



4 March 2016

The Planner
Dunedin City Council
PO Box 5045
Dunedin 9058

Attn: Mrs Lianne Darby

Dear Lianne

**PROVISION OF APPLICANT'S EVIDENCE
SUB-2015-54 & LUC-2015-291
DALZIEL ROAD**

Please find the following information attached, which should be considered to be part of the applicant's evidence bundle-

1. Evidence report by Mr Chris Rossiter of Traffic Design Group Ltd, as the applicant's transportation engineering consultant, and
2. Evidence report by Mr Michael Moore of Mike Moore Landscape Architects, as the applicant's landscape consultant.

To avoid doubt, and to minimise duplication, the application documents (lead document dated 18 December 2015) should be considered to contain the applicant's planning evidence. While some supplementary planning evidence, principally in the form of clarification detail, is contained in this document the full package of planning evidence is a combination of both sets of information.

The headings below discuss a number of relevant considerations. Firstly, consideration of the findings of the Council planner's report is a helpful starting point. This is followed by an acknowledgement of a number of adjustments (compromises) that the applicant is prepared to accept (referencing possible modifications/conditions as promoted by Council's planner), and then some further comment around those proposed adjustments that are not supported by the applicant. Finally, a number of the submissions are next addressed, both specifically and in general terms (including procedural matters relating to earthworks).

Council Planner's Report

The applicant feels that the Council planner's report is reasonably well balanced overall. Certainly, the concluding recommendation to grant the consents sought is, in the applicants view, a correct and sensible conclusion. There are a number of proposed adjustments to the development that Council's planner has suggested, and many of these are acceptable to the

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applicant. While these will, to various degrees, impose obligations and/or costs on the development, the applicant agrees that the inclusion of these adjustments is likely to achieve a more balanced (and therefore acceptable) outcome for and within the wider community. The acceptable adjustments are outlined in the section title 'Acceptable Adjustments' below.

The Council planner has accurately described the 'Background to Application' in her report. This background helpfully confirms, in paragraph 6, that the provision of the Proposed Plan (i.e. the 2nd Generation Plan) are relevant to the assessment of this consent application.

The Council planner has also accurately described the 'Description of Activity' in her report. Of significance in this section is the recognition that while most of the land of DP 470050 is currently undeveloped and the sites have an open, rural appearance, in fact consent for a total of nine houses has already been granted.

The applicant agrees with the Activity Status (and contamination) conclusions reached by the Council planner through paragraphs 23-46.

The Council planner has assessed the 'Environment Effects of Allowing the Activity' through paragraphs 51-227. In her summary, the Council planner has concluded that *'...the proposed subdivision and residential development of the new lots will have adverse effects on the amenity values and character of the Rural environment which are minor...'* (paragraph 223), and *'...the Taieri Road access will maintain the safe and efficient operation of Taieri Road, and is an acceptable option for access to the majority of the new subdivision...'* (paragraph 225), and *'...that the visual impact and amenity effects will be significant in the short term as there will be significant change. Given time, however, the effects will reduce as the landscaping associated with the residential properties matures.'* (paragraph 226), and *'The proposal has positive effects in that it will preserve an area of native bush and watercourses as public reserve.'* (paragraph 227). The applicant feels that this is a balanced and reasonable summary of the anticipated environmental effects, which is supported, where relevant, by the evidence reports supplied by the applicant's transportation and landscape consultant's report.

In reference to specific paragraphs within the 'Environment Effects of Allowing the Activity' section of the Council planner's report, the applicant further agrees that:

1. *'...There are also four houses (two more or less built and two consented) on the other sites of DP 470050 which are not part of this subdivision proposal but will still 'read' as part of the proposed development, should consent be granted. As such, although the subject land appears as an open rural block, the existing environment is actually nine houses on this hillside.'* (paragraph 55).
2. *'...this area of Rural zoning is surrounded by Residential 1 or Rural-Residential zoned land and is, therefore, an isolated pocket of rural land. It is already subdivided into nine lots with an overall density equivalent with Rural-Residential zoning, so the existing land tenure is not consistent with its zoning. Furthermore, the largely rural appearance of the block is misleading as there is the existing consent for nine residential units to be built on the new lots of DP 470050, although only two are evident to date.'* (paragraph 63).

