

APPENDIX C

SUBMISSIONS

**SUBMISSION FORM 13**

Submission concerning resource consent on publicly notified application under section 95A, Resource Management Act 1991

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: SUB-2017-5, LUC-2017-52 & LUC-2017-236 Applicant: A J Rutherford

Site Address: 25 Ashton Street

Description of Proposal: Subdivide the land into two lots, and to establish residential activity on both new lots

I/We wish to lodge a submission on the above resource consent application (Please read privacy statement):

Your Full Name: Robert Peter Ischia

Address for Service (Postal Address): 19 Ashton St
Mosgiel

Post Code: 9024

Telephone: 489 7600

Email Address:

☐ I would like my contact details to be withheld.

I: ~~Support/Neutral~~ / ~~Oppose~~ this Application in part I: ~~Do~~ / ~~Do Not~~ wish to be heard in support of this submission at a hearing

☐ If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Please use the back of this form or attach other pages as required

The specific parts of the application that this submission relates to are:

Location of the building platform

Flooding in Ashton St's lower end

My submission is [include the reasons for your views]:

The application only shows an Aerial view of the sight
No elevation of the sight

To put the building sight platform on the near
lowest point is very unwise

any drive way work near the entrance on
Ashton St will raise the ground level thus
water back up on to the Street in heavy rain

The decision I wish the Council to make is [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

Need to make sure the subdivision does NOT
inhibit water flow from Ashton St but
in hance it

There is high pressure on Owhiro stream Now

Signature of submitter:

R P Ischia

Date:

19-6-17

(or person authorised to sign on behalf of submitter)

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is Monday, **26 June 2017 at 5pm**. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is AJ Rutherford C/- S Jenkin, PO Box 5195, Moray Place, Dunedin 9058 or stj@ihug.co.nz.

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be made online at <http://www.dunedin.govt.nz/rma> or sent by email to resconsent.submission@dcc.govt.nz

Privacy: Please note that submissions are public. Your name, contact details and submission will be included in papers that are available to the media and the public, including publication on the Council website. You may request your contact details be withheld. Your submission will only be used for the purpose of the notified resource consent process.

From: ba.miller@actrix.co.nz
To: [Resource Consent Submissions](#)
Subject: Resource consent application submission - 595877
Date: Wednesday, 21 June 2017 05:24:40 p.m.

This resource consent application submission has been made via the Council website on **21 Jun 2017 5:25pm**. The details are listed below.

Personal information

Name Brian Miller
Address 77 Riccarton Rd, West Mosgiel 9092 Dunedin
Contact phone 4897779
Fax
Email address ba.miller@actrix.co.nz

Submission details

Consent number SUB-2017-5,LUC-2017-52 & LUC-2017-236
Position I oppose this application
Wish to speak? No
Present jointly to hearing? No
Parts of application that submission relates to Whole application
Reasons for submission Contrary to both the current Dunedin City District Plan and the proposed 2GP
Desired decision Decline
Privacy statement acknowledged Yes

Supporting documents

No file uploaded - file name

No file uploaded - file name



**DUNEDIN CITY
COUNCIL**
Kaunihara-a-rohe o Otago

SUBMISSION FORM 13

078

Submission concerning resource consent on publicly notified application under section 95A, Resource Management Act 1991

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: SUB-2017-5, LUC-2017-52 & LUC-2017-236 Applicant: A J Rutherford

Site Address: 25 Ashton Street

Description of Proposal: Subdivide the land into two lots, and to establish residential activity on both new lots

I/We wish to lodge a submission on the above resource consent application (Please read privacy statement):

Your Full Name: Frank Edward and Alison Janet North

Address for Service (Postal Address):

Post Code:

Telephone:

Email Address:

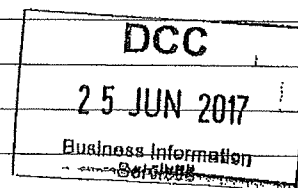
☒ I would like my contact details to be withheld.

