



Report

TO: Hearings Committee

FROM: Shane Roberts, Consultant Planner

DATE: 19 August 2016

SUBJECT: **RESOURCE CONSENT APPLICATION**
LUC-2016-245 & / SUB-2016-45
35, 39, 41 And 49 Dalziel Road, Dunedin
RPR Properties Ltd and Krenford Holdings Ltd

1 INTRODUCTION

- [1] This report has been prepared on the basis of information available on 19 August 2016. The purpose of the report is to provide a framework for the Committee's consideration of the application and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

2 DESCRIPTION OF PROPOSAL

- [2] Resource consent is sought by RPR Properties Limited and Krenford Holdings Ltd to re-organise the layout of 4 lots of an existing 9 Lot 2012 subdivision on rural zoned land on Dalziel Road. The proposed subdivision layout is attached in Appendix 1 and the 2012 subdivision layout is attached as Appendix 2. The proposed subdivision will alter the location of some of the lots authorised under SUB-2012-92 and its amendments and this will result in the location of new dwellings being altered as follows:

Proposed Site	Area (Ha)	Purpose
Lot 1	12.8266	Residential Activity. Replaces Lot 7 DP 470050 (10.3165ha) and is increased in area.
Lot 2	0.2480	Residential Activity. Replaces Lot 5 DP 470050 (2.2915ha) which is significantly reduced in area with the residual land being transferred to proposed Lot 1.
Lot 3	0.2020	Residential Activity. Replaces Lot 8 DP 470050 (0.348ha) and is reduced in area with the residual land being transferred to proposed Lot 1.
Lot 4	0.2020	Residential Activity. Replaces Lot 9 DP 470050 (0.4860ha) and is reduced in area with the residual land being transferred to proposed Lot 1.

- [3] A land use consent is required (LUC-2016-245) in conjunction with subdivision to authorise the establishment of residential activity on undersized sites in breach of the density requirement for the Rural Zone in the Dunedin City District Plan (Operative Plan). There were 9 sites where new dwellings could

be established under SUB-2012-92 and this will not change under SUB-2016-45 although the locations of some of the lots and future dwellings will be altered.

- [4] Land use consent is also sought for 2,000m³ of earthworks associated with the proposed activity.
- [5] A copy of the application, including plans of the proposed subdivision, is contained in Appendix 1 of this report.

3 DESCRIPTION OF SITE AND LOCATION

- [6] The subject sites are situated at the urban/rural fringe of Dunedin. The land to the east is fully developed residential land, while to the north and west are rural-residential properties. The properties are part of a 92ha block of Rural-zoned land surrounded on all sides by Rural-Residential and Residential 1 zoned land. The majority of the Rural-zoned land within this area is urban landscape conservation area Frasers Gully, which includes a tributary of Kaikorai Stream, leaving only 24ha or so outside of this overlay. This is predominantly the applicant's land, with the majority of the remaining Rural-zoned land being owned by Council although outside of the urban landscape conservation area designation. 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 via the approved 2012 resource consent.
- [7] The wider site has partially been developed through the implementation of the underlying subdivision consent, with the construction of access and installation of services, along with the construction of 3 dwellings and a fourth under construction.
- [8] The site being subdivided is currently in multiple ownership and contains a single dwelling:

Legal Description	Area (ha)	Owner	Status
Lot 5 DP 470050	2.2915	Justin Lindsay Geddes, Vanessa Lauren Geddes and Janette Thelma Mawson	Contains Dwelling
Lot 7 DP 470050	10.3165	Krenford Holdings Limited	Vacant
Lot 8 DP 470050	.3846	Krenford Holdings Limited	Vacant
Lot 9 DP 470050	.4860	RPR Properties Limited	Vacant

4 HISTORY OF THE SITE

- [9] The four subject sites are the result of the 2012 subdivision of a 17.6ha site of Rural-zoned land at 41 Dalziel Road, Dunedin, into 11 lots ranging in size from 0.08ha to 10.3ha. The consent, SUB-2012-92, was processed on a notified basis, and granted on 30 April 2013. LUC-2012-504, for the establishment of residential activity on the new lots was issued at the same time.
- [10] SUB-2012-92 was subsequently varied by SUB-2012-92/A which made minor changes to the boundaries of several new lots, and excluded a strip of former road to the northwest because of issues with obtaining title. It was

accompanied by LUC-2013-445 for earthworks already undertaken when forming the shared access. The subdivision was completed, and DP 470050 was deposited on 18 December 2013. Titles were issued at that time for the new residential lots.

- [11] The subdivision layout of DP 470050 has eight lots obtaining access to Dalziel Road via shared rights of way. Proposed Lot 7 is a large lot of 10.3154ha containing the steeper, vegetated ground, while Lots 11 and 12 are smaller lots in the southeast corner that have been amalgamated with Ashmore Street properties. Of the eight residential properties sharing an access, Lots 3, 4 5 and 6 DP 470050 and are in various stages of development as residential properties.
- [12] A subsequent application SUB-2015-54 & LUC-2015-291 was lodged in 2015 seeking to subdivide the site into 30 residential lots ('Westacott Heights'). Following the close of submissions the applicant amended the proposal to include an additional 2 residential lots and a vehicle access from Taieri Road. The application was subsequently renotified and following a hearing, refused by the Hearings Committee. This decision is currently under appeal. A copy of the Scheme Plan for this Subdivision is attached in Appendix 4.

