

HEARINGS COMMITTEE AGENDA

THURSDAY, 4 FEBRUARY 2021, 9.00 AM
Edinburgh Room, Municipal Chambers

MEMBERSHIP: Councillors David Benson-Pope (Chairperson), Mike Lord and Jim O'Malley

IN ATTENDANCE: Campbell Thomson (Senior Planner/Committee Advisor), Shane Roberts (Consultant Planner), Luke McKinlay (Urban Design), Dave Moffat (Graduate Engineer/Planner, Transport) and Wendy Collard (Governance Support Officer)

PART A (Committee has the power to decide these matters):

1 RESOURCE CONSENT APPLICATION LUC-2020-31, 274 Munro Road and 236 Waipori Falls Road, Berwick,

Introduction

Applicant to introduce themselves and their team.

Procedural Issues

Any procedural matters to be raised.

Presentation of the Planner's Report

Report from Shane Roberts

Refer to pages 1 - 23

The Applicant's Presentation

Application

Refer to pages 24 - 83

Draft Conditions

Refer to pages 84 - 90

Council Officer's Evidence

- Memorandum from Graduate Planner, Transport
Refer to page 92 -93
- Memorandum from Development Support Officer, 3 Waters
Refer to pages 94 – 95
- Memorandum from Seepage Control Unit
Refer to page 96
- Memorandum from Landscape Architect
Refer to pages 97 - 100

- Email from Subdivision Planner
Refer to page 101

Property Information

Refer to pages 102 - 155

The Planner's Review of their Recommendation

The Planner reviews their recommendation with consideration to the evidence presented

The Applicant's Response

The Applicant to present their right of reply

PLEASE NOTE: The **only** section of the hearing which is not open to the public is the Committee's final consideration of its decision, which is undertaken in private. Following completion of submissions by the applicant, submitters and the applicant's right of reply, the Committee will make the following resolution to exclude the public. All those present at the hearing will be asked to leave the meeting at this point.

RESOLUTION TO EXCLUDE THE PUBLIC

To be moved:

"That the public be excluded from the following parts of the proceedings of this meeting, namely, Item 1.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48 for the passing of this resolution.
1	Resource Consent application – 274 Munro Road and 236 Waipori Falls Road, Berwick	That a right of appeal lies to any Court or Tribunal against the Dunedin City Council in these proceedings.	Section 48(1)(d)

TO: Hearings Committee

FROM: Shane Roberts, Consultant Planner

DATE: 15 January 2021

SUBJECT: **RESOURCE CONSENT APPLICATION
SUB-2020-31 & LUC-2020-81
274 MUNRO ROAD & 236 WAIPORI FALLS ROAD
SB & VJ ROBERTSON**

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 15 January 2021. 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 Act) before reaching a decision.

QUALIFICATIONS AND EXPERIENCE

- [2] My full name is Shane Leslie Roberts. I am employed by WSP in Dunedin as a Technical Principal - Planning. I hold the Degree of Bachelor of Resource Studies from Lincoln University and am a Full Member of the New Zealand Planning Institute. I am also a Certified Hearings Commissioner having completed the Making Good Decisions Training. I have over eighteen years of professional experience in the field of Resource Management Planning and am responsible for the provision of consulting services in resource management and planning to a range of public and private clients including government departments and regional and territorial authorities.
- [3] Of note, since 2010 I have provided consultant planning assistance to the Dunedin City Council processing resource consent applications of varying scale and complexity.
- [4] I visited the site on 3 August 2020.

SUMMARY OF RECOMMENDATION

- [5] For the reasons set out in paragraphs 113-117 below, I consider that the proposal, whilst having minor environmental effects, is contrary to the key provisions of both the Operative District Plan and Proposed 2GP. Further to this, I consider the approval of the proposal would set an undesirable precedent. As a result, I have concluded that the proposal should be refused.

DESCRIPTION OF PROPOSAL

- [6] Resource consents is sought for subdivision to create two new allotments and land use consent for existing residential activity on each proposed lot.

- [7] The applicant seeks the following resource consents:
- Subdivision consent to subdivide Lot 8 DP23473 into 2 Lots: Lot 1 containing the secondary unit, being 1.8 hectares in size, and Lot 2 containing the existing primary dwelling being 14.4 hectares in size. The balance of the RoT (Lot 9 DP23473) would be amalgamated with Lot 2.
 - Land use consent for residential activity on both Lots 1 and 2.
- [8] A copy of the application, including a scheme plan of the proposed subdivision, is contained in Appendix 1 of this report.

DESCRIPTION OF SITE AND LOCATION

- [9] The site consists of an existing 19.7 hectare property located at the western extent of the Taieri Plain, legally described as Lots 8 & 9 Deposited Plan 23473 held on Record of Title OT15B/750. The property has frontage to both Waipori Falls Road and Munro Road. Waipori Falls Road is a formed road and provides access to the secondary unit on the property. Access to the principal dwelling is obtained via a ROW from the formed extent of Munro Road. A consent notice is registered against the property title requiring compliance with a farm management plan.
- [10] The unformed road splits the property with Lot 8 DP 23473 being on the north side of the unformed road, and Lot 9 DP 23473 being on the south side. The site slopes in a roughly southerly direction.
- [11] There is approximately 380 metres (horizontally) between the primary dwelling and the secondary unit, with an approximate 60 metre difference in elevation. Landcover is a mixture of open pasture, plantation pines and scattered scrub / bush.
- [12] It is over 7km by road between the entrances to the two residential units.
- [13] Proposed Lot 2 contains an existing dwelling and outbuildings, as well as areas of open pasture, farm forestry and scrub.
- [14] Proposed Lot 1 contains an existing building which was established on the basis of it being an accessory building, but is now used as a dwelling. A 3 Bay shed and solar panels are also located on the proposed Lot.

HISTORY OF THE SITE/BACKGROUND TO THE APPLICATION

- [15] The history of the site, and in particular in relation to the legitimacy of residential activity on proposed Lot 1, is a relevant consideration as it has a bearing on the activity status of the application.
- 1993 - Record of Title created by Subdivision RMA93055
 - 1993 - Land use consent (RMA93859) issued to erect a dwelling on the site.
 - 1993 - Building Consent (ABA951907) issued to erect a house (274 Munro Rd).
 - 2004 - Resource consent (RMA20041138) for 2nd residential unit on site . lodged, then subsequently withdrawn.

- 2005 - Building consent (ABA50111) issued for a sleepout / garage (236 Waipori Falls Road). A note on the PIM from City Planning states that the proposal complies with the provisions of the Proposed District Plan and as such does not require resource consent. The note goes on to state that should cooking facilities be added to the proposed sleepout, the proposal will no longer comply with the plan and resource consent will be required.
- 2020 (January) - Land use consent (LUC-2020-31) lodged to legitimise the use of the building at 236 Waipori Falls Road as a 'Family Flat'.
- 2020 (May) - Application amended to the present proposal for a 'surplus dwelling subdivision' with land use consent sought for separate residential activity on the resultant titles.

- [16] Having reviewed the plans that accompanied the 2004 building consent for the sleepout, the building consists of a number of rooms – bedroom, office, living area, bathroom and a garage. A note on the PIM for ABA50111 alerted the owner to the fact that should a kitchen be installed in the building, a resource consent was be required.
- [17] The floor layout provided by the applicant shows a markedly different floor layout – the existing garage area appears to have been converted into two bedrooms, along with other internal reconfigurations. The timing of these alterations is unknown, however, the building on Proposed Lot 1 has been transformed from what was approved as a one bedroom sleepout, to a three bedroom residential unit. There is no record of building consent having been obtained for this work.
- [18] Regarding the current application, this was initially lodged as a land use consent to retrospectively authorise the secondary unit as a 'Family Flat'. A further information request (31 January 2020) indicated that the existing second residential unit did not meet the definition of a Family Flat (Rules 16.5.14.1 & 16.5.14.2). This is due to the distance between the two buildings, and evidence that the proposed family flat is operated outside of or distinctly apart from the operation of the primary activity.
- [19] Subsequent to the information request the applicant has applied for a subdivision consent (SUB-2020-81) to subdivide the site into two lots, one containing the dwelling and the other the former sleepout. This also requires a land use consent for breaching the density requirements for standard residential activity in the Rural Taieri Plain Zone, which requires a minimum site size of 25ha for residential activity. The consent also seeks to legitimise the use of the building on Lot 1 for residential activity, and also necessitates consent for the dwelling on Lot 2 given the reduction in area of the site. The scope of LUC-2020-81 has accordingly been extended to relate to both residential buildings.

ACTIVITY STATUS

- [20] Dunedin currently has two district plans: the operative Dunedin City District 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.

Dunedin City District Plan

- [21] As the rules applying to this subdivision in the 2GP are subject to appeal the subdivision provisions of the operative plan require consideration.

- [22] The subject site is zoned Rural in the Dunedin City District Plan. Munro Road is a Local Road and Waipori Falls Road is a District Road in terms of the roading hierarchy.
- [23] Subdivision in the Rural Zone is a Restricted Discretionary Activity in accordance with Rule 18.5.1(i) where the application complies with Rules 18.5.3 – 18.5.5, 18.5.9 and 18.5.10, and each resulting site is 15 ha or greater. In this instance both sites are less than 15ha, therefore the activity is a non-complying activity in accordance with Rule 8.5.2.
- [24] The definition of Residential Activity and Residential Unit within the District Plan are as follows:

Residential Activity

“means the use of land and buildings by a residential unit for the purpose of permanent living accommodation and includes rest homes, emergency housing, refuge centres, halfway houses, retirement villages and papakaika housing if these are in the form of residential units.