3. *'...it should be acknowledged that the Rural zoning of this land is surrounded on all sides (except by the reserve of Frasers Gully) by land of denser zoning. The subject sites are also positioned at the urban/rural fringe of the City where logic tells us expansion of the City boundaries will occur. DP 470050 has already compromised the Rural character of this land. Therefore, I do not have any fundamental issues with the use of this land for a large lot residential development, provided any adverse effects can be avoided, remedied or mitigated.'* (paragraph 64).
4. *'...As there is no change in the volume of anticipated traffic for the Dalziel Road access, no upgrading of this driveway is proposed. While the private lanes from Taieri Road and Dalziel Road will meet each other, there will be no provision for vehicular through-traffic.'* (paragraph 132).
5. *'...Having reviewed the Traffic Design Group Ltd report, Transportation largely agrees that the proposed intersection is unlikely to give rise to adverse effects which are considered to be more than minor.'* (paragraph 145).
6. *'...The crash data does not show any trends that suggest there are significant issues with the existing road environment.'* (paragraph 151).
7. *'...Given the good visibility at the proposed intersection, the safety of the road environment noted above, and presence of the flush centre median on Taieri Road, Transportation considers the proposed intersection to have minimal effect on the safety and efficiency of the transport network. While there are several vehicle accesses located opposite the proposed intersection on Taieri Road, the low volume of traffic anticipated to be generated by the development, and good inter-visibility between the proposed intersection and those accesses, suggests that this aspect is unlikely to cause significant conflict with users of those accesses.'* (paragraph 152).
8. *'Both the Traffic Design Group Ltd and Council's Transportation department accept the proposed access onto Taieri Road as being acceptable, and unlikely to compromise the safe and efficient operation of this road...Transportation has no concerns about the operation of the road, given the more than adequate sight distances which are compliant with the minimum Austroads Safe Intersection Distance criteria.'* (paragraph 155).
9. *'...it is my opinion that the Taieri Road [access] option is acceptable and will have adverse effects which are minor. There is no change proposed for the Dalziel Road access, and the revised proposal will ensure that any concerns about the operation of Dalziel Road will not be exacerbated.'* (paragraph 157).
10. *'...The plans and long-sections provided with the revised application give a broad indication of the earthworks which will be involved, and Council's Consulting Engineer, MWH, has not identified any concerns.'* (paragraph 168).
11. *'Speaking of earthworks generally, most development projects require earthworks. Provided the development is appropriate, the fact that earthworks will occur is not a reason to decline consent to the development itself. Earthworks are necessary, and temporary. Although the Council requires resource consent to be obtained for many earthworks proposals, the consent is more concerned in ensuring that the earthworks are managed appropriately than deciding whether or not they should occur...'* (paragraph 170).
12. *'...If Dunedin City is to expand at the edges of the city, then the subject land is suitable for such expansion due to its location, surrounding development, and the availability of reticulated services.'* (paragraph 177).

13. *'Council's Landscape Architect considers the applicant's assessment of the landscape effects to be a reasonably balanced appraisal of the application and its potential effect, but thought that the transition of effects over time as the residential activity established would progress from significant to moderate/minor rather than moderate to minor. He supported the proposed recommendations as promoted by the applicant's Landscape Architect...'* (paragraph 193).
14. *'It is my view that the adverse visual effects will be fewer than some people might realise due to the housing already consented for DP 470050 but not yet built. The consented housing will interrupt the current pastoral hillside of the subject sites, and interfere with the wider views across the site...the visual impact of the development is expected to improve over time with the establishment of mature vegetation, and will have adverse visual effects which are minor in the medium to long-term.'* (paragraph 195).
15. *'...The Landscape Architects have suggested that the proposed subdivision will create quality low-density residential properties, with landscaping mitigating the effects of the built development over time. However, I note that the housing will not resemble rural development in any way, and therefore could be said to have an adverse effect of the Rural-zone amenity values. It can also be said that the existing Residential 1 and Rural-Residential zones already impact significantly on the quality of the Rural zone in this area, particularly as the Rural subject sites are almost surrounded by non-Rural zones and activities. I do not consider that the proposed subdivision is in anyway reflective of the amenity values expected for the Rural zone, but also recognise that this area, and the subject sites, is not really rural in nature. Declining this consent will not preserve the rural character of the area simply because there is very little such character...'* (paragraph 199).

The above statements from the Council planner's report favour the development proposal and these directly contribute to the chief recommendation that consent should be granted.

