

15 August 2019

Gladfield Country Golf Club Incorporated
Cubitt Consulting Ltd
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Dunedin
New Zealand 9047

Via email: allan@cubittconsulting.co.nz

Dear Mr Cubitt

RESOURCE CONSENT APPLICATION:

**SUB 2018-118 AND LUC 2018-628
33 GLADFIELD ROAD
MOSGIEL**

The above application for a subdivision and land use consent at 33 Gladfield Road, Mosgiel was processed on a publicly notified basis in accordance with section 95 of the Resource Management Act 1991 ("the Act"). The Consent Hearings Committee, comprised of Councillor Kate Wilson (Chairperson), Commissioners Sally Dicey and Megan Justice, heard and considered the application at a hearing on 25 July 2019.

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 has **granted** consent to the application on 15 August 2019. The full text of this decision commences below with a consent certificate attached to this letter.

The Hearing and Appearances

The applicant was represented by:

David Johnson (on behalf of the Gladfield Country Golf Club Inc); and
Allan Cubitt (Consultant Planner).

Council staff attending were:

Phil Marshall (Advisor to Committee);
Robert Buxton (Consultant Processing Planner); and
Wendy Collard (Governance Support Officer).

Submitters in attendance included:

Karen Baughan; and
Kevin Wilson.

Procedural Issues

No procedural issues were raised.

Principal Issues of Contention

The principal issues of contention are as follows:

- Whether the subdivision and residential development of land zoned for rural purposes resulted in effects on rural character and amenity that were no more than minor;
- Whether the subdivision and residential development of land zoned for rural purposes and located within an area subject to flood hazard resulted in natural hazard related effects that were no more than minor;
- The extent to which the subdivision and residential development of land zoned for rural purposes would contribute to the cumulative loss and fragmentation of rural land; and
- Whether the circumstances of this proposal represent a “true exception”, and therefore whether any approval of the application would set an undesirable precedent.

Summary of Evidence

Introduction from Processing Planner

Robert Buxton spoke to a summary of his report, giving an overview of the proposal before commenting on the notification of the application and the submissions received.

Mr Buxton advised that consent was sought to subdivide the subject site into two allotments with proposed Lot 1 being 5.3 hectares and proposed Lot 2 being 15.8 hectares. Proposed Lot 2 would contain the existing golf course and club buildings. Land use consent was sought to establish a residential activity on proposed Lot 1, which is currently leased for rural purposes. Mr Buxton advised that the proposal (both the subdivision and land use) had been assessed as a non-complying activity in terms of both the operative and proposed District Plans due to the proposed lot sizes not achieving the minimum lot size required by these District Plans as well as the residential density requirements, which are also not achieved. Mr Buxton also described the proposed building platform site, noting that it met the District Plan boundary setback requirements of both Plans, with the exception the rear yard setback, which is proposed to be 10m. The operative District Plan requires a 40m setback and the Proposed District Plan requires a 20m setback.

Mr Buxton provided an overview of the site, which includes a drainage channel managed by the Otago Regional Council (“ORC”) and a flood hazard overlay (in the Proposed District Plan). He noted that the building platform within proposed Lot 1 would not be within this flood hazard overlay. Mr Buxton provided an overview of the ORC’s designations (Designation 217 for the Lower Taieri Flood Protection Scheme and Designation 218 for the ORC East Taieri Drainage Scheme) at the site under the Proposed District Plan. He noted that the applicant does not have the approval of the ORC (as Requiring Authority for these designations), but correspondence from the ORC states that the Council is interested in any earthworks and any building activity within the designation areas, and this is not proposed as part of this application.

Mr Buxton noted that there were a group of sites that were well below the minimum lot size of the District Plan and the Proposed District Plan in the surrounding environment and commented that this proposal would not be inconsistent with the characteristics of these properties.

Mr Buxton was asked a number of questions by the Committee concerning the existing environment, the permitted baseline, District Plan weighting, status of earthworks, the flood hazard, what made this proposal a “true exception” in this environment, and in relation to other golf courses who may wish to subdivide in the future.

In response, Mr Buxton advised he had considered other golf courses that are zoned rural and identified various barriers to future development of these golf courses. He reiterated that he was comfortable that the subject application was unique.

In relation to the consideration of the relevant objectives and policies, Mr Buxton stated that he would give more weight to the objectives and policies of the Operative District Plan, than the Proposed District Plan, as the Proposed District Plan provisions that are relevant to this application are the subject of an appeal.

