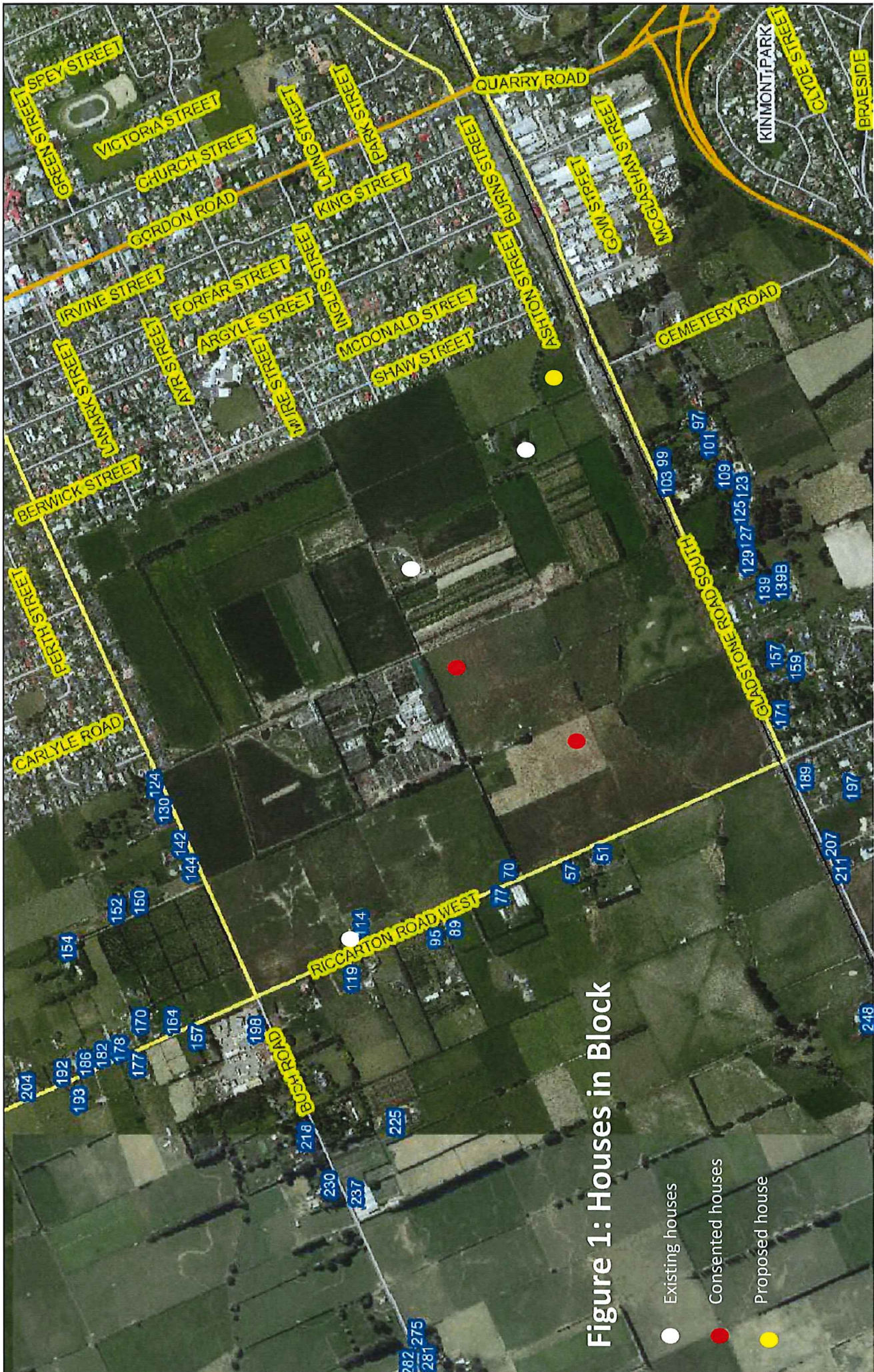


APPENDIX E

SUPPLEMENTARY INFORMATION



From: Warren Hanley <warren.hanley@orc.govt.nz>
Sent: Wednesday, 28 June 2017 05:11 p.m.
To: Lianne Darby; stj@ihug.co.nz
Subject: A J Rurtherford proposed subdivision 25 Ashton Street- ORC comment

Hi Lianne, Simon

Apologies for not providing these comments prior to the close of the submission period. However, I did review the application and based on the information provided, could not identify any reason for ORC to make a formal submission.

However, if I could make a few comments to assist;

Storm water – Its proposed storm water from the new development will be piped and discharged to the Owhiro. My advice to the applicant is to ensure that this activity will not require any need for approval under the ORC's designation along the Owhiro Stream notified in the 2GP (in relation to the placement of any piping as indicated under the discussion in the Services section of the application).

Reduction in capacity of the Owhiro Stream during flooding events (due to the proposed stormwater discharge) may also be an issue of interest to ORC as the stream is part of the East Taieri Drainage Scheme.

ORC's consents team will be able to advise further on the matters as well as how the activity of the discharge of stormwater to water will sit under the ORC's water plan.

NES for Assessing and Managing Contaminants in Soil to Protect Human Health: I couldn't see any assessment had been made under this NES as is required. Apologies if I have overlooked this but I understand the proposal requires at the least a search of both ORC and DCC's records for evidence of any historical HAIL activities.

If you have any questions, please feel welcome to contact me at the office.

Regards



Warren Hanley
Resource Planner - Liaison

Otago Regional Council
70 Stafford St, Private Bag 1954,
Dunedin 9054
Phone (03) 470 7443 or 0800 474 082
www.orc.govt.nz



Reference: City Planning / 25 Ashton Street, Mosgiel / RMA 2000 00493 & 2000-0507
Enquiries To: Blair Devlin
Direct Phone: 474 3325

26 October 2000

AJ & RC Rutherford
c/- Simon Jenkin & Mark Smith
P.O. Box 5195
DUNEDIN

Attention: Simon Jenkin

Dear Simon

RESOURCE CONSENT APPLICATION: 2000-0493 & 2000-0507
Alison & Rosemary Rutherford
25 ASHTON STREET
MOSGIEL

The above application was heard and considered by the Consents Hearing Committee on 18 October 2000. The application was processed on a notified basis in accordance with section 93 of the Resource Management Act 1991.

DESCRIPTION OF SITE / APPLICATION

The subject land is rectangular; approximately 300m wide and 680m long, and is legally described as Part Section 3 Block III East Taieri Survey District. The site is situated adjacent to the South Island Main Trunk Railway (on the southeast boundary) and Mosgiel township (on the northeastern boundary). The north and southwestern boundaries adjoin rural land utilised for horticultural purposes.

The subject land includes one of the original 'Homesteads' on the Taieri Plain, the property being known as 'Johnstone Farm'. It is generally flat, has a tributary of the Owhiro Stream just outside the southeastern boundary and comprises generally 'High Class Soils'. The property has been in the same family ownership for the last 40 years and the land use has been primarily grazing (sheep and cattle) and market gardening.

Current activity on the land consists mainly of market gardening (primarily vegetables), the 10 hectares around the homestead being developed as an 'organic' market garden (Lot 1), the balance 'leased' land (Lot 2) being a more conventional operation.

The applicants sought subdivision consent to subdivide the site into two freehold allotments, and landuse consent to allow the establishment of a single residential dwelling on Lot 2, a site of less than 15 hectares. The subject site measures 19.5792 hectares. Proposed Lot 1 would measure 9.47 hectares, and proposed Lot 2 would measure 10.11 hectares. The layout and boundary dimensions were detailed on plan 00S27SP as part of the application.

The current access onto proposed Lot 1 is via the established driveway at the south-western end of Ashton Street, Mosgiel. Proposed Lot 2 has a frontage to the end of Inglis Street, Mosgiel. There is no formed driveway from Inglis Street, but the access is flat and it is proposed that this frontage forms the legal and physical frontage for Lot 2. This land is legal road and may be used by the applicants.

The existing homestead is connected to an on-site bore, has on-site disposal systems for effluent and stormwater, and is connected to the power and telephone services.

The proposed dwelling on proposed Lot 2 would utilise a suitable storage tank for rain water, have on-site effluent and stormwater disposal and be connected to the power and telephone services. It is suggested that the proposed dwelling would have a right to use water from an existing bore, with an appropriate easement.

The proposed dwelling would be clad in non-reflective materials, with colours adopted being similar to the immediate natural colours (browns, greens etc). The application indicates a proposed building platform. Formation of the driveway to the proposed dwelling would require the removal of some topsoil, to a depth of approximately 0.3 metres. The surplus topsoil would be re-distributed on the site, and the driveway formed to a metalled standard similar to the long established drive serving the existing dwelling on proposed Lot 1. The applicants also propose to install a cattle stop at the end of Inglis Street, similar to that present at the end of Ashton Street.

ACTIVITY STATUS

Transitional District Plan (Silverpeaks section)

The subject site is zoned **Rural A(1)** under the Transitional District Plan (Silverpeaks section). With regard to the subdivision aspect of the proposal, Ordinance 6.8 states that every allotment in a subdivision intended for a farming purpose shall be of sufficient area to sustain an 'independent economic farm unit'. However the Planning Tribunal in *Titterton v Dunedin City Council* determined the use of the term 'independent economic farm unit' to be invalid, and that no reference may be made to its use in the Silverpeaks Plan. The subdivision aspect of the proposal is therefore considered to be a **non-complying** activity.

With regard to the landuse aspect of the proposal, Ordinance 6.3(c) states that the placement of a residential dwelling where an independent economic farm unit was proposed is a conditional use. Given that no consideration may be had to the term 'independent economic farm unit' the landuse aspect of the proposal is also considered to be a **non-complying** activity.

Dunedin City Proposed District Plan (1999)

The subject site is zoned **Rural** under the Dunedin City Proposed District Plan (1999). With regard to the subdivision aspect of the proposal, Rule 18.5.1(i) states that subdivision in the Rural zone is a discretionary (restricted) activity provided the resulting allotments exceed 15 hectares. As the proposal involves the creation of two lots of less than 15 hectares, the subdivision aspect of the proposal is considered to be a **non-complying** activity.

With regard to the landuse aspect of the proposal, under Rule 6.5.2(iii), residential activity is permitted provided that the minimum area of the site is not less than 15 hectares. The proposal includes the placement of a dwelling on a site of approximately 10 hectares, and the proposal is therefore considered to be a **non-complying** activity.

Overall, both the **subdivision** and **landuse** aspects of the proposal are considered to be **non-complying** activities.

NOTIFICATION AND THE HEARING

The application was publicly notified in the Otago Daily Times on the 16th August 2000 and a sign was erected on the subject site. No affected person's consents were submitted with the application. Submissions closed on the 13th September 2000.

