
TO: Hearings Committee

FROM: Robert Buxton, Consultant Planner

DATE: 1 July 2019

SUBJECT: **RESOURCE CONSENT APPLICATION**
SUB-2018-118 & LUC-2018-628
33 Gladfield Road, East Taieri
Gladfield Country Golf Club Incorporated

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 1 July 2019. The purpose of the report is to provide a framework for the Committee's consideration of the application and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the RMA) before reaching a decision.

SUMMARY OF RECOMMENDATION

- [2] For the reasons set out below, I consider that the proposal will have no more than minor adverse effects and will be generally consistent with the objectives and policies of the district plans (except for those of the Proposed Second Generation Dunedin City District Plan relating to minimum site size and residential density) due to the site currently operating under two separate regimes, with proposed Lot 1 being leased for farming purposes and proposed Lot 2 being used as the golf course, and provided the development potential for the total site is limited to one residential unit. The proposed subdivision and development is considered to be unique due to the existing use and to be in keeping with the lot sizes and development in the immediate area, being the block bounded by State Highway 1, Gladfield Road and Gladstone Road South. As a result, I have concluded that the proposal should be granted.

DESCRIPTION OF PROPOSAL

- [3] Resource consent is sought to subdivide the site into two allotments. Proposed Lot 1 of 5.3 hectares would contain an existing paddock in the northwest portion of the existing site that is not used as part of the golf course and would be a vacant lot, with frontage to Gladstone Road South and would include a 40m by 40m building platform on raised land near the proposed southern boundary. Land use consent is also requested in order to use proposed Lot 1 for residential activity. Proposed Lot 2 of 15.8 hectares would contain the existing golf course and club buildings, with frontages to State Highway 1, Gladfield Road and Gladstone Road South, and the entrance to the golf course would remain at its current location halfway along the Gladfield Road frontage. No earthworks are proposed in the application. The application states that the subdivision would secure the golf club's financial future.

- [4] A copy of the application, including plans of the proposed subdivision, is contained in Appendix 1 of this report.

DESCRIPTION OF SITE AND LOCATION

- [5] The site is located on the west side of Gladfield Road and spans between State Highway 1 (SH1) to the south and Gladstone Road South to the north. It is between the settlements of East Taieri and Allanton. The southern two thirds of the site is rolling land around approximately the 20m contour with a gully through it, which then slopes down to the northern third of the site which is relatively flat at approximately the 7m contour, approximately the same level of the Taieri Plains to the north of the site. This flat northern portion of the site is bisected by an Otago Regional Council (ORC) drain that cuts diagonally through some of the golf course and the paddock, although access to the main area of the paddock is obtained from Gladstone Road South at the north-western corner without having to cross the ORC drain. The northern portion of the golf course is accessed by both a bridge and culvert over the ORC drain. Immediately to the north of Gladstone Road South is the Main Trunk Railway line.
- [6] The site is legally described as Section 2 Survey Office Plan 468887 (held in Computer Freehold Register 648385). The site has an area of 21.2138ha. Approximately three quarters of the site (i.e. proposed Lot 2) is used by the applicant as a 9 hole golf course. The remainder of the site (i.e. proposed Lot 1) is understood to be leased for farming purposes. The golf course is accessed from Gladfield Road, directly opposite the access to the dwelling and farm buildings at 34 Gladfield Road. The Golf Club building is a single storeyed building of approximately 250m² setback approximately 20m from Gladfield Road, with a smaller car parking area between the clubroom and the road, and a larger car parking area to the rear. There is a shed of approximately 100m² beside the larger car park. The golf course adjoins another golf course to the west, known as JT's Golf Course and Function Centre.
- [7] The immediately surrounding properties consist of the following, starting at the adjoining golf course and working in a clockwise direction:

Site	Area	Use
411 Gladstone Road South	9.7 ha	JT's Golf Course and Function Centre
405 Gladstone Road South	5.8ha	Lifestyle Block
405 Bush Road	183.5ha	Dairy Farm
370 Gladstone Road South	0.5ha	Contractors Yard
82 Gladfield Road	1.6ha	Agricultural storage
34 Gladfield Road	17.2ha	Farmland
262 Main South Road, East Taieri	4.4ha	Lifestyle Block
291 Main South Road, East Taieri	2.0ha	Lifestyle Block
293 Main South Road, East Taieri	1.2ha	Lifestyle Block
303 Main South Road, East Taieri	1.4ha	Lifestyle Block

305 Main South Road, East Taieri	1.4ha	Lifestyle Block
311 Main South Road, East Taieri	0.5ha	Lifestyle Block
3 Law Road, East Taieri	0.8ha	Lifestyle Block
1 Law Road, East Taieri	1.1ha	Lifestyle Block
504 Saddle Hill Road, East Taieri	81.3ha	Farmland
42 Law Road, East Taieri	6.0ha	Lifestyle Block
315 East Taieri-Allanton Road	1.1ha	Lifestyle Block

HISTORY OF THE SITE/BACKGROUND TO THE APPLICATION

- [8] The application states that the site was originally the home of the Taieri Golf course until they relocated to their current Milners Road site in 1969.
- [9] Further information was requested on 15 November 2018. Information requested related to: potential for soil contamination; approval from the ORC regarding the two designations that overlap the site (see paragraph 17 below); and clarification on access across the golf course during flood events. The applicant responded by email on 20 November 2018, 27 February 2019 and 19 March 2019, and these responses are included in Appendix 1A, along with the responses from the ORC regarding contaminated soils and the designations.

ACTIVITY STATUS

- [10] Dunedin currently has two district plans: the operative 2006 Dunedin City District Plan (2006 Plan), and the Proposed Second Generation Dunedin City District Plan (the "Proposed 2GP"). Until the Proposed 2GP is made fully operative, both district plans need to be considered in determining the activity status and deciding what aspects of the activity require resource consent.
- [11] The activity status of the application is fixed by the provisions in place when the application was first lodged, pursuant to Section 88A of the Resource Management Act 1991. However, it is the provisions of both district plans in force at the time of the decision that must be had regard to when assessing the application.

Dunedin City District Plan 2006 (2006 Plan)

- [12] The subject site is zoned Rural in the 2006 Plan. Three significant Blue gum trees T490-492 are identified in the southeast corner near the intersection of Gladfield Road and SH1, these being within proposed Lot 2. There are two designations nearby: D463 being SH1 adjacent to the site to the south; and D419 being the Main Trunk Railway immediately to the north of Gladstone Road South. Under the Road Hierarchy, SH1 is a National Road (Limited Access) and Gladfield Road and Gladstone Road South are Local Roads. Although the application (at Section 2.2) refers to the site containing High Class Soils, the site is not mapped as being on High Class Soils on Map 75 – High Class Soils - Taieri.

Subdivision

- [13] Under Rule 18.5.1(i) subdivision is a restricted discretionary activity within the Rural zone where the resultant sites 15ha or greater. Due to proposed Lot 1 being 5.3ha, under Rule 18.5.2 any subdivision that does not comply with Rule 18.5.1 is a **Non-Complying** activity.

Land Use

- [14] Under Rule 6.5.2(iii) residential activity is a permitted activity provided the minimum area of the site is not less than 15ha. Due to proposed Lot 1 being 5.3ha, under Rule 6.5.7(i) residential activity on that site is a **Non-Complying** activity.
- [15] Note the proposed 40m by 40m building platform for proposed Lot 1 is to be located 10m from the rear boundary and 40m from the side boundary. Therefore a residential unit erected on the proposed building platform may not meet the side and rear yard requirement of 40m (Rule 6.5.3(i)(b)) at the proposed rear boundary and under Rule 6.5.5(i) such an infringement would be a **Restricted Discretionary** activity with discretion restricted to the condition or conditions with which the activity fails to comply.
- [16] Overall, under the 2006 Plan the subdivision and land use are both **Non-Complying** activities.

Proposed Second Generation Dunedin City District Plan (Proposed 2GP)

- [17] The site is zoned Rural - Taieri Plains. There are overlays for: Hazards 3 (alluvial fan) which covers the gullies located within the golf course on proposed Lot 2; and Hazards 1 (flood) which covers the lower lying land in proposed Lots 1 and 2, but does not include the proposed building site on proposed Lot 1. There are two designations across the site: D217 for the ORC Lower Taieri Flood Protection Scheme that covers the lower lying land in proposed Lots 1 and 2, but does not include the proposed building site on proposed Lot 1; and D218 for the ORC East Taieri Drainage Scheme that covers the drain that bisects the northeast corner of the site and spans both proposed lots.
- [18] Although not specifically mapped in the Proposed 2GP, the whole site is identified as "highly productive land" as it is Land Use Capability (LUC) 3 shown on the Landcare Research website that is referred to in Rule 16.12.5.6.j. Highly productive land is land that has a LUC 1 – 3 classification.

