

Reference: RMA2006-0973/5109478/214272, 214271
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18 January 2007

Kathrin Gilles and Simon Christensen
C/- Beca Carter Hollings and Ferner Ltd
PO Box 555
DUNEDIN

Attention: Peter Constantine

Dear Peter

RESOURCE CONSENT APPLICATION

**RMA 2006-0973
K GILLES AND S CHRISTENSEN
15 DARNELL STREET
DUNEDIN**

The above application for resource consent to construct a residential unit on the site at 15 Darnell Street, Dunedin, was processed on a notified basis in accordance with sections 93 and 94 of the Resource Management Act 1991. The Hearings Committee comprising Councillors Weatherall (Chairperson), Richard Walls, Andrew Noone and Mr John Bellamy (Member, Otago Peninsula Community Board) heard the application in public on 21 December 2006.

At the end of the public part of the hearing the Committee in accordance with section 48(1) resolved to exclude the public.

The Committee **granted** consent (with conditions) to the application on 21 December 2006. The full text of this decision commences on page 5.

The Hearing and Appearances

The following people were in attendance at the hearing.

The Applicant

Represented by:

- Mr Peter Constantine, Consultant Planner, Beca Carter Hollings and Ferner Ltd;
- Mr Simon Christensen, the Applicant;
- Ms Kathrin Gilles, the Applicant;
- Mr Mike Moore, Landscape Architect.

Submitters

- Mrs Lala Frazer, Save The Otago Peninsula (STOP) Incorporated Society;
- Mr Craig Werner.

Council Staff

- Mr Darrell Thomson (Planner, Handling Officer);

- Mrs Jo Oranje (Senior Planner, Advisor to Committee);
- Ms Karen Bain (Governance Support Officer);
- Mr Barry Knox (Landscape Architect).

Procedural matters

No procedural or jurisdictional matters were raised at the hearing.

Principal issues of contention

The following are the principal issues of contention:

- The effects of the proposal on the landscape values of the Peninsula Coast Outstanding Landscape Area;
- The relevance of the location of the dwelling within a Visually Recessive Area of the Outstanding Landscape Area;
- The effects of the proposal on the ecological values of the site and beyond;
- The effects of the proposal on the sustainability of the Rural zone and Landscape Management Area;
- Whether the proposal exhibited a true exception to avoid the setting of an undesirable precedent and thus protect the integrity of the District Plan.

Summary of The Evidence Heard

Introduction from Handling Officer

Mr Thomson, the Handling Officer, summarised his report, describing the activity and the site as it currently exists. He displayed aerial photographs for the benefit of the Committee and referred to them to indicate the extent of the Darnell Street road formation that is maintained by Council, and to highlight the presence of other sites in the area that were similar in size to the subject site. As a general remark, Mr Thomson also commented that there might be potential to amalgamate the site with adjoining land to create a site of complying area.

Mr Thomson noted that in many respects he considered the adverse effects of the proposal to be no more than minor. The matters of concern to him were the effects on the sustainability of the Rural Zone and, to a lesser extent, on the landscape; the conflict with relevant objectives and policies; and the potential for the integrity of the District Plan to be compromised.

Mr Thomson recommended that the application for resource consent be declined.

The Applicant's Case

On behalf of Ms Gilles and Mr Christensen, Mr Constantine tabled and spoke to his evidence. Mr Constantine emphasised that the site was located within a Visually Recessive Area of the landscape management area. He advised that the applicants proposed a land management strategy to enhance the natural value of the site and improve the amenity values offered by the site. Measures included the fencing off of areas of indigenous vegetation and fauna; regular weed and pest plant eradication; trapping of rabbits and possums; and the establishment of a QEII covenant protecting the existing native bush. Mr Constantine advised that the proposal also included a covenant preventing further subdivision of the site unless the future provisions of the District Plan allow such activity.

With regard to particular actual and potential effects, Mr Constantine contended that:

- The visual effects will be minor when viewed from other properties and Tomahawk Road due to the presence of bush (existing and proposed) and the mitigating factor of distance.
- The important features and characteristics of the Peninsula coastal landscape would be protected and preserved because of the continued dominance of the natural elements and the positioning of the dwelling in the northwest corner of the site.
- The ecology of the site would be improved due to increased riparian planting, control of gorse, and fencing off of waterways and native bush.

- The development will result in only a minor increase in vehicle movements on Darnell Street;
- There is sufficient area for on-site parking and manoeuvring;
- The proposal will not require an unsustainable expansion of infrastructure – land-based effluent disposal is proposed and sufficient water will be stored on-site for domestic and fire-fighting supplies;
- There will be no conflict or reverse sensitivity issues because the applicants will continue to practice a rural activity on the site.
- The proposal would contribute to long-term sustainability of the environment with only 5% of the site to be utilised for residential purposes and the ability to live on the site would improve the extent to which the land can be managed.

Mr Constantine provided further assessment of the proposal in terms of the objectives and policies of the District Plan noting that the proposal was generally consistent, and at worst, neutral in respect of the relevant provisions of the Plan. He reached a similar conclusion in terms of the Regional Policy Statement for Otago. He considered the application could pass through both 'gateways' of section 104D and was consistent with the purpose and principles of the Act.

In Mr Constantine's view, approval of this application would not set a precedent because it is fanciful to believe that an application with an entire suite of similarities would co-exist and that in factual terms, no two applications are ever likely to be the same. It might serve to influence the consideration of other consents, depending on the extent of similarities.