5 ACTIVITY STATUS

- [13] The situation with respect to subdivision of the site is complicated in this case by the fact Dunedin currently has two district plans: The Operative Dunedin City District Plan (the Operative Plan) and the Proposed Dunedin City District Plan (the Proposed Plan). The Proposed Plan was notified on 26 September 2015 and is currently proceeding through the First Schedule Process. Until the rules of the Proposed Plan become operative, the Operative Plan remains in effect. Where the rules of the Proposed Plan have been given immediate legal effect those provisions need to be considered alongside those of the Operative Plan.
- [14] Section 88A of the Resource Management Act 1991 states that the activity status of an application is determined at the time of lodging the consent. The activity status could, therefore, be determined by the current District Plan or the Proposed Plan, depending on which provisions are operative at the time. Nevertheless, even if it is the current District Plan which determines the activity status of the application, the provisions of a proposed plan must be considered during the assessment of the application pursuant to section 104(1)(b) of the Act.
- [15] The relevant rules of the two district plans for this application are as follows:

Operative Dunedin City District Plan

- [16] The subject sites are zoned **Rural** in the Dunedin City District Plan. There is an **Esplanade Reserve** requirement along the watercourse through 49 Dalziel Road. There are no hazards identified on the Hazards Register for this land, and there are no designations for this land applicable to this application.
- [17] Rule 18.5.1(i) lists subdivision as a restricted discretionary activity in the Rural zone where the application complies with Rules 18.5.3 – 18.5.6, 18.5.9 and 18.5.10, and each resulting site is 15ha or greater. Rule 18.5.4 requires a 20m wide esplanade reserve or strip to be created on each bank of the watercourse at the time of subdivision. The applicant does not propose to create an esplanade reserve or strip, and the new lots will be less than 15.0ha. As such, the proposed subdivision is considered to be a non-complying activity.

- [18] Rule 6.5.2(iii) lists residential activity at a density of one residential unit per site as being a permitted activity, provided that the minimum area of the site is no less than 15ha. The future residential activity of proposed Lots 1 - 4 will be on new sites having less than 15ha of Rural-zoned land. Accordingly, the residential activity for these new sites is considered to be a non-complying activity pursuant to Rule 6.5.7(i).
- [19] Although not strictly applicable to non-complying activities, the performance criteria of Rule 6.5.3 provide guidance as to acceptable use of the sites. Any development built on these lots is expected to breach the performance standards of Rule 6.5.3 as follows:

Rule 6.5.3(i) specifies front yards of 20m, and rear and side yards of 40m, for residential units. The applicant intends to provide the following yards:

- Front Yards - 12.0m
- Side Yard (with Lot 1 DP 453493 – submitter's property) of 10.0m
- All other side yards of 4.0m

Proposed Second Generation Dunedin City District Plan ("Proposed 2GP")

- [20] The Proposed 2GP was notified on 26 September 2015. The zone maps show 35, 39, 41 and part of 49 Dalziel Road to be zoned **Large Lot Residential 1**. Most of 49 Dalziel Road is zoned **Rural-Hill Slopes**. There is an **Esplanade Reserve** requirement over the watercourse through 49 Dalziel Road.

Subdivision Activity:

- [21] Rule 15.3.5.3 specifies that general subdivision is a restricted discretionary activity in the residential zones subject to compliance with the performance criteria. The proposed lots which are zoned Large Lot Residential 1 are compliant with the performance standards (noting proposed Lot 1 has a split zoning between Large Lot Residential 1 and Rural Hill Slopes). The density requirement of these zones is one residential unit per .2 hectares for the Large Lot Residential 1 Zone and one residential unit per 15 hectares for Rural Hill Slopes.
- [22] Rule 16.3.5.1 specifies that general subdivision is a restricted discretionary activity in the rural zones subject to compliance with the performance criteria. Proposed Lot 1 zoned Rural – Hill Slopes will fail to comply with the following:
- Rule 16.7.2 requires esplanade reserves and strips to comply with Rule 10.3.1. The application does not promote an esplanade reserve or strip along the watercourses.
 - Rule 16.7.4.1(d) specifies a minimum site size of 25.0ha. Lot 1 is less than 25ha at 12.8ha.
- [23] The proposed subdivision is considered to be a non-complying activity pursuant to Rule 16.7.4.3.

Land Use:

- [24] Rule 15.3.3.3 specifies that standard residential activity is a permitted activity in the residential zones, subject to compliance with the performance

standards. The residential activity of proposed Lots 1 to 4 is considered to be a permitted activity.

- [25] Rule 16.3.3.23 specifies that standard residential activity is a permitted activity in the Rural zones subject to compliance with the density and separation distances performance criteria. Should residential activity be undertaken on the part of Lot 1 in the Rural Zone it will fail to comply with the following:
- Rule 16.5.2.1 sets the density of development for the Rural – Hill Slopes zone. The minimum site size for a single residential dwelling is 15.0ha. Lots 1 will fail to meet this minimum lot size if any new dwelling is constructed on that part of the property zoned rural.
- [26] The residential activity would be considered to be a non-complying activity in the Rural – Hill Slopes zone, pursuant to Rule 16.5.2.3 if any new dwelling is constructed on that part of the property zoned rural.
- [27] There is no certainty this is the case but nevertheless this rule has been included for completeness.

Overall Proposed Plan Status:

- [28] Overall, the subdivision proposal is considered to be a restricted discretionary activity. The land use component of the proposal for Lots 2-4 is a permitted activity, and either a permitted or non-complying activity for Lot 1 depending upon the location of any dwelling constructed.

Overall Activity Status (Operative and Proposed Plans)

- [29] Overall the application is considered to be a non-complying activity.

WRITTEN APPROVALS, NOTIFICATION AND SUBMISSIONS

- [30] Written affected party approvals were received from parties in the following table:

Person	Owner	Occupier	Address	Obtained
JR & JM Hawker	✓		33 Dalziel Road	16/05/2016
JL & VL Geddes	✓	✓	35 Dalziel Road	30/05/2016
PF & RA Mortimer	✓	✓	37 Dalziel Road	17/05/2016
CJ & RJ Fahey	✓	✓	43 Dalziel Road	16/05/2016
AK & JE Ussher	✓	✓	45 Dalziel Road	25/05/2016
RPR properties Limited	✓	✓	47 Dalziel Road	18/05/2016

- [31] In accordance with section 104 of the Act, where written approval has been obtained from affected parties the consent authority cannot have regard to the effects of the activity on that person.