Seven submissions were received following the notification of this application. Three submissions were in support of the application, one submission was in conditional support, one opposed the application but sought conditions, and two were in opposition to the application. A letter was also received from the Otago Regional Council in relation to the matter, stating that the Regional Council did not wish to make a submission. However the letter did contain advice relating to the taking of groundwater.

Two late submissions were received outside of the submission period. One was in support of the proposal, the other was in conditional support of the proposal. With the agreement of the applicants, submitters present at the hearing, and the Consents Hearing Committee, it was resolved pursuant to section 37 of the Resource Management Act that the late submissions be received.

Mr Simon Jenkin, Surveyor, spoke at the hearing on behalf of the applicants. Alison Rutherford and Louise Billington also appeared before the Committee but did not speak. Mr Warwick Reid and Mr Alan Withers spoke as submitters in opposition to the proposal.

DECISION - SUBDIVISION

*Pursuant to section 34(1) and 105(1)(c), and after having regard to Part II Matters, sections 104 and 105(2A) of the Resource Management Act 1991, the Dunedin City Council grants consent to a **non-complying** activity being the subdivision of Part Section 3 Block II East Taieri SD into two allotments, Lot 1 measuring 9.47 hectares*

5 9.5836

and Lot 2 measuring 10.11 hectares, subject to the following conditions imposed under section 108 and 220 of the Act:

1. That the proposal be given effect to generally in accordance with the plans and details submitted with the application received by Council on the 4th July 2000, the further information received by Council on the 2nd of August 2000, and the further information received by Council on the 14th August 2000 except where modified by the following conditions of consent imposed under sections 108 and 220 of the Resource Management Act.
2. That prior to approval of the title plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:
 - a. Easements shall be reserved as appropriate and shown on the title plan in a 'Memorandum of Easements'.
3. That prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:
 - a. That the applicant's surveyor shall prepare a plan for the purposes of defining the building platform on Lot 2. The building platform shall be in accordance with the application plan and be defined by appropriate dimensions to within 0.1 metres and be related to the lot boundaries to within 0.1 metres.
 - b. A consent notice shall be prepared and placed on the certificate of title for Lot 2 for the following ongoing condition:
 - i. That the vehicle entrance to the proposed Lot 2 is to be formed in accordance with the Dunedin City Council Vehicle Entrance Specifications. In addition the first five metres of any new vehicle access inside the property is to have a permanent hard surface. A permanent hard surface may include concrete, 2 coat chip seal, asphaltic cement or paving bricks. This work is to be completed before the establishment of residential activity on the site.
 - ii. That the dwelling that has been granted consent by the Dunedin City Council shall be located within the building platform defined on the plan prepared for this consent notice.

DECISION - LANDUSE

Pursuant to section 34(1) and 105(1)(c), and after having regard to Part II Matters, sections 104 and 105(2A) of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **non-complying** activity being the placement of a residential dwelling on Lot 2, measuring 10.11 hectares, currently held in Certificate of Title 198/202 subject to the following conditions imposed under section 108 of the Act:

1. That the proposal shall be constructed generally in accordance with the plans and details submitted with the application received by Council on the 4th July 2000, the further information received by Council on the 2nd of August 2000, and the further information received by Council on the 14th August 2000 except where modified by the following conditions of consent imposed under section 108 of the Resource Management Act.

- i. *The vehicle access to the building platform on Lot 2 shall be formed to a metalled standard with a minimum width of at least 3.0 metres and drained appropriately.*
- ii. *Topsoil removed for the construction of the vehicle access and dwelling shall be redistributed within the site.*
- iii. *A planting strip shall be established on the eastern boundary of the proposed building platform. This strip shall be twice the length of the proposed building, and shall consist of plant species that will achieve a height of at least 3.0 metres.*

ADVICE NOTES

- 1. *The taking of water from a bore must be in accordance with permitted activity rule 12.2.2 of the Proposed Regional Plan: Water. A consent will be required from the Otago Regional Council if groundwater is not taken in accordance with this permitted activity rule.*
- 2. *The applicant is advised that the placement of a septic tank system on Lot 2 will require final approval from Council's Environmental Health team.*
- 3. *All sewage and wastewater from within any future building or buildings on the subdivided land shall be treated and disposed of into the land within the legal boundaries of their respective sites, by means of systems which comply with the New Zealand Building Code G.13 and G.14 and with Dunedin City Council's "Guidelines to On-Site Wastewater Disposal" (1997), or its successors, or with Australian/New Zealand Standards AS/NZS 1546.1:1998 and AS/NZS 1547:2000. If the designs offered in these publications are not suitable for the site or the proposed use, the system shall be specifically designed by a person with suitable professional engineering or soil science qualifications and experience in such work, with reference to engineering manuals such as the Auckland Regional Council's Technical Publication No. 58, "On-site Wastewater Disposal from Households and Institutions", and shall be designed to minimise the risk of erosion or slippage resulting from the operation of that system. Sufficient information shall be provided on the soil profile in terms of soakage capacity, and the depth of any impermeable layer or the groundwater table under normal and seasonal high conditions or at high tide in coastal areas, to support the choice of design. Full details of the proposed system and its location, with all supporting information, shall be supplied with the application for Building Consent.*

A potable water supply can be supplied to the dwelling by the registered community water supply which is available in some areas. The house connection from a community water supply is required to have a 1000 litre per day restrictor supplying a 2000 litre header tank.

The applicant should also be reminded of the following Rule of the Otago Regional Council's "Regional Plan: Water":

12.6.1.4 The discharge of human sewage through any on-site waste water treatment system, installed after 28 February 1998, onto or into land is a permitted activity, providing:

- (a) The discharge does not exceed 2000 litres per day (calculated as a weekly average); and*
- (b) The system's disposal field is sited more than 50 metres from any surface water body or mean high water springs; and*
- (c) The system's disposal field is sited more than 100 metres from any bore used to supply water for domestic purposes or drinking water for livestock; and*
- (d) Effluent from the system does not enter any water body or the coastal marine area; and*
- (e) Effluent from the system does not run off to any other person's property; and*
- (f) The discharge does not cause flooding of any other person's property, or erosion.*

"Surface water body" is regarded as including a seasonal watercourse or flood channel.

"Water body" includes water in an aquifer (groundwater).

Situations outside of Rule 12.6.1.4 will require resource consent from the Otago Regional Council.

Household and solid waste must be removed at regular intervals to an authorised refuse tip, so as not to cause a nuisance. Burial of waste on site is not permitted.

REASONS FOR DECISION

1. The Committee considered that any actual and potential adverse effects on the environment of allowing the proposed activity will be no more than minor for the following reasons:
 - i. The Committee considered the nature and scale of the proposed dwelling and agreed with the evidence of Mr Jenkin and the Council Planner that the actual and potential physical adverse effects of allowing the activity on the site would be negligible. The Committee agreed with the written evidence of Council's Landscape Architect who considered that the area has low landscape value due to its low visibility on the Taieri Plains. The Committee also noted that the proposed subdivision is located immediately adjacent to the residential boundary of Mosgiel, with buildings located on three sides of the subject site. Furthermore, it was noted that the proposed dwelling would be 300 metres from adjoining residential properties. The Committee considered that with suitable shelter any visual impact on the area would be minor.
 - ii. The Committee noted that the proposed new dwelling will be clad in non reflective materials, and be painted / coloured in natural, earthy tones. Furthermore, the nominal house designs supplied with the application are

for a single storey dwelling. The Committee considered that these factors would mitigate the visual effect of the proposal. Furthermore the driveway to the proposed new dwelling is to be formed to a metal standard only (except for the first five metres which is to be hard sealed in accordance with the Proposed District Plan), which is in keeping with the Rural zone where access ways to dwellings are typically unsealed.

- iii. The Committee noted that the proposed new dwelling has been placed so that the rural vista obtained when looking south along Inglis Street is maintained. The proposed dwelling is also located a considerable distance from the residential dwellings along Shaw Street, to mitigate the effect of the structure on the rural amenity enjoyed by these residences. The proposed building platform will also be difficult to view from the existing dwelling on proposed Lot 1, as outbuildings would screen the structure.
- iv. The Committee considered the effect of the proposal on the transportation network of the area. Council's Transportation Planning Department had recommended that the vehicle access to the building platform on Lot 2 be formed up to a metal standard with a width of at least 3.0 metres and be drained appropriately. Furthermore the vehicle entranceway to the proposed Lot 2 is to be formed in accordance with the Dunedin City Council Vehicle Entrance Specifications. The first five metres of the vehicle access inside the property are to be permanently hard surfaced. The Committee considered that it was appropriate to impose these requirements as conditions of consent, in order to mitigate adverse effects on the road and transportation network from access to the site. The Committee noted the advice of the Transportation Planning Department that one additional dwelling located off Inglis Street would generate approximately 8 additional vehicle movements per day. It was considered unnecessary to require the installation of 'give way' signs at the intersection of Shaw and Inglis Streets given the small increase in traffic volumes. Any adverse effect from the proposal on the intersection of Shaw and Inglis Streets was considered to be less than minor.
- v. The Committee considered the precedent effect of granting consent to a residential activity on an undersized rural lot, and the expectation that this may create for others to be able to undertake similar developments. It was acknowledged that there is continued pressure for development to spread out from the residential zones within Dunedin's boundaries into more rural environments. The potential effect of this over time would be a loss of rural amenity, a loss of productive land and an unsustainable demand for the expansion of urban service infrastructure. However in this case, the applicants are not applying for connection to reticulated waste and water services. Evidence has also been provided that suggests no loss of productive land will result from the subdivision into 10 hectare blocks (with the exception of the building platform). Council's Landscape Architect has also indicated that the effect on rural amenity will be no more than minor. Mitigation measures such as landscaping, the colours of the proposed dwelling, and its height have also been employed to remedy and mitigate the effect of the proposed dwelling on the rural area. The Committee considered

that granting consent to this proposal would not lead to an undesired precedent for these reasons.

2. The Committee considered the objectives and policies of both the Transitional and Proposed District Plans. The Committee noted that the objectives and policies of the Transitional District Plan (Silverpeaks section) are focused on maintaining the productive capacity of rural resources through the establishment of 'independent economic farm units'. Although no reference may be had to this term, the focus is clearly on maintaining the productive capacity of rural land. The Committee considered that the productive capacity of this land would not be adversely affected by granting consent to the proposal. The only loss of productive land would result from the placement of a dwelling and driveway. This loss, and the effect on the productive capacity of the land, was considered to be no more than minor.

The Committee considered the proposal in relation to the objectives and policies of the Dunedin City Proposed District Plan (1999). The Committee acknowledged that the proposal would create allotments of less than 15 hectares. However it was noted that this rule was placed in the District Plan to ensure rural amenity and the productive capacity of the land is maintained. The Committee considered that the effect on rural amenity would be no more than minor given the conditions suggested by the applicants and imposed on the consent. With regard to maintaining the productive capacity of the land, the Committee acknowledged the evidence supplied by Mr Jenkin that demonstrated a site of 10 hectares could sustain an independent farming operation, given the high class soils present on the site. Furthermore, Mr Jenkin stated at the hearing that the subject site has been operated as two separate business units for a number of years. The Committee therefore felt that the productive capacity of the site would be maintained by the proposal.