There are several references within the 'Environment Effects of Allowing the Activity' section of the Council planner's report that the applicant does not agree with. Of these, the principal clarification that the applicant wishes to make relates to the statement by the Council planner that *'...The applicant and several supporting submitters view the proposed subdivision as being an appropriate transitional development between the Residential 1 housing of Ashmore Street to the east and the Rural-Residential lifestyle blocks to the north and west. The Dunedin City District Plan does not provide for transitional zones or the blurring of zone boundaries, so the argument for a transition between the Residential 1 zoning and Rural Residential zoning is not supported.'* (paragraph 62). The applicant indeed views the proposed subdivision as being an appropriate transitional development between the Residential 1 housing of Ashmore Street to the east and the Rural-Residential lifestyle blocks to the north and west, but this is considered a 'practical' planning outcome rather than a claim to any consistency with the Dunedin City District Plan. The applicant is aware that the operative Plan does not provide for transitional zones – simply put, the subject land has significant potential to become a 'transitional environment' between the existing normal density residential land to the east and the lower density rural-residential land to the north and west. On this basis, the applicant disagrees with the Council's planner's dismissal of the transitional terminology used in the application and by supporting

submitters, and would suggest that this concept would be better considered as relating to the build environment rather than the planning framework.

Following the Council's planner's section on 'Environmental Effects of Allowing the Activity' the planner goes on to make an 'Objectives and Policies Assessment' (paragraphs 228-231). The Council planner ultimately concludes, in paragraph 230, that *'It is my view that the proposal is consistent with many of the objectives and policies of the Dunedin City District Plan to do with manawhenua, hazards, transportation and subdivision. However, it is inconsistent with some of those of sustainability and the Rural zone sections. I do not consider it to be contrary because of the existing environment, although the assessment is finely balanced when considering the zoning of the land. The proposal is generally consistent with the objectives of the Proposed 2GP, but inconsistent that concerned with rural character.'* The applicant accepts this finding and is in agreement that the reason the proposal is not considered to be contrary to the relevant sections of the Plan regarding sustainability and rural zone is due to the existing environment, which is significantly inconsistent and incompatible with the current operative Plan zoning format.

The Council planner judges the application to have a number of inconsistencies with the objectives and policies of the operative Plan. The majority of these inconsistencies relate to the density of the proposed residential use of the rural land and the resulting effect on the rural character of the area (objective's 6.2.2 & 6.2.5 and policy's 4.3.1, 4.3.7, 4.3.8, 6.2.13, 6.3.3, 6.3.5, 6.3.6 & 6.3.11 from the operative Plan, and objective 16.2.3 from the proposed Plan). The Council planner generally qualifies these departures as being 'inconsistence with' rather than being 'contrary to' the relevant Plan provisions predominantly with the reasoning that the current environment is presently significantly inconsistent and incompatible with the zoning format (i.e. the current tenure pattern and built form of the environment is not representative of the type of Rural environment envisaged by the Dunedin City District Plan). The applicant agrees that the existing environment is not a true rural environment and views these inconsistencies as largely already in existence to various degrees. Undoubtedly, a number of these inconsistencies will become larger as a result of the proposed development, however these changes are expected to be acceptable when balanced by the mitigations measures proposed and the positive effects promoted by the application.

Other inconsistencies relate to the rural land resource and the productive capacity of the land (objective's 6.2.1, 6.2.6 & 18.2.3, and policy's 6.3.1, 6.3.9 & 18.3.5). As with the density inconsistencies discussed above, the applicant suggests that the existing environment, which is not representative of a typical rural form, already presents a significant inconsistency with the applicable provisions. This is recognised by the Council planner who states *'...there is very little productive potential evident for the subject sites in the first place.'* This is entirely correct.

The final inconsistency relates to the creation of buffer areas (policy 21.3.7). The applicant does not agree with the Council planner's suggestion that the application is inconsistent with this policy, and notes that there is a proposed buffer around Lots 33 and 34 that is made up of a 10.0m yard width, a 8.0m planting strip, and a height restriction for new structures. These mitigation measures, when considered in combination, are expected to

provide a suitable buffer area to ensure that adverse effects do not exceed a minor and acceptable level.

Despite the several inconsistencies judged by the Council planner, the applicant is satisfied that overall the concluding judgement reached by the planner is that the proposed activity is not contrary to any of the objectives and policies of either the operative Plan or the proposed Plan. This judgement corresponds to the applicant's understanding.

Under the 'Decision Making Framework' heading the Council planner has assessed and discussed the relevant points relating to Part II Matters (paragraphs 232-238) and Section 104 (paragraphs 239-257). Paragraph 239 reiterates the Council planner's earlier finding that *'...the effects on the environment will be no more than minor or minor...'* Paragraph 252 go on to state *'...The proposed subdivision of this 34-lot consent is not, in my opinion, inappropriate use of this land in that it fits logically between the existing Residential 1 and Rural-Residential zonings surrounding the subject sites. It is not a subdivision of productive Rural-zoned land, extending into a rural area.'* Both of these statements are, in the applicant's view, correct and particularly pertinent to the chief recommendation by the Council planner to grant consent.