Residential Activity also includes

- (a) home occupation;*
- (b) childcare facility for up to and including 5 children;*
- (c) home stay or boarding house for up to and including 5 guests - provided that these are secondary to the permanent living accommodation.”*

Residential Unit

“means a building or part of a building which is self contained at least in respect of sleeping, cooking, dining, bathing and toilet facilities, where one or more persons live together whether related or not, but excludes units where staff provide for more than 18 residents...”

- [25] The proposal is considered to fall within the definition of Residential Activity. Resource consent is required as the proposal does not meet the following rules in the District Plan:

Rule 6.5.2(ii) sets the permitted density in the Rural Zone for Residential activity at one residential unit per site, provided that the minimum area of the site is not less than 15 ha. As both Proposed Lots are less than 15ha (1.8ha & 14.4ha) the proposed activity is a non-complying activity as provided for by Rule 6.5.7.

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

- [26] The Proposed 2GP was notified on 26 September 2015. The 2GP zoning maps indicate that it is proposed that the subject site be zoned as **Taieri Plain – Rural** and **Hill Country Rural** (noting the Hill Country Rural zoned land is a very small part of the site (within Lot 9 DP23473 only), at the most elevated part of the site). The maps also indicate that the part of the site with the **Hill Country Rural** zoning is also subject to the following overlays:

- Wahi Tupuna Mapped Area 64 - Maukaatua (Maungatua)
- Maungatua Significant Natural Landscape (SNL) Overlay

Land Use Activity

- [27] The activity falls under the definition of Residential Activity which is defines as:

“The category of land use activities that consists of:

- *supported living facilities (including rest homes, retirement villages, and student hostel)*
- *standard residential (including papakāika); and*
- *working from home.”*

[28] This definition is under appeal with respect to papakāika only.

[29] Standard residential is defined as:

“The use of land and buildings for residential activity at a domestic scale.

For the sake of clarity, this definition includes:

- *short-term house rentals*
- *boarding houses*
- *supported living accommodation (with 10 or fewer residents); and*
- *emergency and refuge accommodation.*

This definition excludes supported living facilities.

Papakāika is managed as a sub-activity of standard residential.

Standard residential is an activity in the residential activities category.”

[30] The land use performance standard under Rule 16.5.2.1.g requires that standard residential activities in the Taieri Plain Rural Zone must not exceed the following density limit:

- Minimum site size – first residential activity per site - 25ha.

[31] In this instance the residential activity proposed on the site does not comply with this standard. The activity is therefore a **non-complying activity** under Rule 16.5.2.3. This provision is subject to appeal, hence the discussion of the operative plan provisions above.

Subdivision Activity

[32] Under Rule 16.7.4.g the minimum site size for new resultant sites is 40ha in the Taieri Plain Rural Zone. Subdivision that contravenes this standard is a **non-complying activity** in terms of Rule 16.7.4.3.

[33] However, Rule 16.7.4.3 also provides for circumstances where subdivision is a restricted discretionary activity – a ‘surplus dwelling subdivision’. In terms of the current application, (b)(i) applies - every new site that will be created by the subdivision contains an existing residential building greater than 100m² gross floor area that was built before 26 September 2015. In this instance both lots contain an existing residential building, greater than 100m² and both were built before September 2015.

[34] The issue with this application, and as identified above, is that the residential use of the building on proposed Lot 1 was never lawfully established; therefore I do not consider the proposal is eligible to be considered as a surplus dwelling subdivision unless land use consent is granted for the building on Lot 1 to be used for residential purposes.

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

- [35] 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 National Environmental Standard 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.
- [36] A search of Council records (HAIL-2020-82) has not identified any evidence of a history of HAIL activities on the subject land. It is considered, more likely than not, that no activities have been undertaken on the site that appear on the HAIL. -As such, the National Environmental Standard is not applicable to the proposal.
- [37] Overall the application is considered to be a **non-complying activity**.

NOTIFICATION AND SUBMISSIONS

- [38] Written affected party approvals were received from parties in the following table:

Person	Owner	Occupier	Address	Obtained
A Muir	✓	✓	278 Munro Road	Undated
P Jones	✓	✓	292 Waipori Falls Road	22/08/2020

- [39] In accordance with Section 104 of the Act, where written approval has been obtained from affected parties the consent authority cannot have regard to the effects of the activity on that person.
- [40] In this instance these approvals were requested in relation to the creation of easements over these properties to legalise existing access arrangements.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

- [41] 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

- [42] 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.
- [43] As identified above, given the site development does not comply with the density requirements for the zone there is no permitted baseline for two separate residential activities on the site, noting the current principal dwelling is authorised by resource consent in relation to the existing land title. For a family flat to be permitted on the site (in terms of the 2GP) several conditions need to be met – including the occupation being limited to a person related to or dependent upon a resident of the primary dwelling, being no greater than 60m² in gross floor area, being on the same service connections as the primary dwelling, sharing the same driveway and being located within 30m of the primary dwelling. The existing secondary unit does not comply with a number of these requirements. Further to this, whilst the built form of the existing sleepout was legally established, its use as a residential dwelling has not.
- [44] Additionally, there is no permitted baseline for subdivision.
- [45] Notwithstanding this, and as noted by the applicant, structures associated with rural activities could be erected at the site (noting a number of these are already present on the site) which could have effects that are similar to a dwelling (particularly visual).
- [46] The wider receiving environment consists of predominantly rural activities, with the subject site sitting on slopes that overlook the cultivated flats of the Waipori River Valley. A short distance upstream of the site, the land cover transitions to bush clad slopes on either bank of the Waipori River. To the east and south, the predominant land use is agriculture, however, DCC do have a raw water storage reservoir and treatment station on Munro Road.

Assessment of Effects

Operative Dunedin City District Plan and Proposed 2GP

The assessment of effects is guided by the assessment matters in both plans.

Bulk, Location, Design and Appearance and Amenity and Character Values (Assessment Matters: Operative Plan 6.7.3, 6.7.9, 6.7.13, 6.7.15) Proposed 2GP 16.12.5)

- [47] The proposal will have effects on the amenity of the neighbourhood. The key question is whether these effects extend beyond the site and whether they are adverse to a more than a minor degree. In this instance, the visual effects associated with the activity subject of the application are already existing. The built form of the primary residential unit and the sleepout/secondary residential unit currently exist, as does the land use activity associated with these buildings. However, it is clear that no resource consent has ever been granted for residential activity to occur in the secondary building in the form of a separate residential unit. This building was only ever granted building consent as a sleepout, as the then owner amended the building consent application to remove the kitchen from the proposal.

- [48] In considering amenity effects the rural character values identified for the Rural – Taieri Plains Zone in Appendix 7 of the 2GP are relevant. Not all of these are relevant in terms of the effects associated with the proposal, however, for completeness they are all assessed below.
- [49] *Soil quality: significant areas of Dunedin's high class soils are located on the Taieri Plain, with particular value for the production of food.*
- [50] The site is not shown on the Planning Maps of the operative plan or 2GP as containing any areas of high class soil. The applicant has correctly identified that there is a small sliver of LUC2 soils on the southern boundary of the property. The majority of this is covered by the existing access to the secondary residential unit. Given the size of this area of soil, and the existing activity on it, any effects in this regard are less than minor.
- [51] *The role of waterways: large parts of the Taieri Plain are intensively farmed and surface water flows are mostly directed through artificial drains that dissect the landscape. The plain is crossed by three main water bodies; the Taieri, Silverstream and Waipori rivers. The Taieri River is also of significance to Manawhenua.*
- [52] Whilst the Waipori River is located in proximity to the site, it will be unaffected by the proposal. There are no watercourses through the site.
- [53] *Productive capacity: while in early times farms in this area ran mixed stock and often crops of wheat or barley/oats, or operated as market gardens, there are now significant areas of the northern Taieri Plain that are rural lifestyle blocks. These blocks are seldom intensively used for food or crop production, though some horticultural production continues in the area.*
- [54] The site does not appear to have a history of use for food production aside from being grazed in part, as well as forested. The site is largely vegetated with trees and scrub, and given the sloping nature, and lack of high class soils would be unlikely to be suitable for intensive food production. Finally, is it not proposed to remove any soils or undertake any significant modifications of the site that would make it unable to retain its current productive capacity.
- [55] *Rural character: moving west on the Taieri Plain, a change in land use occurs from rural lifestyle, to more traditional sheep and beef farming, and then into intensive dairy farming. With this change in land use comes a change in rural character. The urban settlements of the northern Taieri are replaced by a working rural environment.*
- [56] The site is located at the western extent of the Taieri Plain and, in this location, there is a change in rural character from flat plains into more rolling foothill country. Additionally, the vegetation changes from predominantly rural pasture to areas containing other vegetation such as pine plantations and native bush. The proposal will not detract from this wider rural character due to the specific characteristics of the site; particularly, the site is well vegetated in a manner similar to this specific part of the Rural Zone, with no change to vegetation cover currently proposed. This character will remain unaffected by the proposal and the existing vegetation will also continue to largely screen the two residential units from view.
- [57] *Traditional development patterns: the typical pattern of development on the Taieri Plain conforms to a grid-like layout, where fence lines, shelterbelts and consequent land use activity have a distinguishing rectangular regularity.*