3. Section 104(1)(i) requires the Committee to have regard to any other matters considered relevant and reasonably necessary to determine the application. Of relevance to this application was the integrity and consistent administration of the District Plan. The Dunedin City Proposed District Plan (1999) sets a limit of one dwelling per 15 hectares in the Rural zone. The precedent effect that granting such a consent may create is a relevant consideration. The Committee gave careful consideration to the opinion of the Council Planner that the purpose of the Rural zone – 'farming activity', may still be achieved from the proposed 10 hectare lots. The Committee is of the view that the Planner's opinion is substantiated by the way in which the applicant has utilised the property in its present form, intensively farming 10 hectares and leasing the balance out. The Committee is also of the view that the subject site is unique in that the effects on amenity can be adequately remedied and mitigated. The Committee considered that granting consent to the proposal would not compromise the integrity and consistent administration of the District Plan, and that the creation of two 10 hectare lots will allow the continued use of the high class soils apparent on the site for agriculture.
4. Having considered the application, the Committee was required to ensure that a non-complying activity can meet one of the two limbs of section 105(2A) before it can be granted. The limbs of section 105(2A) require that the adverse effects on

the environment will be no more than minor, or, that the application is for an activity which will not be contrary to the objectives and policies of either the relevant plan or the relevant proposed plan. The Committee considered that the proposal passed the first limb of section 105(2A). The Committee considered that the adverse effects of the proposal would be no more than minor and therefore exercised its discretion under section 105(1)(c) to grant consent.

5. The Committee considered that the proposal does promote the sustainable management of natural and physical resources. The proposed landscaping will remedy and mitigate adverse visual effects of the activity (section 5(2)(c)). Furthermore the landscaping measures will ensure the maintenance and enhancement of amenity values and the quality of the environment (section 7(c) and 7(f)). With regard to section 7(b), the Committee considered that the proposed subdivision and land use is not an inefficient use and development of natural resources. However the Committee considered that any further subdivision of the site could inhibit use of the high class soils contained within the property for agricultural activity, and would have to be considered very carefully. With regard to section 7(g), the Committee considered that the proposal would not adversely affect the high class soils (a finite resource) apparent on the site. Although the area and extent of high class soils is finite, the Committee felt that the lots created are of a sufficient size that they do not compromise productive capacity in line with the purpose of the Rural zone. Should further subdivision be proposed however, it is likely that the use of the soils on the site would be compromised.

RIGHT OF APPEAL

In accordance with section 20 of the Resource Management Act 1991, the applicants 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
P.O. Box 5027
WELLINGTON

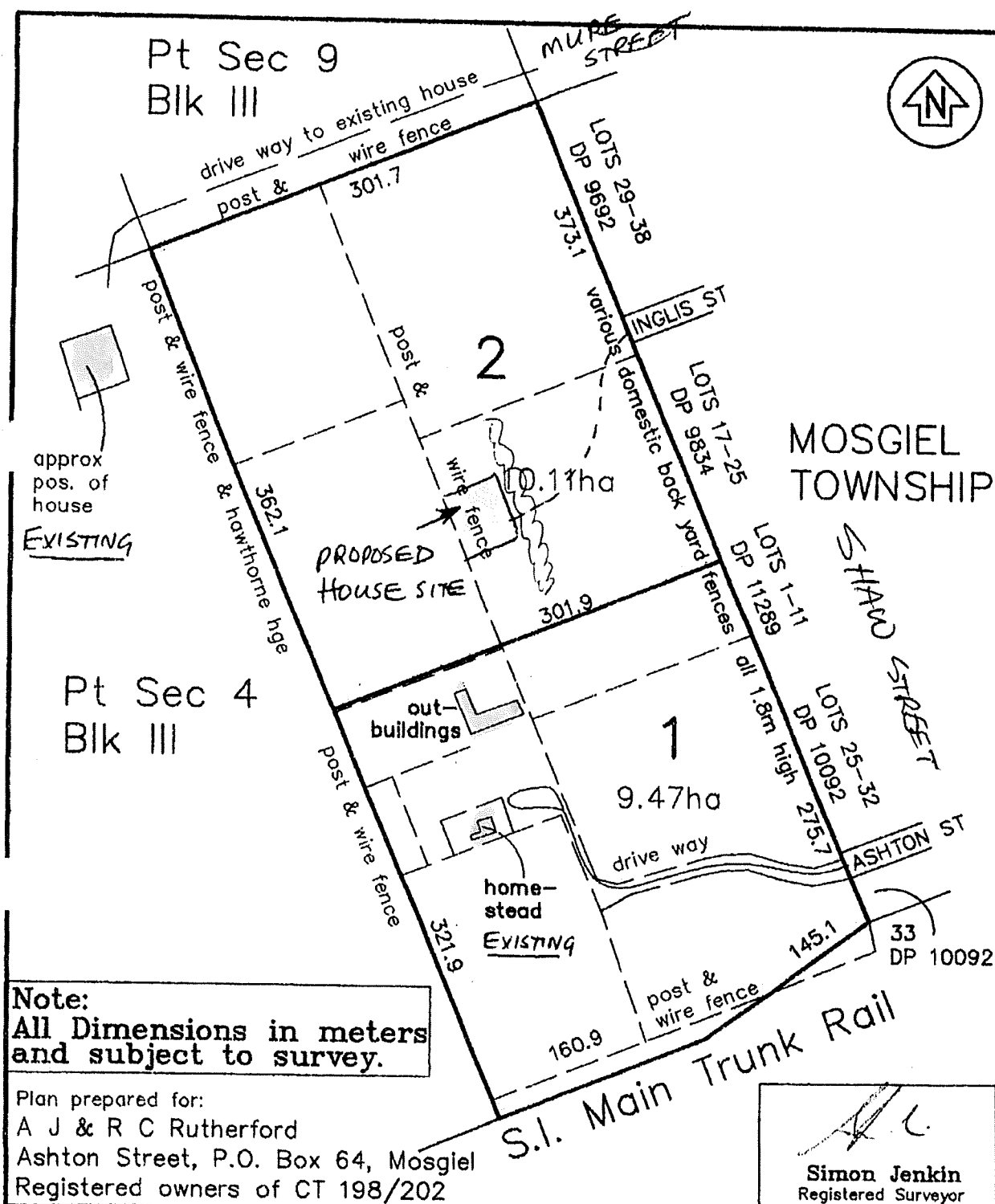
Any appeal must be served on the following persons and organisations:

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

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

Yours faithfully

Karen Bain
COMMITTEE SECRETARY



LOTS 1 & 2 BEING PROPOSED SUBDIVISION OF PT SEC 3 Blk III, EAST TAIERI S.D.

	SIMON JENKIN & MARK SMITH Registered Surveyors P.O. Box 5195, ph (03) 477 4940 DUNEDIN fax (03) 476 7329	SCALE: 1 : 4000		PLAN No 00S27SP
		FIELD: S.J.	DATE: JUNE 2000	
		DRAWN: S.J.		

From: Warren Hanley <warren.hanley@orc.govt.nz>
Sent: Wednesday, 28 June 2017 05:11 p.m.
To: Lianne Darby; stj@ihug.co.nz
Subject: A J Rurtherford proposed subdivision 25 Ashton Street- ORC comment

Hi Lianne, Simon

Apologies for not providing these comments prior to the close of the submission period. However, I did review the application and based on the information provided, could not identify any reason for ORC to make a formal submission.

However, if I could make a few comments to assist;

Storm water – Its proposed storm water from the new development will be piped and discharged to the Owhiro. My advice to the applicant is to ensure that this activity will not require any need for approval under the ORC's designation along the Owhiro Stream notified in the 2GP (in relation to the placement of any piping as indicated under the discussion in the Services section of the application).

Reduction in capacity of the Owhiro Stream during flooding events (due to the proposed stormwater discharge) may also be an issue of interest to ORC as the stream is part of the East Taieri Drainage Scheme.

ORC's consents team will be able to advise further on the matters as well as how the activity of the discharge of stormwater to water will sit under the ORC's water plan.

NES for Assessing and Managing Contaminants in Soil to Protect Human Health: I couldn't see any assessment had been made under this NES as is required. Apologies if I have overlooked this but I understand the proposal requires at the least a search of both ORC and DCC's records for evidence of any historical HAIL activities.

If you have any questions, please feel welcome to contact me at the office.

Regards



Warren Hanley
Resource Planner - Liaison

Otago Regional Council
70 Stafford St, Private Bag 1954,
Dunedin 9054
Phone (03) 470 7443 or 0800 474 082
www.orc.govt.nz

20 June 2017

S T Jenkin
PO Box 5195
Moray Place
Dunedin 9058

Dear Simon,

HAIL-2017-48: 25 Ashton Street, Mosgiel

Please find enclosed the results of the Hazardous Activities and Industries List (HAIL) Property Search lodged on 20 May 2017. This HAIL property search details the information which is documented on the Council records for the site at 25 Ashton Street, Mosgiel. Please note the attached documentation only includes information that is available on the Council's records and the Council does not necessarily hold comprehensive records of the historic land use of this site.

The subject site could potentially be considered HAIL under the following category:

- A10: Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds

Evidence suggesting this is the case is outlined below:

- The property has been utilised predominantly as a market garden for around a 40 year period up until 2000 and was the current land use of the site in 2000 (see attached reports dated 2000).
- The subject site was subdivided in 2000 in order to create two different lots; Lot 1 remained 25 Ashton Street and has an area of 9.58ha, and Lot 2 became 27 Inglis Street with an area of 9.95ha. Council records do not hold information regarding market gardening at the site after 2000. It is unclear where or if market gardening was undertaken on Lot 1 as it is today. Evidence suggests that Lot 2 was more intensively used as a market garden.
- An aerial photograph dated 2000 appears to show some evidence of market gardens being located on sections of the site.

HAIL activity may have occurred on some sites that adjoin the subject property. Based on the attached records and aerial photography during and prior to 2000, it appears that Lot 2 has undergone market gardening in the past. Furthermore, the subject site also adjoins what appears to be a railway yard which could fall under the HAIL category F6: Railway yards including goods-handling yards, workshops, refuelling facilities or maintenance areas. Council records do not indicate whether there were any hazardous substances at the site, or if there was any migration of hazardous substances to the subject site.

It is recommended that further investigation of the historic land use be undertaken through other means including consulting with any former land owners and checking with the Otago Regional Council. This information does not constitute a Preliminary Site Investigation in

terms of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Yours sincerely,

A handwritten signature in cursive script that reads "Lily Burrows".