This section of the Council planner's report also finds that *'...This combination of factors is unlikely to be replicated by many rural sites, and as such, I consider that the granting of consent is unlikely to create an undesirable precedent...'* (paragraph 254). Further on, paragraph 256 contains references that further support the proposed activity, including the comments *'It is my opinion that the subdivision and development of the new lots will not have adverse effects which are more than minor...'* and *'...The assessment also recognises the existing environment is not entirely reflective of the zoning...'* and *'...The rural character of the hillside will be removed, but this is already compromised in any case by the existing subdivision of DP 470050 and the overhead power lines. If consent is declined, it will not mean that the present open hillside, with its associated amenity and outlook, will be preserved as this hillside is not a true representation of the consented environment. The Taieri Road access will not have adverse effects which are more than minor. The applicant has mitigated or avoided the adverse effects associated with the intensification of use of Dalziel Road, and has proposed mitigation through landscaping and buffer planting to reduce effects on neighbours.'* The applicant is satisfied that the assessments and comments noted above provide a correct and accurate summary of some of the reasons as to why the sought consents should be granted.

The final paragraph in Section 7 of the Council planner's report states that *'The proposal is considered to be consistent with most of the relevant objectives and policies, although inconsistent with some of those for the Rural zone and sustainability. I do not consider the proposal to be contrary to any objectives and policies as the existing environment and wider setting are not representative of the current Rural zoning. I consider that the proposal will meet both gateways overall, although not necessarily cleanly, and the Committee is in a position to consider the granting of consent.'* (paragraph 257). This is a clear and helpful determination that confirms the Committee's ability to consider the granting of consent. The applicant is satisfied with this conclusion, which translates through to the chief recommendation by the Council planner that consent should be granted.

The Council planner has fully described the justification for recommending that consent be granted through the noted 'Reasons for Recommendation'. The reasons noted from pages 70 to 72 are considered by the applicant to be generally correct and accurate, and these serve as an excellent summary of the relevant considerations and conclusions that occur throughout the Council planner's report.

In an overall sense, the applicant is relatively pleased with the conclusions reached by Council's planner. A number of adjustments have been proposed by the planner, and the applicant is prepared to accept some of these in full and some in part. Those adjustments that are not considered to be acceptable by the applicant are matters that can be openly discussed at the upcoming hearing. However, the chief recommendation by the Council planner is in support of the application and the applicant certainly is in agreement with this.

Acceptable Adjustments

The following adjustments proposed in the recommendations of the Council planner's report are acceptable to the applicant.

Pedestrian Facilities on Taieri Road

Refer section 1.g) on page 71 of the Council planner's report.

This recommendation seeks some upgrading of pedestrian facilities on Taieri Road, specifically the installation of a pedestrian island on Taieri Road between the proposed intersection and Turner Road.

The applicant is prepared to undertake this installation, as recommended.

Replacement of the Proposed Road with a Private Access

Refer section 1.h) on page 71 of the Council planner's report.

This recommendation notes that Council's Transportation Department would prefer to keep the proposed Lot 100 access from Taieri Road private rather than have this vested to Dunedin City Council as Legal Road as proposed in the application. It is noted that the non-compliances which would result from the proximity of the private access opposite the intersection, if the new access was to become Legal Road, would be avoided by making this adjustment.

The applicant is prepared to keep the proposed access from Taieri Road private, as recommended.

The recommendations made within the Council planner's report, and by the applicant's landscape consultant, that the proposed parking facilities within the Lot 100 access should be deleted from the proposal are also acceptable to the applicant.

Road Widening

Refer proposed condition 2.e) on page 73 of the Council planner's report.

This proposed condition will, if given effect to, require the applicant to vest a 4.0m wide strip of land adjacent to Dalziel Road as new Legal Road. The purpose of this is to make provision for future physical improvements to the transportation network along Dalziel Road.

The applicant is prepared to vest this proposed 4.0m corridor as Legal Road. However, it is relevant to note that this vesting does not specifically address any anticipated effects arising from the development (the development will not result in an increase in the usage of Dalziel Road), and as such the applicant considers this vesting as a purely positive outcome of the proposed development (rather than an adjustment designed to balance or mitigate a different negative effect).

Yards

Refer section 1.j) on page 71 of the Council planner's report.

The Council planner has recommended that external yards are required to be 10.0m width and internal yards to be 4.0m width. The former of these is a departure from the application proposal, however the latter is consistent in this regard. As a point of clarification, the applicant understands the 'external yards' to relate to the outside peripheral boundaries of the development property where these adjoin other privately owned land.