In response to questioning from the Committee, Mr Constantine advised that a portion of the Tomahawk Lagoon lay within the subject site and that the proposal did not include provision for public access to the Lagoon, although it also did not prevent the access via Darnell Street.

Mr Christensen tabled and read his evidence on behalf of himself and Ms Gilles. He provided some of the history of their ownership of the site and outlined their vision for the land, including long-term residency with a large degree of self-sufficiency. He provided plans of the proposed dwelling and accessory buildings. Mr Christensen informed the Committee that it was their intention to build the barn first, in which they would live until the dwelling was completed, anticipated as being within 2 years of the construction of the barn. The proposed fencing was their highest priority in terms of the landscape development/management plan.

Mr Moore tabled his evidence, and copies of the plans and photographs that had been submitted with the application. He described the landscape features of the site and the values that are protected by the Outstanding Landscape Area provisions. He provided details of the size and nature of the proposed site works, noting in particular, that the dwelling had a maximum height of 7 metres (at the highest point of house on lowest part of site).

Mr Moore considered the landscape effects to be mitigated by the building siting, building design and appearance, and site development controls to the extent that any such effects would be no more than minor. A proposed landscape management plan includes a significant planting programme and appropriately managing the bush, which will enhance the visual and ecological values of the property. Mr Moore considered that water and soil quality, biodiversity values and the coherence of the natural landform would be enhanced. He tabled a set of guidelines for the planting programme.

With respect to the creation of precedent, Mr Moore advised that while he agreed that the application does not represent a true exception, he believed every site and proposal is different and can be assessed on its merits. He considered the Tomahawk Lagoon to be a special feature of this site and that this application "sets a high benchmark for environment performance" involving controls on changes to the landscape character, maintenance of the rural use of the bulk of the site, enhancement of the natural values of the site and low levels of visual impact. In Mr Moore's opinion, a development involving these elements should be considered as a "positive precedent which will lead to a net enhancement in the landscape values". If development on adjoining sites use this application as a precedent and exhibit similar levels of integration and enhancement then this would also be positive.

When questioned by the Committee about the significance of the Visually Recessive Area notation, Mr Moore advised that he was involved in the mapping of those areas and that they related to the location of forestry and not to buildings.

Mr Moore clarified that earthworks would alter the ground level by approximately 1 metre. He outlined the alternative dwelling locations on the site that the applicants had considered and explained why the chosen location was the most appropriate.

Analysis by Council's Landscape Architect

Mr Knox advised that he substantially agreed with Mr Moore's assessment submitted with the application. He was satisfied that the landscape effects would be no more than minor.

Submitters

Mrs Frazer

Mrs Frazer spoke on behalf of Save The Otago Peninsula (STOP), an incorporated society. She advised that STOP fully supported Mr Thomson's report and recommendation to reject the proposal. STOP's chief concern related to the matter of precedent. The society's interests are in protecting the native bush and streams and the principles of the District Plan. Mrs Frazer believes there is unease that suburbs were creeping into rural land, which STOP does not consider to be in the best interests of the Peninsula.

If consent is to be granted, Mrs Frazer requests that the applicants be tied down to the proposed landscape development works with a firm management plan and a timeline. She recognised the expense of work of this nature and offered STOP's expertise and knowledge in matters such as seeking grants, regardless of the outcome of the consent process. Her own knowledge of the area lead Mrs Frazer to advise the Committee that the Lagoon's wetlands have the greatest number of endemic botanical species of any location on the Peninsula.

Mr Werner

Mr Werner tabled and spoke to his evidence. In Mr Werner's view, the house design is not appropriate and is of the minimum design specification for even the "lowest classed Rural zoned areas" let alone an Outstanding Landscape Area. He considered the preservation of rural land and character, and the enhancement of bush to be "ordinary" aspects of lifestyle block ownership and that the benchmark was not sufficiently high. Mr Werner stated that consideration of viewing distance as a mitigating factor is suspect, particularly with regard to cumulative effects as many more dwellings could gain approval on the basis of the same argument. Mr Werner expressed concern at the sprawl of development from the urban fringe. He considered 7 metres to be tall for a single-level dwelling that would be located on a visual promontory.

Handling Officer's Review of Recommendation

Reviewing his recommendation, Mr Thomson reiterated that his chief concern was the precedent that could be set by granting the consent. There are a number of small sites on the Peninsula and approval of the application could result in pressure for consent to develop others.

He noted that there was common ground between the Landscape Architects that the adverse effects on the landscape would be no more than minor. Mr Thomson advised that, if the Committee was of the mind to grant consent to the application, he could not support the use of a covenant restricting future subdivision of the land, as promoted by the applicant. Any further subdivision requires resource consent and would be likely to be publicly notified meaning there is little point in having the covenant. He also noted that the Committee could impose some form of covenant to protect the bush to cover the possibility of the QEII covenant not being established.

Notwithstanding the above comments, Mr Thomson remained of the opinion that resource consent for this proposal should be declined.