Subdivision

- [19] Rule 16.3.5.1 specifies that subdivision is a restricted discretionary activity in the Rural zones, subject to compliance with the performance criteria. The proposed subdivision will fail to comply with Rule 16.7.4.1(g) which sets the minimum site size for the Rural – Taieri Plains zone at 40ha. Accordingly, the non-compliance of the subdivision proposal with Rule 16.7.4 results in an activity status of **Non-complying** pursuant to Rule 16.7.4.3. Guidance on assessment includes Rules 11.7.2, 16.12.2.1 and 16.12.5.6.
- [20] Note Rule 16.7.5 requires there to be a building platform of at least 8m by 15m on a slope of 12° (1:4.7 or 21%) or less. Within the proposed building site it is considered a building platform can meet these requirements based on the contours of the DCC Webmaps. The applicant may wish to confirm this.

Land Use

- [21] The proposal falls under the definition of standard residential. Under the Proposed 2GP, activities have both a land use activity and a development activity component.
- [22] Note the golf course appears to have existing use rights as well as land use consents to construct an office and for a liquor licence. As there will be no change to the golf course activity, these existing use rights are considered to be retained.

Land Use Activity

- [23] Rule 16.3.3.26 specifies that residential activity is permitted in the Rural zones, subject to the performance standards being met. Rule 16.5.2.1(g) specifies that the first residential activity on a rural site in the Rural – Taieri Plains zone requires 25ha of land for it to be a permitted activity. Both proposed lots will have less than 25ha; therefore, the proposed residential activity on proposed Lot 1 is considered to be a **Non-complying** activity pursuant to Rule 16.5.2.3. Guidance on assessment includes Rules 16.12.2.1 and 16.12.5.1.

Development Activity

- [24] The residential activity on proposed Lot 1 may fail to comply with Rule 16.6.10.1.a.i.2 which requires residential buildings to be setback 20m from side/rear boundaries of sites held in separate ownership. The proposed 40m by 40m building platform will be 10m from the proposed rear boundary, and it is the intention of the applicant to sell proposed Lot 1 prior to any residential building being built, therefore, under Rule 16.6.10.1.b any activity that contravenes this rule is a **Restricted discretionary** activity. Matters of discretion are covered by Rule 16.9.4.1 and 16.9.4.2, and guidance on assessment includes Rule 16.9.2.1.
- [25] Overall, under the Proposed 2GP the subdivision and land use are considered to be both **Non-complying** activities.

Overall Status under both the 2006 Plan and Proposed 2GP

- [26] Section 88A of the Resource Management Act determines that when an application has been lodged, the activity status remains unaltered despite decisions on a proposed plan being notified. The application was lodged on 23 October 2018, prior to the release of decisions on 6 November 2018. Accordingly, the activity status of the application is determined by the status of the activity under the Proposed 2GP as notified as well as the 2006 Plan. The Proposed 2GP was notified on 26 September 2015, and some 2GP rules had immediate legal effect. This included Rule 16.7.4 Minimum Site Size, which for the Rural – Taieri Plains zone required a minimum site size of 40ha. The relevant land use rules of the Proposed 2GP were not in effect. However, the status of the activity is effectively academic as under the 2006 Plan, both the subdivision and land use are **Non-Complying** activities.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“NES-CS”)

- [27] The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 came into effect on 1 January 2012. The NES-CS applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity

conditions specified in the National Environmental Standard and/or might require resource consent.

- [28] The applicant has advised that: "Neither the DCC or the ORC records identify any HAIL activities occurring on the site of the proposed subdivision. There is reference to the adjoining golf club activities (and associated turf management practices) but these have not encroached on to this site. Accordingly, we do not believe the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations apply to this proposal."
- [29] I infer that reference to "site of the proposed subdivision" by the applicant is proposed Lot 1. Given that the golf course activity, which is an activity included in the HAIL list due to the possible storage and use of herbicides and pesticides, particularly on the greens, will be retained entirely on proposed Lot 2 and will not be subdivided, I consider that the NES-CS does not apply in this situation.

Designations

- [30] As noted above the site contains designations by the ORC relating to flood control. Designation D217 (the ORC Lower Taieri Flood Protection Scheme) covers the lower lying land in proposed Lots 1 and 2. Any activity undertaken within the designation that would prevent or hinder a public work or project or work to which the designation relates requires the prior written approval of the requiring authority (RMA section 176(1)(b)).
- [31] The applicant has approached the ORC (see correspondence in Appendix 1A) but has chosen to not seek written approvals until they know that resource consent will be obtained. It appears that the ORC considers that the subdivision and proposed building platform will not prevent or hinder the designated project or work. The primary concern of the ORC is earthworks involving any access through the floodplain. They also raise concern about securing in perpetuity any temporary access over proposed Lot 2 during flood events.
- [32] No earthworks have been applied for in this application, and any earthworks would require the approvals of the ORC. Resource consent would also be required under the Proposed 2GP as Rule 8A.5.1.5.a.vi does not permit any fill within a Hazard 1 (flood) overlay. Advice notes are therefore recommended in terms of the land use consent. In terms of securing the temporary access in perpetuity, this can be achieved through a consent notice on the title.

NOTIFICATION AND SUBMISSIONS

- [33] No written approvals were submitted with the application.
- [34] The application was publicly notified in the Otago Daily Times on 30 March 2019.
- [35] Copies of the application were sent to those parties the Council considered could be directly affected by the proposal. Submissions closed on 1 May 2019.
- [36] Twelve submissions were received by the close of the submission period. Ten submissions were in support and two submissions were opposed.
- [37] The submissions are summarised in the table below, and a full copy of the submissions is attached in Appendix 2.

Name of Submitter	Support/ Oppose	Summary of Submission	Wish to be heard?
The NZ Guardian Trust Company Limited on behalf of JT's Golf Course and Function Centre	Support	In favour of the proposed subdivisions as it has no direct impact on JT's Golf Course and Function Centre.	No
Donald Henry Broad	Support	The proposed lot sizes are consistent in size and character with surrounding properties. There is not sufficient area to expand the golf course to be an 18 hole course. Subdivision will enable the future owner to make better use of the soils.	No
Marion Beverly Thompson	Support	Financial member of applicant. Wishes to ensure the financial viability of the club through disposal of surplus land that is not being utilised. Location complements surrounding lifestyles blocks. Additional lifestyle blocks would attract families to the Mosgiel area.	No
David Johnston	Support	Proposed subdivision is the best use for an underutilized block of land and proposed use is consistent with the surrounding blocks	No
John Paterson	Support	No specific documentation provided.	No
Mervyn James Miller	Support	There is not sufficient area to expand the golf course to be an 18 hole course. Site is adjacent to many lifestyle blocks. Site is unproductive and surplus to requirements and could be used for horticulture. If consent not granted club would be at risk of closing, affecting members, wider community and also a growing number of tourists.	Yes
Hazel Valmai and Te Ewi Mihaka	Support	Proposed subdivision will alleviate financial pressure on the club. The golf course is a necessary community facility, is unique in its terrain, is not too long for older golfers and is designed so that each three holes ends close to the toilet facilities and car park.	No
Yvonne Townsend	Support	Land is currently unproductive and future of club relies on consent being granted. Closure of club would be a loss to members and many visitors.	No
David Michael Lucas	Support	Lot 1 is of no use to the club and its sale would help to keep club going.	No
Keith Hendry	Support	No specific documentation provided.	No
Kevin Rodger Wilson	Oppose	Although the application refers to small blocks, there are 10 blocks towards Mosgiel and East Taieri that are between 8 – 21 hectares. Flooding on Gladstone Road will be made worse due to faster runoff from the house and paved area. Construction of a roadway from existing entrance to house site on proposed Lot 1 would interfere with the overland flow path of floodwater, and concentrate flows on 405 Gladstone Road. The proposed house site would be closest house to his contracting yard at 370 Gladstone Road, raising reverse sensitivity concerns. The area on proposed Lot 1 above flood levels is very small leaving little safe ground for livestock.	Yes

Karen Annelle Baughan	Oppose	Not sufficient elevated land to absorb wastewater and sewage, which will then flow into the submitter's property at 405 Gladstone Road (which is lower in some places) during flood events, increasing the flood levels and leaving sewage residue. Any above ground power lines would have a visual effect, when currently there are no power poles down left side of Gladstone Road. Concerned about further issues through development of subdivision based on current issues with applicant's land use including: unsightly dumping of green waste and building materials beside golf course; firewood processing debris transported to submitter's site during floods; nuisance large pine trees on boundary are not controlled. Concerned about precedence for further subdivision, and existing undersized sites are not relevant as they were subdivided well before current size limits. Gladstone Road South is a gravel road and there are visibility risks in summer.	Yes
-----------------------	--------	--	-----

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

[38] Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in Section 3 of the Act as including-

- a) *Any positive or adverse effect; and*
- b) *Any temporary or permanent effect; and*
- c) *Any past, present, or future effect; and*
- d) *Any cumulative effect which arises over time or in combination with other effects—*
regardless of the scale, intensity, duration or frequency of the effect, and also includes –
- e) *Any potential effect of high probability; and*
- f) *Any potential effect of low probability which has a high potential impact.*

Permitted Baseline

[39] An important consideration for the assessment of effects is the application of what is commonly referred to as the permitted baseline assessment. The purpose of the permitted baseline assessment is to identify the non-fanciful effects of permitted activities and those effects authorised by resource consent in order to quantify the degree of effect of the proposed activity. Effects within the permitted baseline can be disregarded in the effects assessment of the activity.