Lily Burrows
Planner

Lily Burrows

From: Chris Scott
Sent: Wednesday, 7 June 2017 01:14 p.m.
To: Lily Burrows
Subject: FW: HAIL-2017-48, 25 Ashton Street Mosgiel, HAIL application lodged
Attachments: 25 Ashton 1942.jpg; 25 Ashton 1947.jpg; 25 Ashton 1958.jpg; 25 Ashton 1966.jpg; 25 Ashton 1982.jpg; 25 Ashton 1990.jpg; 25 Ashton 1996.jpg; 25 Ashton 2000.jpg

-----Original Message-----

From: Chris Scott
 Sent: Wednesday, 31 May 2017 4:21 p.m.
 To: Phil Marshall
 Subject: RE: HAIL-2017-48, 25 Ashton Street Mosgiel, HAIL application lodged

Hi Phil,

I have examined the available archival evidence relating to this address, and have found no evidence of HAIL activity taking place there. The Eastern end of the site is in proximity to the Main Trunk Railway, but it is not clear that this affects the property in any way.

The farm was established as Johnston Farm in 1851 by the Todd family, and has been occupied since, with the current buildings possibly as old as 1901. Electricity records in the name of Rutherford show a commercial connection, but no details are extant.

The usual aerial photos are attached; if you require further information, please let me know.

Regards,

Chris Scott
 Archivist, Digital Services
 Business Information Services
 Dunedin City Council
 50 The Octagon, Dunedin; PO Box 5045, Moray Place, Dunedin 9058, New Zealand
 Telephone: 03 477 4000; Fax: 03 474 3694
 Email: <mailto:chris.scott@dcc.govt.nz>; <http://www.dunedin.govt.nz>

Visit DCC Archives photo collection at www.flickr.com/photos/dccarchives P Please consider the environment before printing this e-mail

-----Original Message-----

From: Laura Mulder [<mailto:lcmulder@dcc.govt.nz>]
 Sent: Wednesday, 24 May 2017 8:30 a.m.
 To: Digital Services - Archives
 Subject: HAIL-2017-48, 25 Ashton Street Mosgiel, HAIL application lodged

Please do the archival search

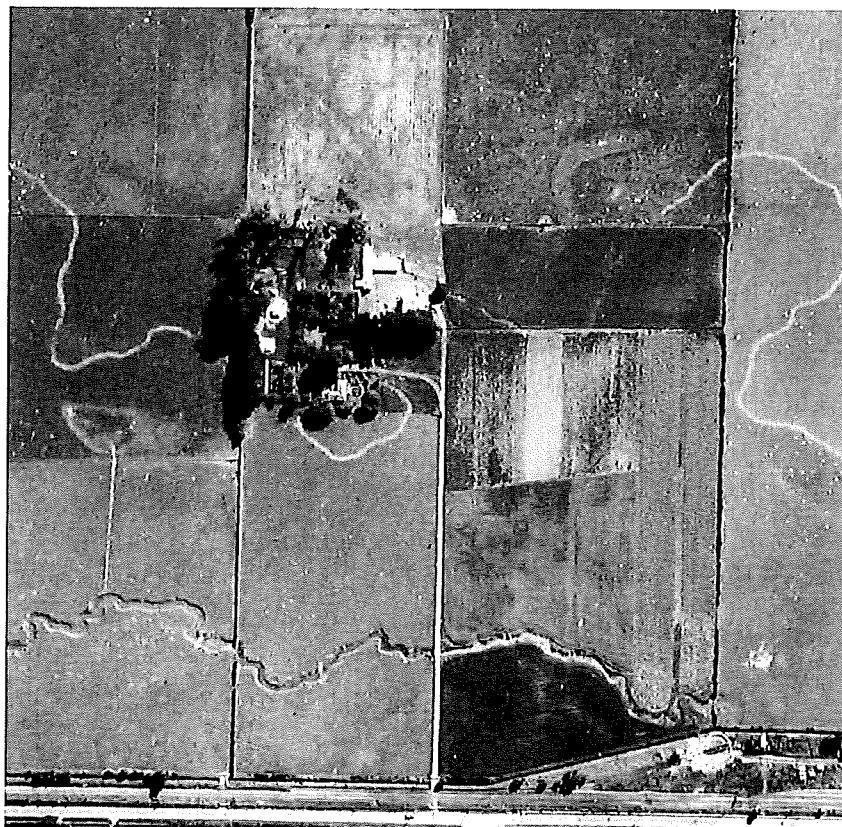
Additional Info:

Attachment links to HAIL-2017-48, 25 Ashton Street Mosgiel _____

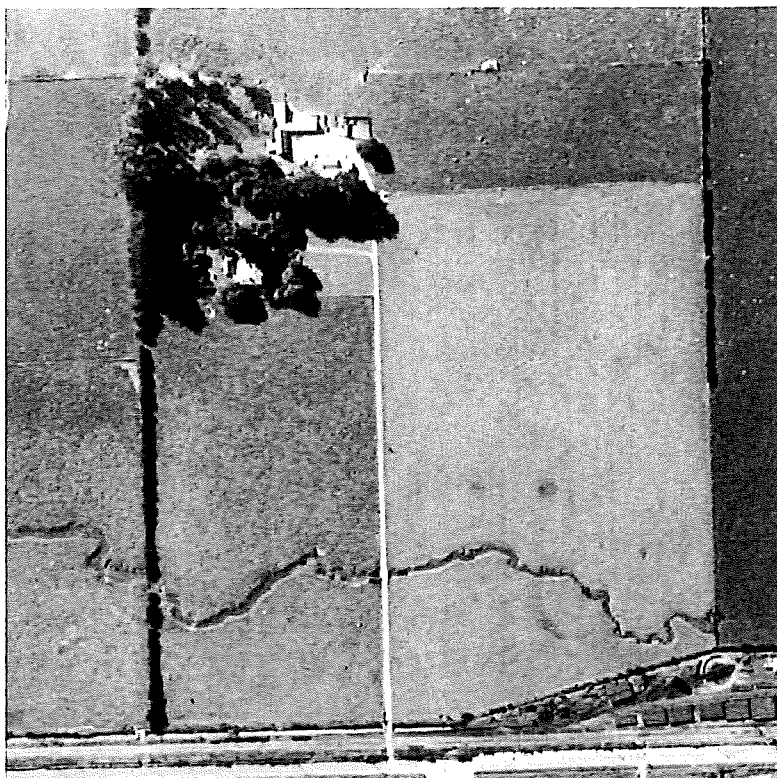
If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination, distribution or reproduction of this material by you is prohibited.