Regarding flooding effects, Mr Buxton stated that the proposal would not increase floodwaters but could affect the speed of water flow, depending on the nature of earthworks. Separate resource consent would be required for any earthworks at the site, and flood matters would be addressed via that process. Approval from the ORC as Requiring Authority, would be required for any earthworks within the ORC's designations.

The Applicant's Case

David Johnson, on behalf of the Gladfield Country Golf Club, spoke to his tabled evidence and responded to questions about the value of the site and how productive it is for farming purposes. Mr Johnson stated that the land was not very productive due primarily to it being flood prone.

Allan Cubitt spoke to his pre-circulated evidence. In relation to the potential loss of rural productive land, he discussed in particular the soil quality of the site, the impact of being flood prone, and the severance of the site from the larger farming blocks to the east created by the railway line (which presented a visual and connectivity barrier between the site and the larger rural blocks).

Mr Cubitt stated that he agreed with Mr Buxton that the application passes the 104D test. He also stated that the proposal provides a social and economic wellbeing effect by enabling the golf course to operate in the future.

Evidence of Submitters

Karen Baughan spoke to her submission and commented that her main concern was flooding. Ms Baughan is a neighbour of the site. She noted that it floods every 12 to 18 months, affecting her property access, and the stress that this caused her. Ms Baughan was concerned about the proposed building platform on Lot 1 and where the stormwater from this platform would go. Ms Baughan also raised concerns about debris from the applicant's wood splitting activity which enters her property. Ms Baughan stated that if the applicant provided access to/from her property over the golf course land when flood water prevented her using her driveway, this would alleviate much of her concerns.

Kevin Wilson, who owns land on the opposite side of Gladstone Road south and the railway line to the subject site, spoke to his submission and commented that his main concern was flooding, in particular the drainage of stormwater into the Owhiro Stream in this area. He provided his observations on the flow of water in the Owhiro Stream during a flood. In his view, flooding will increase due to the increase in dwellings being built in Mosgiel.

Mr Wilson advised that he currently grazes sheep on Ms Baughan's property. He suggested that the committee should allow subdivision but not the residential land use activity. He stated that he is concerned about the construction of the driveway to the proposed dwelling.

Mr Wilson was also concerned about the potential for reverse sensitivity from any residential activity on the site with the activity he carried out on his property.

Processing Planner's Review of Recommendation

Mr Buxton reviewed his recommendation in light of the evidence presented at the hearing, maintaining his recommendation to grant consent.

He commented on the flooding and stormwater concerns raised by the submitters. He recommended that an additional condition be imposed, requiring that a Stormwater Management Plan be approved by the consent authority prior to any works occurring on proposed Lot 1.

Mr Buxton also considered that the wording of the recommended consent notice condition that prevents additional dwellings on the site (proposed Lots 1 and 2) is important to ensure that a precedent is not established by the granting of this application.

Applicants Right of Reply

Mr Cubitt reiterated the positive aspects of the application and asked for consent to be granted. Mr Cubitt agreed to the inclusion of a condition requiring a Stormwater Management Plan on behalf of the applicant.

Mr Cubitt confirmed that the applicant would accept a condition requiring an easement to provide vehicle access, during flood events, over the golf course (proposed Lot 2) from proposed Lot 1.

Mr Cubitt also stated that the applicant would accept a condition for an easement to provide Ms Baughan pedestrian access over the golf course land (proposed Lot 2) in a flood event that restricts access to her property via Gladstone Road South. Mr Johnson stated that the Golf Club was happy for neighbours to park their vehicles in the golf club car park in the event that they cannot access their driveways due to a flood event.

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 Dunedin City District Plan: 4 Sustainability, 6 Rural/Rural Residential Zones, 17 Hazards, 18 Subdivision and 20 Transportation. Regard was also given to the relevant provisions of the Proposed Dunedin City District Plan. Regard was also given to the Partially Operative 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 during the public-excluded portion of the hearing, the Committee inspected the site, and this added physical reality to the Committee's considerations.

SUB-2018-118

*That pursuant to Sections 34A(1) and 104B and after having regard to Sections 104 and 104D of the Resource Management Act 1991, and the provisions of the 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 land on the site at 33 GLADFIELD ROAD, MOSGIEL legally described as Section 2 SO 468887 (Record of Title 648358), subject to conditions imposed under Section 108 of the Act, as shown on the attached certificate.

LUC-2018-628

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 a residential activity on the new Lot 1 of SUB-2018-118, including a reduced rear yard setback of a minimum of 10m, subject to conditions set out in the attached certificate.