[40] In this situation, subdivision is not a permitted activity, and therefore the permitted baseline is not applicable to the subdivision consent. In terms of land use, the 2006 Plan provides for one residential unit on a 15ha site as a permitted activity (which was the permitted baseline for land use as noted in the application that was prepared prior to the land use rules of the Proposed 2GP coming into effect). The Proposed 2GP provides for standard residential activity on a 25ha site as a permitted activity, and that standard residential activity can include a family flat. Rule 16.4.6 of the Proposed 2GP specifically excludes family flats from consideration of the permitted baseline when considering notification matters (RMA s95) but it is not excluded from the substantive decision (RMA

s104) At the time of preparing this report, the permitted baseline for the land use is therefore one residential unit on a 25ha site that is 40m from the proposed lot boundaries.

- [41] The existing and reasonably foreseeable receiving environment is made up of:
- The existing environment and associated effects from lawfully established activities;
 - Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
 - The existing environment as modified by any resource consents granted and likely to be implemented; and
 - The environment as likely to be modified by activities permitted in the district plan.
- [42] For the subject site, the existing and reasonably foreseeable receiving environment comprises a golf course and a leased farm paddock.
- [43] For adjacent land, the existing and reasonably foreseeable receiving environment comprises those activities listed in the table at paragraph 7 including a golf course adjoining the site to the west, a contractors yard and agricultural storage across Gladstone Road South to the north, and a variety of rural or lifestyle blocks with most of the existing surrounding sites being less than 15ha, and many across SH1 being less than 2ha.
- [44] It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment of Effects

- [45] This section of the report assesses the following environmental effects in terms of the relevant assessment matters of sections 6.7, 17.8, 18.6, and 20.6 of the 2006 Plan, and Rules 16.9 and 16.12 of the Proposed Plan:
- Lot Size and Dimensions
 - Easements & Encumbrances
 - Infrastructure
 - Hazards
 - Building Platforms, Bulk and Location, Residential Units & High Class Soils
 - Landscape
 - Transportation
 - Earthworks
 - Physical Limitations
 - Amenity Values
 - Conflict and Reverse Sensitivity
 - Cumulative Effects
 - Sustainability
- [46] The following parts of this report represent my views on the effects of the proposal, having regard to the application, the submissions, and my visit to the site.

Lot Size and Dimensions (2006 Plan Assessment Matter 18.6.1(q); and Proposed 2GP Rules 16.12.2.1 and 16.12.5.6)

- [47] The proposed subdivision will create two lots from a site of 21.2138ha. The existing site is larger than minimum site size of 15ha for the Rural zone in the 2006 Plan, but is significantly smaller than the minimum site size of 40ha for the Rural - Taieri Plains zone

in the Proposed 2GP. Proposed Lot 1, at 5.3ha, will be approximately 35% of the minimum site size for the 2006 Plan and approximately 13% of the minimum site size for the Proposed 2GP, and proposed Lot 2 at 15.8ha, is greater than the minimum site size for the 2006 Plan and approximately 40% of the minimum site size for the Proposed 2GP.

- [48] The subject site is zoned Rural, but is in an area of rural land that contains a significant number of sites that are smaller than the minimum site size of 15ha for the Rural zone in the 2006 Plan. As noted above in the table at paragraph 7 most of the existing surrounding sites are less than 15ha, and many across SH1 are less than 2ha. Beyond those sites listed in the table, to the west of proposed Lot 1 the closest sites at 461, 473, 485 and 495 Gladstone Road South and 316 East Taieri -Allanton Road range from 5.8ha to 7.2ha. To the east of proposed Lot 1 the closest sites at 88 Gladfield Road and 309 and 320 Gladstone Road South range from 8.2ha to 8.6ha. Beyond these sites the minimum site area tends to be greater than 20ha. If the subdivision is to proceed, the new lots will be similar in scale to the other existing Rural-zoned properties in the vicinity, particularly those bounded by SH1, Gladfield Road and Gladstone Road South, and will not be out of character for the immediate area.
- [49] The proposed undersized lot is not what the District Plan seeks for the Rural zones, but nevertheless, the new lots are consistent with the existing land tenure and development of the adjoining Rural-zoned properties. Also the site is currently operating under two separate regimes, with proposed Lot 2 being the golf course and proposed Lot 1 being leased for farming purposes. The reduced lot sizes will not affect food production (although if the golf club were to cease, then the potential food production would be reduced by subdividing the 21 ha site into two), will not create urban expansion, and will maintain the character and amenity of the existing environment.
- [50] The submission by Kevin Rodger Wilson raises concern that the area of the site is such that there would not be little safe ground for livestock during flood events. I consider there would be sufficient safe ground on the sloping portion of proposed Lot 1 for livestock. Supplementary feed would be required, but this is not unusual during flood events.
- [51] Accordingly, the proposed lot sizing is considered to have adverse effects on the Rural zones which are minor.

Easements (2006 Plan Assessment Matter 18.6.1(i); Proposed 2GP Rules 6.11.2.7.iv, 11.7.2.1.f.ix)

- [52] There are no existing easements registered on the title of the subject site and no easements have been shown on the Survey Plan. However, consideration should be given to providing emergency access during flood events for proposed Lot 1 through the golf course to Gladfield Road. The applicant in providing further information has suggested that this access be for pedestrian access only, however, I consider vehicle access should also be provided to the existing vehicle access of the golf course to Gladfield Road, but only when the primary access via Gladstone Road South is not useable due to flooding.
- [53] The applicant also mentions that one option for connecting services to proposed Lot 1 would be by easements over proposed Lot 2. This would need to be determined prior to s224(C) certification, although the easement for emergency access could also accommodate other services if the route was reasonably direct.

Infrastructure (2006 Plan Assessment Matter 8.13.10 & 18.6.2(d), (e), (i), (j), (n), (o), and (p); and Proposed 2GP Rules 16.12.2.1 and 16.12.5.6)

- [54] The Policy Analyst, 3-Waters, has considered the application. She notes that the subject site is located in the Rural zone under the District Plan, and her comments below are focussed accordingly. She does not recommend any conditions, but does suggest advice notes.

Water Services

- [55] The proposed subdivision is located within the Rural zone and within the **East Taieri rural water scheme** boundary as shown in Appendix B of the *Dunedin City Council Water Bylaw 2011*. The property is currently connected to this scheme and receives ten water units per day. An application may be made to the Dunedin City Council 3 Waters for new lot 1 to be supplied for water from the East Taieri scheme, however the granting of this application would depend on the available capacity within this scheme. Otherwise, stormwater collected from roof surfaces may be used for domestic water supply and stored in suitably sized tank(s), with a minimum of 25,000L storage per lot.

Fire Fighting Requirements

- [56] All aspects relating to the availability of the water for firefighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies. I note that the Proposed 2GP includes Rule 9.3.3 which specifies fire fighting standards and these have been included as a condition of the land use.

Wastewater Services

- [57] As the proposed subdivision is located within the Rural zone, there are no reticulated wastewater services available for connection. Any effluent disposal is to be to a septic tank and effluent disposal system, which is to be designed by an approved septic tank and effluent disposal system designer.

- [58] The applicant notes that there is sufficient room away from the flood prone areas to provide for effluent disposal fields.

Stormwater Services

- [59] As the proposed subdivision is located within the Rural zone, there is no stormwater infrastructure or kerb and channel discharge points. Disposal of stormwater will need to be to water tables and/or watercourses on-site, or to suitably designed on-site soak-away infiltration system or rainwater harvesting system. Stormwater is not to cause a nuisance to neighbouring properties or cause any adverse downstream effects.

Submissions

- [60] I note that Submitter Karen Annelle Baughan at 405 Gladstone Road raises concerns about the increase in sewage and wastewater, and the potential contamination of floodwater by sewage during flooding events that can occur annually or biannually. I assume the submitter's comment about increased wastewater is in reference to stormwater increasing flooding. Submitter Kevin Rodger Wilson who owns the contractors yard opposite proposed Lot 1 also raises concerns about faster run off from the house and paved area.
- [61] I note that neither the 2006 Plan nor the Proposed 2GP appears to limit impermeable area within the Rural zones. Therefore I consider the effect of a new residential unit and its associated hard surface would be no different to a permitted large farm building and compacted manoeuvring area/accessway. I also note the disposal of stormwater from

hard surfaces would be made in with the site, and while it may increase the speed at which it reaches the floodplain, the eventual volume of floodwaters would be similar during the long term events that cause the surface flooding.