Date: 1942



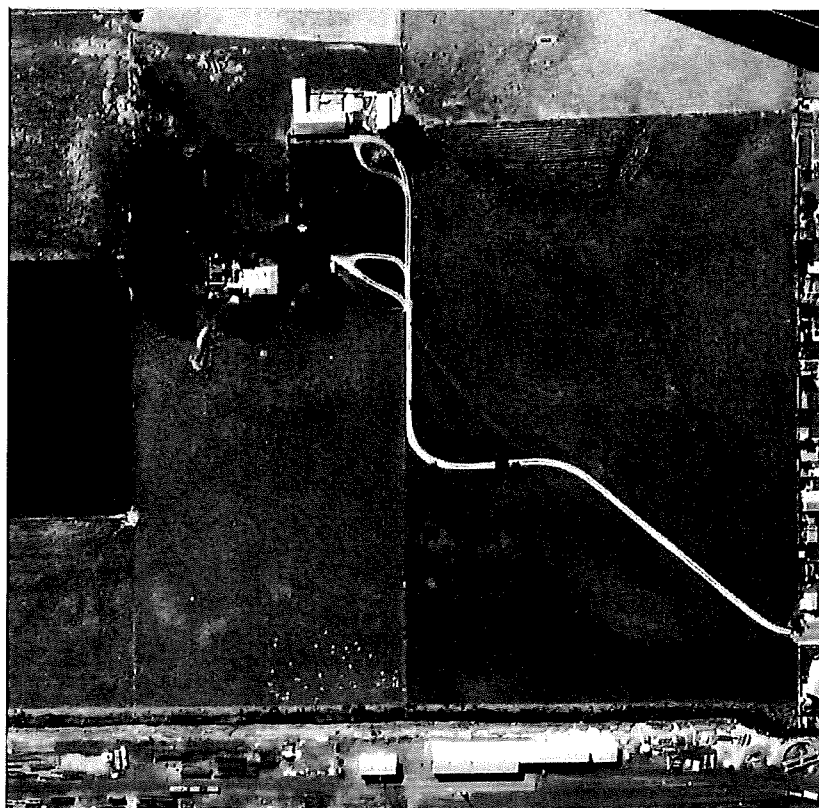
Date: 1947



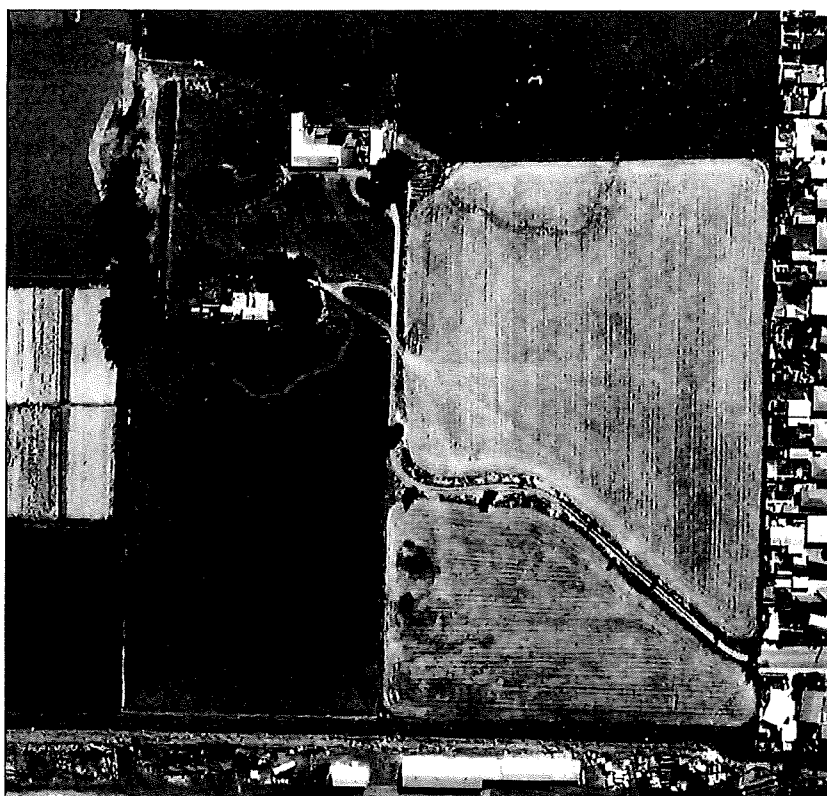
Date: 1958



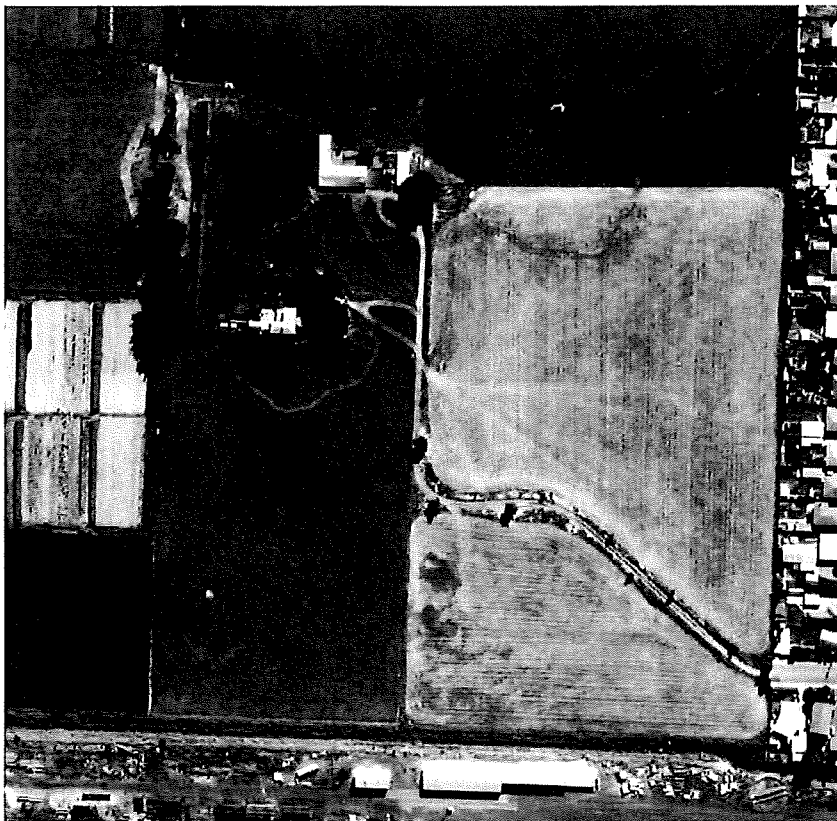
Date: 1966



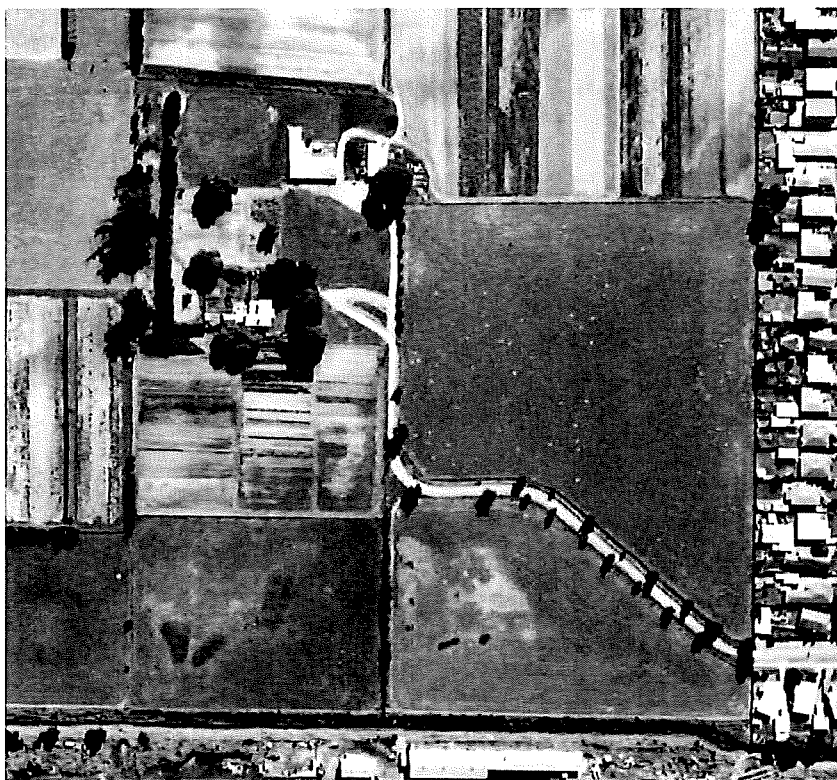
Date: 1982



Date: 1990



Date: 1996



Date: 2000



Date: 2006/2007



Date: 2013

Consent Record for 25 Ashton Street, Mosgiel (Property Number 5052175)

Building Application	Status	Description	Lodge Date	Applicant
<u>ABA-2004-305732</u> GEMS ID ABA42980	CCC Issued	ALT DWG/KITCHEN/BATHROOM/STUDY	05/10/2004	<u>179445</u> A J Rutherford
<u>ABA-2003-301297</u> GEMS ID ABA32416	BC Issued	(DWX)ALT DWG - BEDRM TO BTHRM	15/08/2003	<u>136523</u> M H R Rutherford (Estate)
<u>H-1987-286581</u> GEMS ID AAS19870469	Historical Record	AAS19870469 E0047169 - Install Yunca heater, plan (Rutherford)	04/05/1987	

Planning Application	Status	Description	Lodge Date	Applicant
<u>LUC-2017-236</u> GEMS ID	Suspended Pending Combined Decision	land use consequential to a subdivision consent - house on undersized lot 2	03/02/2017	<u>179445</u> A J Rutherford
<u>SUB-2017-5</u> GEMS ID	Full Notification	subdivision of undersize rural lot into two sites	03/02/2017	<u>179445</u> A J Rutherford
<u>LUC-2017-52</u> GEMS ID	Full Notification	land use consequential to a subdivision consent	03/02/2017	<u>179445</u> A J Rutherford
<u>LUC-2008-85</u> GEMS ID	Consent Issued	Tree maintenance or emergency works on a significant tree T096 & T098 (<i>Nothofagus fusca</i>)	21/02/2008	<u>179445</u> A J Rutherford
<u>RMA-2000-364178</u> GEMS ID RMA20000507	Consent Issued	TO ERECT A NEW DWELLING ON THE PROPOSED ALLOTMENT 5 year consent period	17/07/2000	<u>179445</u> A J Rutherford
<u>RMA-2000-364166</u> GEMS ID RMA20000493	s224c Issued	SUBDIVISION INTO TWO ALLOTMENTS	30/06/2000	<u>179445</u> A J Rutherford

RESOURCE CONSENTS WITHIN 50 METRES OF 25 ASHTON STREET MOSGIEL

5052174 45 Mure Street Mosgiel

RMA-1994-351469 Resource Management Act (Historical Data) Right Of Way / App: P.M. Haddon PO Box 235 (Non-Notified - Non Complying).

5052181 PTRAIL MAIN SOUTH LINE (SOUTH) SO 0 Riccarton Road West Mosgiel

LUC-2009-96 Land Use Consent construction of footpath and pedestrian bridges outside road reserve and formed road corridor. The outcome was Granted on 09/04/2009.

5055156 68 Shaw Street Mosgiel

LUC-2013-242 Land Use Consent extend garage. The outcome was Granted on 10/07/2013.

5055159 74 Shaw Street Mosgiel

LUC-2014-91 Land Use Consent demolish garage and construct new garage. The outcome was Granted on 10/04/2014.

5055163 21 Ashton Street Mosgiel

RMA-1995-359225 Resource Management Act (Historical Data) ERECT CARPORT (Non-Notified - Restricted Discretionary). The outcome was Granted on 17/01/1996.

5055510 36 Shaw Street Mosgiel

RMA-2004-368453 Resource Management Act (Historical Data) CONSTRUCTION OF A CARPORT (Non-Notified - Restricted Discretionary). The outcome was Granted on 16/11/2004.

5101025 22 Gladstone Road Sth Mosgiel

LUC-2009-168 Land Use Consent Retrospective land use consent to provide for additional floor space at the Mosgiel Station Cafe. The outcome was Granted on 02/06/2009.

RMA-1998-362066 Resource Management Act (Historical Data) COMPLIANCE CERT FOR ON LICENCE CHQ CHECKETTS MCKAY TRUST. The outcome was Granted on 19/06/1998.

RMA-1996-359676 Resource Management Act (Historical Data) Planning Certificate for the Sale of Liquor DEBTOR SOLOMONS - TRUST ACCOUNT (Other). The outcome was Granted on 12/06/1996.

POL-2004-350278 Planning Other Legislation LIQUOR LICENCE (Other). The outcome was Granted on 26/10/2004.

5105032 2 Gladstone Road Sth Mosgiel

RMA-1991-350984 Resource Management Act (Historical Data) Report Owner: RAILWAYS (Non-Notified - Non Complying). The outcome was Granted on 24/05/1991.

5108925 PT SEC 86 Dunedin - Tranzrail (N/R) Dunedin

LUC-2017-14 Land Use Consent land use consent being the construction of the St Leonards to Port Chalmers Shared Pathway at Various Sites along the St Leonards to Port Chalmers Shared Pathway Route. The outcome was Granted on 11/04/2017.

LUC-2013-99 Land Use Consent mural on retaining wall. The outcome was Granted on 02/04/2013.

SUB-2011-61 Subdivision Consent amalgamation subdivision - subdivide railway land at Burnside into an industrial lot and a balance lot. The outcome was Granted on 15/07/2011.

RMA-2006-370524 Resource Management Act (Historical Data) construct and operate a self-service fuel facility. The outcome was Granted on 29/10/2007.

RMA-2001-364796 Resource Management Act (Historical Data) ESTABLISH CAR PARK (Non-Notified - Non Complying). The outcome was Granted on 06/06/2001.

RMA-2004-368439 Resource Management Act (Historical Data) CREATE A THREE LOT INDUSTRIAL 1 SUBDIVISION (Non-Notified - Restricted Discretionary). The outcome was Granted on 02/12/2004.

RMA-2001-365039 Resource Management Act (Historical Data) ALTER SIGNS/HOARDINGS (Non-Notified - Non Complying). The outcome was Granted on 11/10/2001.

RMA-2001-365038 Resource Management Act (Historical Data) ALTER SIGNS/HOARDINGS (Non-Notified - Non Complying). The outcome was Granted on 11/10/2001.

RMA-2001-365037 Resource Management Act (Historical Data) ALTER SIGNS/HOARDINGS (Non-Notified - Non Complying). The outcome was Granted on 11/10/2001.

RMA-2001-365036 Resource Management Act (Historical Data) ALTER SIGNS/HOARDINGS (Non-Notified - Non Complying). The outcome was Granted on 11/10/2001.

RMA-2001-365035 Resource Management Act (Historical Data) ALTER SIGNS/HOARDINGS (Non-Notified - Non Complying). The outcome was Granted on 11/10/2001.

RMA-2001-365034 Resource Management Act (Historical Data) ALTER SIGNS/HOARDINGS (Non-Notified - Non Complying). The outcome was Granted on 11/10/2001.