- [32] After initial consideration of the application, it is considered that the adverse effects of the proposal would be no more than minor, having regard to the surrounding environment and the mitigation measures proposed.
- [33] It was therefore determined that the effects of the proposal would be restricted to a limited number of parties being the owners and occupiers of the properties at 31 Dalziel Road. The written affected party approval of these persons was not obtained and the application was, therefore, notified on a limited basis on 29 June 2016.
- [34] Copies of the application were sent to the following parties with submissions closing on 27 July 2016:
- Owners and Occupiers of 31 Dalziel Road
- [35] Three submissions in opposition was received by the close of the submission period.
- [36] The submissions are summarised in the table below, and a full copies of the submissions are attached in Appendix 2.

Name of Submitter	Support/ Oppose	Summary of Submission	Wish to be heard?
Chris Reitveld	Oppose	▪ Proposal is manifestly contrary to the objectives and policies of the Operative District Plan; ▪ Proposed Lots 3 & 4 will not be able to meet the required yard separation provisions of the Operative District Plan.	Yes
Laura Hayes	Oppose	▪ Current Lessee of land at 31 Dalziel Rd ▪ Property size falls well short of proposed plan density (2ha) and Operative Plan density (15ha). ▪ Does not believe proposed fencing and planting will provide sufficient mitigation. ▪ There will be adverse effects on amenity arising from increased noise, glare and lighting odour	Yes
Alice Wouters	Oppose	▪ Not what was agreed to when property purchased. ▪ Proposed new lots are considerably smaller than those in current configuration. ▪ Proposal will result in up to four houses in close proximity to eastern boundary. ▪ Access is unsafe. ▪ Concerned about servicing of proposed lots. ▪ Not satisfied with mitigation (fencing and plantings) as proposed.	Yes

		▪ Concerned about reverse sensitivity effects. ▪ There will be adverse effects on amenity arising from increased noise, glare and lighting odour. ▪ Loss of privacy.	
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6 ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

[37] Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in section 3 of the Act as including-

- a) Any positive or adverse effect; and*
- b) Any temporary or permanent effect; and*
- c) Any past, present, or future effect; and*
- d) Any cumulative effect which arises over time or in combination with other effects- regardless of the scale, intensity, duration or frequency of the effect, and also includes -*
- e) Any potential effect of high probability; and*
- f) Any potential effect of low probability which has a high potential impact.*

[38] An important consideration for the assessment of effects is the application of what is commonly referred to as the permitted baseline assessment. The purpose of the permitted baseline assessment is to identify the non-fanciful effects of permitted activities and those effects authorised by resource consent in order to quantify the degree of effect of the proposed activity. Effects within the permitted baseline can be disregarded in the effects assessment of the activity.

[39] Section 104(2) of the Act directs that, when forming an opinion as to whether there are any actual or potential effects on the environment from an activity, the consent authority must decide whether to disregard any adverse effect of the activity if the District Plan permits an activity with that effect. Put another way, change is not automatically an adverse effect if it is in accordance with the District Plan expectations.

[40] In this case I consider the permitted level of development on rural zoned land is of little relevance to this proposal. The existing environment is of more significance in determining the degree of adverse effects arising from the proposal as it allows development beyond expectations of the rural zone in the operative plan. The existing environment in this case includes the implemented 2012 subdivision and land use consent. The 2012 subdivision has been given effect to and three dwellings have been constructed and a fourth is under construction.

[41] The baseline is useful for considering the effects of traffic generation as this will not be increased beyond a level that is already permitted as no additional dwellings beyond those currently consented are proposed. It is also clear that the presence of some built form and residential activity within the current Lots on the site forms part of the baseline. As such I believe it is appropriate to apply the baseline in this regard.

[42] I consider the key matter in terms of the permitted baseline is the location of the proposed dwellings and residential activity on the site, which is currently relatively scattered across the site, as opposed to the current application which seeks to consolidate development a part of the site where currently no

dwelling could be built (as a dwelling has already been constructed on Lot 5 DP470050)..

- [43] This consolidation brings with it an increased level of adverse effects on the submitter, which are discussed below in Section 6.1.
- [44] As such these effects fall outside of the baseline.
- [45] The assessment of effects is largely guided by the assessment matters in Sections 6.7 (Rural). Accordingly, assessment is made of the following effects of the proposal:
- Bulk, Location, Design, Appearance and Amenity Values;
 - Transportation;
 - Provision for Stormwater, Water and Sewerage;
 - Hazards and Safety;
 - Earthworks;
 - Esplanades;
 - Reverse Sensitivity;
 - Positive Effects; and
 - Cumulative Effects;

6.1 Bulk, Location, Design and Appearance and Amenity and Character Values

- [46] The key effect arising from the proposed subdivision is the adverse visual effects arising from the 'clustering' of houses on the site. The proposed subdivision will result in two new buildable lots (3 & 4) being located in close proximity to an existing dwelling on Lot 3 DP470050 (submitters property). Due to the small size of Lots 3 and 4 any dwellings constructed will be considerably closer to the submitters than currently could be constructed on the underlying subdivision. Additionally proposed Lot 1 also shares a lengthy boundary with Lot 3 DP 470050. There is also a yet to be constructed dwelling on Proposed Lot 2.
- [47] Comment has been sought from Council's Landscape Architect who has commented on broader landscape issues as follows:

As there are no additional lots than already consented, the wider effects of the proposal do not appear to be more than those already considered. There are different, more localised effects for established dwellings, but my understanding is that written approval has been gained for all but one of these. Establishing an altered subdivision layout utilising mainly boundary changes will have the effect of providing a de facto rural residential type subdivision in an area where a rural residential type character is already commencing, notwithstanding current zoning.

And

As I have noted in earlier comment for this area, a key landscape value is preserving the established, bushed gully which extends down to Frasers Gully Urban Landscape Conservation Area (ULCA). Retention of the uniqueness of the major gully, in particular, is very important. This value would not be compromised by the application.

