

6 April 2018

M J & K J Scurr
C/- Terramark Limited
Attention: Ms Maaike Duncan
PO Box 235
Dunedin 9054

Dear Madam

RESOURCE CONSENT APPLICATION

**SUB-2017-90, LUC-2017-477 &
LUC-2017-506
119 EDINBURGH STREET &
20 ROTHESAY STREET, DUNEDIN**

The above application for resource consent for the proposed subdivision of the land at 119 Edinburgh Street and 20 Rothesay Street, Waikouaiti, and associated land use consents for existing and proposed residential activity on the resultant allotments (refer to attached consent certificate for a more detailed description), was processed on a Publicly Notified basis in accordance with Section 95 and 95A of the Resource Management Act 1991. The Consent Hearings Committee, comprising Commissioner Colin Weatherall (Chairperson), Councillor Andrew Whiley and Commissioner Louise Taylor, heard and considered the application at a hearing on 7 March 2018.

At the end of the public part of the hearing, the Committee, in accordance with Section 48(1) of the Local Government Official Information and Meetings Act 1987, resolved to exclude the public.

Following the conclusion of the hearing, a site visit was undertaken by the Hearings Committee.

The Committee **granted** consent to the application on 7 March 2018. The full text of this decision commences below with a consent certificate attached to this letter.

The time limit for the issue of this decision was extended pursuant to section 37A(4)(b)(ii) of the Resource Management Act 1991. The issue of the decision could not be completed within the 15 working day time limit prescribed under section 115 of the Resource Management Act 1991.

The Hearing and Appearances

The applicant, M J and K J Scurr, were represented by:

- Maaike Duncan (Surveyor, and spokesperson for applicant's case)
- Michael Scurr (Applicant)
- Kim Scurr (Applicant)

Council staff attending were:

- Campbell Thomson (Advisor to Committee),
- Jeremy Grey (Processing Planner),
- Grant Fisher (Transportation Planner/Engineer)
- Wendy Collard (Governance Support Officer).

Submitters in attendance were:

- Tony Parata.

Procedural Issues

Mr Parata requested that the decision on the application be made on the basis of the Operative District Plan only. It was confirmed at the hearing that the only relevant plan rules in force were in regard to this plan, but consideration must be given to the objectives and policies of the Proposed Plan.

There were no other procedural issues raised.

Principal Issues of Contention

The principal issues of contention addressed at the hearing were:

- The effects on the amenity values and character of the rural zone and locality
- The consistency with the District Plan objectives and policies
- The potential precedent of consent for further development
- Consequences for the integrity of the Operative District Plan

Summary of Evidence

Introduction from Processing Planner

Mr Jeremy Grey spoke to a summary of his report, giving an overview of the proposal, zoning and plan provisions, the submission received and his assessment of the application. He confirmed that the consents sought are for a combined two-lot subdivision and land use development. The subdivision component is essentially a reconfiguration of the common boundaries between the two sites, currently held in three titles. The land use consents are to establish a new dwelling and shed on proposed Lot 2 of the subdivision, and to continue the existing residential activity on proposed Lot 1.

Mr Grey advised that the subject sites are zoned Rural under the Operative District Plan, and that this zoning prescribes a minimum site size, in respect of both the creation of new lots and residential activity of 15ha. Therefore, he noted that both the subdivision and the land use elements of the proposal are non-complying activities under the Plan. Further, he noted that due to the Lot size and building platform locations, the proposed dwelling and shed will not comply with the yard set back requirements for permitted activities in the rural zone, in respect of the boundary to Edinburgh Street. Mr Grey advised that no relevant rules of the Proposed District Plan were given immediate legal effect at the time of notification. Accordingly, he confirmed that the rule provisions of the Proposed Plan do not need to be considered alongside the operative Dunedin City District Plan rules.

Mr Grey confirmed that one submission was received by the close of the submission period, and is in opposition to the proposal. He acknowledged that this submission was concerned at the consistency with District Plan provisions, and is concerned at the setting of a precedent. Mr Grey also noted that the applicant had obtained a number of written approvals from surrounding neighbours, and approval from Fire and Emergency NZ.

Mr Grey indicated that overall he considered the adverse environmental effects to be no more than minor. However, he did note some changes to the proposal that would be beneficial, including a greater yard setback for the proposed shed and a change to the location of the vehicle access for proposed Lot 2. He confirmed that these changes are within the scope of the consent sought. Mr Grey considered that the proposal is, overall, not contrary to the objectives and policies of the Operative District Plan, although there is some inconsistency with the objectives and policies of the Sustainability and Rural sections. Therefore, he considered the proposal satisfied section 104D of the Act, and the Committee had discretion to assess the application on its merits.

Mr Grey considered the key issue to be the matter of District Plan integrity, and indicated that he did not consider the proposal is likely to undermine the integrity of the Operative District Plan. He recommended that the proposal be granted consent.