☐ Support/Neutral/Oppose this Application I: ~~Do~~/Do Not wish to be heard in support of this submission at a hearing

☐ If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Please use the back of this form or attach other pages as required

The specific parts of the application that this submission relates to are:



My submission is [include the reasons for your views]:

(Support the Application)

The decision I wish the Council to make is [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

Signature of submitter:

F.E. North

Date: 21 / 6 / 17

(or person authorised to sign on behalf of submitter)

Notes to Submitter:

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Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be made online at <http://www.dunedin.govt.nz/rma> or sent by email to resconsent.submission@dcc.govt.nz

Privacy: Please note that submissions are public. Your name, contact details and submission will be included in papers that are available to the media and the public, including publication on the Council website. You may request your contact details be withheld. Your submission will be made available to the public.

Laura Mulder

From: Andrew Barratt
Sent: Monday, 26 June 2017 01:24 p.m.
To: Resource Consent Submissions; stj@ihug.co.nz
Subject: Resource Consent application 25 Ashton St
Attachments: 2017-06-26 13-19-30.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Laura

Find attached a submission on behalf of Our Food Network Dunedin.
Andy Barratt



DUNEDIN CITY COUNCIL
Kaitiaki Take Kōwhiri

SUBMISSION FORM 13

Submission concerning resource consent on publicly notified application under section 95A, Resource Management Act 1991

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: SUB-2017-5, LUG-2017-52 & LUG-2017-236 Applicant: A J Rutherford

Site Address: 25 Ashton Street

Description of Proposal: Subdivide the land into two lots, and to establish residential activity on both new lots

I/We wish to lodge a submission on the above resource consent application (Please read privacy statement):

Your Full Name: ANDY BARRATT

Address for Service (Postal Address): 317 APES ROAD

RD1 WAIKOUAITI

Post Code: 9471

Telephone: 021 890 048

Email Address: asbarratt@gmail.com

☐ I would like my contact details to be withheld.

☒ Support/Neutral/ Oppose this Application ☒ Do Do Not wish to be heard in support of this submission at a hearing

☒ If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Please use the back of this form or attach other pages as required

The specific parts of the application that this submission relates to are:

ALL PARTS

My submission is [include the reasons for your views]:

I REPRESENT OUR FOOD NETWORK DUNEDIN
AN INFORMAL GROUP PROMOTING LOCAL FOOD PRODUCTION
WE OPPOSE THIS APPLICATION ON THE GROUNDS THAT
IT WILL TAKE HIGH-CLASS SOILS IN THE RURAL ZONE
OUT OF PRODUCTIVE USE BY ALLOWING
RESIDENTIAL DEVELOPMENT

The decision I wish the Council to make is [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

DECLINE THE APPLICATION IN ITS ENTIRETY

Signature of submitter: Andy Barratt
(or person authorised to sign on behalf of submitter)

Date: 26/6/2017

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is Monday, **26 June 2017 at 5pm**. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is AJ Rutherford C/- S Jenkin, PO Box 5195, Moray Place, Dunedin 9058 or sub@dhc.co.nz.

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be made online at <http://www.dunedin.govt.nz/rma> or sent by email to resconsent.submission@dcc.govt.nz.

Privacy: Please note that submissions are public. Your name, contact details and submission will be included in papers that are available to the media and the public, including publication on the Council website. You may request your contact details be withheld. Your submission will only be used for the purpose of the notified resource consent process.

Laura Mulder

From: Paula Myers
Sent: Monday, 26 June 2017 03:57 p.m.
To: Resource Consent Submissions
Subject: FW: 25 Ashton St, Mosgiel - Heritage New Zealand submission
Attachments: HNZPT submission - 25 Ashton St, Mosgiel - SUB-2017-5, LUC-2017-52 & LUC-2017-236 - 26-6-2017.pdf

From: Jane O'Dea [<mailto:JODea@heritage.org.nz>]
Sent: Monday, 26 June 2017 3:55 p.m.
To: Planning
Cc: stj@ihug.co.nz
Subject: 25 Ashton St, Mosgiel - Heritage New Zealand submission

Hello,

Please find attached Heritage New Zealand's submission in relation to the application by AJ Rutherford to subdivide 25 Ashton St, Mosgiel.