- [48] In order to partially screen development on Lots 1, 3 and 4 from the submitters property, the applicant is proposing to erect a 1.8 metre high deer fence, including shade cloth along the boundary of the site (as shown on the scheme plan in Appendix 1). Additionally a 3 metre strip of buffer planting is

proposed along this boundary, within Lots 1, 3 and 4. The applicant has not provided any details regarding the nature of this landscaping and the effectiveness of it to mitigate the adverse effects arising from the establishment of dwellings and residential activity on Lots 1, 3 and 4. I note submitters have also raised this as a concern. Submitters have also raised concerns regarding species being planted that are poisonous to livestock and also regarding maintenance.

- [49] In my experience it is somewhat unusual to promote landscaping to provide mitigation without providing details of species, planting density, and speed of growth. Additionally cap in hand with such an approach would be a proposed maintenance regime for not only the planting, but also the proposed shade cloth fence. This would enable an assessment to be made of the effectiveness or otherwise of the landscaping including whether a 3 metre strip provides sufficient screening. Further to this assessing the effectiveness of the mitigation also depends on 'what' is being mitigated - of which there is currently no details.
- [50] Whilst the applicant has sought land use consent for dwellings on Lots 3 and 4 the applicant has not provided any information regarding the potential development on these sites aside from applying for side yards less than those required under the rules of the rural zone. It is difficult therefore to assess the effects of the proposed dwellings, and indeed the effectiveness of the proposed mitigation when no details of those dwellings have been supplied.
- [51] There is certainly the potential for a row or cluster of houses to establish in close proximity to the submitter's property and the applicant has offered little mitigation in this regard. It is clear from my visit to the site a large dwelling has been constructed on Lot 3 DP 470050 and the construction of similar houses on the proposed Lots 3 and 4 (and potentially Lot 1) will have an effect on the amenity of the submitter. It should also be noted that mitigation in the form of plantings could also have an impact on the amenity of adjoining owners through changes to the physical environment.
- [52] I do note clustering can have the effect of consolidating development on a site whilst to preserve the 'openness' of the balance of the site. This can work in practice, but regard needs to be had to the effects that come with such an approach.
- [53] Further to this the applicant has sought consent for reduced side yards of four metres. A submitter has raised this issue insofar as dwellings constructed on proposed lots 3 and 4 would not comply with the 40 metre yard requirement for the Rural Zone in the Operative District Plan. The four metre yard could potentially have the effect of allowing dwellings to be constructed along a (roughly) north south axis built across most of the width of the sites, with 8 metre separation, further creating a 'wall' of built form to the east of the submitter's property.
- [54] Such a 'wall' of built form, coupled with the bulk of existing dwelling on Lot 3 DP470050 will create a considerable degree of adverse effects for the submitter. I also note the size and shape of Lots 3 and 4 are similar to those proposed as Lots 19 and 20 on the scheme plan of subdivision SUB-2-15-14 & LUC 2015-291 (currently under appeal).
- [55] Other mitigation options, such as building platforms, maximum footprint or height restrictions for dwellings on the proposed Lots 1, 3 and 4 have not been proposed.
- [56] Whilst I cannot speak to the acceptability or otherwise of such measures to submitters, I consider further details of the bulk and location of any proposed

dwelling as well as further details on the landscaping / screening is required in order to properly assess the effects of the proposed activity.

- [57] As such I do not agree with the applicant that any adverse effects on the amenity currently enjoyed by adjoining owners will be less than minor.

6.2 Transportation

- [58] The proposed subdivision will obtain access from the existing crossing to Dalziel Road. No intensification of use above that already provided for by way of the underlying approved subdivision and land use consent is proposed, should the application be approved, as no additional lots will be created.
- [59] Given the current access was installed to cater for the same number of lots as will result from the current application should it be approved no concerns have been raised from the Council's Transportation Team regarding the use of the existing access.
- [60] Conditions will be required on proposed ROW E to ensure it is formed to a suitable standard.
- [61] I consider any transportation effects are less than minor.

6.3 Provision for Stormwater, Water and Sewerage

- [62] Currently the site is not supplied with any of Council's reticulated services. Water and Waste services have commented on the proposed subdivision as follows.

Water

- [63] The application states that the new residential properties are intended to each be supplied with domestic water by way of normal connections to the City's water supply reticulation. An application has recently been made to Dunedin City Council's Water and Waste department for approval to install a suitable private network to achieve this manner of water supply.
- [64] Alternatively, stormwater collected from roof surfaces may be used for domestic water supply and stored in suitably sized tank(s), with a minimum of 20,000L storage per lot.
- [65] In addition to the minimum water tank requirements for domestic water supply, a minimum of 20,000L should be provided for fire-fighting requirements. An approved fire service hose coupling should be connected to the water storage tank(s). Water and Waste Services also recommended that the consent holder provide evidence of compliance with fire fighting requirements NZS PAS 4509:2003.

Wastewater Services

- [66] As the proposed subdivision is located within the Rural Zone, there are no reticulated wastewater services available for connection. Each of the proposed lots will require a septic tank for wastewater drainage. Any effluent disposal shall be to a septic tank and effluent disposal system which is to be designed by an approved septic tank and effluent disposal system designer.
- [67] The application states that the preferred manner of foul sewage management is by way of connecting the new residential properties to a new pressurised foul drainage system (an Allanton style system). The applicant anticipates that

an application will soon be made to Dunedin City Council's Water and Waste department for approval to install such a facility.

Stormwater Services

- [68] As the proposed subdivision is located within the Rural Zone, there are no reticulated wastewater services available for connection. Stormwater from right of ways, roads, drives, drain coils and water tank overflows will need to be dealt with to not create a nuisance on any adjoining properties.
- [69] In summary, no issues have been raised with the proposed site in terms of servicing, regardless of whether the proposed connections to reticulation are made.