- [58] As discussed above, the site is not a 'typical' for the Taieri Plains, though this is a function of the fact the site is located in the foothills above the Taieri Plain (despite its zoning) and is at the zone interface with the Rural - Hill Slopes zone – reflected by the fact part of Lot 8 is zoned Hill Slopes – Rural.
- [59] *Typical building forms: building forms in the north east of the Taieri Plain, which was developed earlier than other more westerly sections, are typically of larger, more distinctly heritage forms.*
- [60] The application does not seek consent for any new building forms, only to legitimise existing residential land use on both proposed titles. None of the buildings on the site have heritage status.
- [61] The application was also referred to Council's Landscape Architect, Mr Luke McKinlay, who commented as follows:

The dwelling at 236 Waipori Falls Road appears to be the only visible built structure on this hillside from locations on the southern approach to the site on Waipori Falls Road. The other dwelling on this site (at 274 Munro Road) is part of a small cluster of dwellings (including those at 278 and 279 Munro Road), which are effectively part of a different visual catchment, hidden from public locations near 236 Waipori Falls Road.

The dwelling at 236 Waipori Falls Road is visible from a relatively short section of Waipori Falls Road. Located on small terraced area, the dwelling is partially screened by landform. As such, only the upper part of the dwelling and roof are visible. Additional screening is also provided by surrounding pines trees on the site.

The steep driveway access is not prominent on the approach to the site and does not notably detract from existing amenity values.

Given the modest size of the dwelling and the limited extent of its visibility from surrounding public locations it is considered that effects of this application on anticipated amenity values for this area are low. While very low levels of built development are evident in this area, effects on values associated with naturalness are limited due to both the modest visual influence of the dwelling and the somewhat modified character of surrounding existing landcover.

- [62] I agree with the assessment of Mr McKinlay. The landscape and visual effects associated with the proposed activity are part of the existing environment and are not proposed to change as part of the proposed activity.

Transportation (Assessment Matter Operative Plan 6.7.24, Proposed 2GP 6.13.2.1)

- [63] The application will not result in any additional traffic generation or any changes to current access arrangements. Through processing of the application, however, it has been identified that both proposed Lots are utilising accesses that rely upon informal access over adjacent land (refer to the Plan attached in Appendix 1). Therefore, both the resultant sites require either new or amended rights of way. The applicant has provided an amended scheme plan and indicated that those owners who are affected by the new / amended easements are agreeable to them and has provided written approvals to this effect.
- [64] The application was circulated to Council's Transportation Team. Council's Graduate Planner – Transport, Dave Moffatt, provided the following comments:

Both proposed lots are served by one existing access each and both existing accesses are proposed to continue to be used following subdivision. Proposed Lot 1 is served by an existing gravelled access from Waipori Falls Road that has been in use for at least 14 years, with no known safety effects on the transport network.

In terms of Rule 6.6.3.2(b)(vi), sight distances from the existing vehicle crossing are reduced, with approximately 96.0m and 51.0m available to the north and south of the crossing respectively. Although Waipori Falls Road has a posted speed of 100km/h, it is likely that vehicles operate on the carriageway at up to 60km/h in this area, noting the gravel surfacing of the carriageway and the curves near the existing vehicle crossing.

Using the likely operating speed of the road and recommended sight distances from NZTA RTS 6, the sight distance available to the north is therefore acceptable, while the sight distance to the south is within the realm of acceptability, noting the environmental factors of the location. Furthermore, the noise and dust typically generated by vehicles on gravel roads will act to signal that a vehicle may be approaching the site. Considering the low ADT of 100 vehicles on Waipori Falls Road, in conjunction with the above factors, I consider the continued use of the existing access to proposed Lot 1 to be acceptable in this instance.

The gradient of the existing access to proposed Lot 1 does not comply with Rule 6.6.3.7(b). Based on measurements at the site, the maximum gradient of the driveway is only marginally shallower than the maximum 1:4 recommended by AS/NZS 2890.1:2004. That said, the gradient of the first five metres of the access from the road boundary into the site does not appear to be having any effect on the transport network in terms of damage, however it may place vehicles exiting the site on an angle that further impedes visibility from the vehicle crossing along Waipori Falls Road. The gradient of the access may affect the ability of some vehicles to effectively utilise the access to proposed Lot 1, however with cognisance that the access is likely to be used primarily by private passenger vehicles, its existing formation is considered acceptable in this instance. The applicant is advised to ensure the surfacing and construction of the access to proposed Lot 1 is suitable for the types of vehicles likely to use it.

The existing vehicle crossing to proposed Lot 2 can achieve compliant sight distances, appears suitably surfaced in gravel and achieves a compliant grade. I have no objection to its continued use following subdivision.

I note that the accesses to both proposed Lot 1 and 2 appear to pass through the adjacent properties 292 Waipori Falls Road and 188 Munro Road respectively. The access to proposed Lot 2 benefits from two right of ways over 278 Munro Road, but no evidence of any existing rights of way allowing the accesses to pass through the other adjacent properties has been provided. The applicant is advised to seek independent advice regarding the legality of each access. In order to maintain the existing access arrangements to both proposed lots in perpetuity, the applicant is strongly advised to consider legalising their existing physical accesses, if required.

- [65] Given the above, I do not consider the proposal will give rise to a more than minor environmental effect with respect to the transportation network.

Provision for Stormwater, Water and Sewerage (Assessment Matters Operative Plan 6.7.10, Proposed 2GP 9.8.3)

- [66] Council's Water and Waste Department commented on the application as follows:

Water services:

The proposed subdivision is located within the Rural Taieri Plains zone and located outside the Rural Water Supply Areas as shown in Appendix B of the Dunedin City Council Water Bylaw 2011. A review of the rates database shows that the existing dwelling at the site is currently supplied with a reticulated water supply. Upon subdivision, the existing dwelling may maintain the current water service connection however no new reticulated water service connections shall be permitted to the newly created lots.

This 'extraordinary' connection to the existing dwelling should be metered and a boundary RPZ backflow prevention device is necessary. Installation of an RPZ requires a building consent, or an exemption from a building consent. Details of the device and its proposed location will be approved through that process.

Stormwater:

- [67] *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.*

Firefighting Requirements:

- [68] *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.*

Wastewater Services:

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

[70] **Seepage Control Unit Comments:**

New lots 1 & 2 have existing dwellings serviced with both foul and stormwater. These existing services are to be identified as to be within the boundaries of the proposed Lots they service.

- [71] *Given the two residential units are existing, there is little to be addressed from a water and wastewater perspective. Addressing the historic water connection (via a backflow preventer) and ensuring both lots have adequate water for firefighting purposes would require conditions should consent be granted. This is particularly pertinent given the scrub and forest cover in the vicinity of the site.*
- [72] *Any effects in relation to water and wastewater services are less than minor.*

Hazards and Safety (Assessment Matters Operative Plan 6.7.23, Proposed 2GP 11.7.3)

- [73] *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.*
- [74] *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).*

[75] The site is not annotated in the Hazards Register as being subject to any hazards. Given there is a subdivision it was still considered prudent to seek hazard comments. The application was consequently considered by Council's consultant engineer, Stantec New Zealand Ltd. The Senior Engineer advised:

- *There are no hazards associated with the above lot within the hazards register.*
- *The underlying geology consist of Otago schist elevated from the flooding hazards area 3 of the Taieri Plains.*
- *The application is for the subdivision of steeply sloping land and land use consent to change the status of the existing structure from a sleepout into a dwelling. The proposed changes will have no physical works or changes to the existing landform.*
- *Although the site is steeply sloping in some locations up to 35 degrees, the locations of both structures on the sites are less than 12 degrees. Provided there are no physical changes to the site, the proposal is not exacerbating or creating any hazards or land instability at the site.*
- *Any land instability at the site is likely to be mobilized from vegetation clearance, earthworks, groundwater or earthquake. We may control these hazards by placing conditions on the subdivision preventing any future earthworks on steeper slopes.*
- *We recommend that the application not be declined on the ground of known natural hazards.*

[76] In addition, Stantec have recommend that the following conditions be required for any future developments at either lot:

- *No earthworks or vegetation clearance may be undertaken on slopes steeper than 20 degrees without professional design or advice by a suitably qualified engineer.*
- *Any modifications to stormwater flow shall be designed by appropriately qualified person/s and shall ensure that no adverse effects result on adjacent lots.*

[77] Having regards to this assessment, it is considered that there are no significant risks from natural hazards that need addressing as part of this application and any risks from natural hazards (in relation to future activities) can be appropriately mitigated through the imposition of appropriate conditions as recommended by Stantec. In particular, I note that no physical works are required to facilitate the proposed subdivision

Reverse Sensitivity Effects

[78] Given the size of the Lot 1 the proposed residential unit is relatively close to the boundary of proposed Lot 2 which has some pines planted on the slopes above Lot 1. It is feasible that activity associated with the harvesting of these pines (for example) could give rise to adverse effects on Lot 1. That said these effects would likely be of temporary duration.