Regards

Jane

Jane O'Dea | Heritage Advisor (Planning) | Heritage New Zealand *Pouhere Taonga* | PO Box 5467, Dunedin 9058 | Ph: (64 3) 477 9871 | DDI: 470 2366 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places

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HERITAGE NEW ZEALAND
POUHERE TAONGA

26 June 2017
Dunedin City Council
PO Box 5045
Dunedin 9058

Dear Sir/Madam

SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO RESOURCE CONSENT APPLICATION

To: Dunedin City Council

Name of submitter: Heritage New Zealand Pouhere Taonga

1. Heritage New Zealand Pouhere Taonga is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. Heritage New Zealand is New Zealand's lead historic heritage agency.
2. This is a submission on an application by AJ Rutherford for resource consent to:
 - Subdivide 25 Ashton St into two lots and establish a residential dwelling on Lot 1.
3. The specific parts of the application that Heritage New Zealand's submission relates to are:
 - Potential effects on historic heritage associated with the proposed subdivision of 25 Ashton St and the construction of a residence on the new lot created.
4. Heritage New Zealand submission is:
 - Neutral, provided appropriate conditions are imposed to manage potential effects on historic heritage.
5. The reasons for Heritage New Zealand's position are outlined below:
 - 5.1 In terms of the regulatory context with regards to the heritage values of the subject site, there are a number of matters which should be taken into consideration as part of the current application, as set out below:
 - 5.1.1 New Zealand Heritage List Rārangī Kōrero

There is a category 2 historic place (ref. 7146) within the subject site – Johnstone Farmhouse.

Johnstone Farmhouse has historical significance as a result of its association with the Todd family, one of the pioneering families of the Taieri Plain who were significant in the settlement and development of the area. Andrew Todd Snr was involved with local affairs including the Presbyterian Church and sat on the Otago Provincial Council in 1860.

Johnstone Farmhouse was completed by 1861 and is a picturesque example of mid 19th Century domestic architecture using restrained Georgian symmetrical design. The exterior is roughcast, applied to the weatherboard cladding in the 1920's. Interior features include wood panelling of the entrance foyer, a variety of wooden dados and pressed metal ceiling in the front drawing room.

5.1.2 Dunedin City Operative District Plan

- Schedule 25.1 Townscape and Heritage Buildings and Structures – B633 Johnstone Farmhouse ‘entire external building envelope.’
- Schedule 25.3 Significant Trees - T095, T096, T097, T098, T099, T1209, T1210.

5.1.3 Dunedin City Council Second Generation District Plan (2GP)

- Appendix A1.1 Schedule of Protected Heritage Items and Sites - B633 Johnstone Farmhouse
- The subject site is within the mapped wāhi tūpuna area 56 – Kokika o Te Matamata (Area Surrounding Mosgiel). No particular ‘threats’ to the values of the wahi tupuna area are identified in the 2GP.
- Schedule A1.3 Schedule of Trees - T095, T096, T097, T098, T099, T1209, T1210.

5.1.4 Heritage New Zealand Pouhere Taonga Act 2014 – Archaeological site protection

- The application site, which has been occupied since at least as early as the 1860’s, is an archaeological site pursuant to the Heritage New Zealand Pouhere Taonga Act 2014.
- Heritage New Zealand considers that the proposed development would largely avoid archaeological and heritage sites.
- Nevertheless there is a possibility of archaeological material being uncovered during earthworks for the new dwelling, access and services.
- The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District or Regional Plan, or a resource or building consent has been granted.
- Heritage New Zealand requests that the attached Archaeological Discovery Protocol should be attached to the consent as an advice note in order to ensure that any archaeological sites discovered during works are managed appropriately.

5.2 The Proposal

Heritage New Zealand’s primary interest in the application is with ensuring that an adequate setting is retained for the Category 2 historic place on the site.

It is acknowledged that the proposal will not result in any physical impacts on Johnstone Farmhouse, or the outbuildings associated with the house. However the proposed subdivision would result in a reduction in the rural character of the site and introduce a greater level of domesticity to what was historically a working farm

Heritage New Zealand guidance ‘Assessing Impacts on the Surroundings associated with Historic Heritage’ states that *‘the surroundings associated with historic heritage involve an area of land (or land covered with water), surrounding a historic place, site or area of heritage significance which is essential for retaining and interpreting its heritage significance . . .*

The proposed activity should provide for an adequate setting for the heritage item, enabling its heritage significance to be maintained. The significance and integrity of the setting should be identified. Well preserved, authentic, essential and substantial settings should be retained and protected . . .