Applicant's Right of Reply

In his right of reply on behalf of Ms Gilles and Mr Christensen, Mr Constantine advised that the proposed house design was intended to reflect the style of house that could have originally been on the site. The applicants would accept a timeline imposed on the management plan. He advised that some fencing and planting had already been completed. In turning his mind to the aspects of the proposal that could result in the development being considered a true exception Mr Constantine suggested:

- The site extends from the residential area of Highcliff Road to the Lagoon so there cannot be further creep towards the sea
- The proposal includes the opportunity to secure further enhancement of the Lagoon
- The certificate of title is old (1936), although Mr Constantine recognised that this is not unique
- The proposal involves a covenant preventing further development meaning that Council is not put in a position of making a decision on the appropriateness of further subdivision.
- Appropriate conditions can be imposed.

Statutory Provisions

In accordance with section 104 of the Resource Management Act the recommending report to the Committee detailed in full the relevant statutory provisions and other provisions the Committee has considered. These statutory provisions included the following Part II matters of the Act, sections 5(2)(a), (b) and (c), 6(c), and 7(b), (c), (f) and (g). Regard was given to chapters 4: Manawhenua, 5: Land and 9: Built Environment of the Regional Policy Statement for Otago. As detailed in the recommending report, regard was then was the given to the relevant provisions of the following chapters of the District Plan, 4 Sustainability, 5 Manawhenua, 11 Ports, 20 Transportation and 21 Environmental Issues.

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 on 21 December 2006.

The Committee reached the following decision after considering the application and the submitter's concerns under the statutory framework of the Resource Management Act 1991:

RMA2006-0973

*That pursuant to section 34A(1) and 104B and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a non-complying activity to establish a residential activity at 15 Darnell St, Dunedin, being the land legally described as Part Sections 5 and 6 Block VII Andersons Bay Survey District (OT275/10), subject to the following conditions imposed under section 108 of the Act:*

- 1 *That the proposed activity shall be given effect to generally in accordance with the undated plans titled 'Proposed building siting plan' (Figure 6) and Property Landscape Development/Management Plan' (Figure 7) and the information submitted as part of resource consent application RMA 2006-0973 received by Council on 12 October 2006, and the undated plans of the dwelling and accessory buildings tabled at the hearing as part of Mr Christensen's evidence, except where modified by the following conditions;*
- 2 *The vehicle access shall be designed to minimise longitudinal gradients.*
- 3 *The maximum change in gradient without transition shall be no greater than 8°.*

4 Landscape development shall be implemented and maintained in accordance with the detail outlined in Mike Moore's evidence tabled at the hearing, specifically Paragraphs 22-26, Appendix A and the attached plans. This landscape development must be undertaken in the following stages:

- (i) Stage 1 comprising, at least, the fencing of existing native bush and the waterways to prevent access by stock, and the plantings to screen the barn and the vehicle access to the buildings. This work must be completed within two years of the date of this consent and before construction on the dwelling commences.*
- (ii) Stage 2 comprising, at least, the plantings to screen the dwelling. This must be completed within 12 months of the residential occupation of the dwelling.*
- (iii) Stage 3 comprising the remainder of the landscape development and site development controls. This work should be undertaken at a steady rate and shall be completed within 10 years of the date of this consent. Note, Council staff will monitor compliance with this condition at two-yearly intervals.*

5 The timber weatherboards of the proposed dwelling shall be stained or painted before fixing so that the timber does not weather to a very light colour that would appear bright when viewed from off the site. All stained or painted surfaces of the buildings shall have a reflectivity value of 10% or less. The consent holders shall submit to Council's Architecture and Urban Design department, for the approval of the Landscape Architect, the proposed colour of any timber stain or paint to be applied to the weatherboards and the proposed colours and materials for the dwelling's roof and the exterior surfaces of the accessory buildings.

ADVICE NOTES

- 1 The consent holders are advised that Council will require an earthworks permit to be made and issued prior to the commencement of on-site earthworks for the building platforms.*
- 2 Council's Engineers, MWH, advise the consent holders that any proposal to site the on-site effluent disposal system on slopes exceeding 15° to the horizontal, Council will require the system to be specifically designed by a suitably qualified person.*
- 3 The consent holders are advised to refer to the Dunedin City Council "Guide To On-site Waste Water Management" which sets out the requirements for water supply and waste water for rural sites. Copies are available at the Dunedin City Council Building Control counter and may be further discussed with the Duty Drainage Inspector or the Technical Support Officer.*
- 4 It is recommended that a minimum of 20,000 litres of water be stored on the site and available at all times for fire fighting purposes. Alternatively, a sprinkler system may be installed. All aspects relating to the availability of the water for fire fighting, including access to the tank, the fire hose couplings and the water volume required for sprinklers should be in accordance with SNZ PAS 4509:2003, being the Fire Service Code of Practice for Fire Fighting Water Supplies. If the fire-fighting water supply is not stored in a dedicated tank, it is suggested that the water tank/s be plumbed to ensure the 20,000-litre fire-fighting reserve is not drawn down during normal domestic usage. It is also recommended that the applicants give consideration to the width of the gate to ensure it is wide enough and allows for adequate manoeuvring for easy access to the site by emergency vehicles.*
- 5 Noise from construction works frequently causes complaints to Council. All construction work on the site shall be designed and conducted to ensure that construction noise from the site does not exceed the noise limits in the following table.*

<i>Time of Week</i>	<i>Time Period</i>	<i>Leq (dBA)</i>	<i>L max(dBA)</i>
<i>Weekdays</i>	<i>0730-1800</i>	<i>75</i>	<i>90</i>
	<i>1800-2000</i>	<i>70</i>	<i>85</i>
	<i>2000-0630</i>	<i>45</i>	<i>75</i>
<i>Saturdays</i>	<i>0730-1800</i>	<i>75</i>	<i>90</i>
	<i>1800-2000</i>	<i>45</i>	<i>75</i>
	<i>2000-0630</i>	<i>45</i>	<i>75</i>
<i>Sundays and public Holidays</i>	<i>0730-1800</i>	<i>55</i>	<i>85</i>
	<i>1800-2000</i>	<i>45</i>	<i>75</i>
	<i>2000-0630</i>	<i>45</i>	<i>75</i>

Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction noise.