- [62] In terms of potential contamination of floodwater with sewage, as noted by the applicant, there is sufficient room to locate disposal fields away from floodwaters, which would provide better protection than rural sites that do not contain land above the floodwater.
- [63] The submitter also raises concern about the possible introduction of above ground power lines along Gladstone Road South. The applicant may wish to clarify what options are available for connection to services, although I note that overhead lines are often part of the rural environment.

Hazards (2006 Plan Assessment Matter 8.13.10 & 18.6.1(t); and Proposed 2GP Rules 11.7.2, 16.12.2.1 and 16.12.5.6)

- [64] Section 6(h) of the Resource Management Act 1991 requires the Council to recognise and provide for the management of significant risks from natural hazards, as a matter of national importance. In addition, under Section 106 of the Resource Management Act 1991, the Council may decline a subdivision consent, or it may grant the subdivision consent subject to conditions, if there is a significant risk from natural hazards.
- [65] The assessment of the risk from natural hazards requires a combined assessment of:
 - (a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
 - (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
 - (c) *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*
- [66] Council's Consulting Engineer, Stantec New Zealand, has considered the application in relation to the Hazards Register, street files, and available aerial photography. The Consultant Engineer notes that the primary concern is flooding and outlines the flood risks and the mechanisms in place to reduce flooding, including the Owhiro Stream Gated Outfall Structure which is designed to prevent flow from the Taieri River entering this area, while providing the capability for the Owhiro Stream to discharge by gravity into the Taieri River whenever water levels in the river are lower than those in the stream. He also notes that the site includes an area of liquefaction.
- [67] The Consulting Engineer notes that no significant earthworks are proposed as part of this application. He notes that there are no general potential instabilities of concern, and the proposal will not create or exacerbate instabilities on this or adjacent properties. He recommends that the application not be declined on the ground of known natural hazards. The Consulting Engineer does recommend conditions regarding earthworks, stormwater culverts, and changes to overland flows, although these matters would be addressed through the building consent process or by the ORC through their designation and bylaw processes (see email from Warren Handley of the ORC dated 7 February 2019 in Appendix 1A).
- [68] One matter of concern is the possibility that the access to proposed Lot 1 via Gladstone Road South could be cut off during significant flood events. As noted in paragraph 50 above, I consider alternative access should be provided to the existing vehicle access of

the golf course to Gladfield Road, but only when the primary access via Gladstone Road South is not useable due to flooding.

- [69] It is my view that, if the Committee is of a mind to grant consent, the proposed subdivision is unlikely to be compromised by the natural hazards affecting this land, and is unlikely to increase natural hazards on other properties.

Building Platforms, Bulk and Location, Residential Units (2006 Plan Assessment Matter 6.7.9, 6.7.15 & 18.6.1(h); and Proposed 2GP Rules 16.9.4, 16.12.2.1 and 16.12.5.1)

- [70] Proposed Lot 2 is already developed as a golf course, and no further development of this land is proposed in this current application.
- [71] The application plan shows a building platform on proposed Lot 1. This is 40m by 40m, giving it an area of 1600m². The application states that this platform is to be positioned 10m from the new boundary between Lots 1 and 2. The building platform is positioned outside the Hazards 1 (flood) overlay and also the ORC designation 217. In positioning the building platform outside the flood plain, the building platform encroaches on the 40m rear yard requirement of the 2006 Plan and the 20m rear yard requirement of the Proposed 2GP. The building platform facilitates the building of a residential unit up to 10m from the new boundary, therefore breaching the yard space. The building platform ensures that there will be at least a 40m separation of any new residential unit on proposed Lot 1 from the western side boundary with 405 Gladstone Road South and also maximises the distance from the contractors yards on the northern side of Gladstone Road South (although the presence of the flood plain would provide this separation). The building platform also ensures that the flatter, more productive land is available for farming purposes.
- [72] Assessment Matter 6.7.15 of the 2006 Plan directs Council to consider the effects of residential units in the Rural zone in terms of cumulative effects, potential conflict, the covering of soils by hard surfaces, the effects on neighbours' amenity and economic well-being, the effects on the open nature of the environment, and the degree to which the productive potential of the site and future sustainable use is compromised. The guidance matters in Rules 16.9.4 and 16.12.5. of the Proposed 2GP raise similar matters. Some of these matters are discussed in greater detail elsewhere in this report.
- [73] The productive potential of the total site may be compromised, first by the introduction of residential activity on proposed Lot 1 of approximately 5ha, and also by the potential for demand for residential development on proposed Lot 2, if the golf club were to cease operating. I note that under the 2006 Plan, a residential unit would be permitted on the total application site as it exceeds 15ha. I also note that the minimum density for residential development under the Proposed 2GP has been appealed, and therefore at this point in time must be given less weight. In order to reduce the potential for residential development and to not compromise the productive potential of the total site, it is recommended that a consent notice be placed on proposed Lot 2 to ensure the residential development potential of the total site is not increased. This would align to some extent with Rule 16.12.5.6.i that refers to the use of a legal mechanism to ensure that there is no increase in residential development potential.
- [74] In summary, I consider that, provided there is a consent notice limiting the residential development potential of the total application site, a dwelling on proposed Lot 1 will not have a significant presence in this location, and any adverse effects will be minor.

Landscape (2006 Plan Assessment Matter 6.7.25)

- [75] The subject site is not in a recognised landscape, and therefore the Landscape Section of the District Plan is not relevant to this subdivision proposal. The Council does not control the position of buildings outside of landscape areas, nor the appearance or colour of the buildings. The general provisions of the Rural zone in respect of rural character and visual impact do apply, however, and need to be considered, particularly as the proposed density of development is over and above that anticipated for the Rural zone.
- [76] A residential unit on the proposed building platform is considered to have little visual impact. The proposed building platform is located 40m from the western side boundary and there is screening vegetation along that boundary. The proposed building platform is approximately 200m from the golf clubrooms and would be screened by vegetation and the sloping land. While the building platform would be visible from Gladstone Road South, this would not be out of place in the rural environment due to it being well separated from other buildings by vegetation and topography.

Transportation (2006 Plan Assessment Matters 6.7.24, 18.6.1(c), & 20.6; and Proposed 2GP Rule 6.13.2)

- [77] Council's Graduate Planner - Transport has considered the application. He notes that the existing access to proposed Lot 1 is a farm access and will need to be upgraded. Transport considers that the access for proposed Lot 1 should be a minimum 3.5m formed width (in line with the 2006 Plan and Proposed 2GP requirements for Rural zones) and adequately drained. He also notes that the vehicle crossing to Gladstone Road South will need to be upgraded. In addition, he notes some loose material migrating from the golf course access onto the carriageway of Gladfield Road and considers that the applicant must undertake all practicable measures to prevent loose material being tracked onto the carriageway. Conditions are suggested regarding the formation of access to proposed Lot 1 and the removal of loose gravel from Gladfield Road, as well as advice notes regarding vehicle crossings and assessment of access, parking and manoeuvring at the time of resource consent/building consent application. Given the existing nature of the access of the golf course, it is considered removal of loose gravel from Gladfield Road should be addressed through an advice note.
- [78] As noted above, one matter of concern is the possibility that the access to proposed Lot 1 via Gladstone Road South could be cut off during significant flood events. As noted in paragraph 50 above, I consider alternative access should be provided to the existing vehicle access of the golf course to Gladfield Road, but only when the primary access via Gladstone Road South is not useable due to flooding.
- [79] The submission by Karen Annelle Baughan raises concern about dust from Gladstone Road South. However, I consider dust from any additional traffic from the proposed subdivision and subsequent residential activity will be minimal.

Earthworks (2006 Plan Assessment Matter 17.8)

- [80] No consent for earthworks has been made with the subdivision application, and no earthworks are required for the subdivision itself. Earthworks will be required at the time of forming a building platform for the house site on Lot 1. Should future earthworks on-site breach the performance standards of the relevant District Plan, further consent will be required.
- [81] As mentioned in the Hazards assessment above, earthworks for the access to proposed Lot 1 could affect overland flows and this is a concern raised in the submission by Kevin

Rodger Wilson. Any significant earthworks within the Hazards 1 (flood) overlay and with the ORC Designation will require consents or approval, and the effect of earthworks on overland flows and the storage capacity of flood waters would be addressed through those processes.

Physical Limitations (2006 Plan Assessment Matter 18.6.1(k))

- [82] Regarding the question as to whether or not the subdivision will produce lots having physical limitations rendering them unsuitable for future use, I consider proposed Lot 1 is of suitable size and shape for a residential dwelling and generous curtilage. Proposed Lot 2 is already developed with the existing buildings. There are no known geotechnical issues affecting Lot 1 which are expected to compromise its development potential. Accordingly, there is no expectation that the proposed subdivision will create any site having physical limitations rendering the site unsuitable for future use.