Following his report summary, Mr Grey noted points of clarification and correction in respect of the section 42A report, and was asked a number of questions by the Committee, concerning Plan weighting, the shed location, servicing, land use and existing environment. In response, Mr Grey advised he would give more weight to the objectives and policies of the Operative District Plan, than the Proposed District Plan. He confirmed that moving the shed location would mitigate effects, and that the lots can be connected to the reticulated water supply for Waikouaiti. Mr Grey considered that both lots proposed could be deemed a hobby farm or lifestyle block. He clarified his interpretation of the Regional Policy Statement and confirmed his view that there are no directive objectives and policies that the Committee should be particularly mindful of, and the reasons for his recommendation, confirming his view that the proposal fits within the context of the existing environment.

The Applicant's Presentation

Ms Maaike Duncan spoke to the application and presented the applicant's case. She noted her qualification as a surveyor, but confirmed she was presenting as an advocate for the applicant, and not as an expert witness. She outlined the details of the proposal, and commented on the issues identified and recommended conditions set out in Mr Grey's Sec42a report. Ms Duncan introduced the applicants who were in attendance and addressed the hearing during the course of her presentation. She tabled a revised subdivision plan (Terramark Ltd Plan M2029-1a), showing an amendment to the position of the building platform for the proposed shed.

Mr Mike Scurr spoke to the application and background to the proposal, including family history and community involvement in the Waikouaiti area, occupation of the site, and intentions for the land. In response to questions he confirmed the intended use of the shed is for storage, and indicated farming activity would continue to be limited to grazing of sheep.

On returning to her presentation Ms Duncan responded to questions from the Committee concerning servicing, landscaping and the proposed buildings. She confirmed the applicants' intention to connect to the reticulated water supply for Lot 2, but indicated that without this the proposal would still proceed on the basis of development being self-sufficient, relying on an alternative on-site supply. She advised that the landscaping is intended to comprise planting between the shed and Edinburgh St and between the dwelling and Edinburgh St. Mr Scurr indicated that the plant species would be native, but of a variety that do not grow too tall.

Ms Duncan clarified a number of aspects of the anticipated location, bulk and appearance of the proposed buildings in answer to questions. She indicated that a condition limiting the proposed buildings to the platforms shown on the subdivision plan was acceptable to the applicants. She noted that the applicants had a preferred house design for Lot 2, but the footprint details were yet to be confirmed. She advised that it would have a coloursteel roof in a dark tone, and may have a brick cladding. She noted that the visuals of a dwelling provided in the application were indicative only, and the cladding of the actual house will have a darker tone.

Ms Duncan confirmed that the dwelling would be a single storey home, with the garage expected to have a height of approximately 3.6m. She indicated that conditions limiting the maximum height for both the buildings were acceptable to the applicants, after clarification of the anticipated height above ground level. Ms Duncan noted that the reticulated supply is for drinking water only, and water storage tanks are anticipated as a source for fire fighting supply. She advised that the tanks will be of dark colours to blend with the environment. However, she noted the design detail has not been confirmed. Mr Scurr confirmed that the tanks will be at least partially buried.

Council Officers' Evidence

Mr Grant Fisher spoke to his memorandum on transportation effects. He noted that Transportation would delay approval (under the Roding Bylaw) of the vehicle access until building consent is obtained, when the final position of buildings and driveway would be known. He confirmed that if the access is from the unsealed road frontage, the entrance would not be required to be sealed. He advised that the unsealed roads adjoining the site are not included in the Council's seal extension programme

Presentation of Submitter

Mr Tony Parata tabled a statement and spoke to his submission. He considered the environmental effects were more than minor, and affirmed he was the view that granting consent would set a precedent such that Council could expect more applicants of this nature should the consent be granted. He noted that the proposal was for a non-complying activity and section 104D of the RMA applies.

Mr Parata commented on the background to the zoning, and advised that the Rural zoning of the area including the site was not established by default, but the outcome of a deliberate policy of the Council to focus residential development at Waikouaiti in the western part of the Township. He contended that the existing residential zoned area to the west has services that are underutilised and capacity for development.

In response to questions Mr Parata clarified his position on rural productivity, the history of and activities in the area of the site, and statutory considerations. He commented that rural productivity is not just about high class soils. He observed that if it were otherwise there would be little justification for the 15ha lot size minimum, as high class soils are confined to relatively small areas, mostly on the Taieri. He noted that his own home is on a small pocket of high class soils. Mr Parata identified the location of factory farming and industrial activities in the surrounding area. He acknowledged existing residential development in the vicinity, but considered that it was mostly established prior to the RMA. He considered the rural zoning was appropriate to ensure efficient use of existing infrastructure for the growth of Waikouaiti township.