6.4 Hazards and Safety

- [70] No comments were obtained from Council's consulting engineer regarding natural hazards. In this instance the issues associated with natural hazards and the site are well understood. Lots 3 and 4 are within areas identified through previous consents as being suitable for building, and whilst Lot 1 is affected by some instability issues there is adequate land available for building in a safe location. Furthermore existing consent notices attached to the underlying CFRs identifying restrictions on where buildings can be constructed will drop down onto any new CFRs (should consent be granted) to alert future owners to this restriction.

6.5 Earthworks

- [71] The applicant has sought earthworks consent for 2000m³ of earthworks to construct an access within easement E and to move clay and topsoil around the site to defined areas shown on the scheme plan.
- [72] Given the proposed earthworks relate to the movement of material onsite the effects are largely limited to those associated with the noise arising from the earthworks, associated dust and potential run off. These effects would be temporary in nature.
- [73] It is noted written approval has been obtained from the owners and occupiers of the properties closest to these earthworks.
- [74] If the Committee were of a mind to approve the application suitable conditions including the submission of engineering plans would be required to ensure any effects arising from earthworks are less than minor.

6.6 Esplanades

- [75] A tributary to the Kaikorai Stream flows through the subject site in a north to south direction via the main gully in the property. The District Plan identifies this watercourse as being subject to the requirement to create an esplanade reserve at the time of subdivision. Rule 18.5.4 specifies that 20m wide esplanade reserves are created on both sides of the watercourse, unless the subdivision is creating a lot greater than 4.0ha, whereupon an esplanade strip can be created instead.
- [76] In this case, proposed Lot 1 will be greater than 4.0ha, and an esplanade strip is required. However, the applicant intends to vest the greater gully and watercourse as reserve rather than a 20m wide esplanade reserve or strip.
- [77] The application states that an esplanade strip is not required because:

- (a) *This is a boundary adjustment subdivision and does not seek to create any additional sites, and*
- (b) *There was no requirement for an esplanade strip when the previous subdivision occurred in 2011 under SUB-2012-92/A. It would be inconsistent for Council to require the establishment of an esplanade strip now; and*
- (c) *The appropriate time to assess the need for an esplanade strip will be as part of a more comprehensive development proposal for the land, particularly where development might be expected to occur within closer proximity to the stream feature.*

[78] Section 229 of the Resource Management Act 1991 identifies the purposes for which esplanade reserves or strips can be taken. The reserve or strip can have one or more of the following purposes:

- (a) *To contribute to the protection of conservation values by, in particular:*
 - (i) *Maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or*
 - (ii) *Maintaining or enhancing water quality; or*
 - (iii) *Maintaining or enhancing aquatic habitats; or*
 - (iv) *Protecting the natural values associated with the strip or reserve; or*
 - (v) *Mitigating natural hazards; or*
- (b) *To enable public access to or along any sea, river, or lake; or*
- (c) *To enable public recreation use of the strip or reserve and adjacent sea, river or lake, where the use is compatible with the conservation values.*

[79] I am of the view an esplanade strip could meet one or more of the purposes set out in Section 229 of the Act. Should the Committee contemplate granting the application the requirement for an esplanade strip could be revisited. In particular, in terms of the applicant's reasoning council is not bound by a previous consent decision, and there is no guarantee a more comprehensive development will occur on the site.

6.7 Reverse Sensitivity

[80] Submitters have raised the issue of reverse sensitivity relating to the potential sensitivity of future owners to activities undertaken on their site (such as the noises and smells from the grazing of animals).

[81] The submitter also acknowledges a reverse sensitivity covenant will not work.

[82] I consider that the scale of activities being undertaken on the submitter's site means any reverse sensitivity issues are likely to be of a less than minor nature. Other issues, such as the dumping of grass clippings 'over the fence' are a civil matter and not something that can be dealt with under the Act.

6.8 Positive Effects

[83] If granted the proposal will provide for the creation of three small (in a rural sense) lots suitable for residential purposes and a larger balance lot. These will provide for the needs of those seeking smaller residential lots in the Rural Zone.

6.9 Cumulative Effects

- [84] The concept of cumulative effects, as defined in *Dye v Auckland Regional Council & Rodney District Council* [2001] NZRMA 513, is:

"... one of a gradual build up of consequences. The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite effect D. All of these are effects which are going to happen as a result of the activity which is under consideration".

- [85] Similarly, some effects may not presently seem an issue, but after having continued over time those effects may have significant impact on the environment. In both of these scenarios, the effects can be considered to be 'cumulative'.
- [86] The proposal, if granted, will give rise to cumulative adverse effects on submitters through the clustering of dwellings in proximity to their eastern boundary.

6.10 Effects Assessment Conclusion

- [87] After considering the likely effects of this proposal above, overall, I consider there is not currently sufficient detail to establish that effects of the proposal can be appropriately mitigated by conditions of consent so as to be no more than minor, and some effects may not be able to be mitigated.

7 OBJECTIVES AND POLICIES ASSESSMENT

7.1 Assessment of Objectives and Policies of the District Plan (section 104(1)(b)(vi))

- [88] Section 104(1)(b)(vi) of the Act requires the Council to have regard to any relevant provisions of the District Plan.
- [89] The following objectives and policies of the Operative District Plan were considered to be relevant to this application:

Sustainability Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 4.2.1 Enhance the amenity values of Dunedin. Policy 4.3.1 Maintain and enhance amenity values.	In a wider landscape sense the proposal will not detract from the amenity values of Dunedin. The proposal will have adverse effects on the amenity of the submitters, and their amenity will not be enhanced. I do not consider sufficient information regarding mitigation has been provided to demonstrate how adverse effects on the amenity of the submitters will be maintained or enhanced. I consider the proposal is inconsistent with this objective and policy.
Objective 4.2.3 Sustainably manage infrastructure	Any infrastructure required of the proposal is either already installed or can be undertaken in a manner that will not create adverse effects that are more than minor.
Policy 4.3.5 Require the provision of infrastructure services at an appropriate standard.	