Amenity Values (2006 Plan Assessment Matters 8.13.5; and Proposed 2GP Rules 16.9.4, 16.12.2.1 and 16.12.5.1)

- [83] The Resource Management Act 1991 defines 'amenity values' as:

"... those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes"

- [84] The existing environment and character of an area largely determines the amenity values of any site, but amenity values are also expressed by the District Plan through the zoning provisions. The District Plan identifies the amenity values of the Rural zone as being a low density of development and a sense of openness. This particular Rural area is not typical in that many of the sites in this area are significantly undersized for rural properties. Having said that, the topography of the area and the flood prone nature of much of the land does provide a sense of openness and low level of development. I consider that the proposed subdivision and subsequent development of a residential unit will have little effect on the amenity values due to the separation of buildings, the screening by existing vegetation and the topography which to some degree separates development.
- [85] Submitter Karen Annette Baughan raises concern about the current management of the applicant's site, and refers to rubbish dumping, debris from firewood and large uncontrolled trees. These concerns appear to be mainly amenity concerns, although if debris were to block any culverts during flood events then this would be a hazard that should be addressed by the owners of the site. I consider that by providing separate ownership many of these concerns may be addressed.

Conflict and Reverse Sensitivity (2006 Plan Assessment Matters 6.7.15 and 6.7.26; and Proposed 2GP Rule 16.12.5.6)

- [86] The proposed subdivision will result in one additional residential unit on Rural-zoned land, situated within 40.0m of the new rear boundary. Houses are an expected component of the rural areas, and residential activity and farming often co-exist with minimal conflict. The residential activity on proposed Lot 1 will not introduce any potential conflict or reverse sensitivity for rural farming activity. While it is to be built within the new rear yard, the adjoining property is operated by the applicant and can address any potential conflict or reverse sensitivity issues for their property arising from the position of the proposed house in relation to the golf course.

- [87] The submission by Kevin Rodger Wilson raises concern about reverse sensitivity issues for his contracting yard immediately across Gladstone Road South from proposed Lot 1. The distance from the contracting yard to the closest corner of the proposed building platform is approximately 250m. Given that on the neighbouring property at 405 Bush Road, which is approximately 183ha in size, a complying residential unit could be erected within 40m on the submitter's site based on the 2006 Plan or 20m under the Proposed 2GP, I consider that the 250m separation is sufficient distance to ensure reverse sensitivity effects are avoided.

Cumulative Effects (2006 Plan Assessment Matter 6.7.4; and Proposed 2GP Rule 16.12.2.1)

- [88] The cumulative effect of allowing an additional reduction in lot size on the rural productivity and character needs to be considered. In this case, the site is currently not used as a contiguous farming block, but is used for a golf course and a leased paddock. Given this and the nature of the surrounding area and the pattern of development, this additional undersized lot is not considered to create a cumulative effect that is more than minor.

Sustainability (2006 Plan Assessment Matter 6.7.1; and Proposed 2GP Strategic Direction 2.2)

- [89] The district plans seek to enhance the amenity values of Dunedin and to provide a comprehensive planning framework to manage the effects of use and development of resources. It also seeks to suitably manage infrastructure.
- [90] It is my opinion that the proposed subdivision will have adverse effects on the amenity values and character of this area which are less than minor. Any additional residential effects will be minimal in the context of the nearby development.
- [91] The proposed subdivision will utilise existing roading, and does not require any new roading development. The existing roads will accommodate the additional traffic generated by the proposed subdivision without issue. Accordingly, the proposal is considered to be sustainable use of the transportation network.
- [92] The Policy Analyst, 3-Waters, has not identified any concerns about the sustainability of the existing service infrastructure. Proposed Lot 1 will either be able to connect to the existing rural water supply or will need to be self-serviced and, as such, there would be no additional water or sewage disposal demands on Council's infrastructure. The servicing of the existing clubroom on proposed Lot 2 is already established and not changing.
- [93] Council's Consulting Engineer, Stantec New Zealand, did not identify any natural hazards of concern when developing proposed Lot 1, and recommends that the application not be declined on the ground of known natural hazards.
- [94] Overall, I am of the opinion that the proposed subdivision and residential development is a sustainable use of Dunedin City's physical and natural resources.

Positive Effects

- [95] The proposal will provide an additional residential unit within the area and assist in the retention of the golf course for the benefit of members and the public.

Effects Assessment Conclusion

- [96] The proposed subdivision and residential development of Lot 1 will have no more than minor adverse effects as it will subdivide a site that is already used for two different regimes and, provided there is a consent notice preventing residential development on proposed Lot 2, will introduce one additional house that is in keeping with the area which has more lifestyle characteristics.
- [97] A building platform on proposed Lot 1 will ensure suitable separation from adjoining properties and from the floodplain, and along with the existing screening vegetation and topography, will retain a sense of openness.
- [98] The proposal is considered to have no adverse effects on the transportation network or the Council's infrastructure.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

- [99] Section 104(1)(ab) of the Resource Management Act 1991 requires that the Council have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.
- [100] In this case, no offsetting or compensation measures have been proposed or agreed to by the applicant.

OBJECTIVES AND POLICIES ASSESSMENT

Assessment of Objectives and Policies of the District Plan (Section 104(1)(b)(vi))

- [101] In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the 2006 Plan and the Proposed 2GP were taken into account in assessing the application.

Dunedin City District Plan

- [102] The following objectives and policies of the Dunedin City District Plan were considered to be relevant to this application:

Dunedin City District Plan

Sustainability

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 4.2.1	Enhance the amenity values of Dunedin.	While the proposal may not enhance amenity values, it will retain the spaciousness and separation of activities in the immediate area. The proposal is considered to be generally consistent with this objective and policy.
Policy 4.3.1	Maintain and enhance amenity values.	
Objective 4.2.2	Ensure that the level of infrastructural services provided is appropriate to the potential density and intensity of development and amenity values.	The new lot will be generally self-serviced, although proposed Lot 1 may be able to connect to the existing water supply, and will utilise existing roading infrastructure. The proposal is consistent with these objectives and policies.
Policy 4.3.2	Avoid developments which will result in the unsustainable expansion of infrastructure services.	
Objective 4.2.3	Sustainably manage infrastructure.	

Policy 4.3.5	Require the provision of infrastructure at an appropriate standard.	
Objective 4.2.5	Provide a comprehensive planning framework to manage the effects of use and development of resources.	This land is zoned Rural, but the site and adjacent properties are not typical of rural properties anticipated in the zone. Provided there is a consent notice preventing residential development on proposed Lot 2, the proposal is considered a compatible use and development within the identified area and to be generally consistent with these objectives and policies.
Policy 4.3.7	Use zoning to provide for uses and development which are compatible within identified areas.	
Policy 4.3.8	Avoid the indiscriminate mixing of incompatible uses and developments.	

Rural/Rural Residential

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 6.2.1	Maintain the ability of the land resource to meet the needs of future generations.	The existing site is currently operating under two separate regimes, with proposed Lot 1 being leased for farming purposes and proposed Lot 2 being used as the golf course. The subdivision of the farm paddock will result in a residential unit occurring on Lot 1, but this will be located on the lesser productive slopes of Lot 1. The location of the residential unit will not create incompatibilities with adjoining land uses. There is the potential for the golf club to cease operation and therefore, provided there is a consent notice preventing residential development on proposed Lot 2, the proposal is considered to meet the overall residential density requirements of the 2006 Plan and will be generally consistent with these objectives and policies.
Policy 6.3.1	Provide for activities based on the productive use of rural land.	
Policy 6.3.2	Sustain the productive capacity of the Rural zone by controlling the adverse effects of activities.	
Policy 6.3.3	To discourage land fragmentation and the establishment of non-productive uses of rural land and to avoid potential conflict between incompatible and sensitive land uses by limiting the density of residential development in the Rural zone.	
Objective 6.2.2	Maintain and enhance the amenity values associated with the character of the rural area.	While the proposal may not enhance amenity values, it will retain the spaciousness and separation of activities in the immediate area. The proposal is considered to be generally consistent with these objectives and policies.
Policy 6.3.5	Require rural subdivision and activities to be of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner that avoids, remedies or mitigates adverse effects on rural character. Elements of the rural character of the district include, but are not limited to: a) a predominance of natural features over human made features; b) high ratio of open space relative to the built environment; c) significant areas of vegetation in pasture, crops, forestry and indigenous vegetation; d) presence of large numbers of farmed animals; e) ... f) Low population densities relative to urban areas; g) Generally unsealed roads; h) Absence of urban infrastructure.	
Policy 6.3.6	Avoid, remedy or mitigate the adverse effects of buildings, structures and vegetation on the amenity of adjoining properties.	