Reasons for this Decision

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, with the imposition of conditions of consent. In this regard, the Committee generally concurred with the analysis of Mr Buxton set out in the Section 42A report. In reaching this conclusion, the Committee was mindful that submitter Ms Baughan's concerns related to the potential change in flood patterns that may arise as a result of this application and affect her property. The Committee was also cognisant of Mr Wilson's concerns about the potential for flooding to be exacerbated by the proposal.

The Committee determined that the servicing of the subdivision would result in minimal environmental effects. The two proposed lots have frontage to existing roads, and access is already formed from these roads, although access to Lot 1 would need to be upgraded to a standard suitable for residential use. Gladstone Road South is not sealed along the frontage of the subject site, and there is no expectation that this part of the road will be sealed in the near future. Three-water services can be provided (via on-site means for stormwater and wastewater disposal and either via on-site means or via connection to the East Taieri rural water scheme for water supply). No extension of services is required as part of the subdivision.

In terms of natural hazards, proposed Lot 1 comprises a lower flat area, then rises relatively steeply to the south-east. The building platform is proposed close to the southern boundary of the site (where the site is elevated) to ensure it is not within the flood hazard area that affects the lower part of the site. Access to the site via Gladstone Road South will cross the flood prone part of site, so access may be restricted in a flood event. The Committee has considered Mr Buxton's report which includes comments from Stantec. Stantec has assessed the proposal in terms of the potential effects of flooding from the Owhiro Stream, as well as the Taieri River, and runoff from the hill tributaries. Stantec state that flooding risks need to be managed, and have recommended conditions to be imposed at the time earthworks and works within the ORC's designations is proposed. The Committee is mindful of the stress that can be caused by flooding restricting access to and from a dwelling, as described by Ms Baughan. The ORC indicated that it would address flood related matters through its designation and bylaw processes.

In acknowledgement that access may be restricted during flood events, the applicant proposed an easement connecting proposed Lot 1 to Gladfield Road (via the golf course) to provide security of access. The access will provide for vehicles accessing proposed Lot 1. At the hearing, the applicant offered to provide pedestrian access over the golf course for Ms Baughan's property at 405 Gladstone Road South during flooding events when access via Gladstone Road is not available. This is a positive effect of the proposal.

The Committee determined that an additional condition requiring a Stormwater Management Plan be approved by the consent authority which demonstrates how pre-development stormwater flows will match post-development flows. The condition will adequately manage any actual or potential adverse

effects on flooding resulting from the proposal, along with any earthworks or works affecting the ORC's designations being managed via a separate resource consent and Requiring Authority approval process.

Further, it is noted that no earthworks are proposed as part of the current proposal. Should earthworks be required within the Hazard Overlay area at the site, a resource consent for earthworks will be required. Consideration of potential effects of flooding will be considered via that application. Any works, earthworks or structures at the site that are within ORC's designations, and that would prevent or hinder the work to which the designation relates, requires the approval of the ORC as Requiring Authority.

The Committee agreed with Mr Buxton and Mr Cubitt that the subdivision would not result in a loss of rural productive land or the fragmentation of rural land that is more than minor. Aside from the building platform and driveway, the site will be available for rural productive activities. The subdivision boundaries for proposed Lots 1 and 2 reflect the current disparate activities occurring on the site and rationalises these existing activities.

For the land use application, the environmental effects are essentially limited to the intended development of proposed Lot 1 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. In reaching this conclusion, the Committee considered the following:

- (a) In the view of the Committee, the site was not within a sensitive rural environment, where the presence of a residential building could have a significant impact on rural character and amenity values. Any dwelling must be located within the building platform identified in the application, which is set back over 200m from Gladstone Road South, and is screened from view from the adjoining property to the south via dense mature plantings. A condition of consent is imposed preventing the establishment of a concrete driveway on the site, which is to manage the potential visual effects of the driveway on the site.
- (b) The Committee noted that the proposed residential activity does not create any issues for Council service infrastructure. Water for fire fighting purposes is required to be stored on-site at all times.
- (c) The Committee accepted the Transportation advice in relation to the upgrading of the site access for a residential use, and the provision of an alternative access for Lot 1 in the event of flooding restricting access via Gladstone Road.
- (d) In relation to the flood effects, the Committee noted that the building platform and associated curtilage area is not within the flood prone part of the site. Access to the dwelling during a flood event is addressed via the easement providing access via the golf course. The Committee's concerns about the location of the wastewater disposal field being outside of the flood prone part of the site is managed via a condition of consent requiring the wastewater disposal field to be located outside of the flood prone part of the site and outside of the ORC's designations. Stormwater management on the site is addressed via a condition of consent requiring a Stormwater Management Plan.
- (e) Mr Wilson has raised concerns about the potential for reverse sensitivity effects to arise with the proximity of a new dwelling close to his contracting yard, which he operates during normal working hours. The Committee agrees with Mr Buxton that a separation distance of approximately 250m is sufficient to appropriately manage potential reverse sensitivity effects.