The minimum Lot size in both plans provides for a degree of separation of dwellings, and for dwellings to be set back from adjoining properties to provide a buffer via separation from activities on other sites.

Effects Assessment Conclusion

- [79] After considering the likely effects of this proposal above, overall, I consider the environmental effects of the proposal are no more than minor.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

- [80] 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.
- [81] 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))

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

Dunedin City District Plan

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

Sustainability Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 4.2.1 Enhance the amenity values of Dunedin. Policy 4.3.1 Maintain and enhance amenity values. Policy 4.3.8 Avoid the indiscriminate mixing of incompatible uses and developments.	The proposed activity will at least maintain the amenity values of Dunedin given the majority of effects associated with the activity are existing. There is the potential for some incompatibility (reverse sensitivity effects) by introducing residential activity on such as small site in the Rural Zone. I consider the proposed activity to be consistent with Objective 4.2.1 and Policy 4.3.1 and inconsistent with Policy 4.3.8.

Rural Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 6.2.1 Maintain the ability of the land resource to meet the needs of future generations. Objective 6.2.2 Maintain and enhance the amenity values associated with the character of the rural area.	The proposed activity is a relatively confined one that will not result in the loss of any productive land (that has not already occurred through the activities established on Lot 1). As the proposed activity will be undertaken in an existing building on an 'established' site (i.e. plantings

	and outbuildings also present) the proposed activity will at least maintain the amenity values of the area. I consider the proposal to be consistent with these objectives.
Objective 6.2.5 Avoid or minimise conflict between different land use activities in rural areas.	Introducing residential activity on a small Lot in the rural zone can bring with it the potential for conflict with other rural activities. Notably in this location rural activities (particularly forestry) on Lot 2 could give rise to reverse sensitivity effects with respect to Lot 1. I consider the proposal to be inconsistent with this objective.
Policy 6.3.1 Provide for activities based on the productive use of rural land. 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.	In this instance it is unclear how Proposed Lot 1 could be used for a productive rural use – a combination to topography and physical size makes it challenging in this regard. With regards to Policy 6.3.3 the proposal if granted will result in land fragmentation as a result of the density of residential development that has occurred on the site. Whilst I do not think the use of Lot 1 for residential purposed is incompatible with the surrounding rural environment, there is still the residual risk of reverse sensitivity effects. I consider the proposed activity to be contrary with these 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 which 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 and indigenous vegetation, (d) Presence of large numbers of farmed animals, (e) Noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes, (f) Low population densities relative to urban areas, (g) Generally unsealed roads, (h) Absence of urban infrastructure.	Given the proposed activity on Lot 1 will be undertaken within an existing authorised building, the proposed activity accords with (a), (b), (c) (e) and (f). With regards to (d), whilst the overall density of residential development in the vicinity of the site is relatively low, it has not been established that the residential activity on proposed Lot 1 will be associated with rural activities. I consider the proposed activity to be predominantly consistent with this Policy.
Policy 6.3.6 Avoid, remedy or mitigate the adverse effects of buildings, structures and vegetation on the amenity of adjoining properties. Policy 6.3.14 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	In this instance, for the reasons outlined in the assessment of effects above I do not consider that the structures on the site associated with the subdivision will have any adverse effect on adjoining properties, or the matters listed as (a) - (e) of Policy 6.3.14. I consider the proposal to be consistent with these Policies.

(d) the provision of infrastructure, roading, traffic and safety, or (e) Landscape Management Areas or Areas of Significant Conservation Values. Irrespective of the ability of a site to mitigate adverse effects on the immediately surrounding environment.	
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Hazards Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Policy 17.3.2 Control building and the removal of established vegetation from sites or from areas which have been identified as being, or likely to be, prone to erosion, falling debris, subsidence or slippage.	Whilst there is no building or vegetation removal proposed as part of this application, I note Council' consultant engineer has suggested that certain activities on the site in the future require appropriate supervision. This can be addressed by way of a condition should consent be granted. I consider the proposal to be consistent with this Policy.

Transportation Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
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 activity will not have any effects on the safety and efficiency of the transport network provided an appropriately constructed accesses to the proposed Lots are maintained. I also note the need for easements to legitimise existing access arrangements, which the applicant has addressed. I consider the proposed activity to be consistent with this objective and policies.
Objective 20.2.4 Maintain and enhance a safe, efficient and effective transportation network.	
Policy 20.3.4 Ensure traffic generating activities do not adversely affect the safe, efficient and effective operation of the roading network.	
Policy 20.3.5 Ensure safe standards for vehicle access.	

Proposed 2GP

- [84] The objectives and policies of the 2GP must be considered alongside the objectives and policies of the current district plan. The following 2GP objectives and policies were considered to be relevant to this application:

Strategic Directions Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
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: a. increased local renewable energy generation; b. reduced reliance on private motor cars for transportation; c. increased capacity for local food production; and d. housing that is energy efficient.	With regards to the proposal, the key part of this objective is (c). The site contributes to food production through the agricultural use of the site, and this will largely be able to continue post subdivision. The establishment of residential activity on Lot 1 will not decrease the potential for food production on the site. Further to this the site does not contain any areas of high quality soils identified on the 2GP Maps. I consider the proposal to be consistent with these Objectives and Policy.
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; - consideration of rural productive values, including the location of highly productive land, in identifying appropriate areas for urban expansion; and - identification of areas where high class soils are present (high class soils mapped area) and use rules that require these soils to be retained on site.	
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: - protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and - in the case of facilities, able to operate efficiently and effectively.	

Transportation Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 6.2.3* Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public. Policy 6.2.3.3 Require land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network. Policy 6.2.3.4 Require land use activities to provide the amount of parking necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated. Policy 6.2.3.9* Only allow land use and development activities or subdivision activities that may lead to land use or development activities, where: - adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated; and - any associated changes to the transportation network will be affordable to the public in the long term	The proposed activity will not have any effects on the safety and efficiency of the transport network provided an appropriately constructed accesses to the proposed Lots are maintained. There is adequate space on-site for any loading or parking required. I also note the need for easements to legitimise existing access arrangements, which the applicant has addressed. I consider the proposed activity to be consistent with this objective and policies.

Natural Environment Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Policy 10.2.5.10 Only allow subdivision activities in Outstanding Natural Feature (ONF), Outstanding Natural Landscape (ONL), and Significant Natural Landscape (SNL) overlay zones where the subdivision is designed to ensure that any future land use or development will maintain or enhance the landscape values identified in Appendix A3 and will be in accordance with policies 10.2.5.1, 10.2.5.2, 10.2.5.3, 10.2.5.4, 10.2.5.6, 10.2.5.7, 10.2.5.8 and 10.2.5.9.	Whilst the site contains a small area of SNL this remains unaffected by the proposed subdivision as this is located on a parcel that is proposed to be amalgamated with the proposed Lot 2. I consider the activity to be consistent with this Policy.

Rural Zone Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 16.2.1* 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. Policy 16.2.1.5* 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. Policy 16.2.1.6 Restrict the tenancy and design of family flats to: (a) avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity; and (b) avoid, as far as practicable, future pressure to subdivide off family flats. Policy 16.2.1.7* 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. Policy 16.2.1.10* Only allow the subdivision of a surplus dwelling where: (a) the subdivision meets policies 16.2.3.8 and 16.2.4.3.a, b and d; (b) the dwelling is habitable and in good condition; and (c) the subdivision will not result in any additional development potential for residential activity across resultant sites than would otherwise be provided for by the minimum site size standard.	With regard to Objective 16.2.1 and its policy suite, there is a clear and strong direction that residential activity is limited to that which directly supports farming and that residential activity that does not meet the density provisions of the zone is to be avoided. It is unclear, in this instance how the proposal will 'support farming activity' as the site as Lot 1 (in particular) would seem to be both too small and also topographically unsuitable for farming (Policy 16.2.1.5). I have also included Policy 16.2.1.6 as this also indicated the position of the 2GP in regard to such situations, as in effect both (a) and (b) listed in the Policy are drivers for the current application. Likewise, whether Policy 16.2.1.10 is even relevant depends upon the status of the residential unit on Lot 1. With regards to Policy 16.2.1.7 things are relatively clear cut. If land use consent is granted to the residential unit on Lot 1, the activity becomes a surplus dwelling subdivision. If no consent for the unit is given the activity finds little favour from Policy 16.2.1.7. I consider the proposal to be contrary to Objective 16.2.1, and Policies 16.2.1.5, 16.2.1.6 and 16.2.1.7
Objective 16.2.2 The potential for conflict between activities within the rural zones, and between activities within the	The proposed activity is unlikely to create conflict with other activities in the rural zone, however, I do note that should Lot 1 be created and land use consent be granted for residential activity on Lot 1 be undertaken,

rural zones and adjoining residential zones, is minimised through measures that 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	there is the potential for some reverse sensitivity effects in the future e.g. harvesting of forestry on Lot 2. I consider the proposed activity to be inconsistent with this Objective.
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 other elements as described in the character descriptions of each rural zone located in Appendix A7.	Given the proposed activity on Lot 1 will be undertaken within an existing authorised building, the proposed activity accords with (a), (b), (c) (e) and (f). With regards to (d), whilst the overall density of residential development in the vicinity of the site is relatively low, it has not been established that the residential activity on proposed Lot 1 will be associated with rural activities. I consider the proposed activity to be predominantly consistent with this Policy.
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.	The density of activity is in excess of that anticipated by the plan, noting the proposed residential activity on Lot 1 will be undertaken within an existing an existing building which is currently part of the visual amenity of the site. I consider the proposal to be consistent with this Policy.
Policy 16.2.3.8 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.	The subdivision will at least maintain the rural character of the site. Both residential units are well established and surrounded by mature vegetation. I consider the proposal to be consistent with this Policy.
Objective 16.2.4 The productivity of rural activities in the rural zones is maintained or enhanced.	The proposed activity does not propose to introduce any activity that will reduce the productivity of the rural zone in any meaningful manner. I consider the proposal to be consistent with this Objective.
Policy 16.2.4.3* Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will: (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: (c) insignificant on any high class soils mapped area; and (d) no more than minor on other areas of highly productive land; (e) maintain land in a rural rather than rural residential land use; and	The proposed subdivision is unlikely to reduce the productivity of rural activities on the site and will not affect any highly productive land or areas of high class soils. The proposal will introduce what is essentially rural residential activity onto Lot 1 and may potentially increase the potential for reverse sensitivity. I consider the proposed activity to be predominantly consistent with this Policy.