- 6 *Environmental Health advises that matters concerning dust and odours from construction are dealt with by the Otago Regional Council.*
- 7 *Environmental Health advises that household and solid waste must be removed at regular intervals to an authorised refuse tip, so as not to cause a nuisance. Burial on site is not permitted.*
- 8 *In addition to the conditions of a 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. A similar responsibility exists under the Health Act 1956.*

Reasons for this Decision

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

- 1 The Committee accepts the evidence of Mr Moore that the Visually Recessive Area sub-layer of the Landscape Management Area is of little relevance to this application because the classification relates to the establishment of forestry in significant landscapes. This is substantiated by the rules of the Landscape section of the District Plan where the Visually Prominent and Visually Recessive Areas are only differentiated with respect to forestry.
- 2 The Committee recognised the concurrence of the opinions of the landscape architects. In the absence of any convincing evidence to the contrary, the Committee is satisfied that the effects of the proposal on the Outstanding Landscape Area will be no more than minor, and in many respects, the landscape will be enhanced. The applicants are to undertake a native planting programme of significant extent. These plantings will serve to screen the built elements and the vehicle access, and add to the existing native vegetation already on the site. In addition, all existing areas of native bush are to be fenced, and a pest (plant and animal) control programme implemented. This will result in the enhancement of the existing areas of bush, which will make a further positive contribution to the landscape values offered by the site.

In order to ensure that the dwelling and accessory buildings do not give rise to significant visual impact, the colours and materials are required to be specified and submitted to Council's Architecture and Urban Design (AUD) department for approval. The applicants have provided a general indication of the exterior colour scheme suggesting dark colours such as olive green, grey or brown, with a low reflectivity value. The use of natural oiled timber weatherboards did not find favour with the Committee. In the Committee's experience, most varieties of timber have a tendency to weather to light, bright shades, which could give rise to greater visual effects than the concept suggests. For this reason, the Committee asks that the applicants treat

the boards with stain or paint before fixing, after seeking confirmation from AUD that the colours selected are appropriate to ensure that the building is sufficiently integrated.

- 3 No evidence was provided by a qualified ecologist regarding the effects of the proposal on the ecological values of the site. However, the evidence of Mr Moore was sufficient to satisfy the Committee that the landscape development/management plan would give rise to positive effects on the biodiversity of the site and ecological values of both the site and the Tomahawk Lagoon. This will be achieved primarily through the fencing of the bush and waterbodies to prevent the damage of access by stock, but also through the augmentation of the native bush on the site. This protection of the tributary streams will consequently lead to a degree of enhancement to the water quality of the Lagoon. While her submission was in opposition to the proposal, Mrs Frazer's advice that the Lagoon is home to the largest number of endemic botanical species on the Peninsula highlighted the importance of the ecology of this location. In the Committee's opinion, the landscape development works will support the sustainability of the valued plant species there. The Committee recognised that the application for residential use of the site is the means through which this degree of protection and enhancement could be established.
- 4 The Committee acknowledged Mr Thomson's concern that the residential use of an undersized Rural site could have adverse effects on the sustainability of the rural land resource. However, the Committee considered that this site had limitations in terms of rural productivity and that the site made a more significant contribution to sustainability through the enhancement of the landscape and ecological values. In addition, in the Committee's opinion, the land is more likely to be better managed through the permanent presence of the applicants on-site.
- 5 In the Committee's opinion, the adverse environmental effects of the proposal would be no more than minor. The Committee considered the activity in terms of the objectives and policies of the District Plan. While accepting that the application did not necessarily find support in the objectives and policies of the Rural Zone, the Committee was satisfied that the proposal did not goes as far as being *contrary* to the relevant key objectives and policies. Consequently, the application meets both limbs of section 104D of the Act and the Committee was able to consider granting consent to the proposal.
- 6 The Committee took seriously the matter of whether approval of the application would create an undesirable precedent. In recent times, the Hearings Committee has declined resource consent for residential activities on undersized sites in the landscape areas (Mt Cargill Road RMA2005-1015 and McKendry Road RMA2006-0540). The Mt Cargill Road application was considered to give rise to more than minor adverse effects and to be contrary to the objectives and policies of the District Plan. While the Committee was not required to give consideration to the matter of precedent in that case (because the proposal did not pass through a 'gateway' of section 104D of the Act), it was still determined that the application did not display sufficient features that resulted in it being a 'true exception' and that had approval been possible, it could have compromised the integrity of the District Plan provisions. With respect to McKendry Road, the Committee accepted that any adverse effects of the activity on the landscape values would be no more than minor. Similarly, in terms of ecological values, the Committee was of the opinion that while adverse ecological effects were possible, they would be no more than minor. In the McKendry Road application, some concern remained over potential cumulative effects, but the area of most concern to the Committee was the absence of a true exception.