The original relationship of the heritage item to its site and locality should be retained. All the main structures associated with the heritage item (for example, homestead, garden, stables, etc) should be retained in single ownership.'

Heritage New Zealand considers that the design of the proposed subdivision provides an appropriate setting for Johnstone Farmhouse. It is noted that the protected trees, and more generally the garden surrounding the farmhouse will be retained within proposed Lot 2. The trees are considered to be a significant remnant of the original farm, and important to retain in relation to the farmhouse. Furthermore, the existing outbuildings associated with the farm will be retained within the same land parcel as the farmhouse. Heritage New Zealand considers this to be appropriate in that it retains the relationship between the buildings on the site and enhances the legibility of the site as an early working farm.

It is noted that the existing driveway with the avenue of mature trees will be retained as the access to Lot 2. The avenue is aesthetically pleasing and creates a pleasant entrance to Johnstone Farmhouse, however this is not the original entrance to the farmstead, and does not contribute to the heritage value of the historic place. Based on this, Heritage New Zealand does not have a strong view on this aspect of the proposal.

5.3 Proposed consent notices

The applicant proposes a consent notice covering the following matters of interest to Heritage New Zealand:

- Maintenance and upkeep of the homestead -

Whilst the sentiment of maintaining the homestead is supported, Heritage New Zealand can see practical difficulties with such a consent notice. For example the existing standard of the building would need to be clearly established as a baseline for future maintenance. Photographs to show the standard at which the building should be kept would be needed. Upkeep should include maintaining effective weatherproofing and structural stability of the building exterior – in the form seen in the photographs (this would avoid the owner from providing weatherproofing by simply placing plywood panels over rotting windows, for example). How maintenance of the interior of the building would be dealt with would also need to be considered. The issue of monitoring and enforcement of the condition is also a relevant consideration. Heritage New Zealand considers that further thought would need to be given to this proposed condition in order to achieve an effective mechanism for ongoing building maintenance.

Perhaps a more practical solution would be for the applicant/owner to commission a condition report or conservation plan (either of which could include a maintenance plan), whether as part of the current consent process, or outside it. Heritage New Zealand would be more than happy to visit the site and meet with the owner to discuss this further.

- Maintenance of trees

Presumably this refers to trees identified as being protected in the Operative District Plan and 2GP. Again, greater clarity would be needed about the current condition of the trees, a maintenance plan, and clarity in regard to monitoring and enforcement for this to be an effective condition.

- Prohibition of further subdivision of Lots 1 & 2

The proposed subdivision would result in a reduction in the rural character of the site and introduce a greater degree of domesticity to what was historically a working farm. This effect would be mitigated by the proposed consent notice which would prohibit further subdivision of either of the resulting lots.

Heritage New Zealand considers the prohibition of further subdivision to be a more straightforward mechanism than the other proposed consent notices conditions, as discussed above.

Heritage New Zealand is supportive of this mechanism and requests that should consent be granted, that the proposed consent notice be imposed.

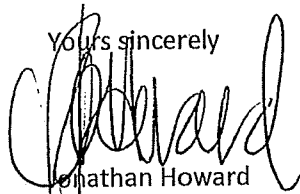
6. **Heritage New Zealand seeks the following decision:**

That should the Council be minded to grant consent for the proposal, that:

- Further work be undertaken, in consultation with Heritage New Zealand, in relation to the proposed consent notice building and tree maintenance conditions (should the Council consider that these conditions are appropriate and necessary in principle.)
- That the proposed consent notice condition prohibiting further subdivision of lots 1 & 2 be imposed.
- That the attached accidental discovery protocol be included as an advice note.

7. Heritage New Zealand may wish to be heard in support of this submission and is happy to be contacted should there be any questions in relation to this submission.

Yours sincerely


Jonathan Howard
Area Manager

Address for service:

C/- Jane O'Dea, Heritage Advisor – Planning
Heritage New Zealand
PO Box 5467
Dunedin 9058
jodea@heritage.org.nz



HERITAGE NEW ZEALAND
POUHERE TAONGA

Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol

Under the Heritage New Zealand Pouhere Taonga Act (2014) an archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. For pre-contact Maori sites this evidence may be in the form of bones, shells, charcoal, stones etc. In later sites of European/Chinese origin, artefacts such as bottle glass, crockery etc. may be found, or evidence of old foundations, wells, drains or similar structures. Burials/koiwi tangata may be found from any historic period.