	I consider the proposal is consistent with this objective and policy.
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Rural Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 6.2.1 Maintain the ability of the land resource to meet the needs of future generations.	The proposal entails the reconfiguration of four existing lots and no additional lots will be created. As such it will not diminish the ability of the land resource to meet the needs of future generations. In any case I consider that the previous subdivision has essentially compromised any productive capacity the site may have had. Certainly the use of the site for rural residential purposes, in some form will meet the needs of those who desire rural residential living. I consider the proposal is consistent with this objective.
Objective 6.2.2 Maintain or enhance the amenity values and character of the rural area.	The proposal will result in some changes to the amenity of the site through changes to the layout of future dwellings upon the site. Through the proximity of the proposed Lots 3 and 4 there will be a reduction in amenity for the submitters and they will not be maintained or enhanced. I consider the proposal is inconsistent with this objective.
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.	The existing site has already been subdivided into 4 lots, and is part of a previous subdivision. The proposed subdivision will result in changes to Lots sizes from that which currently exist, but will not result in any additional Lots above those which currently exist. As such I do not consider the proposal results in any increased fragmentation of rural land. Additionally I do not consider the proposed activities to be incompatible with the site and I note the overall density of development is not changing, however the location of it on the site is. I consider the proposal to be consistent with this policy.
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 which 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,	I consider that the rural character of the site has already been diminished through approval of previous subdivision and land use applications. That said, it now offers a variety of lot sizes for rural residential living. Currently the site is not characterised by the matters listed (a) to (h) apart from (e) (partially) and (f). I do not consider this is adequate justification to further detract from these through the clustering of development on the site, at the expense of the

(b) High ratio of open space relative to the built environment, (c) Significant areas of vegetation in pasture, crops 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	submitter's amenity. Additionally is it unclear what the development on the proposed lots will look like and how effective mitigation will be. I consider the proposal however further 'tips the balance' of the site, particularly for the outlook of the submitter to a semi urban amenity – I do note the proposal will not increase the overall density of the site, but it will certainly concentrate it in one area. I do not consider the proposal will avoid, remedy or mitigate adverse effects on rural character and therefore the proposal is inconsistent with this Policy.
Policy 6.3.9 Ensure residential activity in the rural area occurs at a scale enabling self-sufficiency in water supply and onsite effluent disposal.	No concerns have been raised by water and waste regarding servicing of the site. I consider the proposal to be consistent with this policy.
Policy 6.3.14 Subdivision or land use activities should not occur where this may result in cumulative adverse effects in relation to: (a) amenity values, (b) rural character (c) natural hazards (d) the provision of infrastructure, roading, traffic and safety, or (e) Landscape Management Areas or Areas of Significant Conservation Values. Irrespective of the ability of a site to mitigate adverse effects on the immediately surrounding environment.	As discussed above I consider the proposal will have cumulative adverse effects on the amenity values and the rural character (limited as it is) of the area, particularly for the submitters. I consider the proposal is contrary to this policy.

Hazards Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Policy 17.3.2 Control building and the removal of established vegetation from sites or from areas which have been identified as being, or likely to be, prone to erosion, falling debris, subsidence or slippage.	It is acknowledged the site is subject to some hazards in the form of land not suitable for building on 9 parts of proposed Lot 1). Provided suitable conditions regarding the location of buildings on Lot 1 are imposed, I consider the proposal is consistent with this policy.

Transportation Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 20.2.2 Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.	The transportation effects of the proposal were considered during the processing of the consent for the underlying subdivision. The proposal will not give rise to any transportation effects beyond those already consented. I consider the proposal is consistent with the transportation objectives and policies.
Objective 20.2.4 Maintain and enhance a safe, efficient and effective transportation network.	
Policy 20.3.4 Ensure traffic generating activities do not adversely affect the safe, efficient and	

effective operation of the roading network.	
Policy 20.3.5 Ensure safe standards for vehicle access.	
Policy 20.3.8 Provide for the safe interaction of pedestrians and vehicles.	

7.2 Assessment of Objectives and Policies of the Proposed District Plan (section 104(1)(b)(vi))

- [90] The Proposed District Plan was notified on 26 September 2015.
- [91] At the time of the issuing of this recommendation, no decisions have been made on the Proposed District Plan and all provisions are subject to submissions and could change as a consequence of the submission process.
- [92] However, the objectives and policies of the Proposed Plan must be had regard to in accordance with Section 88A(2) of the Act.
- [93] Part of the site is zoned Large Lot Residential 1. The Proposed Plan, in the Introduction to the Residential Zones Chapter provides the following explanation:

"The Large Lot Residential 1 Zone includes a small number of residential areas which needed to be developed at a lower density to maintain bush or open areas, or because of land instability issues."

- [94] Part of the site is zoned Rural – Hill Slopes. The Proposed Plan, in the Appendix 7, provides a detailed explanation of the value of this zone.

Residential Zones

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 15.2.1 Residential zones are primarily reserved for residential activities and only provide for a limited number of compatible activities, including: visitor accommodation, community activities, major facilities, and commercial activities that support the day-to-day needs of residents.	In terms of these objectives and policy, the proposal provides for residential activity on the site, at a scale that will provide a degree of onsite amenity. There is no doubt the proposed lots are of a size where a high degree of onsite amenity can be provided for.
Policy 15.2.1.1 Provide for a range of residential and community activities, where the effects of these activities can be managed in line with objectives 15.2.2, 15.2.3, 15.2.4, and 15.2.5 and their policies.	I consider the proposal is consistent with these objectives and policy.
Objective 15.5.2 Residential activities, development, and subdivision activities provide high quality onsite amenity for residents.	
Objective 15.2.3 Activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.	The proposal will result in a change in amenity for the surrounding residential properties, and will certainly further urbanise the site from its current rural residential character. In terms of the outcomes sought for the Large Lot Residential Zone I consider the proposal consistent with this objective.