Turning then to the subject application at Darnell Street, the Committee distinguished this proposal from the two examples above in the following ways:

- (i) The activity will have no more than minor adverse effects on the landscape values of the relevant landscape management area, and in fact, could enhance

- those values through the protection of existing bush and augmentation of the existing native plantings; and
- (ii) While the McKendry Road proposal was said to have no more than minor adverse effects on the ecological values, in this instance the Committee recognised that the proposal would actually *enhance* those values, through protection of the bush, augmentation of the bush and protection of the waterways that feed to the Tomahawk Lagoon, thus resulting in positive ecological effects on the site and beyond; and
 - (iii) The application exhibits sufficient features that result in it being outside the generality of applications for residential use of undersized sites in the landscape areas, namely:
 - (a) The presence of the Tomahawk Lagoon, which lies partially within the site;
 - (b) The inclusion of significant works to improve landscape and ecological values (described by the Landscape Architects as being a high benchmark for others to aim to meet);
 - (c) The land is of limited use for productive rural activities given the presence of waterways and tracts of native bush, the topography (a large proportion of which is steeply sloping), and its location on the southeastern-facing side of the Peninsula.
 - (d) The site is the only property lying between the existing residential area and the Lagoon meaning there can be no further creep towards the Lagoon.

For the above reasons, the Committee is satisfied that approval of this application will not set an undesirable precedent that could compromise the integrity of the District Plan. It is unlikely that any other site would include this package of circumstances and the application was therefore considered to be a 'true exception'. In addition, the Committee agreed with the opinion of the Landscape Architects that the extent of landscape and ecological improvements included as part of this application is a positive precedent to be set and may encourage others to similarly protect and enhance the natural resources of the District.

- 7 The Committee noted, but did not find favour with, the applicants' offer of a restrictive covenant preventing further subdivision of the land. Any such proposal would require resource consent, at which time the effects of the activity can be thoroughly assessed, along with consideration of the relevant objectives and policies of the District Plan. The Resource Management Act 1991 is an enabling document, and a covenant that stymies the rights of a party to apply for consent for anything other than a prohibited activity, is not consistent with this approach. For this reason, the Committee considered it inappropriate to require this covenant as a condition of consent. The applicants are free to register a covenant of that nature on their own certificate of title if they wish. Staying with the concept of covenants, the Committee deliberated on whether to require the registration of a covenant to protect the existing bush, as there remains a possibility that the QEII National Trust would not agree to creation of the covenant. However, it was determined that the works required as part of the landscape development/management plan will achieve a similar purpose, with fencing off and maintenance of the bush areas. Requiring a covenant was therefore unnecessary.
- 8 The application is considered to be consistent with the purpose of the Resource Management Act 1991 which seeks to promote the sustainable management of natural and physical resources.

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:

064

The Registrar
Environment Court
PO Box 2069
CHRISTCHURCH

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

- The Dunedin City Council
- The applicant
- 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 Darrell Thomson at the telephone number detailed above.

Yours faithfully

Colin Weatherall
CHAIR
HEARINGS COMMITTEE

Proposed buildings, Darnell St, Landscape Assessment

Proposed Buildings, 15 Darnell Street, Dunedin.

Landscape Assessment Report 5 September 2006

Prepared by

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Introduction

Kathrin Gilles and Simon Christensen have applied for Resource Consent to erect a house and implement shed on their 8.09 Ha property at 15 Darnell St, Dunedin. The site is zoned Rural and is within the Peninsula Coast Outstanding Landscape Area in the Dunedin City District Plan. Erection of buildings in this situation is a Non-Complying Activity.

This report addresses the likely effects on the landscape arising from the proposed development on the site. It will be structured as follows:

- The landscape character of the site and surrounding area.
- Landscape values associated with the site and area.
- The proposed development and mitigation measures.
- Assessment of visual effects.
- Conclusion

The landscape character of the site and surrounding area

Site description

The property is located on the north-eastern side of the lower portion of Darnell St. Most of it occupies lower east facing slopes below the suburb of Shiel Hill to the north of Tomahawk lagoon, as well as a section of valley floor and a small portion of western facing slopes on the other side of the stream. The proposed building site is located in the south western, and highest corner of the site, on a minor spur landform. Most of the land is in pasture but there is an area of native bush on the slopes to the north of the house site and raupo dominated wetland associated with the Tomahawk Lagoon in the southeastern corner.

The bush on the site is dominated by Mahoe and Ngaio but includes Totara, Pittosporum, Broadleaf and Coprosma. Its condition is reduced by the presence of Sycamore and Hawthorn in a few places as well as the impact of stock grazing. It is currently unfenced from the remainder of the property.

A small un-named stream runs through the property. The riparian areas associated with this include areas of gorse which is now mainly dead. A wet swale runs into this stream from the western slopes. This too has scrub (mainly dead) gorse associated with it as well as Mahoe.

Double power poles 10m high are located close to the proposed house site and power lines run across the property to similar poles on the eastern boundary of the site. Apart from fences, power poles and an old rusting silo near the stream, there are no structures

on the site at present. An existing track provides access to the house site and the lower paddocks from Darnell St.

Area description

The site is within the rural environment on the steeper slopes below the suburban area of Shiel Hill. This landscape is characterised by open pasture land interspersed with exotic shelterbelts (mainly *Macrocarpa*) and small exotic plantations (mainly Pine) as well as patches of scrub and bush. There are few buildings present.