In the event that an unidentified archaeological site is located during works, the following applies;

1. Work shall cease immediately at that place and within 20m around the site.
2. The contractor must shut down all machinery, secure the area, and advise the Site Manager.
3. The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
4. If the site is of Maori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (*Heritage New Zealand Pouhere Taonga Act, Protected Objects Act*).
5. If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under 4 shall apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.
6. Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.
7. Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.
8. Heritage New Zealand will determine if an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* is required for works to continue.

It is an offence under S87 of the *Heritage New Zealand Pouhere Taonga Act 2014* to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of

whether the works are permitted or a consent has been issued under the Resource Management Act.

Heritage New Zealand Regional archaeologist contact details:

Dr Matthew Schmidt
Regional Archaeologist Otago/Southland
Heritage New Zealand
PO Box 5467
Dunedin
Ph. +64 3 470 2364, mobile 027 240 8715
Fax. +64 3 4773893
mschmidt@heritage.org.nz



DUNEDIN CITY COUNCIL
Kaitiaki-a-rohe o Otago

SUBMISSION FORM 13

Submission concerning resource consent on publicly notified application under section 95A, Resource Management Act 1991

088

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number:

SUB-2017-5, LUC-2017-52 & LUC-2017-236

Applicant: A J Rutherford

Site Address:

25 Ashton Street

Description of Proposal:

Subdivide the land into two lots, and to establish residential activity on both new lots

RECEIVED

26 JUN 2017

BY:

I/We wish to lodge a submission on the above resource consent application (Please read privacy statement):

Your Full Name: Karen Patricia Warrington

Address for Service (Postal Address):

Post Code:

Telephone:

Email Address:

☒ I would like my contact details to be withheld.

☒ Support / ☒ Neutral / ☒ Oppose this Application I: ☒ Do / ☒ Do Not wish to be heard in support of this submission at a hearing

☐ If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Please use the back of this form or attach other pages as required

The specific parts of the application that this submission relates to are:

Entire application.

My submission is [include the reasons for your views]:

I Strongly oppose the subdivision of this block down to two blocks of severely undersized lots under the current lot sizes (15 ha) and future (RGP) lot size (40 ha) in the rural zone.

- see attached

The decision I wish the Council to make is [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

Decline entire application - see attached.

Signature of submitter:

[Signature]

Date: 26/6/2017.

(or person authorised to sign on behalf of submitter)

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is Monday, 26 June 2017 at 5pm. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is AJ Rutherford C/- S Jenkin, PO Box 5195, Moray Place, Dunedin 9058 or stj@ihug.co.nz.

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Creating lots of 6.03ha and 3.55ha in the rural zone, which currently has a minimum lot size of 15ha and a proposed lot size of 40ha (after consultation for the 2GP), seriously undermines the integrity of the current district plan and future district plan for Dunedin's rural zone. Both of the proposed lot sizes are significantly undersized within the current and future rural zone lot sizes. Since 2003, when it was possible to subdivide down to 6ha, the City Council has noticeably increased the lot sizes to prevent fragmentation of the rural zone. This proposal to subdivide down to two very small lots goes against the intent of the district plan. It would also set an undesirable precedent for others who wish to subdivide whether they have a historic home on the site or not.

The proposal to subdivide 25 Ashton Street relies solely on the "protection of a unique heritage building, being Johnstone Farm Homestead... and freeing up the agricultural/farming activity commensurate with the zone and the class A soils. The existing home is already well protected under its existing use rights and there is no need to subdivide to facilitate protection. In fact I believe subdivision will make the existing heritage building more vulnerable to development around it. The property as it exists today is well able to continue to operate as it does as a property that grazes sheep and cuts hay – true rural activities. Protection of the heritage home should not take priority over the protection of the rural zone from fragmentation for future generations. By allowing the subdivision it would create 2 very undersized lots which would be not be sustainable as rural lots and will detract from the existing rural amenity.