It is noted that the Council planner has discussed the possibility of wider yards of 20.0m along the Dalziel Road frontage (refer paragraph 126 on page 39 of the Council planner's report), although this discussion does not appear to have translated into the recommendations or proposed conditions.

The applicant is prepared to accept the Council planner's recommendations in respect of the 10.0m width external yards. In respect of the Dalziel Road boundary, the applicant is prepared to compromise on this matter and offers an 8.0m width yard on top of the 4.0m road vesting corridor (which equates to a 12.0m width yard from the existing road boundary). This compromise effectively increases the yard along Dalziel Road from the 10.0m originally proposed, without reducing the shape of the available building platform on proposed Lot 1 to an unviable result. It is hoped that this compromise strikes a suitable balance between mitigation of effects and optimal use of the land resource.

Proposed Adjustments Not Supported by the Applicant

Other than the compromise described in the Yards discussion above, there is really only one element of the Council planner's proposed adjustments that the applicant is concerned about, and one element that possibly requires rewording for clarification.

The clarification required related to the proposed condition 3.ff), which requires a consent notice to be registered on the titles of a number of lots stipulating that, among other things, that *'...All fencing on the reserve boundary shall be restricted to 1.2 metres in height or 1.8 metres in height with 40% permeability.'* The applicant wishes to clarify that a fence itself is not required, and that this provision would only apply in the event that a property owner chooses to install a fence along their reserve boundary. Perhaps a simple rewording of this condition to *'...All fencing on the reserve boundary, if installed, shall be restricted to 1.2 metres in height or 1.8 metres in height with 40% permeability.'* This would appear to be a sensible amendment.

The adjustment in the Council planner's report that poses some concern to the applicant is the recommended requirement for the applicant to include a public walkway connection (legal and formed) along the northern side of Lot 32 to provide an additional link between

the Lot 101 reserve and Dalziel Road. This requirements appears in proposed condition 3.bb) and is referenced also in propose condition 3.i) as well as at several locations through the body of the Council planner's report.

The applicant appreciates the reasoning behind this proposed requirement, i.e. as a cohesive extension of the public land network to enable improved connectivity and public land management, however there are several practical reasons as to why provision of this corridor to the City is not ideal. The first of these is the topography of the land at the point this walkway would connect to Dalziel Road, which is reasonably steep and exhibits a drop of approximately 5m from the road carriageway to the base of the road batter. The edge of the road carriageway is located at an approximate distance of 1m from the top of this batter. These landform features create a potentially unsafe environment for pedestrians entering onto the Dalziel Road from the proposed walkway alignment. Additionally, anyone who might be tempted to park on the edge of the carriageway at the head of this walkway (for the purpose of then using the walkway) is likely to create a traffic hazard. The second reason against establishing this proposed walkway is on the grounds of privacy for the adjoining owner at #53 Dalziel Road (who has a contract to purchase Lot 32). This owner, through the applicant's pre-application consultation processes, has expressed a desire to run a small number of stock within Lot 32 and is concern that a walkway in the alignment proposed by the Council planner's report could introduce privacy and other undesirable effects to the Lot 32 property. Further to these considerations, it strikes the applicant as possibly unnecessary to create this walkway as the proposed development intends to create a public walkway to Dalziel Road through Lot 97 (located approximately 105m to the north of the Council planner's walkway beside/through Lot 32), which will satisfactorily supply a formed pedestrian connection at a safer location. In addition to this, the applicant notes that the Council reserve land to the south of the proposed Lot 101 reserve wraps around the property at #53 Dalziel Road and adjoins the Dalziel Road corridor over a significant length. The closest point connection of this reserve land to Dalziel Road is approximately 115m to the south of the Council planner's walkway beside/through Lot 32 (achieving a total distance of 220m between this reserve land and the applicant's Lot 97 walkway), which is considered more than adequate in respect of network connections linking the road and reserve facilities.

The applicant would rather not be required to create the reserve connection along Lot 32 to Dalziel Road for the reasons noted above. It is noted that the Council planner's report refers to a possible alternative option to install some seating in the Lot 101 reserve south of Lot 6, which would create a reason for people to use the proposed walkway adjacent to Lot 6 and Lot 7. The applicant is prepared to install seating at this location if the Committee considers this to be a satisfactory alternative to the Lot 32 walkway.

The applicant notes that all of the proposed conditions described on pages 73-82 of the Council planner's report not specifically mentioned in the 'Acceptable Adjustments' or 'Proposed Adjustments Not Supported by the Applicant' sections above should be considered to be acceptable to the applicant.