The Committee considered the potential for the granting of this application to result in a precedent for the granting of similar applications. The Committee determined that the proposal is a "true exception" for the following reasons:

- (a) The subdivision rationalises the current uses at the site, whereby proposed Lot 2 (15.8 hectares) is used as the golf course and proposed Lot 1 is used for rural purposes. Lot 1 (5.3 hectares) is fenced

off from Lot 2 and the two disparate existing uses would be legitimised by the subdivision. Mr Buxton has stated that this situation distinguishes the golf course from most other Rural zoned golf courses, and the Committee accepts this distinction.

- (b) A consent notice will be imposed on Lot 2 to ensure that no residential units can be built on Lot 2. Only one residential unit can be built on Lot 1. This provides a clear statement that additional residential activities are not anticipated at this site.
- (c) The proposal will result in a positive effect by enabling the Gladfield Country Golf Club to continue operating. This is an important positive social and recreational effect of the proposal that will enhance the social wellbeing of the community.
- (d) The proposal will provide the adjoining property (405 Gladstone Road South) with an alternative access when a flood event restricts access to 405 Gladstone Road South. This is a positive effect of the proposal.
- (e) The lot sizes remain large enough to enable rural productive land uses to occur on Lot 1 and Lot 2, should the golf course ever cease to operate.
- (f) While rural productive uses can continue on Lot 1, being 5.3 hectares in area, it is noted that the land is subject to flooding which means it is not well suited to many rural productive uses (including buildings/structures).
- (g) The Committee was 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. The receiving environment is characterised by several lots that are smaller than the minimum lot size for this zone, and therefore the subdivision to create a 5.3 hectare allotment is not out of character in this environment. Larger rural lots are located on the opposite side (western) of the Main South Railway Line to the subject site. This combination of the road and railway line provides a clear demarcation between the more rural residential type uses to the east of the railway line and the larger land holdings that are used for productive uses to the west of the railway line. The railway line is also a barrier for the movement of stock between the subject site and the rural land to the west of the railway line.

Further, the Committee has concluded that the integrity of the Proposed District Plan is not expected to be eroded by this decision as the application was made prior to decisions on the Proposed District Plan being released, and the objectives and policies most relevant to the consideration of this application are the subject of appeal, and therefore less weight is attributed to these provisions in this decision.

The Committee accepted, in part, the analysis of the objectives and policies of the Operative District Plan set out in the Section 42A report, and noted that, with one exception, the proposal was assessed as consistent with each of the objectives and policies of the Operative District Plan. The Committee determined that the proposal is inconsistent with Policy 6.3.3 of the Operative District Plan.

The Committee accepted, in part, the analysis of the objectives and policies of the Proposed District Plan set out in the Section 42A report which concluded that the proposal was consistent with the objectives of the Proposed District Plan and some of the policies, but either inconsistent or contrary to the policies of the Proposed District Plan that relate to minimum lot size and residential density. The policies of the Proposed District Plan that the proposal is contrary to are Policy 16.2.1.7 and Policy 16.2.4.3. The Committee noted that the provisions of the Proposed District Plan, which the proposal was found to be contrary to, are currently under appeal and therefore less weight is attributed to the findings on these provisions in this decision.

The Committee concurred with Mr Buxton's conclusion that the proposal was not in conflict with the Regional Policy Statement and Proposed Regional Policy Statement for Otago. It agreed with Mr Buxton

in regard to his assessment of the proposal against the provisions of Part 2 of the Resource Management Act 1991.

The Committee was satisfied that the proposal represents a “true exception”, having particular regard to the existing environment of the subject site and surrounding land, and the nature of the two distinct land uses existing on the subject site. It also recognises the positive effect resulting from the proposal which makes the proposal unique. Having visited the site, the Committee recognised the railway line, which distinguishes the subject site area and nearby residential activity as a relatively confined area, compared with the wider rural area to the west of the railway line. The Committee noted that the proposal would result in one additional dwelling, with further dwellings being prevented at the site via a consent notice condition.