RMA-2002-366126 Resource Management Act (Historical Data) CERTIFICATE OF COMPLIANCE (Other). The outcome was Granted on 04/12/2002.

RMA-1999-362972 Resource Management Act (Historical Data) MURAL FOR WILKIE ROAD/NEVILLE ROAD TRANZ RAIL BRIDGE (Non-Notified - Restricted Discretionary). The outcome was Granted on 20/08/1999.

RMA-1993-357917 Resource Management Act (Historical Data) Subdivision Owner: NZ RAILWAYS CORP. / App: K.G. Harford Private Bag (Non-Notified - Non Complying). The outcome was Granted on 18/11/1993.

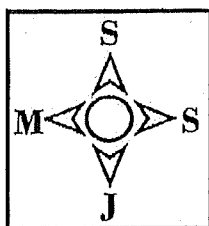
RMA-1997-361305 Resource Management Act (Historical Data) VARIATION TO SUBDIVISION CONSENT AND EXTENSION OF TIME (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 13/10/1997.

RMA-1991-350984 Resource Management Act (Historical Data) Report Owner: RAILWAYS (Non-Notified - Non Complying). The outcome was Granted on 24/05/1991.

RMA-1993-355755 Resource Management Act (Historical Data) Subdivision for disposal of surplus railway land App: WORKS CONSULTANCY (Non-Notified - Non Complying). The outcome was Granted on 25/06/1993.

5109213 27 Inglis Street Mosgiel

RMA-2000-364166 Resource Management Act (Historical Data) SUBDIVISION INTO TWO ALLOTMENTS (Notified - Non Complying). The outcome was Granted on 18/10/2000.



SIMON JENKIN & MARK SMITH

Registered Surveyors

P.O. Box 5195
Moray Place
Dunedin, N.Z.

Phone (03) 477-4940
Mobile (025) 243-9765
Fax (03) 476-7329

29 June 2000

The Subdivision Consents Officer
Dunedin City Council
PO Box 5045
DUNEDIN

Received by City Planning		
Date 3/7/00 Initials TK		
File No.		
Attention	Initials	Date
Jo Harvey		

Dear Sir

Re: Resource Consent Application - Proposed Subdivision - Pt Sec 3 Blk III
East Taieri Survey District - A J & R C Rutherford

Please accept for consideration and consent under Sections 88 and 105 of the Resource Management Act 1991, this Application for subdivision and Land use of the land described below.

PROPERTY DESCRIPTION

Please refer to the attached plan 00S27SP and the Locality Diagram.

- A. The subject land is rectangular, approximately 300m wide and 680m long, situated adjacent to the South Island Main Trunk Railway (on the south-east boundary) and Mosgiel township (on the north-eastern boundary). The north, and south-western boundaries adjoin rural land utilised for horticultural purposes.
- B. The subject land includes one of the original 'Homesteads' on the Taieri Plain, the property being known as 'Johnstone Farm'. The 'Farm' was originally much larger but changes in land management plans and market demands has resulted in the farm being reduced to the current size, being 19.5792 ha.
- C. The land is generally flat, has a tributary of the Owhiro Stream just outside the south-eastern boundary and comprises generally 'High Class Soils'. The subject land has been in the same family ownership for the last 40 years and the land use has been primarily grazing (sheep and cattle) and market gardening.
- D. Because of the productive high-class soil, grazing numbers can be high and intense market gardening is viable. Because there has always been a high return per hectare off the land, 10 hectares, more or less, has traditionally been sufficient to maintain an 'economic unit'. For that reason, for at least the last 40 years, approximately half of the subject land has been subject to various lease agreements.

- E. The current activities on the land consists mainly of market gardening (primarily vegetables), the 10 hectares around the homestead being developed as an 'organic' market garden (Lot 1), the balance 'leased' land (Lot 2) being a more conventional operation. Because of the growing market demand for 'organic' vegetables, and the viability of the market garden operation on the northern half of the property, there is a significant demand for a longer than 20 year lease agreement.

PROPOSAL

This application is for consent to subdivide the subject land into two freehold allotments and allow the establishment of a single residential dwelling on the proposed Lot 2.

- A. This proposal is to subdivide the land virtually in half, with intention is to obtain a separate freehold title for each half. The layout and boundary dimensions are detailed on plan 00S27SP, attached. The new boundary reflects the physical division line of the existing activities on the property.
- B. The current access onto the land is via the established driveway at the south-western end of Ashton Street, Mosgiel. The proposed Lot 2 has a frontage to the end of Inglis Street, Mosgiel. There is no formed driveway from Inglis Street, but the access is flat and it is proposed that this frontage forms the legal and physical frontage for Lot 2.
- C. It was the case 40 years ago, and still is today, that the subject land can support two, independent, economically viability operations. Modern land management practices and knowledge mean that this established viability will be available for as many years ahead as the owners wish. The viability and sustainability of the 'economic unit' within Lot 2 will require structures such as packing sheds, associated with the market garden operation, and from a management/security view, a residential dwelling should be established on Lot 2. Hence this application includes consent to establish residential activities on Lot 2.

SERVICES

- A. The existing homestead is connected to an on-site bore, has adequate on-site disposal systems for effluent and stormwater, and is connected to the power and telephone services.
- B. Any new dwelling on Lot 2 would utilize a suitable storage tank for rain water, have a right to a specified water volume from the existing bore (with an appropriate easement) have on-site effluent and stormwater disposal and be connected to the power and telephone services.

DISTRICT PLAN COMPLIANCE

- A. This proposal complies with the Silverpeaks Section of the Transitional District Plan.
- B. The Subdivision is proposed so that the two established and on-going rural activities on the site can exist independently. This subdivision is **not** being proposed with the intent of creating 1 new rural building site.

- C. Notwithstanding 'B' above, land use consent is sought to establish residential activity on Lot 2, for the reasons detailed in 'PROPOSAL 'C' above. The Proposed Dunedin District Plan specifies that residential activities on any site within the Rural Zoning is non-complying on sites less than 15 ha. This land use proposal does not comply as the proposed Lot 2 is 10ha and residential activity is intended. Accordingly, under Rule 6.5.5, the proposed activity becomes a Discretionary Activity (Restricted).
- D. The current farming activities on the land are all permitted within the Rural Zone

ENVIRONMENTAL IMPACT

In terms of Section 88 and the Fourth Schedule of the Resource Management Act 1991.

- A. The subdivision itself will have nil effects on the ecological environment. No change is planned in the land use or intensity of the land use (market gardening) which has been well established, is achieving the maximum reasonable return from that class of soil and is sustainable.
- B. The establishment of a dwelling will have two main effects. Firstly, aesthetic, and secondly, a potential cumulative impact on the integrity of the Policies and Objectives of the Proposed District Plan.
- C. The area of land taken out of production, associated with a residence established as an ownership and management base, will have virtually nil effect on the return from the site. This is considering that, at any one time, up to 25% of the land will be fallow.
- D. When considering the aesthetic effect of an additional residence in the area, the positioning of suitable trees, or a shelter belt will virtually make any dwelling invisible from any viewer from within the immediate urban area. The 'Johnstone' homestead is not visible until the homestead end of the drive is reached, and the large modern residence near the north-western corner of the subject land is satisfactorily obscured by an existing hawthorne hedge. Also, any new dwelling on the proposed Lot 2 could easily be positioned up to 250 meters distant from the urban boundary. It should be noted that an intelligent choice of colors and building material could result in a positive visual effect.
- E. When considering the cumulative impact, the areas of concern are the loss of high-class soils and the 'precedent' effect of under sized rural allotments for residential activities. The subdivision proposed will potentially allow a greater return from the land because of the long term planning and capital outlay, which are not feasible in a limited time lease agreement. As mentioned under 'C' above, any loss of potentially productive soils due to the residential activity can be seen as negligible.
- F. In terms of potential precedent effects, I refer Council to the Environment Court decision of 18/2/2000, "*Dear, R A -v- Waimakariri District Council, C032/00 Judge Skelton*", relating to an appeal against the refusal of consent to subdivide rural land into 4 allotments, each with a new dwelling. The court held "*that the potential precedent effects were constrained by the productive capacity of the soils in other*

allotments." A significant factor here was that the court accepted the definition of an independent farm unit for the purposes of determining the appeal.

- G. An economic viability report has been commissioned and is appended. Clearly, each of the proposed Lots 1 & 2 can exist independently as viable economic units, proven by the passage of time and the viability report.
- H. The subject site contains heritage item B633, the Johnstone homestead, which has an HPT category II, register 7146. Also included are 5 significant trees, designations T095 to T099, inclusive. The rail corridor, D419, adjoins the south-eastern boundary. There is no intention or implication in this proposal to alter, change or modify any of those designated items.

AFFECTED PARTIES CONSENT

Because of the number of adjoining owners the most practical way of dealing with the consent of any party who may consider themselves affected, is by notification.

This application is lodged with the expectation that Council will require notification. There are many similarities between the facts relating to this application, and that heard under appeal by Judge Skelton ('F' above). Should Council see no need for notification, i.e. accept that the economic unit be a justification for residential activities and that any issues such as visual impact, can be satisfactorily dealt with by way of consent conditions, then this would be acceptable to the applicant. Subject to agreement as to the conditions.

CONCLUSION

This proposal for subdivision will have probable positive effects on the productivity and sustainability of the soil environment. The subdivision is for justifiable rural purposes but in order for the activities on the land to operate at their optimum sustainability, on-site accommodation is necessary.

The application for residential activities may have a visual impact, which could be adverse and equally, could be positive, depending on the location, design and appearance of the dwelling.

Any such impact can be mitigated by natural shields, i.e. trees and shelter belts (already the case on site).

There will also be an impact on the integrity and consistency of the administration of the Proposed District Plan in terms of land area and protection of the rural openness. However, there are mitigating factors, such as the fact that dwelling is specifically to provide accommodation for the owner/manager of an economic unit, i.e. **consistent** with any viable rural farming activity. And it should be reiterated that any dwelling can be sited over 200 meters from any urban residence and be shielded by natural features.

The Environment Court decision of 18/2/2000, discussed above, is pertinent to this application and clearly sets a precedent in terms of the matters to be considered in applications such as this.

Council is requested to consider the above matters and it would be appreciated if Council could indicate whether or not this application is preferred to be processed as notified or non-notified.

Thank you

yours faithfully,



Simon Jenkin
Registered Surveyor

Encl. Feasibility Study.
Copy of CT 198/202
Locality Diagram
3 copies of plan 00S27SP
2nd page of form 5s (omitted from initial advice)

DUNEDIN CITY COUNCIL**MEMORANDUM**

TO: Sandra McIntyre – Planning Policy
Mark Lyne – Environmental Health
Lyndal Peters – Transportation Planning
Brian Laws – Water Business Unit

FROM: Greg Mason (ext 3488)

DATE: 7th July 2000

REFERENCE: RMA 2000-0493

SUBJECT: 25 Ashton St, Mosgiel

BACKGROUND TO ACTIVITY

The subject site is 19.5792 hectares and is legally described as Part Section 3 Block III East Taieri Survey District. The property borders Mosgiel's residential district (north-eastern boundary), the Main South Railway line (south-east boundary) and rural properties (to the north-west and south-west).