Mr Parata considered the proposal to be contrary to a number of relevant objectives and policies of the District Plan (in chapters 4 and 6 in particular). He considered the survey history of the site to be irrelevant and commented in response to questions on the land ownership and long term future of the area. He considered that the rural zoned land needed to be saved for the future. Mr Parata considered the proposal to be contrary to the purpose of the RMA, and did not accept that case law had changed the importance of this consideration.

The Processing Planner's Review of Recommendation

Mr Grey reviewed his recommendation in light of the evidence presented. He acknowledged the concerns that Mr Parata put forward, but advised that he had assessed the application on the facts provided, and considered that the proposal was not contrary to the District Plan objectives and policies. Mr Grey considered that the application would not create fragmentation, as it was reconfiguring three titles into two. He considered that the issue of Plan Integrity and precedent effects is not as important for this site as it may be elsewhere, as the is not rural in its character, but more rural/residential.

In regard to the applicants' presentation Mr Grey accepted the issues raised with proposed Condition 2 and 19, and supported the separation of the points in Condition 2 as the applicant recommended. He advised that Condition 2 was intended to ensure that the dwelling would be designed in sympathy with the existing environment. In regard to landscaping he noted that his intention had been that a landscape management plan be provided prior to development of Lot 2. He accepted the need for a condition requiring the dwelling and shed to be positioned within the proposed platforms. He remained of the view

the environmental effects are no more than minor, and maintained his recommendation that consent be granted.

The Committee asked Mr Grey further questions concerning the District Plans, the level of environmental mitigation required, and the precedent issue. Mr Grey confirmed that the rules in the Proposed Plan have no relevance, but advised the zoning was relevant as this determined objective and policies that had to be considered. Mr Grey considered that overall the proposal is not contrary to the objectives and policies of either the Operative or Proposed Plan.

In regard to the level of mitigation, Mr Grey advised that under the assessment matters of the rural zone there is consideration of rural amenity values. He indicated that landscape mitigation may not be as important in this case as in other rural zoned areas, but noted development of surrounding sites featured some landscape planting. He considered it is important to have some landscape planting to soften the bulk of buildings on Lot 2, as seen from Edinburgh Street. He noted that design elements such as colour, cladding and bulk are important, and confirmed he would support a condition in regards to height, being mindful the proposal is a non-complying activity. He agreed that a 10m high building allowed for a permitted activity would be more appropriate to a farm building on a larger block.

Mr Grey clarified the detail of specific mitigation measures, in response to questions about conditions recommended in his report or raised in evidence earlier in the hearing. He commented on the scope and purpose of a landscape plan, and the degree of certainty required about building colour. He indicated he would support darker than lighter colours, and suggested a condition setting a maximum reflectivity value be included as an objective measure to control the visibility of the buildings.

Mr Grey confirmed the other applications for resource consent approved in recent years for developments in the vicinity of the application site, including a dwelling situated to the north. He advised that while others may see the application as a green light, each case needs to be considered on its own merits. He indicated that as the property is located on the western side of Edinburgh Street any risk of a precedent for development is low.

Applicant's Right of Reply

Ms Duncan reiterated the positive aspects of the application and asked for consent to be granted. She acknowledged Mr Parata's submission, and emphasised that the proposal is for a subdivision which reduces the number of titles from three to two. She commented that the proposal makes use of the existing environment, and is for the applicant's own home, not a speculative development. She noted that the new dwelling will be self-sufficient, except for water, and will not place any strain on service infrastructure. She contended that the site is located in a rural/residential environment and would be a sustainable use of the land.

Ms Duncan advised her clients were happy for conditions of consent to include the requirement of a landscape management plan prepared by a qualified person. She confirmed that the height of the dwelling roof was expected to be 5.885m and the colour will be dark grey. She confirmed that the existing dwelling has a connection to the town water supply.

Ms Duncan noted that the only expert evidence on the objectives and policies of the District Plan was provided by Mr Grey, and concurred with Mr Grey that the proposal passes the gateway tests of section 104D. She indicated that the applicants were not amenable to a limitation on future development of Lot 2, as the outcome of the Proposed District Plan may affected this and was not far away.

Statutory and Other Provisions

In accordance with Section 104 of the Resource Management Act 1991, the Planner's Report detailed in full the relevant statutory provisions and other provisions the Committee considered. Regard was given to the relevant provisions of the following chapters of the operative Dunedin City District Plan: 4 Sustainability, 5 Manawhenua, 6 Rural Zones, 17 Hazards and Earthworks, 18 Subdivision, 20 Transportation and 21 Environmental Issues.

Regard was also given to the relevant provisions of the proposed Dunedin City District Plan. Consideration was also given to the Regional Policy Statement for Otago and Proposed Regional Policy Statement for Otago.