Policy 6.3.11	Provide for the establishment of activities that are appropriate in the Rural Zone if their adverse effects can be avoided, remedied or mitigated.	
Objective 6.2.4	Ensure that development in the rural area takes place in a way which provides for the sustainable management of roading and other public infrastructure.	The proposal will sustainably manage the roading network and services infrastructure. No new roading is required and traffic generated by the additional residential unit is within the capacity of the existing roading. There will be no demand of urban services. Accordingly, the proposal is considered to be consistent with this objective and policy.
Policy 6.3.8	Ensure development in the Rural and Rural Residential zones promotes the sustainable management of public services and infrastructure and the safety and efficiency of the roading network.	
Objective 6.2.5	Avoid or minimise conflict between different land use activities in rural areas.	The proposals are considered to be consistent with this objective. The proposed residential activity is not expected to conflict with any of the adjoining established activities.
Policy 6.3.12	Avoid or minimise conflict between differing land uses which may adversely affect rural amenity, the ability of rural land to be used for productive purposes, or the viability of productive rural activities.	
Objective 6.2.6	Maintain and enhance the life-supporting capacity of land and water resources.	The proposed subdivision will create one additional lot and residential unit that can be self-sufficient for water supply and on-site effluent disposal. The proposal is considered to be consistent with this policy.
Policy 6.3.9	Ensure residential activity in the rural area occurs at a scale enabling self-sufficiency in water supply and on-site effluent disposal.	
Policy 6.3.14	Subdivision or land use activities should not occur where this may result in cumulative adverse effects in relation to: (a) amenity values. (b) rural character (c) natural hazards, (d) the provision of infrastructure, roading, traffic and safety, or (e) Irrespective of the ability of a site to mitigate adverse effects on the immediately surrounding environment	The proposal will not result in adverse cumulative effect on the Rural zone due to the site being operated under two regimes, the nature of the surrounding area and the pattern of development. With a consent notice preventing residential development on proposed Lot 2, the proposal is considered to be consistent with this policy.

Hazards

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 17.2.1	Ensure that the effects on the environment of natural and technological hazards are avoided, remedied or mitigated.	Council's Consulting Engineer has not identified any concerns about the development on the proposed building platform and any flooding matters will be addressed through approvals by the ORC or through earthworks consents. The proposal is expected to be consistent with this objective and policy.
Policy 17.3.3	Control development in areas prone to the effects of flooding.	
Objective 17.2.3	Earthworks in Dunedin are undertaken in a manner that does not put the safety of people or property at risk and that minimises adverse effects on the environment.	No earthworks have been applied for as part of this subdivision and land use proposal, but it is likely earthworks will be required to form the access and new building platform on Lot 1. The control of earthworks within the flood plain through plan provisions and the designation and bylaws of the ORC will address any concerns. The proposal is considered to be consistent with this objective and policy.
Policy 17.3.9	Control earthworks in Dunedin according to their location and scale.	

Subdivision

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 18.2.2	Ensure that the physical limitations of land and water are taken into account at the time of the subdivision activity.	Any physical limitations on the site are not considered to prevent subdivision or development. The proposal is expected to be consistent with this objective.
Policy 18.3.5	Require subdividers to provide information to satisfy the Council that the land to be subdivided is suitable for subdivision and that the physical limitations are identified and will be managed in a sustainable manner.	
Policy 18.3.6	Refuse consent to the subdivision of unsuitable land.	
Objective 18.2.3	Ensure that the potential uses of land and water are recognised at the time of the subdivision activity.	This subdivision proposal, with a consent notice preventing residential development on proposed Lot 2, will maintain the potential use of the rural land resource. The proposal is considered to be consistent to this objective.
Policy 18.3.4	Subdivision activity consents should be considered together with appropriate land use consent and be heard jointly.	The subdivision consent application is being heard with the associated land use application for residential activity and technical breaches.
Objective 18.2.6	Ensure that the adverse effects of subdivision activities and subsequent land use activities on the City's natural, physical and heritage resources are avoided, remedied or mitigated.	The proposed subdivision is not expected to have more than minor adverse effects on the City's natural, physical or heritage resources. The proposal is considered to be consistent with this objective.
Objective 18.2.7	Ensure that subdividers provide the necessary infrastructure to and within subdivisions to avoid, remedy or mitigate all adverse effects of the land use at no cost to the community while ensuring that the future potential of the infrastructure is sustained.	The proposal is a relatively simple one in terms of infrastructural needs. The subdivision will create one vacant site suitable for development with one residential unit. The residential unit is to be self-serviced (or connect to the rural water supply if there is capacity) and will have no impact on Dunedin's infrastructure. There is no need for additional roading. There are no concerns that the disposal of effluent and stormwater will adversely affect neighbouring land. The proposal is considered to be consistent with this objective and policy.
Policy 18.3.7	Require the provision of all necessary access, infrastructure and services to every allotment to meet the reasonably foreseeable needs of both current and future development.	
Policy 18.3.8	Control foul effluent disposal and adequately dispose of stormwater to avoid adversely affecting adjoining land.	

Transportation

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 20.2.2	Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.	The proposed subdivision will create only one additional lot and one additional residential activity. The subject site is accessed via an existing rural road where one extra residential dwelling will generate minimal traffic compared to the existing traffic use. The proposal will have no adverse effect on the transportation network. The proposal is considered to be consistent with these objectives and policies.
Objective 20.2.4	Maintain and enhance a safe, efficient and effective transportation network.	

Proposed Plan

The objectives and policies of the Proposed Plan must be considered alongside the objectives and policies of the current district plan. The following Proposed Plan objectives and policies are considered relevant to the proposal (noting that the underlined objective or policy indicates that it is subject to appeal):

Strategic Directions

	Objective/Policy	Is the proposal Consistent with or Contrary to the Objective?
Objective 2.2.1	The risk to people, communities, and property from natural hazards, considering the potential effects of climate change, is no more than low.	The proposal is not expected to increase the risk to people, communities or property from natural hazards. While flooding of the lower portion of proposed Lot 1 will occur, this can be managed and the risks to people will be low. The proposal is considered to be consistent with this objective and policy.
Policy 2.2.1.1	Manage land use, development and subdivision based on: - the sensitivity of activities, by identifying them as: a natural hazards sensitive activity, a natural hazards potentially sensitive activity, or a natural hazards least sensitive activity; and - the risk from natural hazards to people, communities and property, considering both the likelihood and consequences of natural hazards, as shown in Table 11.1.2A in Section 11.	
Objective 2.2.2	Dunedin reduces its reliance on non-renewable energy sources and is well equipped to manage and adapt to changing or disrupted energy supply by having: ...; - reduced reliance on private motor cars for transportation; and - increased capacity for local food production.	The existing site is effectively operating under two regimes; a golf course (which is a non-productive use) and a farm paddock. The subdivision of the farm paddock will result in a residential unit occurring on Lot 1 which will diminish the food production, although this will be located on the less productive slopes of Lot 1. A consent notice preventing residential development on proposed Lot 2 will retain the food production capacity over the entire application site, should the golf club cease operations. The proposal is considered to be contrary to the objective and policy although it is noted that the minimum site size performance standards have been appealed.
Policy 2.2.2.1	Identify areas important for food production and protect them from activities or subdivision (such as conversion to residential use) that may diminish food production capacity through: - use of zoning and rules that limit subdivision and residential activity, based on the nature and scale of productive rural activities in different parts of the rural environment; ...	
Objective 2.2.4	Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations	The proposal will be a fundamentally different type of residential activity than provided for in the zone, but will not be of the minimum rural-residential scale of 2ha or urban scale and will be consistent with the development within the immediate area. The proposal is considered to be contrary to the objective and policy although it is noted that the minimum site size performance standards have been appealed.
Policy 2.2.4.4	Avoid subdivision that provides for residential activity of a fundamentally different type than provided for in the various zones, through: - rules that prevent rural residential or urban-scale residential living in rural zones; ...;	
Objective 2.2.5	Development in the city is designed to reduce environmental costs and adverse effects on the environment as much as practicable, including energy consumption, water use, and the quality and quantity of stormwater discharge	The proposal will both involve on-site effluent and stormwater drainage, and will use either a connection to the rural water scheme or rainwater for domestic supply. The proposal is considered to be consistent with this objective and policy.
Policy 2.2.5.2	Enable and encourage on-site stormwater and wastewater management, where this	

	would not endanger groundwater and is not in conflict with the efficient use of existing public, wastewater and stormwater infrastructure, through rules that provide for an alternative to connecting to public water supply, wastewater and stormwater infrastructure.	
Objective 2.3.1	Land and facilities that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities; and productive rural land are: a) protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and b) ...	The proposal may not result in less productive competing uses and will not be incompatible with surrounding uses. The proposal is considered to be consistent with this objective, but is considered to be contrary to the policy in terms of the zoning and rules that limit subdivision and strictly enforce a minimum site size. It is noted that the minimum site size performance standards have been appealed.
Policy 2.3.1.2	Maintain or enhance the productivity of farming and other activities that support the rural economy through: a) rules that enable productive rural activities; b) rules that provide for rural industry and other activities that support the rural economy; c) zoning and rules that limit subdivision and residential activity based on; i. the nature and scale of productive rural activities in different parts of the rural environment; ii. the location of highly productive land; and iii. potential conflict with rural water resource requirements; d) rules that restrict residential activity within the rural environment to that which supports productive rural activities or that which is associated with papakāika; e) rules that require residential buildings to be set back from boundaries to minimise the potential for reverse sensitivity; f) rules that restrict subdivision that may lead to land fragmentation and create pressure for residential-oriented development;	
Policy 2.3.1.3	In order to avoid cumulative effects on rural productivity and rural character values set and strictly enforce a minimum site size standard for subdivision in the rural zones. Determine the minimum site size standard considering: a) the median size land holding associated with and necessary to support farming activity in each rural zone; b) the existing pattern of settlement and land use in each rural zone; and c) the character and amenity values that exist in each rural zone.	
Objective	The character and visual amenity of	The proposal is considered to maintain the