Figures 1 - 5 illustrate the character of the site and area.

Landscape values associated with the site and area

Landscape values established in the Dunedin City District Plan

The site is located in the Rural zone and within a 'visually recessive' part of the Peninsula Coast Outstanding Landscape Area in the Dunedin City District Plan. The provisions of the District Plan either explicitly or implicitly give an indication of the communities values associated with these areas / zones as follows:

Chapter 6: Rural

Objective 6.2.2 and Policy 6.3.5 provide for the maintenance of the amenity values associated with rural character. The 'key elements' listed can be summarized as low built density, a significant influence of natural landscape elements and rural land uses.

Chapter 14: Landscape

Objectives 14.2.1, 14.2.2, 14.2.3, 14.2.4, and Policies 14.3.1, 14.3.2 and 14.3.4 seek to protect Dunedin's outstanding natural features and landscapes, protect the natural character of the coastal environment and ensure that development and land use integrates with the character of the landscape and does not adversely affect landscape quality.

Section 14.5.1 describes 'Outstanding Landscape Areas' (OLA's) as 'landscapes of strongly defined character and dramatic scenery' and lists the 'features and characteristics to be protected'. These can be summarized as

- Rural / natural character including the dominance of natural elements over built.
- Natural features including landform features and native vegetation.
- Important views
- Historic cultural features
- Significant wildlife
- Places of significance to Maori

Values assessment

The slopes below Shiel Hill are on the edge of the urban area and while the landscape is rural, its character is modified to some extent by the presence of the suburban landscape above. The transition from urban to rural however is relatively sharp, reflecting the change in the steepness of the landform.

The key attributes of this area are its open, un-built rural character and the presence of some areas of native bush. Its landscape values are reduced to some extent however by the presence of considerable areas of scrub (mainly Gorse) which give it a somewhat unkempt appearance and the negative impact of shelterbelts and woodlots on the coherence of the landform.

The proposed development and mitigation measures

Project description

The proposal involves development of a house and shed on relatively flat topography associated with a minor spur in the south-western corner of the site adjacent to Darnell St. The key elements in terms of potential effects on the landscape are:

- A house of approximately 200 m², located on the north-eastern side of the spur. This is to be single storey of traditional design, clad in timber weatherboards and with a colorsteel roof. Its maximum height above the ground will be approximately 7m.
- A shed 18 x 7m in area and 3.6m in height (including a double carport), located on the south-western side of the spur. This is to be clad in colorsteel.
- Upgrading of the access track to the house site including the existing track formation on Darnell St. The Darnell St section will be developed to Council requirements. This is likely to involve some minor reforming and metalling. It may involve sealing of the steeper sections. A gravel surface is proposed for the section of driveway on the property.
- Two 20,000 litre water plastic water tanks are to be located at the back (southern side) of the proposed shed.
- Power and telecommunications services are to be located below ground.

Figures 6 and 7 illustrate the proposed development.

Mitigation measures

It is recognized that new buildings in the rural landscape can potentially have adverse effects on views from adjacent properties and landscape values generally. Care has been taken in the planning and design of this project to ensure that any such impacts are avoided, remedied or mitigated as follows:

Building siting

The proposed house and shed have been located to maximize on site amenity in terms of exposure to the sun and views and to minimize costs associated with access. They have also been sited to minimize any adverse effects on landscape amenity from beyond the site. To this end they have been positioned on either side of the minor spur in the south-west corner of the site, and aligned to run along the slope. This keeps the top of the spur as open as possible to minimize the impact on views from the house on the adjacent property (7 Darnell St). The siting also ensures that the buildings relate to the landform and can be integrated without the need for major earthworks.

Building design and appearance

The design of both the proposed house and shed use simple forms and materials commonly used in the rural landscape. Both are long and low in form and will be set into the site with a minimal change to the natural contours. It is proposed that they be finished to minimize visual impact and blend with their setting. The house weatherboards are to be oiled to retain their natural colour and the roof is proposed to be a dark colour, either olive green, grey or brown with a reflectivity value (RV) of 10% or less. The shed is to be clad in a similar colour to the roof of the house. The water tanks will be sited with the proposed shed, and be a dark colour to minimize their visual impact.

Site development controls

A domestic curtilage area incorporating the house and shed and the area in between has been identified on Figure 6. Garden and orchard plantings may be undertaken within this area but will include no golden or variegated species over 1m in height. Figure 6 shows that this area will be defined by a framework of native trees appropriate to the area. This framework will also provide screening from the adjacent property at 7 Darnell St.

Property landscape management plan

The balance of the property is to continue to be grazed, and no new exotic shelter plantings are envisaged. It is intended however to plant a Eucalyptus woodlot for the purposes of firewood production for personal household use only. The location proposed for this is shown on Figure 7 and utilizes a steep slope currently covered in gorse.

It is the applicant's intention to enhance the visual and ecological values of the property including the areas beyond the building site, by undertaking a significant native planting programme and by appropriately managing the existing bush.

Figure 7 illustrates where areas are to be fenced off from stock grazing and new plantings are to be carried out. These areas essentially comprise the riparian areas as well as the steeper slopes and in this way water and soil quality, biodiversity values and the coherence of the natural landform will be enhanced. It is proposed that this planting programme will be carried out over a period of 10 years generally in accordance with the guidelines included in Appendix A.