If, for example, the heritage home were to burn down this suddenly eliminates the "protection of a heritage building" justification for the application and voids the entire application. If the owners were to sell the property after resource consent was granted a developer could apply to have the home demolished to make way for residential development. The city would then be left with fragmented rural land. The Heritage New Zealand website lists the large numbers of heritage homes that have been lost to developers subdividing land and the development of residential homes.

In my view the protection of a heritage building is nowhere near a good enough reason to set aside the rules that govern rural zones. These rules are in place to protect the zone from incompatible development, ie residential homes. The rules are not there to protect a house. The Heritage New Zealand website states that entry on the list does not equal automatic protection.

In 2003 the owners of 25 Ashton Street subdivided off 9.9468ha under the then current rural zones rules that allowed subdivision down to 6ha. This had the effect of turning what would have been a productive and workable farm down to the current 9.5836ha 25 Ashton Street currently occupies. This present application looks to once again diminish the lot size of this once sizeable and productive farm to suit the current owner's situation.

The rural zone section of the Second Generation District Plan notes the principal functions of the rural environment are firstly to provide for productive rural activities such as pastoral farming, livestock, horticulture and forestry and associate resource-based activities; and secondly the provision of ecosystem services –soil, water and air resources and the setting for the vast majority of the city's indigenous vegetation and

habitat for indigenous species. Carving 25 Ashton Street down into two very small lot sizes erodes the ability of this property to operate as a farm (which it presently does with sheep grazing and hay making) and would make it very desirable to a developer who wishes to purchase land to build residential properties.

I am also unconvinced that any person who would purchase the proposed 6ha lot would build a residential home next to a busy train line. Inquiries have further cemented my view that if resource consent were granted the purchaser can relatively easily apply to have the proposed house lot moved to a different site within the 6ha. I am also not convinced that a purchaser would be interested in purchasing a property that is too large for a few sheep and a couple of horses and too small to be a productive farm unit. No farmer worth his or her salt would set out to operate a productive farm from 6ha.

My view is that if the current owners of 25 Ashton Street is finding it difficult to manage the property as it is, then they need to consider selling the property rather than seeking permission to do something that is a non-complying activity in the city's rural zone. This same thinking applies to all of us when we find our properties have become too large for our needs or ability to maintain and we are faced with the often hard, but necessary decision to sell our property and purchase a smaller property that we are able to manage. Whether we own a listed heritage home, a home that fits the criteria to become a listed heritage home or another home we are all faced with the expense of maintaining our homes and if that becomes too much, selling is the only realistic option. I believe the proposal's comparison with the 949 Highcliff Road subdivision is not helpful as in that case the "balance land" land complied with the rural minimum area... What the comparison fails to acknowledge as a major point of difference is that 25 Ashton Street enjoys existing use rights as it is today. It is misleading to say that it is non-complying.

I believe there are quite a few properties in the Taieri Plain rural zone that contain a house that would meet the criteria of a heritage home but for a variety of reasons these property owners do not wish to list their homes as heritage homes. If resource consent was granted to this application that could mean owners of those properties could apply for heritage recognition prior to applying for resource consent to subdivide. The Council would be placed in a position of being unable to deny resource consent to those properties due to the precedent set by granting resource consent to the present application.

The proposal states the "site is undeniably significant in terms of the City's heritage and it has a high heritage value. There are no other even vaguely similar sites in the locality." That is the author's view only. The house at 25 Ashton Street is listed as category 2 in the Heritage New Zealand register. The home does not meet the criteria of category 1 that contains historic places of "special or outstanding historical or cultural significance or value". It is spurious to state the home is of "high value to the City." As the proposal points out "Johnstone Homestead has been present on the Taieri Plains for over 150 years, yet the majority of the public are not aware that it exists." It is not open to the public. Until I received the proposal in my mailbox I was not aware of its existence and I am a neighbour of it! I am unconvinced of 25 Ashton Street's value to a city that is unaware of its existence and does not allow anyone to view it. Where is the value to the City?

I purchased my property in Shaw Street in December 2016 and the open rural outlook and amenity was most definitely a major selling point of the property and the primary reason why I purchased the property. I had spent a year looking for a property in Mosgiel rejecting many properties as they were jammed in and provided nothing more than a house with high fences that provided minimal privacy. Shaw Street and the streets that flow down from it towards Bush Road all enjoy rural views and the amenity of living on the edge of the rural zone.