Having regard to the above considerations, the Committee was 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 considered that granting consent to the proposal will not undermine the integrity of the Operative District Plan or the Proposed District Plan.

The Committee agreed with the opinion of Mr Buxton that the proposal meets the first limb of the section 104D test under the Act, as it will not give rise to adverse environmental effects that are more than minor. The Committee agreed with Mr Buxton that the proposal will not be contrary to the objectives and policies of the Operative District Plan and the Proposed District Plan, with the exception of those Proposed District Plan objectives and policies that relate directly to minimum lot size and residential density. The Committee agreed with Mr Buxton that the proposal is contrary to these minimum lot size and residential density provisions, as has been set out above. Therefore, in accordance with s104D(1)(b)(iii), which requires consideration of both operative and proposed District Plans in this situation, we find the proposal is contrary to the second limb of s104D. As the proposal met the first limb of s104D 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.

Right of Appeal

Pursuant to section 120(1A) of the Resource Management Act 1991, no right of appeal to the Environment Court against the whole or any part of this decision exists for the following:

- (a) A boundary activity, unless the boundary activity is a non-complying activity;*
- (b) A subdivision, unless the subdivision is a non-complying activity;*
- (c) A residential activity, unless the residential activity is a non-complying activity.*

(Refer section 87AAB of the Act for definition of “boundary activity”, and refer to section 95A(6) for definition of “residential activity”.)

For all other applications, 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 Mail Centre

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

- The Dunedin City Council.
- The applicant(s).
- 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.

Commencement of Consent

As stated in section 116 of the Resource Management Act 1991, this consent will 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.

Monitoring

Section 35(2)(d) of the Resource Management Act 1991 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/activity, this consent will require one annual inspection.

The City Planning Department sets out the fixed fees charged for monitoring in its schedule of fees. The fee for your scheduled inspection 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



Kate Wilson
Chair
Hearings Committee

Consent Type: Subdivision and Land Use Consent

Consent Number: SUB 2018-118 AND LUC 2018-628

Purpose: The subdivision of land and land use consent for a residential building and rear yard setback breach.

Location of Activity: 33 GLADFIELD ROAD, MOSGIEL.

Legal Description: Section 2 SO 468887 (Record of Title 648358).

Lapse Date: 15 August 2024 , unless the consent has been given effect to before this date.

Conditions

SUB-2018-118

1. *The proposal shall be given effect to generally in accordance with the plan prepared by Craig Horne entitled, 'Proposed Subdivision of Section 2 SO 468887' attached to this consent as Appendix One, and the accompanying information submitted as part of SUB-2018-118 received by Council on 23 October 2018 and further information received on 20 November 2018, 27 February 2019 and 19 March 2019, except where modified by the following:*
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) *That a Right of Way between Lot 1 and the existing vehicle access of Lot 2 must be duly created or reserved over Lot 2 in favour of Lot 1, and must be shown on the application plan in a Memorandum of Easements. The Right of Way must have a legal width of at least 4m, be practical for vehicle access and its use restricted only to the times when flooding restricts vehicle access from Lot 1 along Gladstone Road South. Right of Way legal documentation detailing the fact that use of the Right of Way is restricted to flood situations where Gladstone Road South is unusable, is to be supplied to Council at the time of section 223 certification.*
 - c) *That a Right of Way between Lot 3 DP 319300 (405 Gladstone Road South) and the existing vehicle access of Lot 2 SUB 2018-118 must be duly created or reserved over Lot 2 SUB 2018-118 in favour of Lot 3 DP 319300, and must be shown on the application plan in a Memorandum of Easements. The Right of Way must have a legal width of at least 1m, be practical for pedestrian access and its use restricted only to the times when flooding restricts vehicle access from Lot 3 DP 319300 to and/or along Gladstone Road South. This easement can be partially within the right of way for Lot 1 SUB 2018-118 described in condition 2(b) above). Right of Way legal documentation detailing the fact that use of the Right of Way is restricted to flood situations where Gladstone Road South is unusable, is to be supplied to Council at the time of section 223 certification.*

3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:*

- a) *That a consent notice must be prepared for registration on the title of Lot 2 for the following on-going condition:*

‘That, in order to limit the development potential of SUB-2018-118 to one residential unit, no residential unit shall be developed on the site.’