Main Findings on Principal Issues of Contention

The Hearings Committee has considered the evidence heard, the relevant statutory and plan provisions and the principal issues in contention. The main findings on the principal issues have been incorporated within the reasons discussed below.

Decision

The final consideration of the application, which took into account all information presented at the hearing, was held during the public-excluded portion of the hearing. The Committee reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991. In addition, a site visit was undertaken immediately following the hearing on 7 March 2018. This enabled the Committee to have a clear understanding for its considerations of the physical reality of the site.

1) Timeframe

That, having taken into account:

- *the interests of any person who may be adversely affected by the time extension;*
- *the interests of the community in achieving an adequate assessment of the effects of the proposal;*
- *its duty under Section 21 to avoid reasonable delay*

the Council has, pursuant to section 37A(2)(a) and 37A(4)(b)(ii) of the Resource Management Act 1991, extended the requirement outlined in section 115 regarding the time in which notification of a decision must be given after the hearing was completed.

2) Applications

SUB-2017-90

*Pursuant to sections 34A(1), 104B and after having regard to sections 104 and 104D of the Resource Management Act 1991, to the provisions of the Operative Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non complying activity** for the subdivision of land at 119 Edinburgh Street and 20 Rothesay Street, Waikouaiti, legally described as Sections 6-22 Block XLVI SO 14314 Town of Hawksbury (CFRs OT25/120, OT30/204 & OT9B/1129) into two lots, subject to conditions set out in the attached certificate.*

LUC-2017-477

*Pursuant to sections 34A(1), 104B and after having regard to sections 104 and 104D of the Resource Management Act 1991, to the provisions of the Operative Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non complying activity** to establish residential activity on the new Lot 2 of SUB-2017-90, including a new dwelling and shed and associated earthworks, subject to conditions set out in the attached certificate.*

LUC-2017-506

*Pursuant to sections 34A(1), 104B and after having regard to sections 104 and 104D of the Resource Management Act 1991, to the provisions of the Operative Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non complying activity** for the continuation of the existing residential activity on the new Lot 1 of SUB-2017-90, subject to conditions set out in the attached certificate.*

Reasons for this Decision

1. The Committee was satisfied that any actual or potential adverse effects on the environment from the proposed subdivision and residential activity will be no more than minor. In this regard, the Committee generally concurred with the analysis of Mr Grey set out in the Section 42A report. In reaching this conclusion, the Committee was mindful that a number of neighbouring property owners and occupiers had given affected party approval, so the adverse effects relevant to the consideration were largely confined to the impact of the proposal on the wider environment, rather than experienced by the immediate neighbours.
2. The Committee determined that the subdivision element of the proposal would result in minimal environmental effects. The application is for a boundary adjustment between existing titles which reduces the number of titles. All the existing titles and the two proposed lots have frontage to existing roads, and access can be obtained from these roads as they are all formed. Only Edinburgh Street is sealed, but there is no expectation the other roads will need to be sealed in the foreseeable future. The mains for the only reticulated service available (water supply) is located in each of the roads, so no extension of services is required as part of the subdivision.
3. The environmental effects are essentially limited to the intended development of the vacant Lot 2 for residential activity. The Committee considered that these effects are minor in the context of this site, and can be mitigated where required by conditions of consent set out in this decision. In reaching this conclusion the Committee took into account the following:
 - (a) In the view of the Committee the site was not within a sensitive rural environment, where the presence of residential buildings could have a significant impact on rural character and amenity values. Nonetheless, the Committee were mindful that development of Lot 2 should be of a scale and form that is commensurate with the existing environment. The Committee considered that the limitations offered up and accepted by the applicants in terms of the bulk and placement of buildings on Lot 2, and associated landscaping and site development, should be incorporated in conditions of the consent to ensure that the mitigation proposed is achieved and maintained irrespective of who owns the land;
 - (b) The Committee noted that the proposed residential activity does not create any issues for Council service infrastructure. The Council's Water and Waste Services department have confirmed the properties involved are within the Waikouaiti Supply scheme area, and the existing dwelling on Lot 1 is connected to the reticulated supply. The Committee recognised that there is no technical issue with the proposed dwelling on Lot 2 connecting to this supply, and the applicants do not propose to rely upon this supply for fire fighting purposes. The Committee noted that all other service provision will be on-site;
 - (c) The Committee accepted the Transportation advice that the effects on the traffic network are expected to be minimal. While the precise location of the new vehicle entrance serving Lot 2 was identified as an issue, it was confirmed that this was a matter that would be dealt with pursuant to approval processes under the Roadway Bylaw;
 - (d) The Committee noted that the Fire and Emergency New Zealand had given consent to the proposal and all matters concerning provision for fire fighting in relation to the new buildings were addressed in recommended conditions; and