(f) not increase the potential for reverse sensitivity.	
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.	The proposed residential activity will be at a density beyond that anticipated by the proposed 2GP, but given the characteristics of this site, it is unlikely to displace rural activity, particularly when the physical characteristics of Lot 1 are had regard to. I consider the proposed activity to be consistent with this Policy.

Natural Hazards Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 11.2.1 Land use and development is located and designed in a way that ensures that the risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in the short to long term.	Whilst there is no building or vegetation removal proposed as part of this application, I note Council' consultant engineer has suggested that certain activities on the site in the future require appropriate supervision. This can be addressed by way of a condition should consent be granted. I consider the proposal to be consistent with this Policy.

Overall Objectives and Policies Assessment

- [85] As the built form on the site is existing and has been in-situ for some time (and therefore part of the existing environment) it is not surprising that the proposal finds some favour from the amenity related objectives and policies of both plans. The proposal will not require any significant visual change to the site (perhaps apart from fencing between the new allotments).
- [86] Additionally, the proposal does not offend the transportation or natural hazards policy frameworks of either plan.
- [87] The proposal is contrary to with the policy approach of the Operative Plan (Policies 6.3.1 and 6.3.3) in terms of land fragmentation, and clearly contrary to the policy direction in the 2GP regarding density of residential activity in the Rural Zone, and specifically Objective 16.2.1, and Policies 16.2.1.5, 16.2.1.6 and 16.2.1.7. I consider that there are the key provisions of the District Plans for assessment of residential activity and development on Rural zoned land.
- [88] Taken overall, the proposed activity is inconsistent with the objectives and policies of the Operative District Plan and contrary to the objectives and policies of the Proposed 2GP.

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

- [89] 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.
- [90] The application is considered to be generally consistent with the relevant objectives and policies of the Partially Operative Regional Policy Statement 2019, noting that Objective 5.3 and Policy 5.3.1.e refer to "Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency".

- [91] The proposal will not result in the loss of the productive capacity of rural land given the existing build form and curtilage is present on the site.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [92] It is considered that there is no invalidity, incomplete coverage or uncertainty within either the operative Dunedin City District Plan or the Proposed 2GP. As a result, there is no need for an assessment in terms of Part 2 of the Resource Management Act 1991.

Section 104D

- [93] 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.
- [94] As discussed above in the assessment of effects, it is considered that the environmental effects of the proposed activity are less than minor, therefore the first 'gateway' test of Section 104D is met. 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.
- [95] In order for a proposal to fail the second test of Section 104D, it needs to be contrary to the objectives and policies of both 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 contrary or inconsistent with the key provisions of the Operative District Plan, and contrary to those key provisions in the Proposed 2GP in relation to residential activity in the Rural Zone. The proposed activity is therefore considered to fail the second 'gateway' test outlined by Section 104D.
- [96] In summary, the application passes the 'effects' test and fails the 'objectives and policies' threshold tests in Section 104D of the Act. 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 or refusal of the consents sought.

Section 104

- [97] 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.
- [98] 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. No offsetting or compensation measures have been proposed or agreed to by the applicant.
- [99] 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 is contrary

or inconsistent with the key objectives and policies of the Operative Dunedin City District Plan and contrary to those key objectives and policies of the Proposed 2GP. In terms of plan weighting that whilst there are outstanding appeals on the on some of the 2GP provisions for rural zones, there is a strong degree of consistency between the two plans in respect to rural subdivision, with the 2GP offering less discretion to grant consent for residential activity on undersized lots within Rural zones. On this basis the Committee can afford reasonable weight to the 2GP provisions.

- [100] 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

- [101] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.
- [102] 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.
- [103] In this instance, I consider the key matter the Committee needs to have regard to is whether it is appropriate to grant land use consent to a residential unit that has not been legally established, which upon grant gives rise to a density breach under both the operative and proposed plans. There are numerous sleepouts and other accessory buildings throughout the district that would undoubtedly lend themselves to conversion to dwellings. Obviously in some instances this can be achieved without a density breach. In this instance the breach is significant.
- [104] There has obviously been investment by the applicant or previous owners in establishing the second residential unit on the site within what was only ever (and quite explicitly) approved as a sleepout. Whether this investment carries any weight in the decision making process is something the Committee will need to consider.
- [105] I also note the suggestion that the building was 'credibly' a sleepout at the time building consent was granted is also worthy of consideration. In particular, the fact the building has a totally separate road access and is physically separated from the principal residence on the site should have created some unease. That said, with the removal of the proposal to install kitchen facilities from the application at the time, the planner assessing the building consent may have had little choice but to accept what was proposed at face value.
- [106] Whilst there might be some distinguishing factors (such as the site layout) that differentiates this from the norm, at its most simplest the application seeks consent for the (existing) conversion of a building on a part of the site that is remote from the principal residence, into a residential unit resulting in a density breach. I do not consider this to be a unique or confined set of circumstances. The Proposed 2GP addresses this in Policy 16.2.1.6 – avoid the pressure to subdivide off family flats.
- [107] It is clear from the material available on the property file that at one point a former owner sought consent for residential activity in the building on proposed Lot 1. Once they were advised that would likely be publicly notified, the application was amended to make it compliant (i.e. kitchen removed).

- [108] Subsequent to that, the building has been converted to a residential unit seemingly without any consideration as to whether resource or building consent would be required for the work. I appreciate this may not have been the doing of the current owners.
- [109] Whether it is even feasible to legitimise the building work in terms of the requirements of the Building Act is another matter that needs to be clarified.
- [110] I also consider that while the Proposed 2GP clearly provides for surplus dwelling subdivisions I am of the view that this would need to be predicated by the dwelling being legally established. In other words, the surplus dwelling provisions can be applied to existing legal dwellings, not as a way to authorise new residential activity.
- [111] For the above reasons, I consider that approval of the proposal will undermine the integrity of the Plan as I consider it will create the potential for an undesirable precedent to be set in this regard in terms of the plan provisions, but also in terms of following proper process.

CONCLUSION

- [112] Having regard to the above assessment, I recommend that the application be refused.

REASONS FOR RECOMMENDATION

- [113] As identified above, adverse environmental effects associated with this application are less than minor, principally because the rural amenity effects arising from the existing dwellings and curtilage are existing (particularly for Lot 2).
- [114] The proposal is considered to be contrary or inconsistent with the key relevant objectives and policies of the Dunedin City District Plan and contrary to the key objectives and policies of the Proposed 2GP, particularly in regard to residential activity in the rural zone. The 2GP sets a very strong policy direction with regards to residential activity in the rural zone, and I do not consider the intent of this direction will be met by the proposed activity. The use of the words 'avoid' and 'only allow' in relation to subdivision and residential activity are intentionally strongly worded and directional.
- [115] The proposal is considered to be consistent with the objectives and policies of the Regional Policy Statement for Otago.
- [116] As identified above I consider there is the potential for an undesirable precedent to be set should this application be granted. Based on the information I have been provided, there is nothing to suggest the residential activity on Lot 1 has been legally established. Whilst it is not uncommon to seek retrospective consents to authorise current activities, in this instance there is a considerable density breach that is at contrary with the policy frameworks of the 2GP, and certainly inconsistent with the of the Operative District Plan.
- [117] As identified above, as a non-complying activity the Section 104D gateway test is relevant. In this instance, as I consider the application passes the 'effects' test the approval of the application is an option for the Committee. Should this be the conclusion be reached I have attached a set of draft conditions in Appendix 2.