Summary

The only safe decision for the Hearings Committee to make is to decline the application. The heritage home is well protected as it currently exists under its existing use rights. If the proposal to subdivide is granted resource consent, anything is possible into the future. A well-resourced and determined developer will find loopholes and armed with a competent lawyer who will push through their development plans.

Attaching conditions to a resource consent do not offer any genuine certainty to the proposal as any conditions can be varied or removed into the future by applying for a variation of resource consent. Even a legal covenant does not afford certainty as this would always be open to legal challenge.

Protection of a heritage home should never trump sound district plan rules that exist to provide protection of a zone that is precious to all New Zealanders, now and into the future.

As the Second Generation District Plan Rural Zone introduction states:

The key issues facing the rural zone are:

- The fragmentation of rural landholdings from subdivision, which can lead to rural properties too small to be used for productive purposes. Dunedin already has a large number of small rural sites as a result of historic subdivision patterns and further pressure for rural residential (lifestyle block) activities in rural areas threatens to further fragment rural land; and
- Non-productive land uses or those activities that would ordinarily be expected to locate in the urban parts of Dunedin, seeking to locate in rural areas.

Karen Warrington
26/6/2017

Laura Mulder

From: Pam Butler <Pamela.Butler@kiwirail.co.nz>
Sent: Monday, 26 June 2017 04:31 p.m.
To: Planning; Resource Consent Submissions
Cc: Tom Anderson
Subject: Submission on SUB-2017-5, LUC-2017-52 and LUC-2017-236: Application to subdivide 25 Ashton Street, Mosgiel into two lots, and to establish residential activity on both new lots
Attachments: KiwiRail RMA submission on Rutherford limited notified application.pdf

Dear Sir/Madam

Attached please find KiwiRail's submission to the above application.

Please contact me if you require anything further.

Kind regards

Pam Butler
Senior RMA Advisor



(KiwiRail Holdings Ltd)

Ph: +64 4 498 2127 (extn 42127) | Mob: tba

Email: Pamela.Butler@kiwirail.co.nz

Level 3, Wellington Railway Station, Bunny Street, Wellington 6011 | P O Box 593, Wellington 6140, New Zealand

Backbone of integrated transport networks



26 June, 2017

Dunedin City Council
PO Box 5045
Moray Place
Dunedin 9058

By Email to: resconsent.submission@dcc.govt.nz

Dear Sir/Madam,

**Form 13
Resource Management Act 1991**

**Submission on SUB-2017-5, LUC-2017-52 and LUC-2017-236: Application to subdivide
25 Ashton Street, Mosgiel into two lots, and to establish residential activity on both
new lots**

Submitter Details

<i>Full Name</i>	KiwiRail Holdings Limited (KiwiRail)
<i>Address for Service:</i>	PO Box 593, Wellington 6140
<i>Telephone:</i>	04 498 2127
<i>Email:</i>	Pamela.Butler@kiwirail.co.nz

KiwiRail **oppose** this application, and do wish to be heard in support of this submission at a hearing. If others make a similar submission, KiwiRail would not consider presenting a joint case with them.

The specific parts of the application that this submission relates are:

- The location of the proposed building platform on Lot 1 (as shown on the drawing entitled '*Plans of Lots 1 & 2 being proposed subdivision of Lot 1 DP 304960-CR 20454-25 Ashton Street Mosgiel*' (Drawing No 16S02_SP_C) prepared by Simon Jenkin Licensed Cadastral Surveyor and dated April 2017.

KiwiRail's Submission is:

As is noted in the application, KiwiRail's Main South Line (MSL) adjoins the southern boundary of the subject site. KiwiRail has an interest in protecting the operation and use of the line.

The establishment of a noise sensitive activity (a residential dwelling) 40metres(m) from the MSL rail corridor has the potential to give rise to reverse sensitivity effects, and therefore impact the operation of that line. This is recognised in the application documentation.

KiwiRail are not opposed to residential development adjacent to the rail corridor, however seeks that this be designed and constructed to ensure that reverse sensitivity effects are mitigated to the greatest extent practicable.