- (e) The Committee was satisfied that there were no issues with hazards that were relevant to the suitability of the land for the subdivision and residential activity. It was noted that Council Geotechnical consultants had confirmed there are no issues of land instability, with the only identified hazard being expansive soils. This is a matter to be addressed by engineering design at the time of building construction. The Committee considered the earthworks proposed for the dwelling and shed platform, and having visited site accepted that the overall extent of this work indicated was reasonably necessary for residential activity to be established. The Committee was satisfied that the effects of earthworks could be managed through standard engineering conditions, as the landform of the site is gently rolling and the site of the works surrounded by roads.
4. The Committee accepted the analysis of the objective and policies of the District Plans set out in the Section 42A report, and noted that with few exceptions the proposal was assessed as either consistent or inconsistent with each of the objectives and policies of the Operative and Proposed Plans. While the Committee considered the alternative view of Mr Parata, they preferred the analysis of Mr Grey as a current practicing planner. The Committee did recognise there was a degree of conflict with the objectives and policies for the zones within which the land is situated under the Operative and Proposed District Plans. However, the Committee concurred with Mr Grey's conclusion that the proposal was overall not contrary to the objectives and policies of the Plans, or in conflict with the Regional Policy Statement and Proposed Regional Policy Statement for Otago. It agreed with Mr Grey in regard to his assessment of the proposal against the provisions of Part II of the Resource Management Act 1991.
5. The Committee was satisfied that the proposal is a true exception, having particular regard to the existing environment of the subject sites and surrounding land. It recognised that the existing environment of the sites is an established area of rural/residential activity, with farming activity very limited in scale, and constrained by the small size of many properties and multiple ownership arising from the historical division of the land. Having visited the site, the Committee recognised unusual elements to the landform and aspect and intensity of development, which distinguished the subject site area and nearby residential activity as a relatively confined area with more semi-urban characteristics, compared with the wider rural area surrounding Waikouaiti. The Committee was able to recognise the clusters of dwellings on Edinburgh Street identified by Mr Grey in paragraph 92 of his report, which are interspersed by relatively open areas. The Committee noted that the proposal would result in one additional dwelling within one of these clusters, and given the nature of the subdivision proposed, the Committee accepted the opinion of Mr Grey that the proposal would not contribute to fragmentation of rural land for urban development.
6. The Committee were mindful of the importance of minimum site size requirements as part of the Operative District Plan, particularly in relation to development of rural zoned land. However, the Committee also recognised that the environment of the site is not typical of most rural zoned land subject of the Plan. Notwithstanding the historical intention of the current zoning, the reality is that the site is within an established rural residential area, and is unlikely to ever be developed in a manner that is less urban in nature, than presently exists. The Committee is satisfied that in this instance, the effects of establishing an additional residential activity can be adequately mitigated, particularly within the context of the existing pattern of residential development noted above. The Committee noted that the zoning of the land in the Proposed District Plan better reflects the character of the existing environment than the present zoning, but recognise it is too early to give much

weight to the proposed zoning and associated policy provisions as they remain subject to the outcome of the submission process that is yet to be determined.

7. Having regard to the above considerations, the Committee is satisfied that the circumstances of the proposal are sufficiently distinct that the application is unlikely to create an undesirable precedent for further residential development on undersized rural zoned sites. Accordingly, the Committee considers that granting consent to the proposal will not undermine the integrity of the Operative District Plan.
8. The Committee agreed with the opinion of Mr Grey that the proposal meets both branches of the Section 104D test under the Act. Accordingly, the Committee was able to consider granting consent. The Committee concluded that the granting of the consent would be consistent with the purpose of the Resource Management Act 1991 to promote the sustainable management of natural and physical resources.

Commencement of Consent

As stated in Section 116 of the Resource Management Act 1991, this consent shall only commence once the time for lodging appeals against the grant of the consent expires and no appeals have been lodged, or the Environment Court determines the appeals or all appellants withdraw their appeals, unless a determination of the Environment Court states otherwise.

Right of Appeal

In accordance with Section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received. The address of the Environment Court is:

The Registrar
Environment Court
PO Box 2069
CHRISTCHURCH 8140

Any appeal must be served on the following persons and organisations:

- The Dunedin City Council.
- The applicants.
- Every person who made a submission on the application.

Failure to follow the procedures prescribed in Sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

Please direct any enquiries you may have regarding this decision to Campbell Thomson, whose address for service is City Planning, Dunedin City Council, PO Box 5045, Dunedin 9058.

Monitoring

Section 35(2)(d) of the RMA requires every Council to monitor resource consents that have effect in its region or district. The scale and nature of the activity, the complexity and number of the conditions needed to address the environmental effects and whether the conditions have been complied with determines the number of monitoring inspections required. Given the nature of your intended works, this consent will require two inspections.