2.4.6	Dunedin's rural environment is maintained or enhanced	character and visual amenity of the immediate rural environment but not the wider Taieri Plains. The proposal is considered to be generally consistent with this objective, but is considered to be contrary to the policy in terms of the zoning and rules that limit the density of residential activity and manage the pattern, scale and design of subdivision. However, it is noted that the density performance standards have been appealed.
Policy 2.4.6.1	Identify the important character and visual amenity values of different rural environments that should be maintained, and use these as part of the determination of rural zones that require different management approaches. Identify and list these values in Appendix A7 based on the following: a) landform and naturalness; d) open space characteristics; e) nature, scale and design of buildings; f) density of development; g) nature, scale and types of productive uses; and h) presence of indigenous vegetation and habitats for indigenous fauna.	
Policy 2.4.6.2	Maintain the identified values within different rural environments through mapping rural zones and using rules that: a) limit the density of residential activities; b) manage the bulk and location of buildings; c) manage the form and design of development associated with large scale activities such as intensive farming and mining; and d) manage the pattern, scale and design of subdivision.	

Transportation

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
<u>Objective 6.2.3</u>	Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.	The proposal will not change the safety and efficiency of the transport network. There is no alterations being made to the transportation network, and very little additional traffic generated in comparison to the existing use of the roads. The proposal is considered to be consistent with this objective and policy.
<u>Policy 6.2.3.9</u>	Only allow land use and development activities or subdivision activities that may lead to land use or development activities, where: a) adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated; and b) any associated changes to the transportation network will be affordable to the public in the long term.	
<u>Objective 6.2.4</u>	Parking areas, loading areas and vehicle accesses are designed and located to: a) provide for the safe and efficient operation of both the parking or loading area and the transport network; and b) facilitate the safe and efficient functioning of the transport network and connectivity for all travel modes.	The proposal will result in one additional lot and residential unit and one new vehicle access, which the transport network can accommodate. The transport planner has also requested the applicant address the gravel from the existing access to the golf course migrating on to the road seal, which will be addressed through an advice note. The proposal is considered to be consistent with this objective and policies.
<u>Policy 6.2.4.2</u>	Require driveways to be designed to ensure that: a) the surfacing and gradient of the driveway allows it to be used safely and efficiently;	

	b) mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths; c) the width of the driveway is sufficient to allow the type and number of vehicles (including emergency vehicles), likely to be using it to do so safely and efficiently; and d) sufficient distance is provided between shared driveways and dwellings.	
Policy 6.2.4.4	Require vehicle accesses to be limited in number and width, in order to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on: a) pedestrian and cyclist safety and ease of movement; and b) the safety and efficiency of the multi-modal transport network.	

Public Health and Safety

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 9.2.1	Land use, development and subdivision activities maintain or enhance the efficiency and affordability of water supply, wastewater and stormwater public infrastructure.	The subject site is a Rural zoned property. The existing clubroom is serviced for water supply, but is fully self-serviced for wastewater and stormwater, and the proposed dwelling on Lot 1 can be fully self-serviced. I consider the proposal to be consistent with this objective and policy.
Policy 9.2.1.1	Only allow land use or subdivision activities that may result in land use or development activities where: a) in an area with water supply and/or wastewater public infrastructure, it will not exceed the current or planned capacity of that public infrastructure or compromise its ability to service any activities permitted within the zone; and b) in an area without water supply and/or wastewater public infrastructure, it will not lead to future pressure for unplanned expansion of that public infrastructure.	
Objective 9.2.2	Land use, development and subdivision activities maintain or enhance people's health and safety.	The proposed development proposal is considered to maintain people's health and safety. There will be minimal effects on neighbours resulting from the proposed subdivision and new house. The proposal is considered to be consistent with this objective.
Policy 9.2.2.7	Only allow land use, development, or subdivision activities that may lead to land use and development activities, in areas without public infrastructure where the land use, development or the size and shape of resultant sites from a subdivision, ensure wastewater and stormwater can be disposed of in such a way that avoids adverse effects on the health of people on the site or on surrounding sites or, if avoidance is not possible, ensure any adverse effects would be insignificant.	Proposed Lot 1 will be of a size and shape where the new residential dwelling can be fully self-serviced without having adverse effects on the health of the residents or any adjoining neighbour. The proposal is considered to be consistent with this policy.

Policy 9.2.2.9	Require all new residential buildings, or subdivisions that may result in new residential buildings, to have access to suitable water supply for fire-fighting purposes.	The proposed dwelling will need to be self-serviced for fire-fighting. The proposal is considered to be consistent with this policy.
-----------------------	--	---

Natural Hazards

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 11.2.1	Land use and development is located and designed in a way that ensures that the risk from natural hazards, including climate change, is no more than low, in the short to long term.	While the proposal does include Hazard 1 (flood) overlay, the natural hazards sensitive activity of residential activity will be located away from the hazard. The proposal is considered to be consistent with this objective.
<u>Policy 11.2.1.1</u>	In the Hazard 1 (flood) Overlay Zone, avoid natural hazards sensitive activities and natural hazards potentially sensitive activities unless: a) the risk from natural hazards is avoided, or is no more than low; and b) the activity has a critical operational need to locate within the Hazard 1 (flood) Overlay Zone and locating outside it is not practicable.	
<u>Policy 11.2.1.12</u>	In all hazard overlay zones, the swale mapped area, the dune system mapped area, or in any other area that the DCC has information to suspect there may be risk from a natural hazard, only allow subdivision activities where there is a reasonable level of certainty that any future land use or development will meet policies 11.2.1.1 - 11.2.1.11..	

Rural Zones

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
<u>Objective 16.2.1</u>	Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.	The proposal is considered to be contrary to the objectives and policies in terms of the zoning and rules that limit the density of residential activity, although a consent notice preventing residential development on proposed Lot 2 will limit the development capacity of the total site. It is noted that these objectives and policies and the density performance standards have been appealed.
<u>Policy 16.2.1.5</u>	Require residential activity, with the exception of papakāika, in the rural zones to be at a level (density) that supports farming activity and achieves objectives 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4 and their policies.	
<u>Policy 16.2.1.7</u>	Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless it is the result of a surplus dwelling subdivision.	
<u>Objective 16.2.2</u>	The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that	Given the large separation distances between the building platform on proposed Lot 1 and the surrounding activities, and that the reduced rear yard for proposed Lot 1 adjoins the existing golf course, the proposal is

	ensure: a) the potential for reverse sensitivity in the rural zones is minimised; b) the residential character and amenity of adjoining residential zones is maintained; and c) a reasonable level of amenity for residential activities in the rural zones.	considered to be consistent with this objective and policy.
<u>Policy 16.2.2.1</u>	Require residential buildings and cemeteries to minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from: a) site boundaries; and b) intensive farming, domestic animal boarding and breeding (including dogs), mining, landfills, wind generators - large scale, and the Waitati Rifle Range.	
Policy 16.2.2.3	Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.	
Objective 16.2.3	The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include: a) a predominance of natural features over human made features; b) a high ratio of open space, low levels of artificial light, and a low density of buildings and structures; c) buildings that are rural in nature, scale and design, such as barns and sheds; d) a low density of residential activity, which is associated with rural activities; e) a high proportion of land containing farmed animals, pasture, crops, and forestry; f) extensive areas of indigenous vegetation and habitats for indigenous fauna; and g) other elements as described in the character descriptions of each rural zone located in Appendix A7.	The proposal, and a consent notice preventing residential development on proposed Lot 2, is considered to maintain the character values and amenity of the immediate area. The building platform on proposed Lot 1 will provide significantly greater setback from the side and front boundaries than the zone requires. The proposal is considered to be consistent with this objective, but is considered to be contrary to the policies in terms of the density of zone. It is noted that the density performance standards have been appealed.
Policy 16.2.3.1	Require buildings and structures to be set back from site boundaries and of a height that maintains the rural character values and visual amenity of the rural zones.	
Policy 16.2.3.2	Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.	
<u>Policy 16.2.3.8</u>	Only allow subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones.	
Objective 16.2.4	The productivity of rural activities in the rural zones is maintained or enhanced.	
<u>Policy 16.2.4.3</u>	Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will:	The existing site is effectively operating under two regimes; a golf course (which is a non-productive use) and a farm paddock. The subdivision of the farm paddock will result in a residential unit occurring on Lot 1 which will diminish the productivity, although this will be

	a) maintain or enhance the productivity of rural activities; b) maintain highly productive land for farming activity, or ensure the effects of any change in land use are: i. insignificant on any high class soils mapped area; and ii. no more than minor on other areas of highly productive land; c) maintain land in a rural rather than rural residential land use; and d) not increase the potential for reverse sensitivity.	located on the less productive slopes of Lot 1. A consent notice preventing residential development on proposed Lot 2 will retain the food production capacity over the entire application site, should the golf club cease operations. The proposal is considered to be contrary to the objective and policy although it is noted that the minimum site size performance standards have been appealed.
Policy 16.2.4.4	Require residential activity in the rural zones to be at a density that will not, over time and/or cumulatively, reduce rural productivity by displacing rural activities.	