Report prepared by:

Report checked by:



Shane Roberts
Consultant Planner

20 January 2021
Date



Campbell Thomson
Senior Planner

20 January 2021
Date

APPENDIX 1: THE APPLICATION

Including:

1. SUB-2020-81 as lodged
2. LUC-2020-31 as lodged
3. Further Information received on combined application

APPLICATION NUMBER:	SUB-2020-81
RELATED APPLICATIONS/LICENCES:	LUC-2020-31

PLANNING APPLICATION DETAILS FORM

Property Address		274 Munro Road Berwick, 236 Waipori Falls Road Berwick	
Property Description:		Property No: 5069823,5120896, Legal Description: LOT 8 DP 23473, LOT 9 DP 23473, LOT 8 DP 23473	
First Contact: (Applicant)	Name:	S B Robertson and V J Robertson	
	Mail Address:	C/O Sweep Consultancy Limited, PO Box 5724, Dunedin 9054	
	Contact Email:		
	Phone Number:		
	Method of Service	Preferred Method - Email	
Second Contact: (Agent)	Name:	Sweep Consultancy	
	Mail Address:	PO Box 5724 Dunedin 9054	
	Phone Number:		
	Contact Person:		
Description of Application:		subdivision	
Application Type:		Subdivision Consent	
Fast Track?			
Consent Type:	Subdivision	Consent Nature	Fee-Simple Additional Site One
Major Category		Subdivision Category A	
Minor Category		Non-Notified - Non Complying	
Senior Planner or Responsible Officer:		Amy Young	
Lodgement Date:		02 June 2020	Lodgement Officer: Paula Myers
Amount Paid:	\$	Invoice Number:	
Waived: ☐			
Application Requirements	Signed Application Form		Copy of Title
	Locality Plan		Site Plan
	Plans and Elevations		AEE
	Affected Persons Consent		
Counter Comments:			

Sweep Consultancy Limited
 PO Box 5724
 Dunedin 9054
 Phone: 0274 822214
 Email: emma@sweepconsultancy.co.nz

29 May 2020

Amy Young
 Planner
 Dunedin City Council
 P.O. Box 5045
 Dunedin 9054

Sent via email to:
 amy.young@dcc.govt.nz

Hi Amy,

LUC-2020-31: AMENDED APPLICATION TO INCLUDE SURPLUS DWELLING SUBDIVISION

Background

Our clients, Struan and Victoria Robertson, own a property at 274 Munro Road, Berwick, legally described as Lot 8 DP 23473 and Lot 9 DP 23473 contained in record of title 15B/750 (**property**). The property contains two dwellings, each erected prior to Struan and Victoria purchasing the property. The second dwelling is located at 236 Waipori Falls Road and was used by Victoria's elderly parents as their home.

On 22 January 2020 Sweep Consultancy Limited lodged with Dunedin City Council (**Council**) a land use consent application on behalf of Struan and Victoria (**LUC-2020-31**). LUC-2020-21 sought retrospective land use consent for the dwelling at 236 Waipori Falls Road to operate as a family flat. Subsequent to a request from Council for further information dated and received 31 January 2020, information was provided to Council on 16 March 2020 showing a site and floor plans for each residential dwelling and Council was informed that: *"Our clients are happy with any of these alternatives; that is, retrospective authorisation of a family flat, retrospective authorisation of a second residential unit or subdivision and land use consent for residential activity on an undersized allotment."*

On 31 March 2020 Council was informed that Victoria's father had passed away unexpectedly. Victoria's father was the primary caregiver for Victoria's mother who is in very poor health. As a consequence, Victoria's mother is unable to live in the residence at 236 Waipori Falls Road and Struan and Victoria now amend the land use application so as to also apply for subdivision consent.

Struan and Victoria are under stress at present with Victoria's father's death, Victoria's mother's poor health and the impacts of Covid-19 on their income. They no longer have any purpose for the second residence and do not want it to fall into a state of disrepair. They have no interest in being landlords.

Although it was suggested by Council that the previous land use consent application be withdrawn and a new application for subdivision and land use consent be submitted, Struan and Victoria prefer to proceed via the inclusion of subdivision to the current application as they believe sufficient information has been provided for Council to assess the land use component of the application.

Therefore, the purpose of this letter is to provide Council with the necessary information to assess the subdivision of the property. The property contains approximately 19.6 hectares and is zoned *Rural* pursuant to the 2006 Dunedin City District Plan (**2006 plan**) and, pursuant to the Second Generation District Plan Appeals Version (**2GP**), is zoned *Rural – Taieri Plains* with a very small portion of the uppermost part of the property zoned *Rural – Hill Country*.

Proposed Activity

Struan and Victoria want to undertake a surplus dwelling subdivision so that the residence at 236 Waipori Falls Road and approximately 1.8 hectares sits on its own title. A scheme plan has been prepared by Mr Craig Horne of Craig Horne Surveyors Limited and is attached at Attachment 1.

Activity Status

2006 Plan

Pursuant to the 2006 plan, subdivision is a restricted discretionary activity provided various performance standards are met including minimum site size for resultant lots¹. The minimum site size for subdivision in the *Rural* zone is 15 hectares. Neither lot will meet the minimum site size pursuant to the 2006 plan and, therefore, the activity status pursuant to the 2006 plan is non-complying².

2GP

Pursuant to the 2GP, there is a mechanism whereby surplus dwellings in the rural zones can be subdivided from the parent title³. The activity status is restricted discretionary provided performance standards can be met and non-complying if those performance standards cannot be

¹ 2006 Plan Rule 18.5.1(i).

² 2006 Plan Rule 18.5.2.

³ 2GP Rule 16.7.4.3.b.

meet. The first performance standard requires that: *"...every new site that will be created by the subdivision contains an existing residential building greater than 100m² gross floor area that was built before 26 September 2015⁴."*

Both the dwelling at 274 Munro Road and the dwelling at 236 Waipori Falls Road were built before 26 September 2015 and both exceed 100m² gross floor area. As such, the first performance standard is met.

The second performance standard only applies *"...if any of these new sites is equal to, or greater than, twice the minimum site size..."⁵*. This performance standard does not apply to the proposed surplus dwelling subdivision as neither site will be equal to or greater than twice the minimum site size.

The activity status pursuant to the 2GP is, therefore, restricted discretionary.

Weighting of Plans

Given that there are no appeals relating to the zoning of the property or the surplus dwelling subdivision provisions, the relevant 2GP provisions in relation to a surplus dwelling subdivision of this property are deemed operative. As such, only the 2GP relevant provisions will be considered for the remainder of this assessment.

Notification

Notification of the application is precluded pursuant to s95A(5)(b)(ii) of the Resource Management Act 1991 because the application is for a restricted discretionary subdivision activity.

Assessment of Environmental Effects and Policy Consideration Where Relevant

Rule 16.10.4 governs the assessment of restricted discretionary subdivision activities listing the matters to which Council's discretion is restricted and providing guidance as to the assessment of those matters. Consideration of each relevant matter of discretion in relation to the present application is dealt with below⁶.

Effects on Long Term Maintenance of Rural Land for Productive Rural Activities

Assessment of this matter requires consideration of the proposal in light of objective 16.2.4 (*the productivity of rural activities in the rural zones is maintained or enhanced*) and policy 16.2.4.3 (*only allow subdivision activities where the subdivision is designed to ensure any future land use*

⁴ 2GP Rule 16.7.4.3.b.i.

⁵ 2GP Rule 16.7.4.3.b.ii.

⁶ Assessment matters 16.10.4.1.c (effects on biodiversity values and natural character values of riparian margins and coast), d. (effects on public access) and g. (effects on health and safety) are not relevant to the present application.

and development will: 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).

There are no high class soils mapped areas on the property does not contain any mapped areas of high class soils nor does it contain any highly productive land, that is, no land with a LUC classification of 1, 2 or 3, excepting a very small sliver of LUC 2 situated on very steep ground rising from Waipori Falls Road and which contains the existing driveway, some pine trees and scrub, as is shown in Figures 1a and 1b below.



Figure 1a: Lack of LUC Ground on Property.

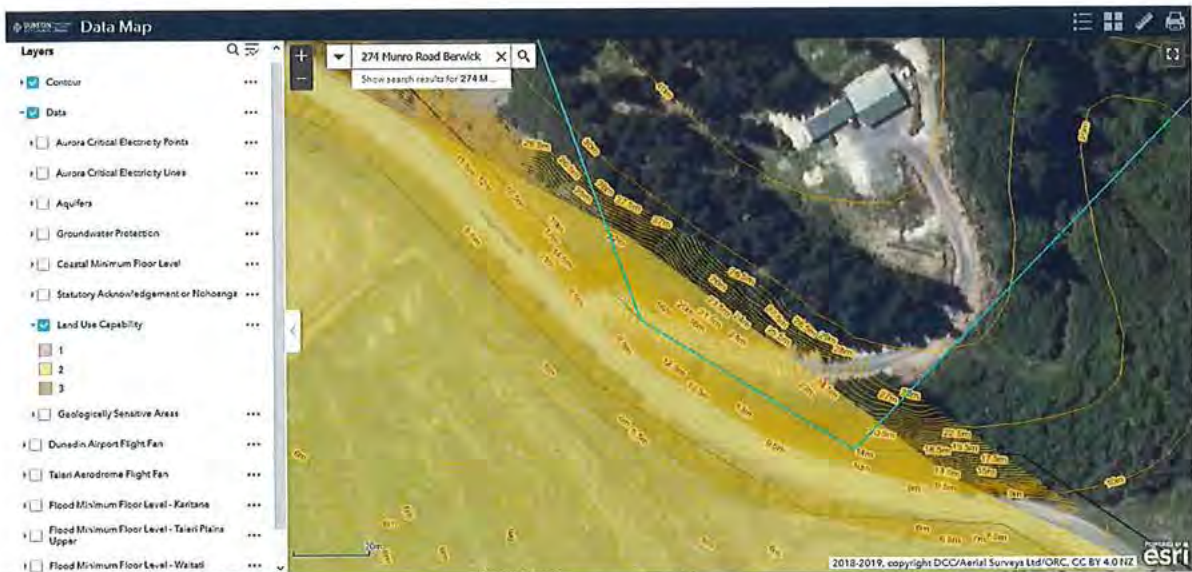


Figure 1b: LUC 2 Ground and Contour.

