale will be less than minor. Residential activity is an expected element in the visual landscape of rural zones, this is particularly so when a site adjoins an urban zone, as is the case here. Lindsay is happy to offer a condition of consent requiring him to submit a landscape plan for the curtilage of the house for approval by the manager of resource consents, the landscape plan to be submitted at the time of application for building consent, thereby ensuring that the rural character values and visual amenity of the locale will be maintained.

Summary:

Consistent with Objective 16.2.3 and Policies 16.2.3.1 & 16.2.3.2.

Objective 16.2.4

The productivity of rural activities in the rural zones is maintained or enhanced.

Policy 16.2.4.4 (under appeal)

Require residential activity in the rural zones to be at a density that will not, over time and/or cumulatively, reduce rural productivity by displacing rural activities.

Consideration:

The productivity of rural activities on the site will be maintained. The site will continue to be used for rural productive purposes as it currently is, that is for pastoral grazing activities including the production of hay, baleage and/or silage. It is estimated that the residential activity will occupy only 0.7% of the total area of the site. There is no opportunity for the residential activity on this site to, either, over time or cumulatively, reduce the rural productivity of the area because the site will continue to be used for pastoral grazing activities and, in addition, there are no other similar sized, vacant sites immediately adjacent to the urban zone of Middlemarch township.

Summary:

Consistent with Objective 16.2.4 and Policy 16.2.4.4.

¹ See 2GP Rule 16.6.5.1.c.i.

2006 PLAN RELEVANT OBJECTIVES AND POLICIES

Objective 6.2.1 (& Policies 6.3.1 – 6.3.3)

Maintain the ability of the land resource to meet the needs of future generations.

Policy 6.3.1

Provide for activities based on the productive use of rural land.

Policy 6.3.2

Sustain the productive capacity of the Rural Zone by controlling the adverse effects of activities.

Policy 6.3.3

To discourage land fragmentation and the establishment of non-productive uses of rural land and to avoid potential conflict between incompatible and sensitive land uses by limiting the density of residential development in the Rural Zone.

Consideration:

The productive rural use of the site for pastoral grazing activities including the production of hay, baylege and/or silage is well established. Allowing Lindsay to have his house on the site will not prevent the site from being used for these purposes. The reduction in the productive capacity of the site will be very minimal with the house and cutilege estimated to take up no more than 1,000m², which is approximately 0.7% of the total area of the site. The site is already on its own title and the residential activity will be in support of the productive use of the site. There are no adjoining sensitive land uses.

Summary:

Consistent with Objective 6.2.1 and Policies 6.3.1 – 6.3.3.

Objective 6.2.2 (& Policies 6.3.5, 6.3.6, 6.3.11, 6.3.14)

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

Policy 6.3.5

Require rural subdivision and activities to be of a nature, scale, intensity and location consistent with maintaining the character of the rural area

and to be undertaken in a manner that avoids, remedies or mitigates adverse effects on rural character. Elements of the rural character of the district include, but are not limited to: (a) a predominance of natural features over human made features, (b) high ratio of open space relative to the built environment, (c) significant areas of vegetation in pasture, crops, forestry and indigenous vegetation, (d) presence of large numbers of farmed animals, (e) noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes, (f) low population densities relative to urban areas, (g) generally unsealed roads, (h) absence of urban infrastructure.

Policy 6.3.6

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

Policy 6.3.11

Provide for the establishment of activities that are appropriate in the Rural Zone if their adverse effects can be avoided, remedied or mitigated.

Policy 6.3.14

Subdivision or land use activities should not occur where this may result in cumulative adverse effects in relation to: (a) amenity values, (b) rural character,...(d) the provision of infrastructure, roading, traffic and safety,...Irrespective of the ability of a site to mitigate adverse effects on the immediately surrounding environment.