Objective 15.2.4 Subdivision activities and development maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.	Given the Proposed District Plan seeks to rezone the site from the current zoning, the proposed development, whilst not reflecting the current character of the neighbourhood, will reflect the intended future character should the site be developed in accordance with the envisaged density for the zone.
Policy 15.2.4.2 Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone.	I consider the proposal is consistent with this objective and policy.

Rural Zones

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 16.2.1 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 rural communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.	
Policy 16.2.1.5 Limit residential activity, with the exception of papakāika, in the rural zones to a level (density) that supports farming activity and achieves Objectives 2.2.2, 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4 and their policies.	Land use consent currently exists for a dwelling to potentially be located within the part of the site proposed to be zoned rural hill slopes. It may well be that any future dwelling on proposed Lot 1 is located outside of the rurally zoned part of the site – further attested to by some of the rural parts of the site being those with unsuitable ground conditions.
Policy 16.2.1.7 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.	Currently the rural part of the site is characterised by the matters listed (a) to (g).
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. significant 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.	Providing no residential activity is undertaken within the rural part of the site, I consider the proposal is consistent with these policies and objective.

Policy 16.2.3.2 Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.	
Policy 16.2.3.8 Only allow subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones.	The proposed subdivision will maintain the current rural character of the site, and will not diminish the productive capacity of the rural part of the site. In terms of (c) the site is already rural residential in nature however the density of development will not be worsened by the proposal, should consent be granted.
Policy 16.2.4.3 Only allow subdivision where the subdivision is designed to ensure any future land use and development will: a. maintain or enhance the productivity of rural activities; b. maintain high class soils for farming activity, or ensure any loss is no more than minor; c. maintain land in a rural rather than rural residential land use; and d. not increase the potential for reverse sensitivity from residential activities in the rural zones.	Providing no residential activity is undertaken within the rural part of the site, I consider the proposal is consistent with these policies.

- [95] Having assessed the objectives and policies individually I am now required to make an assessment as to how the proposal fits in an overall sense, with the objectives and policies of both plans. In particular the key objectives and policies are those relating to rural zones of both plans.
- [96] In terms of the Operative District Plan the proposal will not maintain the amenity of the rural zone, and will create cumulative effects arising from increased development in the rural zone and in particular is contrary to Policy 6.3.14. The proposal is also inconsistent with a number of other policies relating to amenity.
- [97] The proposal is consistent with other objectives and policies relation to the provision of infrastructure, the land resource and land fragmentation, hazards and transportation.
- [98] Turning to the Proposed District Plan, the proposal is consistent with the objectives and policies of the residential and rural sections of the Proposed District Plan – I note in the case of the rural zone this position is contingent on no residential development being undertaken in the rural zone.
- [99] Quite logically, given the provisions of each plan regarding the appropriate size for subdivision in the Rural Zone, the proposal finds considerably more support from the Proposed Plan than the Operative Plan. This is because the Proposed Plan seeks an environmental outcome for the site which would result in a higher density of development on part of the site (proposed to be zoned residential) than is currently provided for.
- [100] I note that any plan weighting is not appropriate as part of the gateway test.
- [101] Having regard at the relevant objectives and policies individually, I consider the above assessment indicates that the application, whilst inconsistent in some areas, and contrary to a single policy when considered in an overall manner is not contrary to the provisions of the Operative or Proposed District Plans.

7.3 Assessment of Regional Policy Statements (section 104(1)(b)(v))

- [102] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. The Regional Policy Statement for Otago was made operative in October 1998. The Proposed Regional Policy Statement was notified in 2015 and decisions on submissions are currently pending.

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Operative RPS	
Objective 5.4.1 To promote the sustainable management of Otago's land resources in order: (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and (b) To meet the present and reasonably foreseeable needs of Otago's people and communities.	The site has little primary productive capacity and is more suited to meeting the needs of people and communities through h providing a location for rural residential living. I consider the proposal is consistent with this objective.
Proposed RPS	
Policy 3.8.3 Managing fragmentation of rural land Manage subdivision, use and development of rural land, to: a) Avoid development or fragmentation of land which undermines or forecloses the potential of rural land: i. For primary production...	The proposal will not result in a change in land use on the site but will change the location of residential activity on the site. Any undermining or foreclosure of the potential use of the land for primary production has occurred through previous resource consent decisions. Furthermore the proposal does result in further fragmentation above that which already exists. I therefore consider the proposal to be consistent with this policy

- [103] As such, the proposal is considered to be consistent with the relevant objectives and policies of the Operative and Proposed Regional Policy Statements.

8 DECISION MAKING FRAMEWORK

8.1 Part 2 Matters

- [104] When considering an application for resource consent, an assessment of the proposal is to be made subject to the matters outlined in Part 2 of the Act. This includes the ability of the proposal to meet the purpose of the Act, which is to promote the sustainable management of natural and physical resources. Furthermore, the matters of national importance in section 6 must be recognised and provided for, and particular regard must be had to the matters listed in section 7.
- [105] Of particular relevance to this application are sections 5(2)(c) "avoiding, remedying or mitigating any adverse effects of activities on the environment", , 7(c) "the maintenance and enhancement of amenity values" and 7(f) "the maintenance and enhancement of the quality of the environment". The proposal will not mitigate the adverse effects of the activity, and will not maintain and enhance amenity values, particularly for submitters, or the quality of the environment.

- [106] As discussed in the assessment of effects above, the proposed development will create adverse effects on the environment that are more than minor when considered in the context of the receiving environment and the provisions of the Operative District Plan as they relate to Rural Zones.
- [107] I therefore consider that the proposal will not avoid, remedy or mitigate adverse effects to a degree that satisfies the provisions of the Operative District Plan. When considering the proposal overall, and in considering all the effects that would result for the subject and neighbouring sites, the proposed development will not achieve the purpose of the Act outlined in section 5.