The property has been owned by the same family for 40 years and has been used predominantly for stock grazing and market gardening. The applicant states that for the 40 years approximately half of the site has been leased out for intensive use. Current landuse is mainly market gardening and the site is also being developed for organic market gardening.

DESCRIPTION OF ACTIVITY

The applicant seeks both subdivision and landuse consent. Firstly, subdivision consent is wanted so that the present site can be divided into two separate Lots. Proposed Lot 1 would contain approximately 9.5 hectares and would incorporate the existing dwelling and out-buildings. Proposed Lot 2 would contain approximately 10 hectares. Secondly, landuse consent is sought to allow a residential dwelling to be built on Proposed Lot 2.

To mitigate any visual effect created by the proposed dwelling, the applicant states that suitable trees or a shelter belt could be planted to obscure it from the adjoining residential properties. In addition, they contend that sympathetic building materials, choice of colour and distance from neighbouring residences could all limit any adverse visual effects. Details of landscaping or house design have not been included with the application.

The applicant states that the existing dwelling is connected to an on-site bore, has adequate on-site disposal systems for effluent and stormwater, and is connected to the power and telephone services. In regard to the proposed dwelling, the applicant states that a suitable storage tank for rain water would be used as well as having a right (by way of easement) to a specified water take from the existing bore. On-site effluent and stormwater disposal would be via an on-site system although no details of this (or the existing system) have been provided.

FORM 5S**APPLICATION FOR RESOURCE CONSENT**
Under Section 88 of the Resource Management Act 1991

To the:

City Planning Department
Dunedin City Council
P O Box 5045
DUNEDIN

I, *Simon Jenkin, Registered Surveyor, of Dunedin*

(Apply for resource consent as described below:

1. The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are as follows:

Alison Jane & Rosemary Claire Rutherford
P.O. Box 64
Mosgiel
OTAGO

2. The location to which this application relates:

Address: *Ashton Street*
Mosgiel
OTAGO

Legal Description: *Part Sec 3, Blk III, East Taieri Survey District*

(Valuation Number: *27911/17500*

Other relevant information which identifies location: *CT 198/202*

3. The type of resource consent(s) sought is/are:

Subdivision & Land Use

4. A description of the activity to which the application relates is:

Refer to attached letter from Simon Jenkin

5. The following additional resource consents are required in relation to this proposal and have/have not been applied for:

nil

Access to the site is currently via an established driveway at the south-western end of Ashton Street. This would continue to serve Proposed Lot 1. The applicant states that access to Proposed Lot 2 would be via the existing frontage to Inglis Street. While there is no formed driveway from Inglis Street, the applicant proposes that this frontage forms the legal and physical frontage for Lot 2.

ACTIVITY STATUS

Dunedin City Council Transitional District Plan (Silverpeaks section):

The site is zoned Rural A(i) in the Silverpeaks section of the transitional District Plan. In this plan, residential activity was provided for as long as an independent economic farm unit had already been established on the site. However, the Environment Court has since declared this rule invalid and, as a result, residential activity is **non-complying** under this transitional District Plan. This also applies to subdivision, which relied on the definition of an independent economic farm unit in defining minimum subdivision requirements.

Dunedin City Council Proposed District Plan 1999:

The site is zoned Rural under the proposed District Plan. In terms of landuse, Rule 6.5.2(iii) of the Rural Zone provides for residential activity at a density of one residential unit per site provided that the minimum area of the site is not less than 15 hectares. As the proposal would result in two residential dwellings on undersized lots (approximately 9.5 and 10 hectares) the application becomes a **non-complying** activity under Rule.

Similarly, in terms of subdivision the proposal is **non-complying** under Rule 18.5.2. This is because the application would result in two allotments each with a total area less than the required 15 hectares.

The subject site is recognised in the proposed District Plan as having High Class Soils. It also has a number of significant trees identified in the Plan (T095 – T099) as well as the existing dwelling, which is listed as a Category II historic building (B633).

Overall, the application will be assessed as a **non-complying** activity.

Please provide your written comments to me by Friday 14th July 2000.

Regards



Greg Mason
ASSISTANT PLANNER

DUNEDIN CITY COUNCIL**M E M O R A N D U M**

TO: Sandra McIntyre – Planning Policy
Mark Lyne – Environmental Health
Lyndal Peters – Transportation Planning
Brian Laws – Water Business Unit

FROM: Greg Mason (ext 3488)

DATE: 7th July 2000

REFERENCE: RMA 2000-0493

SUBJECT: 25 Ashton St, Mosgiel

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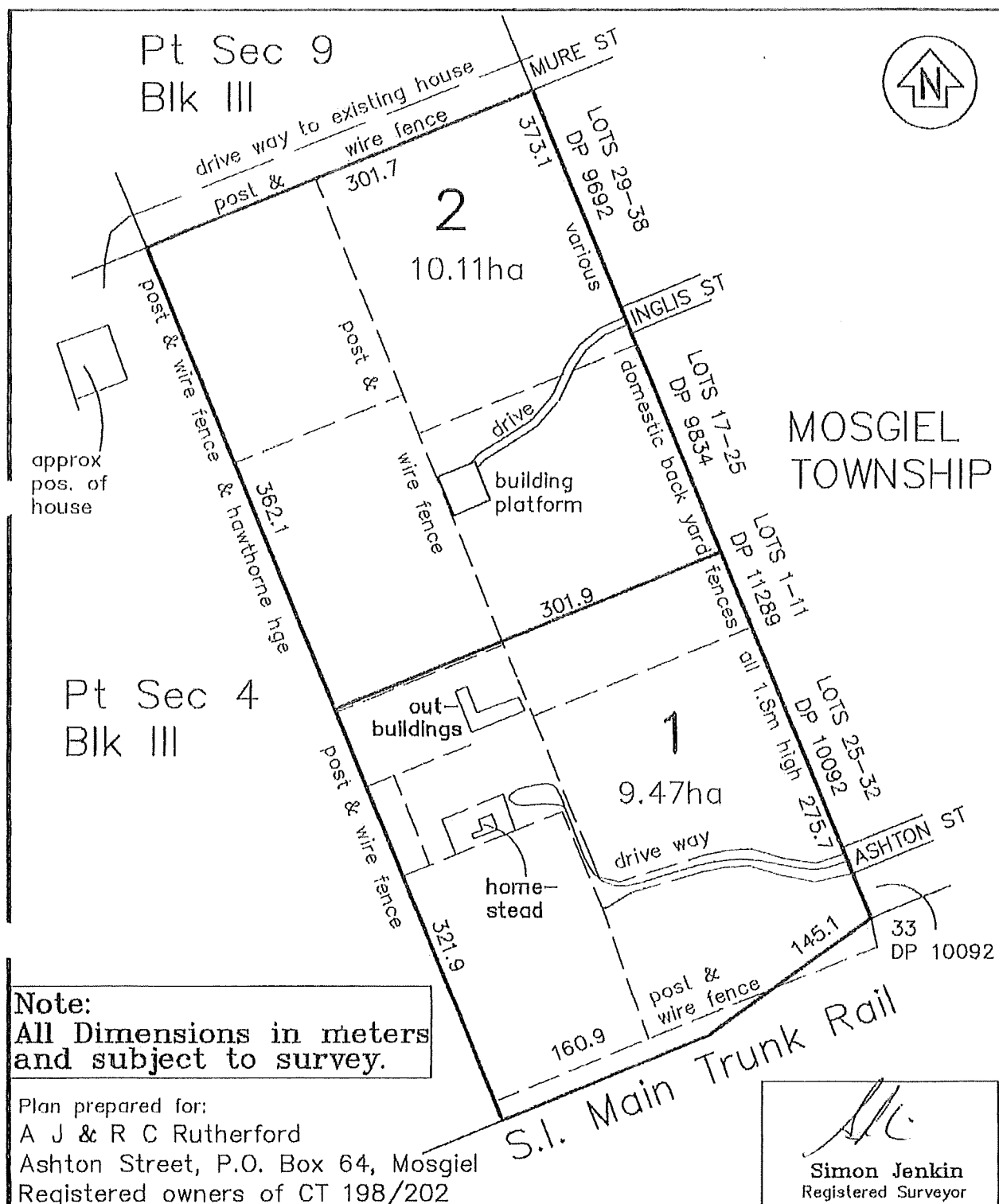
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DESCRIPTION OF ACTIVITY

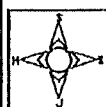
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**LOTS 1 & 2 BEING PROPOSED SUBDIVISION
OF PT SEC 3 Bk III, EAST TAIERI S.D.**



SIMON JENKIN & MARK SMITH
Registered Surveyors
P.O. Box 5195, ph (03) 477 4940
DUNEDIN fax (03) 476 7329

SCALE: 1 : 4000

FIELD: S.J.

DRAWN: S.J.

DATE:
JUNE 2000

PLAN No
00S27SP1

080600

Image Quality due to Condition of Original

5/10

NEW ZEALAND.

(Land and Deeds-4.)
(Form B.)

Reference: Vol. 94, Folio 82
Transfer No. 81481
Application No.
Order for N/O No.



OFFICE
Register-book,
Vol. 198, folio 202

198/202

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

This Certificate, dated the Twenty-fourth day of August, one thousand nine hundred and fourty-two
under the hand and seal of the District Land Registrar of the Land Registration District of Otago Witnesseth that
ANNIE McDONALD of East Taieri, Widow,

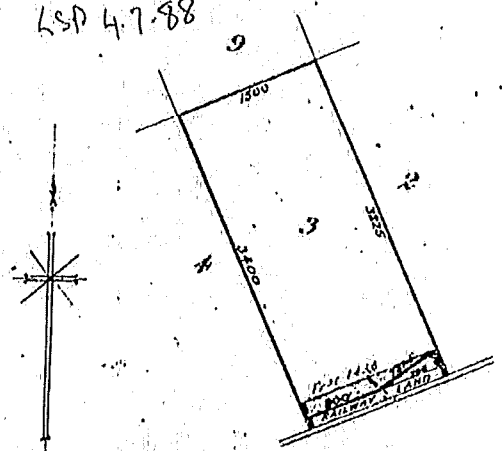
is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under written or endorsed hereon, subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered green, to the several admeasurements a little more or less, that is to say: All that parcel of land containing sixty acres one rood and twenty-two perches more or less, being part of Section Three (5) Block Three (III) on the public maps of EAST TAIERI DISTRICT, TOGETHER WITH such parts of the mines of coal or other minerals if any under the surface of other part of Said Section 3, coloured green on said plan hereon as are not taken by Notification a copy of which is deposited in the Land Registry Office at Dunedin as No. 1097 but are excepted thereout by law.