The existing bush is to be managed to enhance its natural values. Management actions will include fencing the area off from stock grazing, killing, removal or control of exotic weed species such as Sycamore, Hawthorn and Gorse, and pest animal control.

Assessment of visual effects

Distant viewpoints

Except for the properties in close proximity to the west and uphill, the proposed building site has low levels of visibility from surrounding areas. It is possible to see it from a handful of houses in Ocean Grove, a short section of Centre Rd, limited sections of Hilton Rd and a few houses adjacent to Highcliff Rd in the upper part of Shiel Hill. Viewing distances from these places are approximately 1 km or more.

From these viewpoints the proposed buildings will be seen as an outlier, not far removed from the suburban area above. The proposed low building forms, recessive colour finishes and proposed plantings will ensure that visual impact is minimal.

Figures 2 and 3 illustrate views from some of these places.

Adjacent properties

A number of dwellings accessed from Darnell St, Highcliff Rd and Puketai St overlook the proposed building site. With the exception of the directly adjacent property at 7 Darnell St, all of these are considerably higher than the proposed building site and the focus of views from these places is most likely to be across the valley to the distant west facing slopes. Given the intention to provide a planted setting and the proposed low building forms and recessive colours, any visual impacts will be minor.

Figure 5 illustrates a view from 2 Darnell St, close to the boundary with 58 Puketai St.

The house at 7 Darnell St is the closest one to the proposed building site and unlike the other houses higher up the hill; there are currently no houses between this property and the rural landscape to the east. This means that the proposed buildings have some

potentially significant visual impacts on the amenity enjoyed from this location. The proposed development has been planned to be sensitive to this and has sited the buildings off the top of the spur, kept them low and recessively coloured and provided for plantings which will be managed to screen the buildings whilst retaining views of the wider landscape. This will ensure that any adverse impacts are effectively mitigated.

Figure 4 illustrates a view from close to the house at 7 Darnell St.

Conclusion

The site is on the rural / urban interface but within an area which has been identified as an outstanding natural landscape, with key values relating to its rural and natural character.

The proposal has been designed to ensure that the buildings integrate with the rural landscape surrounding, with special care taken to avoid significant adverse effects on the amenity of the adjacent property at 7 Darnell St. No significant adverse visual effects from any viewpoint are envisaged.

The proposal includes measures to enhance the natural values of the property through better managing the existing bush and by embarking on a major planting programme. Whilst a house and shed will be added to the landscape, these will integrate well and overall, the development will result in an enhancement of the landscape.



Mike Moore
Landscape Architect

Appendix A : Planting development and management guidelines

15 Darnell St, Dunedin

Ensure that the planting areas are securely fenced off from grazing animals. Include rabbit proof fencing as required. Spray the areas to be planted to kill competing vegetation. Plant the species listed below at densities of 1.5 -2m. Plant with one slow release fertilizer tablet per plant. Apply a 500mm radius ring of mulch 100mm deep around each plant. Weed or spray as required to ensure weed species do not impede successful plant establishment. Undertake on-going animal pest control, and water as required. Replace any dead plants.

- *Phormium tenax* (Flax)
- *Coprosma propinqua* (Mingimingi)
- *Coprosma crassifolia*
- *Cordyline australis* (Cabbage tree)
- *Cortaderia richardii* (Toetoe)
- *Myoporum laetum* (Ngaio)
- *Myrsine australis* (Matipo)
- *Griselinia littoralis* (Broadleaf)
- *Fuchsia excorticata* (Native fuchsia)
- *Hebe salicifolia* (Koromiko)
- *Melicytus ramiflorus* (Mahoe)
- *Kunzea ericoides* (Kanuka)
- *Pittosporum eugeniioides* (Lemonwood)
- *Pittosporum tenuifolium* (Kohuhu)
- *Hoheria angustifolia* (Narrow-leaved lacebark)



Figure 1 : View toward the proposed building site from the north-eastern boundary of the property