- b) *The consent holder must connect Lot 1 to telecommunication and power supply services as part of the subdivision and lay these services underground and at least 600mm into the lot. The consent holder shall provide confirmation from the network utility operator that the system has been installed in accordance with their requirements and ‘as-built’ plans of the system to the council.*

Land Use LUC-2018-628

1. *The proposal shall be given effect to generally in accordance with the plan prepared by Craig Horne entitled, ‘Proposed Subdivision of Section 2 SO 468887’ attached to this consent as Appendix One, and the accompanying information submitted as part of SUB-2018-118 received by Council on 23 October 2018 and further information received on 20 November 2018, 27 February 2019 and 19 March 2019, except where modified by the following:*

Only one residential unit and associated accessory buildings shall be established on Lot 1 SUB-2018-118 and must be located within the building platform (as shown on the plan attached to Appendix One).

2. *Access to the building platform of Lot 1 shall be formed to a minimum width of 3.5m and be adequately drained for its duration. Driveway materials should be gravel and recessive in colour. Driveway materials shall not comprise concrete or lime chips.*
3. *The new residential unit on Lot 1 must provide within the building platform an area of minimum dimensions of 4.5m x 11m with suitable fire engine access, water storage of 45,000 litres (45m³) or equivalent fire fighting capacity, and have the water supply located within 90m of the fire risk or otherwise provide for water supply and access to water supplies for fire fighting purposes consistent with the SNZ/PAS 4509:2008 New Zealand Fire Service Fire fighting Water Supplies Code of Practice.*
4. *Prior to any works commencing on-site (including building construction), a Stormwater Management Plan (SWMP) must be prepared by a suitably qualified person, and submitted to the Council for approval. The SWMP must include the following information:*
- Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow;*
 - An assessment of the current and proposed imperviousness of the site;*
 - Secondary flow paths;*
 - Any watercourses located within the property; and*
 - Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces.*

Advice Notes

Designations

1. There are designations by the Otago Regional Council on the northern portion of the site, and prior to any work being undertaken within the designations, or which may affect the purpose for the designations, the approval of the Otago Regional Council must be obtained.

Earthworks

2. In addition to obtaining approvals from the Otago Regional Council for earthworks within its designations over Lot 1, a resource consent will be required for earthworks within the Hazards 1 (flood) mapped overlay of the Proposed Second Generation Dunedin City District Plan.
3. This consent does not address any earthworks associated with the development of Lot 1, or the formation of any new access on legal road or within Lot 1, manoeuvring areas, or retaining walls (should any be required). Should future earthworks on-site breach the performance standards of the District Plan relevant at the time of development, further consent will be required.

Transportation

4. The owner/occupier of Lot 2 must undertake all practicable measures to prevent loose material being tracked from the subject site onto the carriageway of Gladfield Road.
5. It is advised that the vehicle crossing for Lot 1, between the road carriageway and the property boundary, is within legal road, and will therefore require a separate vehicle entrance approval from Dunedin City Council Transport to ensure that the access is constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this is not included as part of the resource consent process).
6. It is advised that in the event of future development on Lot 1, Transport will assess provisions for access, parking and manoeuvring at the time of resource consent building or consent application.

Infrastructure

7. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
8. The proposed subdivision is located within the Rural zone and within the East Taieri rural water scheme boundary as shown in Appendix B of the Dunedin City Council Water Bylaw 2011.
9. An application may be made to the Dunedin City Council 3 Waters for any new lots to be supplied for water from the East Taieri rural water scheme, however the granting of this application would depend on the available capacity within this scheme. Otherwise, stormwater collected from roof surfaces may be used for domestic water supply and stored in suitably sized tank(s), with a minimum of 25,000L storage per lot.
10. Private drainage issues and requirements (including any necessary works) are to be addressed via the Building Consent process.
11. Certain requirements for building on this site may be stipulated via the building consent process and are likely to include the following points:
 - Stormwater from driveways, sealed areas and drain coils is not to create a nuisance on any adjoining properties.
 - Surface water is not to create a nuisance on any adjoining properties.
 - For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.

- As required by the New Zealand Building Code E1.3.2, surface water resulting from an event having a 2% probability of occurring annually, shall not enter dwellings. The finished floor level shall be set accordingly.

General

12. In addition to the conditions of a resource consent, the Resource Management Act 1991 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.
13. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
14. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the 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.
15. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
16. This is a resource consent. Please contact the Council's Building Services Department about the building consent requirements for the work.

Issued at Dunedin on 15 August 2019



Kate Wilson
Chair
Hearings Committee

Appendix One: Approved Plan for SUB 2018-118 AND LUC 2018-628 (scanned image, not to scale)