The proposal represents an exercise on paper as both the residential activities and the rural activities relating to each site are already in existence. Post subdivision, both residences will continue to be used for residential activity and existing rural productive activities of forestry and grazing, as these relate to each site, will continue.

No reverse sensitivity effects will arise in relation to either the proposed allotments or adjoining properties. This is because the residential activity is already in existence and no new rural productive activities other than those existing on the site are proposed.

The effect of the proposed surplus dwelling subdivision on the long term maintenance of rural land for productive rural activities is in the range of **negligible (adverse) to positive** due to the fact that the activities, both residential and rural, are already in existence and the surplus dwelling subdivision provides for the introduction of additional capital.

The proposal is **consistent** with the relevant objective and policy.

Effects on Rural Character and Visual Amenity

Assessment of this matter requires consideration of the proposal in light of 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*) and policy 16.2.3.8 (*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*). Policy 16.2.3.8 is subject to an appeal.

The proposal represents a paper exercise as the residential and rural activities are already in existence including access and provision of on-site services. The dwelling at 236 Waipori Falls Road has limited off-site visibility due to topography, vegetation and distance from public viewing points.

The effects of the proposed surplus dwelling subdivision on rural character and visual amenity are **negligible** due to the fact that the activities, both residential and rural, are already in existence.

The proposal is **consistent** with the relevant objective and policy.

Risk from Natural Hazards

This matter requires consideration of the proposal in light of Rules 11.5.2.1 and 11.5.2.5.

There are no hazard mapped areas in relation to the property pursuant to the 2GP. The existing residential dwelling at 236 Waipori Falls Road has been in existence since 2005 with the dwelling at 274 Munro Road being existence even longer. Our clients report that to the best of their knowledge, neither dwelling has experienced any subsidence nor have there been any slips in the locale of either dwelling.

The only physical change resulting from the surplus dwelling subdivision will be a new fence on the boundary between the properties.

The risk from natural hazards to the proposed activity is in the range **negligible to less than minor**.

Effects on the Safety and Efficiency of the Transport Network

This matter requires consideration of the application in light of Rules 6.11.2.1 and 6.11.2.7.

Both of the dwellings have existing access to a nearby road which would have been assessed by Council at the time the respective accesses were created. Waipori Falls Road is classified as a 'collector' road whilst Munro Road is classified as a 'local' road' pursuant to the 2GP road classification hierarchy. Both roads have absorbed the traffic movements associated with each dwelling.

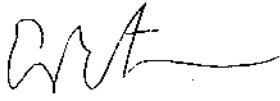
The effect on the safety and efficiency of the transport network of the proposed surplus dwelling subdivision is **negligible**.

Conclusion

The proposed surplus dwelling subdivision meets the one relevant performance standard and, therefore, has an activity status of restricted discretionary. With respect to relevant matters to which Council's discretion is restricted, the effects of the proposed surplus dwelling subdivision is in the range negligible to less than minor. This is primarily because the subdivision, excepting the erection of a boundary fence between the two proposed allotments, is a paper exercise. The proposed surplus dwelling subdivision is consistent with all objectives and policies relevant to the matters to which Council's discretion is restricted.

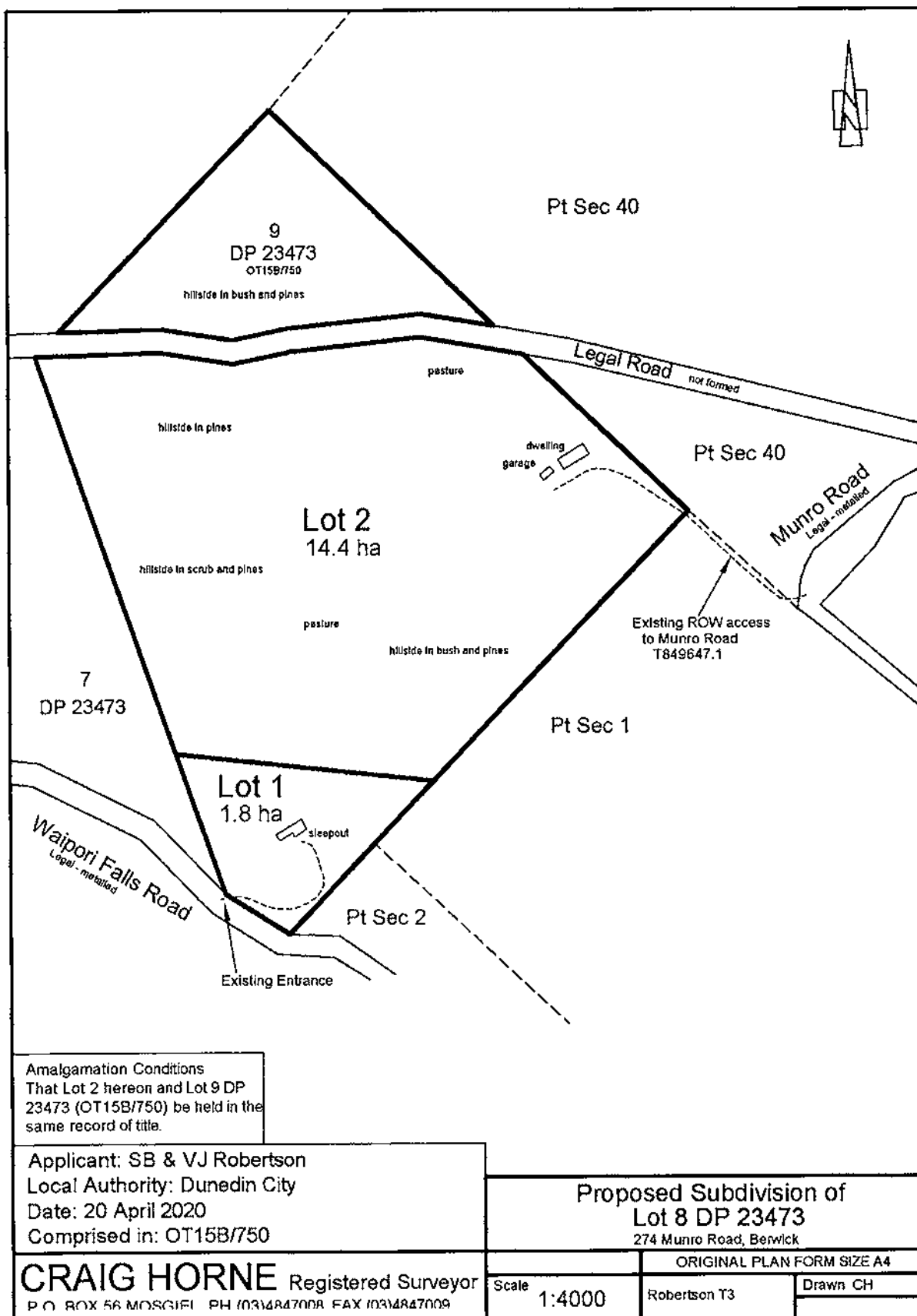
Given the activity status of restricted discretionary, effects being less than minor and the consistency of the proposed surplus dwelling subdivision with relevant objectives and policies, Council must process this application on a non-notified basis.