Submissions

There have been 44 submissions received, 16 of which are in support of the application, 27 opposed to the proposal and 1 that is neutral. The most common elements of the submissions are evaluated below.

In regard to the 16 supporting submissions, the most common elements contained in the comments of these submitters include i) location of development is appropriate, ii) the proposed residential sites are desirable, and iii) the proposal makes good use of existing city services.

The supporting submitters consider the location of the development to be a sensible and appropriate extension of the City's existing residential resources. Being located within a constrained pocket of land that is bordered by the City's principal Residential Zone to the east, areas of Rural-Residential Zone sites to the north and west, and the Fraser's Gully reserve system to the south, the submitter's consider that this proposed development, of low density residential properties, will create a suitable transitional structure to the natural and built environment in this region.

The submitter's have further stated that the proximity of the proposed development to the City, the large sizes of the proposed properties, and the anticipated quality of the proposed supporting infrastructure, provide a highly desirable and attractive opportunity for new housing. It is recognised that there is a lack of these types of properties within the City, and the submitter's believe that the new properties will be well received by the market. It is considered that these sites will help to fill a demand for low density residential housing, which at present is not being provided for.

The supporting submitter's acknowledge that the site can be adequately serviced from existing City infrastructure without compromising the existing reticulation networks, and in respect of water supply, by way of an existing permitted 'residential' supply that has previously been approved.

The applicant agrees entirely with the comments made in the supporting submissions, including those comments not summarised above.

In regard to the 27 opposing submissions, the most common elements contained in the comments of these submitters include i) loss of rural character, ii) proposed intersection at Taieri Road, iii) safety concerns at Dalziel Road, iv) potential increase in noise effects, and v) potential increase in lighting effects.

Many of the opposing submitters have noted concerns over the potential loss of rural character from the subject site, the most significant aspect of this being the visual changes that might be anticipated to occur if consent for the development is granted. The applicant accepts that the landscape will certainly change as a result of the proposed activity, however considers that the effects of the activity will be minor, particularly after the initial active development phase is complete and the new residential activities (including the proposed vegetation) become established. This view is supported by the applicant's

landscape consultant as well as Council landscape architect. The land is already fragmented and in no real sense represents a rural land use as anticipated by the Plan (there are still 7 consented residential activities to be established, which will further dilute any existing rural character). Overall, the Council planner has determined that there is very little rural character attached to the subject land at present, and this is a view that the applicant agrees with.

The opposing submitter's comments in respect of the proposed intersection at Taieri Road express concerns around the safe and efficient operation of the Taieri Road corridor if the proposed intersection is permitted to occur. These concerns include vehicular safety (particularly vehicles entering the Taieri Road traffic flow), pedestrian safety and carriageway flooding issues. The applicant contends that the existing Taieri Road is presently operating well below its capacity to carry traffic, and this coupled with the wide central median strip and relatively low volume of traffic that will result from the proposed development, will ensure that no safety issues will be introduced by the granting of this consent. This is supported by the applicant's transportation consultant and by Council's transportation engineer. Pedestrian safety will be improved by the proposed formation of a sealed path along Taieri Road adjacent to the proposed Lot 102 reserve and by the installation of a pedestrian island on Taieri Road between the proposed intersection and Turner Road. Flooding is not considered to be a matter that will be worsened by the proposed development (this is caused by external elements), however it is possible that the new intersection might improve this issue, by allowing improved drainage between Taieri Road and the watercourse Lot 101 and Lot 103, although this is still subject to further design considerations. It is also noted that the submitter's concerns relating to the introduction of the instances where existing crossings become non-complying by virtue of their proximity to the new intersection will be resolved if the new access from Taieri Road is left in private ownership (i.e. as a right-of-way) rather than vesting to Dunedin City Council as Legal Road, which was originally proposed in the application. The Council planner, supported by Council's transportation engineer, has recommended that the new road be left in private ownership and the applicant is satisfied with this. Overall, the applicant does not consider that the safe and efficient operation of Taieri Road will be compromised by the proposed activity.

Several of the opposing submitter's have raised concerns over the safe operation of Dalziel Road. The applicant is not proposing to exacerbate any effects in relation to Dalziel Road in any way. The same number of residential activities accessing Dalziel Road will be maintained pre and post development. On this basis, there is no merit in the submitter's claims that the proposed development might lead to adverse effects in this regard. In fact, the provision of a 4.0m strip of road widening, and the creation of new public pedestrian walkways which will remove some of the pedestrian traffic from Dalziel Road, are expected to have a positive effect to safety issues.