The City Planning Department sets out the fixed fees charged for monitoring in its schedule of fees. The fee for your scheduled inspections will be included in the invoice for your application.

It should be noted that if additional inspections are required, beyond those scheduled at the time the consent is issued, then there is the ability to apply additional charges to cover the costs of these extra inspections. Often you can reduce the need for additional inspections by complying with the conditions of consent in a timely manner and by ensuring on-going compliance with those conditions. Please ensure that you read the conditions of your consent carefully to establish your obligations when exercising your consents.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Coil Weatherall', with a stylized flourish at the end.

Coil Weatherall
Chair, Hearings Committee

Consent Type: Subdivision and Land Use Consents

Consent Number: SUB-2017-90, LUC-2017-477 & LUC-2017-506

Pursuant to sections 34A(1), 104B and after having regard to sections 104 and 104D of the Resource Management Act 1991, to the provisions of the Operative Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non complying activity** being the subdivision of the subject property and undertaking of residential activity on each of the two new lots created, subject to conditions imposed under sections 108 and 220 of the Act, as set out below.

Location of Activity: 119 Edinburgh Street and 20 Rothesay Street, Waikouaiti

Legal Description: Section 12-22 Block XLVI Town of Hawksbury (Computer Freehold Register OT9B/1129), Section 6-7 Block XLVI Town of Hawksbury (Computer Freehold Register OT30/204) and Section 8-11 Block XLVI Town of Hawksbury (Computer Freehold Register OT25/120)

Lapse Date: 6 April 2023

SUB-2017-90: Boundary adjustment creating new Lots 1 and 2 from the three existing titles

1. *The proposal shall be in general accordance with the application plan prepared by Terramark Limited, entitled 'Lots 1 and 2 Being a Subdivision of Sections 6-22 Blk XLVI Town of Hawksbury', Plan No M2029-1a, and the information submitted as part of Applications SUB-2017-90, LUC-2017-477 and LUC-2017-506, received by Council on 19 September 2017, except where modified by the following conditions.*
2. *Prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:*
 - a) *If a requirement for any easements for services is incurred during the survey then those easements shall be granted or reserved and included in a Memorandum of Easements on the survey plan.*
 - b) *A plan shall be prepared for inclusion with the consent notice required by Condition 3(a) below, confirming the location of the building platforms depicted on the subdivision scheme plan (Terramark Limited plan M2029-1a) in relation to the surveyed lot boundaries, and the dimensions of the platforms.*
3. *Prior to certification of the survey plan pursuant to section 224(c) of the Resource Management Act 1991, a consent notice shall be prepared for registration on the title of Lot 2 for the following on going condition:*
 - a) *All buildings shall be contained within the building platforms identified on the attached plan by (Terramark Limited M2029-1a). Any residential unit shall be within the platform shown for a dwelling. Any accessory buildings shall be contained within either the smaller platform shown for a shed, or shall be adjacent to a dwelling on the larger platform.*

LUC-2017-477: Earthworks and Residential Activity on Lot 2 of SUB-2017-90

General:

1. The proposal shall be in general accordance with the application plan prepared by Terramark Limited, entitled 'Lots 1 and 2 Being a Subdivision of Sections 6-22 Blk XLVI Town of Hawksbury', Plan No M2029-1a, and the information submitted as part of Applications SUB-2017-90, LUC-2017-477 and LUC-2017-506, received by Council on 19 September 2017, except where modified by the following conditions.
2. The proposed dwelling and shed on Lot 2, shall be contained within the respective building platforms defined for these buildings (for amenity purposes), as shown on subdivision scheme plan M2029-1a, and confirmed in the consent notice condition required for subdivision SUB-2017-90. Any associated ancillary structures (such as water tanks) shall be located within one of the platforms, adjacent to the principal building (dwelling or shed).
3. Not more than one month after the completion of the earthworks associated with the access and shed on Lot 2, an accurately scaled, final site plan showing the location and extent of fill material used, and changes to ground level(s), shall be sent by email to rcmonitoring@dcc.govt.nz for Council's records.
4. Not more than one month after the completion of the earthworks associated with the dwelling on Lot 2, an accurately scaled, final site plan showing the location and extent of fill material used, and changes to ground level(s), shall be sent by email to rcmonitoring@dcc.govt.nz for Council's records.
5. The following requirements apply to the proposed shed on Lot 2:
 - (a) Prior to establishing the shed, a concept plan detailing the final design and exterior colour scheme of the building shall be sent by email to rcmonitoring@dcc.govt.nz for approval by the Resource Consent Manager, Dunedin City Council;
 - (b) The concept plan shall demonstrate compliance with conditions 2, 25 and 26 of this consent; and
 - (c) Construction of the shed shall not commence without the approval required by this condition.
6. The following requirements apply to the proposed dwelling on Lot 2:
 - (a) Prior to establishing the dwelling, a concept plan detailing the final design and exterior colour scheme of the building shall be sent by email to rcmonitoring@dcc.govt.nz for approval by the Resource Consent Manager, Dunedin City Council;
 - (b) The concept plan shall demonstrate compliance with conditions 2, 24 and 26 of this consent;
 - (c) The concept plan shall be submitted to Council prior to any application for building consent (so as to avoid the need for fundamental changes to the building being required after final design plans for the dwelling have been prepared for building consent); and
 - (d) Construction of the dwelling shall not commence without the approval required by this condition.
7. Prior to establishing a dwelling on Lot 2, a landscape management plan showing the location of plantings to be established on Lot 2 for the purpose of visual softening (refer condition 23 below), and details of the species to be planted, shall be emailed to rcmonitoring@dcc.govt.nz for approval by the Resource Consents Manager, Dunedin City Council. Construction of the dwelling shall not commence without the approval required by this condition.