Consideration:

The assessment of environmental effects demonstrates that any adverse effects on rural character and amenity values of the locale, including visual amenity, will be less than minor. Lindsay is happy to offer a condition of consent requiring him to submit a landscape plan for the curtilage of the house for approval by the manager of resource consents, the landscape plan to be submitted at the time of application for building consent.

Summary:

Consistent with Objective 6.2.2 and Policies 6.3.5, 6.3.6, 6.3.11 & 6.3.14.

Objective 6.2.4 (& Policies 6.3.8, 6.3.14)

Ensure that development in the rural area takes place in a way which provides for the sustainable management of roading and other public infrastructure.

Policy 6.3.8

Ensure development in the Rural and Rural Residential zones promotes the sustainable management of public services and infrastructure and

the safety and efficiency of the roading network.

Policy 6.3.14

Subdivision or land use activities should not occur where this may result in cumulative adverse effects in relation to: (a) amenity values, (b) rural character,...(d) the provision of infrastructure, roading, traffic and safety,...Irrespective of the ability of a site to mitigate adverse effects on the immediately surrounding environment.

Consideration:

The only public infrastructure to be utilised by the proposed residential activity is the roading network. Although the site fronts SH87, Lindsay's house will be accessed from Milford Street. Milford Street is a sealed two way street which has sufficient capacity to absorb traffic movements associated with the establishment of residential activity on the site.

The assessment of effects demonstrates that any adverse effects on amenity values and rural character of the locale will be less than minor. There is very little opportunity for cumulative adverse effects on amenity values and rural character of the area because there are no other similar sized, vacant sites immediately adjacent to the urban zone of Middlemarch township.

Summary:

Consistent with Objective 6.2.4 and Policies 6.3.8 & 6.3.14.

Objective 6.2.5 (& Policies 6.3.3, 6.3.12)

Avoid or minimise conflict between different land use activities in rural areas.

Policy 6.3.3

To discourage land fragmentation and the establishment of non-productive uses of rural land and to avoid potential conflict between incompatible and sensitive land uses by limiting the density of residential development in the Rural Zone.

Policy 6.3.12

Avoid or minimise conflict between differing land uses which may adversely affect rural amenity, the ability of rural land to be used for productive purposes, or the viability of productive rural activities.

Consideration:

The site is used, and will continue to be used, for rural productive purposes, being pastoral grazing including the making of hay, baylege and/or silage.

There will be no conflict between residential activity on the site and the use of either the site or adjoining rural sites for rural productive activities. Residential activity on the site will not affect the ability of the site to be used for productive purposes nor its viability to do so. The assessment of environmental effects demonstrates that any adverse effects on rural amenity resulting from Lindsay's house will be less than minor. Lindsay is happy to offer a condition of consent requiring him to submit a landscape plan for the curtilage of the house for approval by the manager of resource consents, the landscape plan to be submitted at the time of application for building consent.

Summary:

Consistent with Objective 6.2.5 and Policies 6.3.3 & 6.3.12.

Objective 6.2.6 (& Policies 6.3.9, 6.3.16)

Maintain and enhance the life-supporting capacity of land and water resources.

Policy 6.3.9

Ensure residential activity in the rural area occurs at a scale enabling self-sufficiency in water supply and on-site effluent disposal.

Policy 6.3.16

Maintain the water quality in water bodies, including groundwater aquifers and within the coastal marine area by ensuring that appropriate on-site sewage, stormwater and wastewater treatment are provided to avoid off-site effects.

Consideration:

The site will continue to be used for rural productive purposes as it currently is. Lindsay's house will have its own supply of potable water via the collection of rainwater from roof surfaces to storage in tanks. There will also be an appropriately designed and located effluent treatment system with the system design and installation being undertaken by suitably qualified persons. Likewise, stormwater from hard surfaces and the excess from fire fighting and potable water storage tanks will be disposed of on-site via an appropriate method, details of which will be supplied with the building consent if resource consent is granted.

Summary:

Consistent with Objective 6.2.6 and Policies 6.3.9 & 6.3.16.