Several opposing submitters are concerned that the proposed development might generate noise to an unacceptable level. The applicant expects that construction processes will be controlled in this regard through suitable noise limit specifications (as proposed in 3.j) of the Council planner's recommended consent conditions). Beyond the construction processes, the applicant considers that the proposed mitigation measures, including 10.0m external

yard widths and planting buffer strips will assist in reducing any effects arising from noise. The proposed Lot 101 and Lot 103 reserves will themselves provide a reasonably wide separation between the majority of the development site and the existing residential properties to the east and north-east of the application land.

The issue of lighting has also been raised by some opposing submitters as being of concern. The applicant accepts that once the proposed residential activities have been established there will be some resulting glare and lighting resulting from the new dwellings and from traffic using the new road. However, these effects will be minimised by way of the distance between many of the light sources and the existing neighbouring properties and in some places by the existing boundary vegetation which will screen these effects. Further screening will be achieved by way of the proposed planted features that are designed to shield the neighbouring properties from lighting effects. It also needs to be recognised that there are already 9 consented residential activities that will become established over time, either within or immediately adjacent to the application site, with these activities creating a lighting effect of their own - this anticipated level of existing lighting should be considered the baseline from which the proposed activity is measured. Overall, the applicant does not consider that the site and surrounding environment will be adversely affected by glare and lighting from the proposed activity beyond a minor level.

In addition to the most common themes within the opposing submitters comments, as discussed above, there are a range of other concerns raised, including (but not limited to) the effect of the proposed development on animals, privacy and security, property values, and rubbish. Without going into specific detail, the applicant, while respecting most of these views and concerns, disagrees that implementation of the proposed activity will cause any adverse environmental effects in relation to these matters beyond a minor level. Mitigation measures have been proposed, where appropriate, to alleviate potential adverse effects, and it is also relevant to take into account with these considerations the positive effects that are anticipated to be generated by the proposed activity, such as the gifting of the native bush areas to Council as new passive reserve, the gifting to Council of the new Lot 103 recreation reserve, and the establishment of new public pedestrian connections that will benefit the wider community and improve pedestrian safety.

A small group of opposing submitters have chosen to accuse the applicant of being intentionally dishonest and misleading. The applicant is surprised at this as there have been very limited opportunities of contact with these submitters for such practice to have occurred. In one instance, the applicant has been accused of dishonesty by one submitter who has had no prior contact whatsoever with the applicant. The applicant understands that the RMA consenting process does not support personal attacks of this nature and request that Committee dismiss these unjustified comments by opposing submitters from the hearing deliberations.

The final section of this report addresses the concerns raised in the submissions by the owners of the land at #31 Dalziel Road, comprising the submissions numbered: 27 (C W Reitveld, represented by K Hovell), and 42 (A M Wouters).

Firstly, the Council planner has concluded that these submissions should be included in the RMA process (the applicant felt that these should be excluded on the basis of prior covenant between the parties). The applicant accepts the Council planner's conclusions in this regard and has no further objection to the inclusion of these submissions.

Having accepted the above, the assessment of effects on the submitter's property has been undertaken as part of the applicant's preparation towards the application, although it is recognised that this was perhaps not fully documented in the application material (this is evidenced by the proposed screening along the submitter's eastern boundary). The submitter's house is located in the south-west corner of their property, opposite Lot 1 of the proposed development. The closest group of new houses, being Lots 1, 3 and 4, are screened from the submitter's house by existing vegetation. The existing driveway along the south side of the submitter's property will only be used by the same number of dwellings as are consented presently to use this. The houses that will occupy proposed Lots 19-22, along the submitter's eastern boundary, will be located in excess of 130m from the submitter's house, and in addition to this the applicant has proposed the installation of a new fence and a planted screening belt along this boundary to assist in the mitigation of any cross-boundary effects. The extent of the effects to the submitter along the eastern boundary is limited to the increase from 3 houses (as already consented) to 5 houses (as proposed), and should not be seen as being the establishment of 4 new houses from an empty paddock. For these reasons, the applicant does not consider that there will be any adverse effect to the submitter beyond a minor level should the proposed development be implemented.

The applicant also notes that there has been some recent discussion with the submitter in regard to the nature of an acceptable fence along the boundary in common between the submitter's land and Lots 19-22. These discussions have resulted in a provisional agreement that the applicant will, if consent is granted, install a fence of the following natured-

- Post and netting deer fence (netting to be on submitter's side of the fence).
- No shade cloth is to be installed.
- An outrigger electric wire is to be installed on the submitter's side of the fence.