8. All construction noise shall comply with the following noise limits as per New Zealand Standard NZS 6803:1999:

Time of Week	Time Period	Leq (dBA)	L max(dBA)
Weekdays	0730-1800	75	90
	1800-2000	70	85
	2000-0730	45	75
Saturdays	0730-1800	75	90
	1800-2000	45	75
	2000-0730	45	75
Sundays and public Holidays	0730-1800	55	85
	1800-2000	45	75
	2000-0730	45	75

Earthworks on Lot 2 of SUB-2017-90:

9. All earthworks shall be designed, specified and have their construction supervised by a suitably qualified person.
10. Any deposition of earth fill that is to support foundations shall be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development.
- Note: If cut material is used on site for fill purposes, moisture controls may be required to meet the above standard.
11. Fill batter slopes shall not be steeper than 2h:1v (27°) unless their construction is designed, specified and supervised by a suitably qualified person.
12. Cut batter slopes shall not be steeper than 1h:1v (45°) unless their construction is designed, specified and supervised by a suitably qualified person.
13. All measures (including dampening of loose soil) should be undertaken to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary.
14. The earthworks shall be undertaken with the principles of industry best practice applied at all stages of site development including site stability, stormwater management and traffic management, along with dust and noise controls.
15. To ensure effective management of erosion and sedimentation on the site, pending an erosion-resistant state, measures shall be taken and devices are to be installed, where necessary, to:
- divert clean runoff away from disturbed ground;
 - control and contain stormwater run-off;
 - avoid sediment laden run-off from the site; and
 - protect existing drainage infrastructure, such as sumps and drains, from sediment run-off.
16. The consent holder shall establish a construction phase vehicle access point to the site and ensure it is used by construction vehicles. The access shall be stabilised by using a geotextile fabric and either topped with crushed rock or aggregate. The access is to be designed to prevent runoff.
17. Surplus material shall be disposed of to an approved facility.

18. *If excavated material is to be reused on the site, it shall be deposited in accordance with best practice and keyed into any slopes.*
19. *In respect of any on-site stockpiling, all practicable measures shall be used to mitigate any effects in respect of visual impacts, dust or sediment generation.*
20. *If, at the completion of the earthworks, any public road, footpath, landscaped area or service structures have been affected or damaged, this shall be remedied to the satisfaction of Council at the expense of the consent holder.*
21. *The consent holder shall:*
 - a. *be responsible for all contracted operations relating to the exercise of this consent;*
 - b. *ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to any associated erosion and sediment control plans and methodology; and*
 - c. *ensure compliance with land use consent conditions.*
22. *If the consent holder:*
 - (a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify the Consent Authority, Tangata whenua and Heritage New Zealand Pouhere Taonga Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work shall recommence following consultation with the Consent Authority, Heritage New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
 - (b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance; and
 - (ii) advise the Consent Authority, Heritage New Zealand Pouhere Taonga, and in the case of Maori features or materials, the Tangata whenua, and if required, shall make an application for an Archaeological Authority pursuant to the Historic Places Act 1993; and
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work shall recommence following consultation with the Consent Authority.

Residential Activity on Lot 2 of SUB-2017-90:

23. *Plantings shall be undertaken between the proposed buildings and the Edinburgh Street frontage for the purpose of softening the visual appearance of the proposed buildings on Lot 2, as viewed from Edinburgh Street (between Rothesay Street and Dumbarton Street), in accordance with a landscape management plan prepared by a suitably qualified person (landscape architect). The plan shall be submitted to Council pursuant to Condition 7 above, and the planting undertaken shall be managed and maintained on an ongoing basis. Plants that die shall be replaced within the next planting season.*
24. *The dwelling proposed for Lot 2 shall be of a single-storey design and not more than 6m above the highest part of the existing ground level (prior to the proposed earthworks) within the building platform shown on the plan provided for Condition 4.*
25. *The shed proposed for Lot 2 shall be not more than 5m above the highest part of the existing ground level (prior to the proposed earthworks) within the building platform shown on the plan provided for Condition 3.*
26. *The colour scheme for the dwelling and shed shall utilise colours of darker hues, whereby the roof and wall colours of both buildings shall not exceed a reflectivity value of 36%.*
27. *Power and telecommunication services to the dwelling and accessory buildings shall be located underground.*
28. *At the time the dwelling is erected on Lot 2 of SUB-2017-90, fire fighting storage shall be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve. Alternatively, a 7,000 litre fire fighting reserve is to be made available in association with a sprinkler system installed to an approved standard. The tank(s) and/or sprinkler system shall be installed prior to occupation of the dwelling.*
29. *A fire fighting connection in accordance with Appendix B – SNZ PAS 4509:2008 is to be located within 90 metres of any proposed building on Lot 2. In order to ensure that connections are compatible with the New Zealand Fire Service equipment, the fittings are to comply with the following standards:*
 - (a) *Either: for flooded sources – 70mm Instantaneous Couplings (Female) NZS 4505, or for suction sources – 100mm Suction Couplings (Female) NZFS 4505 is to be provided.*
 - (b) *Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The Fire Service connection points/coupling must be located so that it is not compromised in the event of a fire.*
 - (c) *The connection shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5m. Access shall be maintained at all times to the hardstand area.*
 - (d) *Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1m above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.*

Note: Fire fighting water supply may be provided by means of other than specified in Conditions 22 and 23 above if the written approval of the New Zealand Fire Service is obtained for the proposed method.

30. *Any water tanks shall be buried where practical to a depth of at least 50% of the tank height to reduce visibility. To the extent that tanks are located above ground they must be of a dark colour, not exceeding a reflectivity value of 36%.*
31. *The on-site effluent disposal system shall be designed, and its disposal field location confirmed, by a suitably qualified person.*
32. *Any vehicle access shall have a minimum formed width of 4m and a maximum of 6m to ensure access is consistent with District Plan standards for rural properties and fire and emergency service vehicle requirements.*
33. *Light emissions shall be limited to:*
 - *16 lux of light on any other site, measured inside the boundary of that site.*
 - *8 lux of light onto any dwelling on any other site, measured at the windows of the dwelling.*

LUC-2017-506: Continuation of Residential Activity on Lot 1 of SUB-2017-90

1. *The proposal shall be in general accordance with the application plan prepared by Terramark Limited, entitled 'Lots 1 and 2 Being a Subdivision of Sections 6-22 Blk XLVI Town of Hawksbury', Plan No M2029-1a, and the information submitted as part of Applications SUB-2017-90, LUC-2017-477 and LUC-2017-506, received by Council on 19 September 2017.*

Advice Notes:

1. Transport will assess provisions for access, parking and manoeuvring at the time of any future resource consent or building consent application.
2. All wastewater from within any future building or buildings on the site shall be treated and disposed of within legal boundaries by means of systems which comply with the New Zealand Building Code G.13 and G.14, Australian/New Zealand Standards AS/NZS 1546.1:1998 and AS/NZS 1547:2000, or with Dunedin City Council's "Guidelines to On-Site Wastewater Disposal" 2001.
3. If the designs offered in these publications are not suitable for the site or the proposed use, the system shall be specifically designed by a person with suitable professional qualifications and experience. Reference should be made to engineering manuals such as the Auckland Regional Council's Technical Publication No. 58, "On-site Wastewater Disposal from Households and Institutions", and shall be designed to minimise the risk of erosion or slippage resulting from the operation of that system. Sufficient information should be provided on the soil profile in terms of soakage capacity and the depth of any impermeable layer or the groundwater table to support the choice of design. It is requested that full details of the proposed system and its location, with all supporting information be supplied with the application for Building Consent for any new dwelling.
4. In addition to the conditions of resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
5. Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.

6. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
7. It is the responsibility of any party exercising this consent to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
8. This is resource consent. Please contact the Building Control Office, Development Services, about the need for building consent for the buildings and structures or any works arising from the subdivision.
9. The cases for seismic loading are normally addressed at the Building Consent stage. Building Control are likely to ask for verification that the site is 'good ground' in accordance with NZS3604, Section 3.1. The underlying ground may include potentially expansive soils, in which case specific engineering design may be required.
10. Any on-site effluent or stormwater disposal system is required to comply with the requirements of the Regional Plan: Water for Otago.

Issued at Dunedin this 6th day of April 2018

A handwritten signature in black ink, appearing to read 'Colin Weatherall', with a stylized flourish at the end.

Colin Weatherall
Chair, Hearings Committee

Plan identifying building locations and the indicative house design provided to illustrate the likely scale and colour of the proposed dwelling on Lot 2