EQUIVALENT METRIC
AREA IS 1.9.....5.792 ha

Block III
East Taieri District.

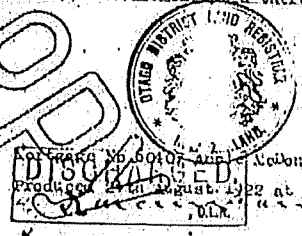
<u>50a.</u>	<u>1r.</u>	<u>22p.</u>
<u>2.1.</u>	<u>0r.</u>	<u>0p. 10c. 7438</u>
<u>48a.</u>	<u>1r.</u>	<u>21p.</u>

LSP 47.88



Scale: 10 chains to an inch.

EDWP



Mr. Philip Morgan
District Land Registrar.

McDonald to Andrew Todd.
Produced in the August 1922 at 3 p.m. D.L.R.

Transmission to 21341 to James Smiley as Executor. Entered 28th October 1938 at 3m

Transfer 125072 James Smiley to Mary Rebecca McDonald Applicant and John Thomas Charles McDonald Farmer both of East Taieri as tenants in common in equal shares produced 28th October 1938 at 3m

X9142 Notice of Discharge by the Dunedin City Council. Produced 30th July 1941 at 3m

Proclamation 7438 taking the part (2ac. 1p) coloured red linen for the purposes of the Waitaki Bluff Railway registered 17 September 1958 at 1.43 p.m.

Transmission 41927 of the interest of John Thomas Charles McDonald in balance to Trustee Constance McDonald of Mosgiel. Produced 17 July 1959 at 3m

over -

030600

C.T. 198/202

198/202

Transfer 246563 of Balance Mary
Rebecca McDaniel and Peter
Constance McDaniel to Stanley
Rutherford of East Tairāwhiti
produced 27th January 1974 at 11.25 am

DISCHARGE 183382 of Balance Mary
Rebecca McDaniel and Peter
Constance McDaniel to Stanley
Rutherford of East Tairāwhiti
produced 27th January 1974 at 11.25 am

276527 Transmission of Mortgage 183382 to
Ronald William Kirk and Colin George
Payas Executors entered 10/12/1983 at 11.20 am

DISCHARGE 183382 of Balance Mary
Rebecca McDaniel and Peter
Constance McDaniel to Stanley
Rutherford of East Tairāwhiti
produced 27th January 1974 at 11.25 am

276531 Evidence that the
correct name of one of the
mortgages in mortgage
183382 is William Ronald
Kirk entered 11.12.1983 at 11.13 am

Variation of Mortgage 183382 - 9.4.1987 at
11.00 am

319067 Mortgage of Statutory Land Charge
produced 27th January 1974 at 11.25 am
Registration 27/01/74 at 11.25 am

158636 TRANSFER OF MORTGAGE 276529
TO WEBB & ALLAN SECURITIES LIMITED
- 26.6.1970 at 10.45 am

THIS REPRODUCTION (ON A REDUCED SCALE)
CERTIFIED TO BE A TRUE COPY OF THE
ORIGINAL REGISTER FOR THE PURPOSES OF
SECTION 215A LAND TRANSFER ACT 1952

428355 Transfer of Mortgage 183382
to Webb & Allan Securities Limited
- 22.8.1974 at 11.11 am

433674 Transmission to New Zealand
Insurance Company Limited entered
28.11.1974 at 11.5 am

Variation of Mortgage 183382 -
28.11.1974 at 11.6 am.

138/202

433675 Lease of balance to
William Ronald Kirk for a term of
5 years from 10th September, 1973
- 28.11.1974 at 11.7 am

A.L.R.

533393 Lease to Wallis's Nurseries
Limited for a term from the 11th
day of September 1979 to the 30th
day of June 1982 with renewal and
purchasing clauses - 23.4.1980 at
1.38 pm

A.L.R.

605844/2 Transfer to Marion Heather Rose
Rutherford of East Tairāwhiti widow - 23.11.1983
at 11.04 am

A.L.R.

606989/1 Mortgage to Bank of New Zealand -
12.12.1983 at 11.28 am

A.L.R.

606989/2 Mortgage to Woodhouse Newell
Solicitors Nominee Company Limited -
12.12.1983 at 11.28 am

A.L.R.

676517/3 Mortgage to Mirams and Wilson
Nominees Limited - 9.4.1987 at 2:37 p.m.

A.L.R.

683735 Transfer being a grant of a right
(in gross) to drain water over part Section
3 Block III East Tairāwhiti Survey District (herein)
shown as a line marked "A-B" on the diagram
annexed thereto in favour of The Mosgiel
Borough Council - 28.7.1987 at 2.45 pm

A.L.R.

714697 Mortgage to Rosemary Claire Rutherford
- 26.10.1988 at 10.37 am

A.L.R.

804301 Transmission to Alison Jane
Rutherford of Mosgiel Student and
Rosemary Claire Rutherford of Mosgiel,
Photographer as Executrices - 5.5.1992 at
10.01 am

A.L.R.

(VCE)

030600

CT 198/202

943389.1 Mortgage to Westpac Banking Corporation

943389.2 Mortgage to Donald Niven
Rutherford and Shona Margaret Rutherford
all 10.2.1998 at 1/20

982954/1

A.L.R.

K. Hay
for DLR

copy

FEASIBILITY STUDY

INTENSIVE VEGETABLE PRODUCTION

Completed for:

**Rutherford Estate
P O Box 64
Mosgiel**

By:

**Hortwise Horticultural Consultants
19 Rangiora-Woodend Rd
Woodend**

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Feasibility Study - discussion & spreadsheet

Appendix I - Feasibility notes

Appendix II - Qualifications and Credentials

HORTWISE
HORTICULTURAL CONSULTANTS

19 Rangiora-Woodend Rd, Woodend.
PH: (03) 312 2320 FAX: (03) 312 2324 MOBILE: 025 2233 778

DISCLAIMER

All cultural, financial and descriptive information furnished by HORTWISE is given in good faith, as a general guide only. Significant variations may occur subject to geographic location, climate, soil type, soil conditions, cultural and management practices and other growth and development factors. Mention of a chemical product is for information only. Follow current label directions for legal use and application rates. No liability will be accepted by HORTWISE or its representatives as to the accuracy of such information.

INTRODUCTION

Hortwise Horticultural Consultants of Woodend, North Canterbury were recently approached by Alison Rutherford, a trustee of the Rutherford Estate to carry out an independent report on the feasibility of subdividing the existing 19.57 hectare block into two separate titles.

This block of land is situated on the southeast boundary of Mosgiel in an area of land that is defined as a Wingatui silt loam. These soils are classed as being well-drained recent alluvial soils and are very versatile. This land is not prone to flooding. Based on the soil types there is no reason why there would be any physical impediment to cropping this land extensively be it for intensive vegetable growing, herb farming or commercial flower growing.

Eleven hectares of the property has been jointly leased by two successful market gardening operations since August 1997. The block has in existence a 33 metre bore which is capable of providing enough irrigation water during periods of low rainfall to produce a quality crop. It is now the wish of the Rutherford Estate trustees to subdivide off approximately 10 hectares of the original 19.57 hectares.

FEASIBILITY STUDY

The following feasibility study should be read in conjunction with the notes in Appendix 1.

Based on the results of the feasibility study carried out we believe that this property is capable of producing a gross return of approximately \$191,210, this equates to \$17,383 per hectare. We believe that if the existing 19.57 hectares was subdivided into two blocks, the new block of approximately 10 hectares could easily stand on its own as an economic unit.

It is important to note that some capital input would also be required to establish this as an independent economic unit. We suggest approximately \$60,000 would be required to purchase the necessary equipment and to erect a building to use for a pack house and storage facilities.

Due to the versatility of this soil a range of alternative crops could also be grown and would comfortably obtain the same or better gross returns than the intensive vegetable usage.

It is also of our opinion that at some stage it would be advantageous to erect a dwelling on the property. This makes it easier for the owner to work the land more efficiently and also provides better security.

Should there be any questions relating to the contents of this report we can be contacted at the numbers on the cover page of this report.

FEASIBILITY STUDY FOR: Rutherford Estate
Effective Production Area: 9 hectares

INCOME

Crop Grown	Spring onion	Silverbeet	Beetroot	Leek (early)	Swede	White turnip	Radish	Spinach	Leek (mid)
Area grown	2 ha	2 ha	0.5 ha	0.5 ha	2 ha	0.5 ha	0.5 ha	.05 ha	0.5 ha
No. Plants	1320000	35200	67500	30000	134600	67320	330000	10100	33000
Yield	240000	32000	60750	27000	121140	20400	30000	5000	30000
Return	0.6	1	0.2	0.6	0.2	0.6	0.6	0.8	0.4

TOTAL INCOME

\$144,000	\$32,000	\$13,500	\$16,200	\$24,228	\$12,240	\$18,000	\$4,000	\$12,000
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EXPENDITURE

Seed	1000	0	200	98	80	576	900	40	98
Seedling production	0	7040	0	0	0	0	0	0	0
Fertilisers- lime	500	500	125	125	500	125	125	125	125
Fertilisers- other	1412	1412	353	353	1412	353	353	353	353
Sprays-fungicides	750	182	182	750	182	182	182	182	182
-insecticides	364	364	90	90	364	90	90	90	90
-herbicides	62	62	16	16	62	16	16	16	62
Packaging	3200	1280	274	243	1090	41	30	150	243
Fuel for machinery	160	160	40	40	160	40	40	40	40
Gen. Equip (knives etc.)	25	100	25	100	25	25	25	25	100
Casual labour	1220	1220	305	305	305	305	305	305	1220
Transport	272	272	68	68	272	68	68	68	272
Commission	18000	4000	1687.5	2025	3028.5	1530	2250	500	1500
Levies	6480	1440	607.5	729	1090.26	550.8	810	180	540

TOTAL EXPENSES

\$33,445	\$18,032	\$3,973	\$4,942	\$8,571	\$3,902	\$5,194	\$2,074	\$4,825
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GROSS RETURN

\$110,555	\$13,968	\$9,527	\$11,258	\$15,657	\$8,338	\$12,806	\$1,926	\$7,175
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Total Income for the year: **\$191,210**

APPENDIX I
Feasibility Notes

These notes are to be read in conjunction with this feasibility study.

- * All feasibility's are exclusive of GST
- * All feasibility's are exclusive of overhead costs e.g.; electricity, rates etc.
- * All feasibility's are exclusive of administration expenditure.
- * Owners labour is not charged out.
- * Part time labour has been calculated on a per hectare basis.
- * Returns are based on average market prices achieved by the current produces.
- * Crop losses of between 10 & 20% are included in production figures.