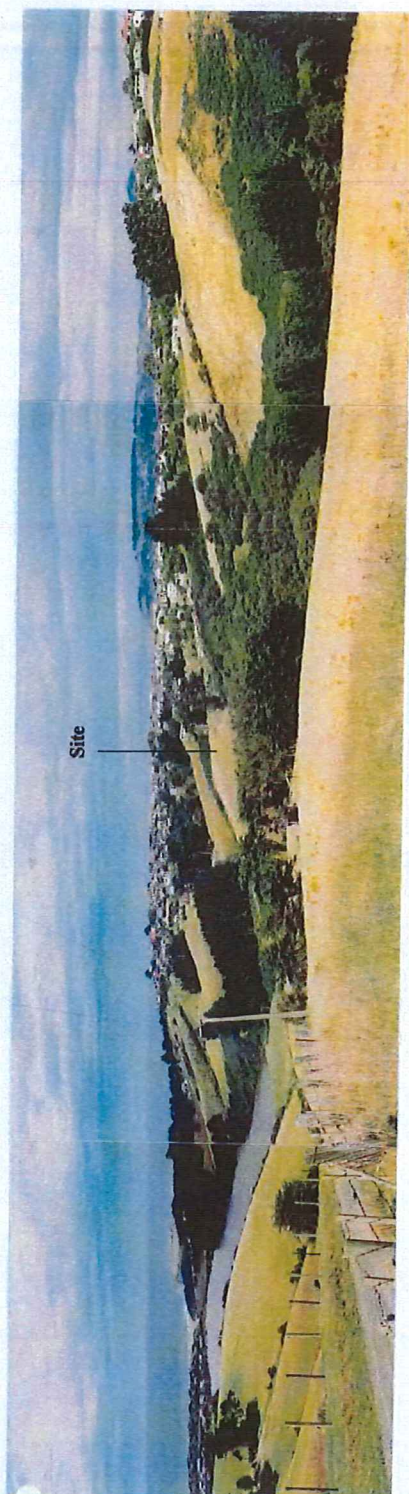


Figure 2 : View toward the site from Hilton Rd



Figure 3 : View toward the site from Centre Rd

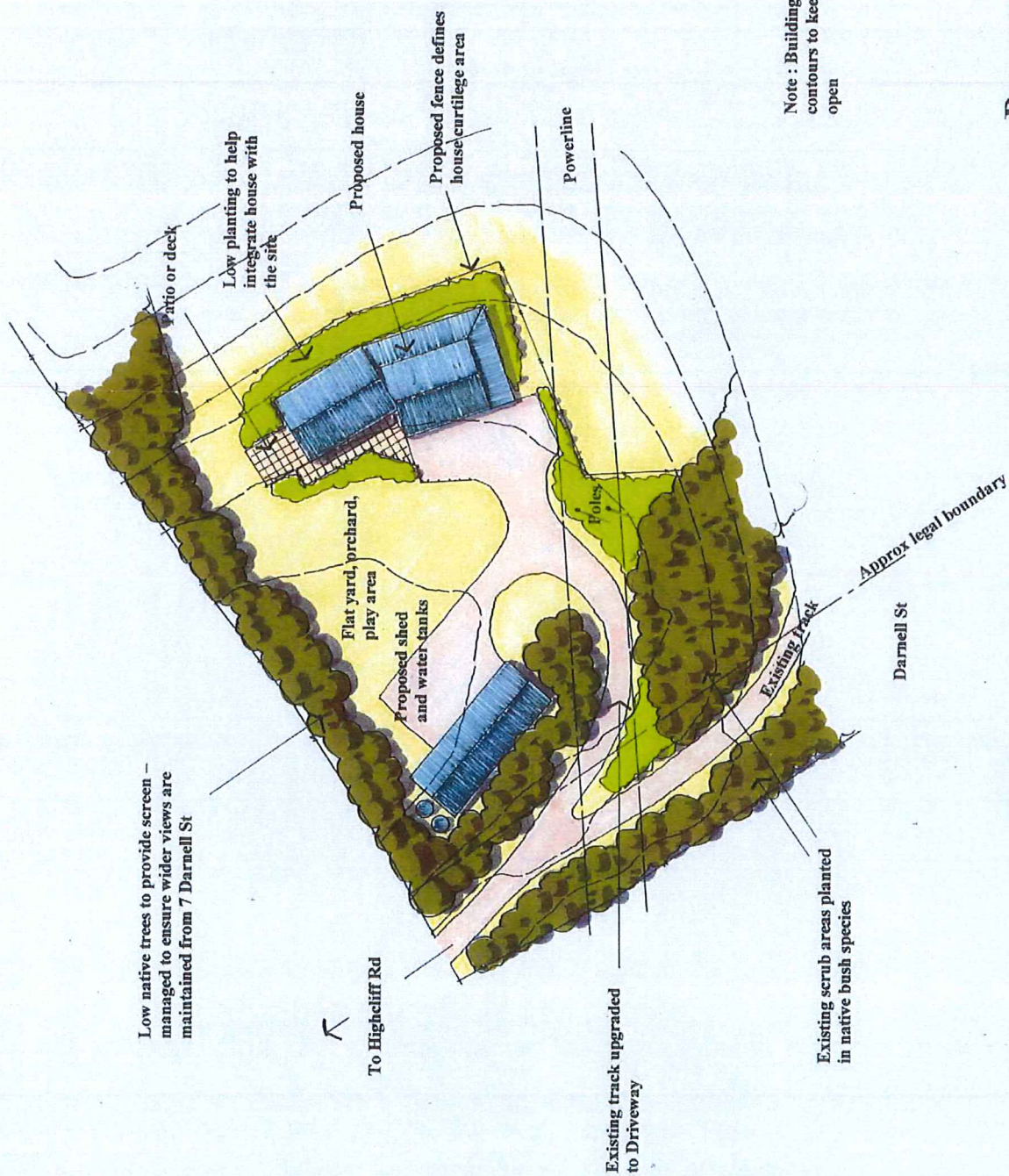
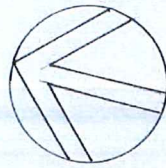


Figure 4 : View across the site from 7 Darnell St



Figure 5 : View across the site from 2 Darnell St near the boundary with 58 Puketai St

Figure 6



Proposed building siting plan
Scale 1:500 (A3)

House site (See figure 6)

Figure 7



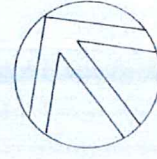
Wetland associated with Tomahawk Lagoon. Edges to be planted in Flax, Coprosma etc

Key

Existing bush

Proposed native plantings

Stream



Property Landscape Development / Management plan

Scale 1: 1500 (A3)