8.2 Section 104D

- [108] Section 104D of the Act specifies that a resource consent for a non-complying activity must not be granted unless the proposal can meet one of two limbs. The limbs of section 104D require either that the adverse effects on the environment will be no more than minor, or that the application is for an activity which will not be contrary to the objectives and policies of either the relevant plan or the relevant proposed plan.
- [109] It should be noted when assessing an application at this stage, all effects must be no more than minor.
- [110] As discussed above in the assessment of effects, it is considered that adverse effects on the amenity of the submitters is greater than the no more than minor threshold. This is particularly evident when considering the unknown scale of development on the adjoining lots, the relaxed yard provisions sought by the applicant that could result in a 'wall' of built form along the submitter's eastern boundary, and unknowns regarding the proposed mitigation planting and how effective it will be in mitigating the effects of the development. It should also be noted the mitigation planting will have effects of its own, which should also be considered.
- [111] Overall I consider that the actual and potential effects associated with the proposed development will not be able to be mitigated and therefore fails to pass the first 'gateway' test of section 104D.
- [112] However, only one of the two tests outlined by section 104D need be met in order for Council to be able to assess the application under section 104(1)(a) of the Act. In order for a proposal to fail the second test of section 104D, it needs to be contrary to the objectives and policies of the District Plan. In order to be deemed contrary, an application needs to be repugnant to the intent of the District Plan and abhorrent to the values of the zone in which the activity was to be established. It is noted that in this instance, the proposal is assessed as not being contrary to the relevant objectives and policies of the Operative and Proposed Plans. The proposed development is therefore considered to satisfy the second 'gateway' test outlined by section 104D.
- [113] In summary, the application passes one of the threshold tests in section 104D of the Act and therefore, in my opinion, it is appropriate for the Committee to undertake a full assessment of the application in accordance with section 104(1)(a) of the Act. In turn, consideration can therefore be given to the granting or refusal the consent.

8.3 Section 104

- [114] Section 104(1)(a) states that the Council shall have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposed development overall will be more than

minor and based on the information provided by the applicant, cannot be adequately avoided, remedied or mitigated.

- [115] Section 104(1)(b)(vi) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concluded that the application would not be contrary to key objectives and policies relating to the Sustainability, Rural Zones, Hazards and Transportation Sections of the Operative District Plan. The proposal is consistent with a number of objectives and policies of the Proposed District Plan.
- [116] Regarding the position of weighting of the relevant plans the following points are worthy of consideration. The Proposed District Plan is subject to submissions on rural and residential zones and these have not yet been heard. Therefore little, if any weight can be afforded to the provisions of the Proposed District Plan.
- [117] Section 104(1)(b)(v) requires the Council to have regard to any relevant regional policy statement. In this report it was concluded that the application is consistent with the relevant objectives and policies of the Operative (Objective 4.4.1) and Proposed (Policy 3.8.8) Regional Policy Statements for Otago.
- [118] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.
- [119] One relevant matter for consideration is the subdivision and land use application on the subject site is currently under appeal to the Environment Court

9 Conclusion

- [120] Having regard to the above assessment, I recommend that the application be refused.

10 RECOMMENDATION

- [121] SUBDIVISION CONSENT (SUB: 2016-45) AND LAND USE CONSENT LUC-2016-240:

Pursuant to section 34A(1) and 104B and after having regard to Part 2 matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council refuses consent to subdivide Lots 5, 7, 8 and 9 DP470050 into four lots, undertake residential activity on Lots 1-4, and undertake earthworks.

11 REASONS FOR RECOMMENDATION

- [122] I note the proposal does not seek to increase the overall residential density on the site and I consider had a similar reconfiguration to lots of the size proposed occurred in a more sensitive and considered manner on the site my recommendation may have been different.
- [123] It is clear that the proposed Lots, particularly 3 and 4 will be located in close proximity to a large existing dwelling. The resulting outcome, once dwellings are constructed will be a cluster or row of buildings along the eastern boundary of the submitter's property, adversely affecting the amenity they currently enjoy, and certainly having an adverse effect on rural character and amenity.

- [124] Whilst I acknowledge the rural character and amenity of the site is compromised through the underlying approved development, further compromising it in the manner sought, in my view, will have adverse effects that are more than minor.
- [125] Furthermore no detail has been provided by the applicant on the scale of dwellings proposed for Lots 3 and 4 (in particular) aside from seeking a relaxation in the Operative District Plan yard requirements. Therefore an assessment of the potential adverse effects of these dwellings is unable to be made.
- [126] Likewise little detail has been provided on the proposed landscape mitigation. I note previously Condition 11 of LUC-2012-504 required a landscaping plan to be submitted to Council for approval prior to a building consent for dwellings being on the approved Lots being submitted. In this instance I think some detail of proposed mitigation should be supplied by the applicant. As planting as mitigation is proposed by the applicant, I consider potentially affected parties should be able to assess the nature and form of that planting, so as to make an assessment as to whether it will have an effect on them, or be capable of mitigating an effect they are concerned about. Currently, that is not available.
- [127] The proposal is not considered contrary to the relevant objectives and policies of the Proposed and Operative District Plans.
- [128] The proposal is considered to be consistent with the objectives and policies of the Proposed and Operative Regional Policy Statements for Otago.
- [129] The proposal, despite failing the 'effects test' will not be contrary to the objectives and policies of the Proposed and Operative District Plans, and therefore is considered to meet one 'limb' of the section 104D 'gateway test'. Consideration can therefore be given to the granting or refusal of consent to the proposal.
- [130] Overall, the proposed development has been assessed as being likely to give rise to adverse effects on those elements of the Rural zone that the District Plan seeks to protect and in particular will have adverse effects on the submitters I consider will be more than minor.
- [131] I consider the proposal will not to achieve the purpose of the Act set out in Part 2 of the Resource Management Act 1991.
- [132] I therefore recommend that resource consent be refused.

Report prepared by:



Shane Roberts
Consultant Planner

19 August 2016

Report checked by:



Kirstyn Lindsay
Senior Planner

22/8/16
Date