Overall Objectives and Policies Assessment

- [103] Having regard at the relevant objectives and policies individually, and considering these in an overall way, the above assessment indicates that the application, with a consent notice preventing residential development on proposed Lot 2, is generally consistent with those provisions. However, the proposal is considered to be contrary to the objectives and policies of the Proposed 2GP that are related to the density and minimum site size standards of the Proposed 2GP although these standards have been appealed.

Assessment of Regional Policy Statements (Section 104(1)(b)(v))

- [104] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. The Regional Policy Statement for Otago was made operative in October 1998. It has been reviewed and the Proposed Regional Policy Statement was notified on 23 May 2015. On 12 December 2018, several appeals were resolved, and most sections of the Proposed Regional Policy Statement became operative from 14 January 2019.
- [105] The application is considered to be generally consistent with the relevant objectives and policies of the operative portions of the Partially Operative Regional Policy Statement 2019, noting that Objective 5.3 and Policy 5.3.1.e refers to *"Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency"*.
- [106] Although much of the 1998 Otago Regional Policy Statement is no longer operative, the proposal is considered to be consistent with the relevant objectives and policies.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [107] Consideration is given to the ability of the proposal (including a consent notice preventing residential development on proposed Lot 2) to meet the purpose of the Act, which is to promote sustainable management of natural and physical resources. Other resource management issues require consideration when exercising functions under the Act. The relevant sections are:

- 5(2)(a) "Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
- 5(2)(c) "avoiding, remedying or mitigating any adverse effects of activities on the environment",
- 6(h) "the management of significant risks from natural hazards".
- 7(b) "The efficient use and development of natural and physical resources";
- 7(c) "The maintenance and enhancement of amenity values";
- 7(f) "Maintenance and enhancement of the quality of the environment"; and
- 7(g) "Any finite characteristics of natural and physical resources".

[108] With regard to Section 5(2)(a), it is considered that the proposal will maintain the potential of the natural and physical land resource. The existing site is operating under two separate regimes, with proposed Lot 1 being leased for farming purposes and proposed Lot 2 being used as the golf course.

[109] With regard to Section 5(2)(c), it is considered that the proposal will have few adverse effects on rural productivity. The proposed residential unit will be well separated from other adjoining activities.

[110] Section 6(h) has been specifically addressed earlier.

[111] With regard to Section 7(b), it is considered that the proposal which will fragment Rural-zoned land into undersized Rural-zone sites, but this is consistent with the existing uses of the site, and there is no significant loss of productive farmland occurring.

[112] With regard to Section 7(c) and 7(f), it is considered that the proposal, with a single additional residential unit, will have few effects on the amenity values of the area or the quality of the environment. The proposed residential unit will be well separated from other adjoining activities.

[113] With regard to Section 7(g), it is considered that the proposed subdivision and development will respect the natural and physical land resource as it will reflect the existing uses of the site and immediate area.

Section 104D

[114] Section 104D of the Act specifies that a resource consent for a non-complying activity must not be granted unless the proposal can meet one of two limbs. The limbs of Section 104D require either 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. Only one of the two tests outlined by Section 104D need be met in order for Council to be able to assess the application under Section 104 of the Act.

[115] As discussed above in the assessment of effects, overall I consider that the actual and potential adverse effects associated with the proposal will be able to be mitigated by imposing consent conditions so as to be no more than minor and therefore the first 'gateway' test of Section 104D is met.

[116] In order for a proposal to fail the second test of Section 104D, it needs to be contrary to the objectives and policies of either the Dunedin City District Plan and the proposed 2GP. In order to be deemed contrary, an application needs to be repugnant to the intent of the District Plan and abhorrent to the values of the zone in which the activity was to be established. It is noted that in this instance, the proposal is assessed as being generally consistent with the relevant objectives and policies of both the operative and

proposed plans, except for the objectives and policies of the Proposed 2GP relating to density and minimum lot size. As these objectives and policies are considered fundamental to the Proposed 2GP, the proposal is therefore considered to be contrary to the Proposed 2GP, although these provisions are subject to appeal. The proposed development is therefore considered to not satisfy the second 'gateway' test outlined by Section 104D.

- [117] In summary, the application passes the first threshold tests in Section 104D of the Act and therefore, in my opinion, it is appropriate for the Committee to undertake a full assessment of the application in accordance with Section 104 of the Act. In turn, consideration can therefore be given to the granting of the consent.

Section 104

- [118] Section 104(1)(a) states that the Council must have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposed development overall will be minor and can be adequately avoided remedied or mitigated provided recommended conditions of consent were adhered to.
- [119] Section 104(1)(ab) requires the Council to have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects. None are proposed.
- [120] Section 104(1)(b)(vi) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concluded that the application would be generally consistent with the key objectives and policies relating to both the Dunedin City District Plan and the Proposed 2GP, except for the objectives and policies of the Proposed 2GP relating to density and minimum lot size. As these provisions are subject to appeal, they can be given less weight in this assessment.
- [121] Section 104(1)(b)(v) requires the Council to have regard to any relevant regional policy statement. In this report it was concluded that the application is consistent with the relevant objectives and policies of the Regional Policy Statement for Otago.

Other Matters

- [122] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.
- [123] Case law indicates that for the Council to grant consent to a non-complying activity, the application needs to be a 'true exception', otherwise an undesirable precedent may be set and the integrity of the District Plan may be undermined.
- [124] In this regard, I do not consider that the proposed activity represents a challenge to the integrity of the 2006 Plan and the Proposed 2GP. The proposal involves a site that is used for a golf course and part is leased as a farm paddock. The subdivision of the paddock and development of a residential unit is at the end of a block of land bounded by SH1, Gladfield Road and Gladstone Road South that has similar developments on it. As it is a relatively unique and confined proposal, I consider that its potential approval would be unlikely to undermine public confidence in the plans' provisions.
- [125] For the above reasons, I consider that approval of the proposal will not undermine the integrity of the Plans as the activity will produce only localised and minor effects. I

therefore do not consider that the Committee needs to be concerned about the potential for an undesirable precedent to be set in this regard.

CONCLUSION

- [126] Having regard to the above assessment, I recommend that the application be granted subject to appropriate conditions

RECOMMENDATION

Subdivision SUB-2018-118

*That pursuant to section 34A(1) and 104B and after having regard to sections 104 and 104D of the Resource Management Act 1991, and the District Plan and Proposed Plan, the Dunedin City Council **grants** consent to the **non-complying** activity for the subdivision of the land legally described as Section 2 Survey Office Plan 468887 (held in Computer Freehold Register 648385) into two lots at 33 Gladfield Road, East Taieri, subject to the conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*

Land Use LUC-2018-628

*That pursuant to section 34A(1) and 104B and after having regard to sections 104 and 104D of the Resource Management Act 1991, and the District Plan and the Proposed Plan, the Dunedin City Council **grants** consent to a **non-complying** activity being the establishment of new residential activity on the under-sized Lot 1 SUB-2018-118 at 33 Gladfield Road, East Taieri, subject to conditions imposed under section 108 of the Act, as shown on the attached certificate.*

REASONS FOR RECOMMENDATION

- [127] Provided that the recommended conditions of consent are implemented, I consider that the likely adverse effects of the proposed activity can be adequately mitigated and will be minor.
- [128] The proposal is considered to be generally consistent with the key relevant objectives and policies of both the Dunedin City District Plan 2006 and the Proposed Second Generation Dunedin City District Plan.
- [129] The proposal is considered to be consistent with the objectives and policies of the Regional Policy Statement for Otago.
- [130] As the proposal is considered likely to give rise to adverse effects that will be no more than minor, and will not be contrary with the objectives and policies of the District Plan, the proposal is considered to meet both 'limbs' of the Section 104D 'gateway test'. Consideration can therefore be given to the granting of consent to the proposal.
- [131] The proposal is considered to be a true exception for the following reasons: The proposal involves a site that is used for a golf course and part is leased as a farm paddock. The subdivision of the paddock and development of a residential unit is at the end of a block of land bounded by SH1, Gladfield Road and Gladstone Road South that has similar developments on it. As it is a relatively unique and confined proposal, I consider that its potential approval would be unlikely to undermine public confidence in the plans' provisions
- [132] Overall, the proposed development has been assessed as not being likely to give rise to adverse effects on those elements of the Rural zone that the Dunedin City District Plan 2006 and the Proposed Second Generation Dunedin City District Plan seek to protect.

Report prepared by:



Robert Buxton
Consultant Planner

1 July 2019
Date

Report checked by:



John Sule
Senior Planner

1 July 2019
Date