The nature of the 3.0m wide planting strip is also presently being discussed between the two parties, and it would appear that there is some scope for agreement on this feature as well.

The submission by C W Reitveld contends that consideration by the Committee of this consent cannot proceed until such time as an application for earthworks consent is simultaneously considered. The submitter is not correct in this assessment.

Sec 91 of the Resource Management Act (RMA) states that the consent authority may determine not to proceed with the hearing if other consents will also be required and if these consents are necessary in better understanding the proposal. The applicant believes that sufficient information has been presented to enable a suitable level of understanding of the probable earthworks, including plan detail showing the anticipated horizontal and vertical extents of the most significant earthworks element, being the new access from Taieri Road through to Lot 27 and Lot 28.

In support the RMA provisions, Policy 18.3.4 of the Dunedin City District Plan does not require subdivision and land use consent to be considered together. This policy states that subdivision activity consent should be considered together with appropriate land use consents. The explanation to this policy then states that *'Subdivision can result in new boundaries which jeopardise the compliance of existing dwellings or other land uses'*. This statement is suggestive that the policy has been written with bulk and location land use issues in mind, not earthworks issues. In fact, at the time this policy was published, earthworks processes did not require a land use consent, but were instead managed by way of bylaw permits. With these matters in mind, policy 18.3.4 does not dictate that an earthworks consent application needs to be considered at this time. Again, the applicant believes that sufficient information has been presented to enable a suitable level of understanding of the probable earthworks.

Furthermore, in consideration of common practice through the City in regard to earthworks consents for medium to large residential development sites, it is often normal practice for earthworks consent to be sought after primary development resource consents (subdivision and land use). There are frequently conditions imposed on primary consents that will significantly influence the design of the required development earthworks, and therefore the nature of the earthworks consent that is necessary. It is therefore entirely reasonable for the consent authority to process this application with the knowledge that a future application for earthworks consent will very probably follow in due course. Council will clearly retain the ability to process that earthworks consent in the manner they see fit, which could include a notification process, at the time that application is made.

The Committee will be able to confirm that the applicant is correct in the matter of common practice through review of recent development consents of a similar scale and purpose. Particularly, the Committee may wish to review the consents relating to the Grandvista Residential Development at Severn Street in Abbotsford, and the Owhiro Park Residential Development at Gladstone Road, in Mosgiel, both of which sought, and received, earthworks consents as a subsequent process to their primary subdivision and land use consents.

The submitter has commented that no details have been provided of street lighting proposed. The applicant responds by advising that the proposed street lighting will not be any more obtrusive than normal street lighting around the City, and potentially a lot less than this given that the new access roads will be held in private ownership rather than being vested to Dunedin City Council as Legal Road. It is possible that street lighting need not be installed at all, or that the applicant may choose to use directional light fittings to contain any anticipated effects (these considerations are subject to design processes). The applicant has assessed the effects of glare and lighting in the application document (along with the nature of the existing and proposed screening vegetation that offers some mitigation of these effects) and has anticipated these to be no more than minor. The applicant is still of this opinion.

The submitter has suggested that the applicant has failed to give full effect to the recommendation made by Mr Mike Moore in his landscape visual and assessment. This is correct insofar as this relates to the relatively minor matter of the possible walkway

alongside Lot 32 – all other recommendations have been adopted by the applicant. The reasons for the departure from accepting Mr Moore’s recommendation in regard to the Lot 32 walkway are described above, and these occur as a result of practical considerations rather than any objection by the applicant in principal. The Committee will no doubt form its own view of the appropriateness of the Lot 32 walkway.

The submitter suggests that the application fails to pass either of the gateway provisions (effects being no more than minor and the application not being contrary to the objectives and policies of the Plan) under section 104D of the RMA. This assessment is in contrast to the conclusions of both the applicant and the Council planner that the application passes both of these tests.

The remaining elements of the submissions in respect of the property at #31 Dalziel Road are similarly not supported by the applicant.

With all of the above in mind the applicant considers that that proposed activity still achieves the best use of the land resource at a location in which this can be supported in respect of both planning and infrastructure considerations. The applicant believes that suitable mitigation measures have been offered and that a number of additional elements (as recommended within the Council planner’s report) can readily be adopted into the proposed development to further improve the anticipated outcomes.

The applicant requests that the Committee grants the subdivision and land use consents sought.

Yours faithfully

PATERSON PITTS GROUP

A handwritten signature in blue ink, appearing to read 'Kurt Bowen', with a long horizontal stroke extending to the right.

Kurt Bowen

Registered Professional Surveyor