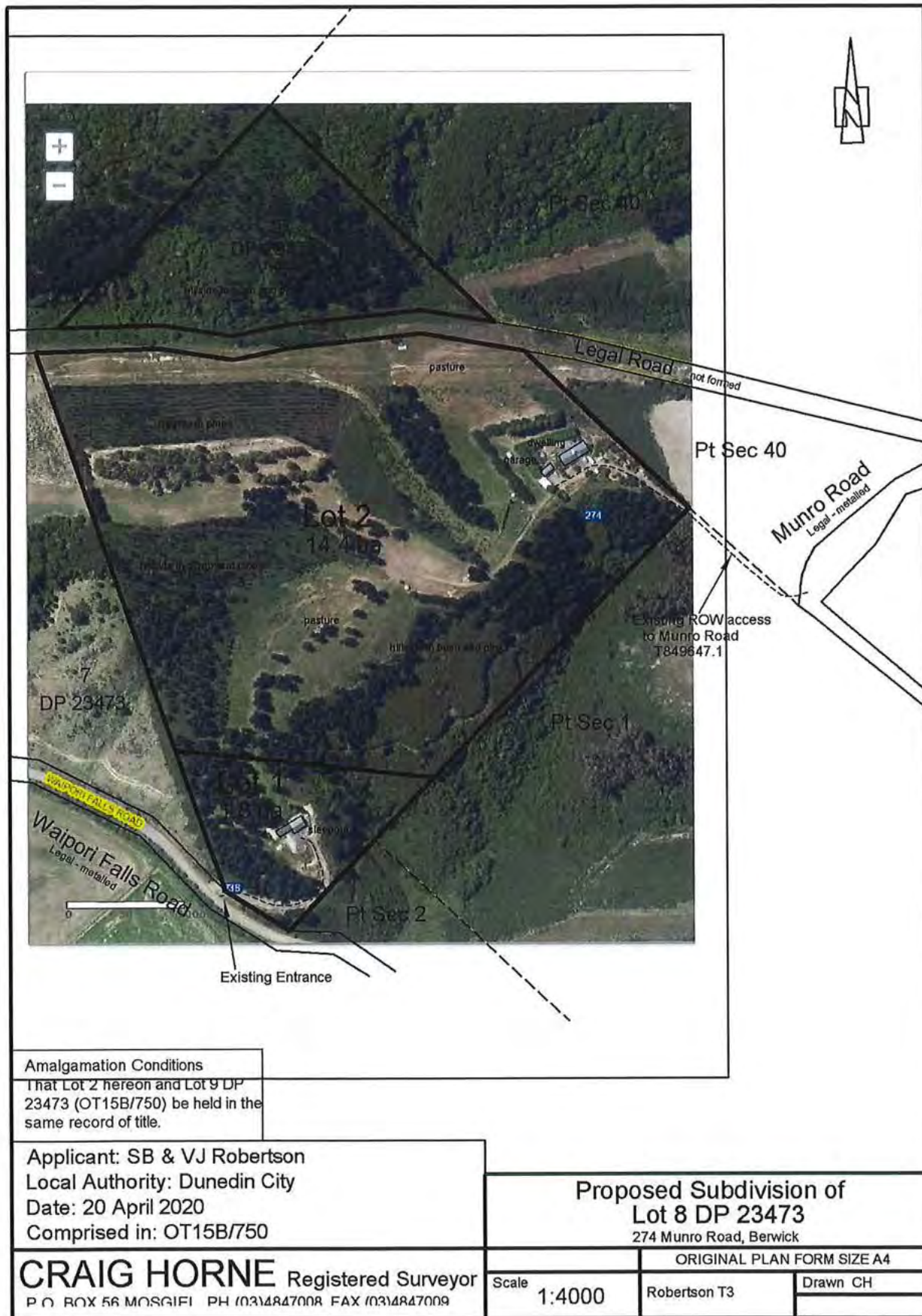
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Emma Peters', with a long horizontal flourish extending to the right.

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone
0274822214 www.sweepconsultancy.co.nz

Attachment 2: Surplus Dwelling Subdivision Scheme Plan





APPLICATION NUMBER:	LUC-2020-31
RELATED APPLICATIONS/LICENCES:	ABA-2005-306740

PLANNING APPLICATION DETAILS FORM

Property Address		274 Munro Road Berwick, 236 Walpori Falls Road Berwick	
Property Description:		Property No: 5069823,5120896, Legal Description: LOT 8 DP 23473, LOT 9 DP 23473, LOT 8 DP 23473	
First Contact: (Applicant)	Name:	S B Robertson and V J Robertson	
	Mail Address:	C/O Sweep Consultancy Limited, PO Box 5724, Dunedin 9054	
	Contact Email:	emma@sweepconsultancy.co.nz	
	Phone Number:	0274 822 214	
	Method of Service	Preferred Method - Email	
Second Contact: (Agent)	Name:		
	Mail Address:		
	Phone Number:		
	Contact Person:		
Description of Application:		land use consent for retrospective approval for family flat	
Application Type:		Land Use Consent	
Fast Track?			
Consent Type:	Residential Activity	Consent Nature	New Dwelling Breaching Density
Major Category		Land Use Category C	
Minor Category		Non-Notified - Non Complying	
Senior Planner or Responsible Officer:		John Sule	
Lodgement Date:		22 January 2020	Lodgement Officer: Lorna Jackson
Amount Paid:	\$1,600.00 to be paid	Invoice Number:	791130
Waived: ☐			
Application Requirements	Signed Application Form		Copy of Title
	Locality Plan		Site Plan
	Plans and Elevations		AEE
	Affected Persons Consent		
Counter Comments:			

Lorna Jackson

From: Emma Peters <sweepconsultancy@gmail.com> on behalf of emma
<Emma@sweepconsultancy.co.nz>
Sent: Wednesday, 22 January 2020 08:00 p.m.
To: Planning
Subject: 274 Munro Road - LUC Application - Family Flat
Attachments: 274 Munro Road AEE (22-1-20).pdf

Hi,

Please find attached an application for a family flat. The property location is 274 Munro Road but the family flat is already in existence and has its own address being 236 Waipori Falls Road.

My clients, Struan and Victoria Robertson, will pay the application fee upon receipt of invoice from Council.

Any questions please call.

Cheers,

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin
9054 Phone 0274822214 www.sweepconsultancy.co.nz

Assessment of Environmental Effects

274 Munro Road and 236 Waipori Falls Road, Berwick



22 January 2020

Prepared by Emma Peters
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Phone 0274822214
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 Dunedin 9054
 Phone: 0274 822214
 Email: emma@sweepconsultancy.co.nz

22 January 2020

Senior Planner – Non Notifieds
 Dunedin City Council
 P.O. Box 5045
 Dunedin 9054

Hi,

274 Munro Road and 236 Waipori Falls Road, Berwick

Property

Our clients, Struan and Victoria Robertson, own a property located at 274 Munro Road, Berwick legally described as Lot 8 DP 23473 and Lot 9 DP 23473 contained in record of title 15B/750 (property). A copy of the record of title is appended to this assessment of environmental effects in Appendix 1. The location of the property is shown in Figure 1 below.

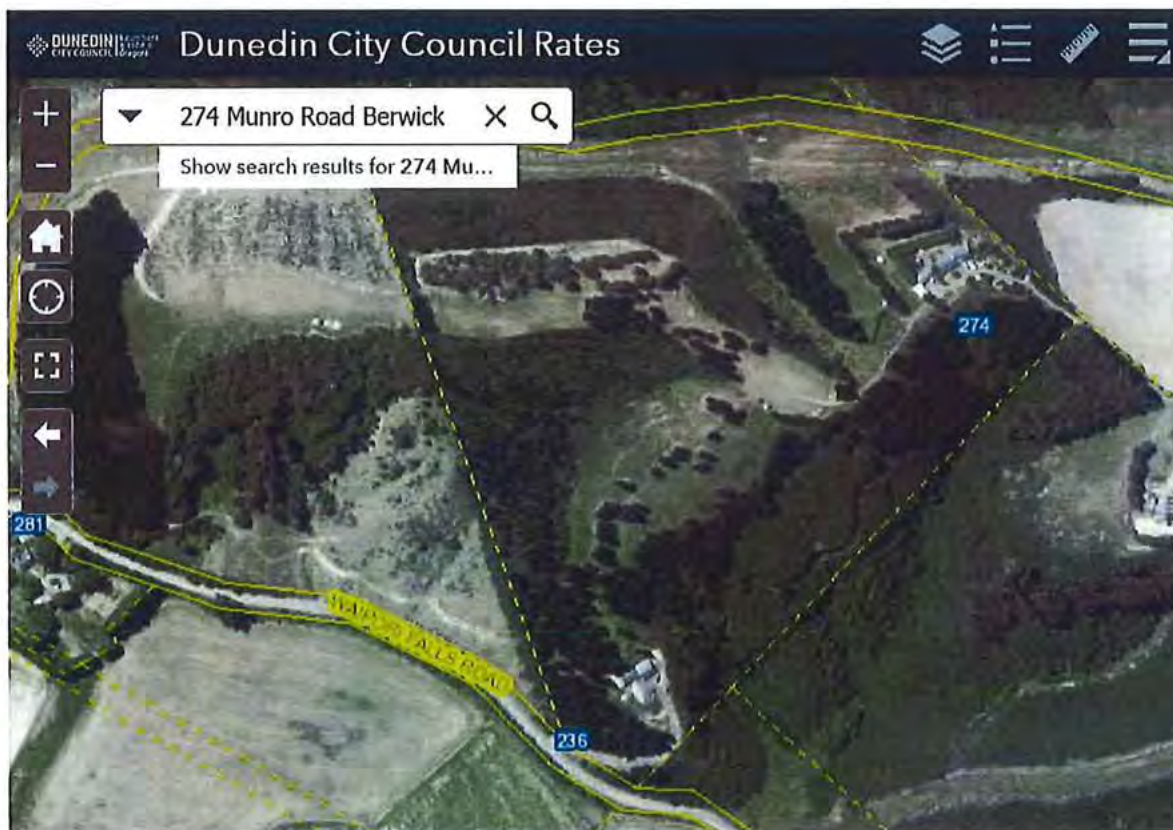


Figure 1: Location of Property.

The property comprises of approximately 19.6 hectares of land which is used for forestry and pastoral grazing activities. There is an existing residential dwelling and associated outbuildings situated at the top of the property. There is an existing family flat at the bottom of the property with its own address, 236 Waipori Falls Road and access from Waipori Falls Road.

Zoning

Pursuant to the Second Generation District Plan Appeals Version (2GP) the majority of the property is zoned *Rural – Taieri Plains*. A very small portion of the property is zoned *Rural – Hill Country*. The zoning of the property is shown in Figure 2 below.

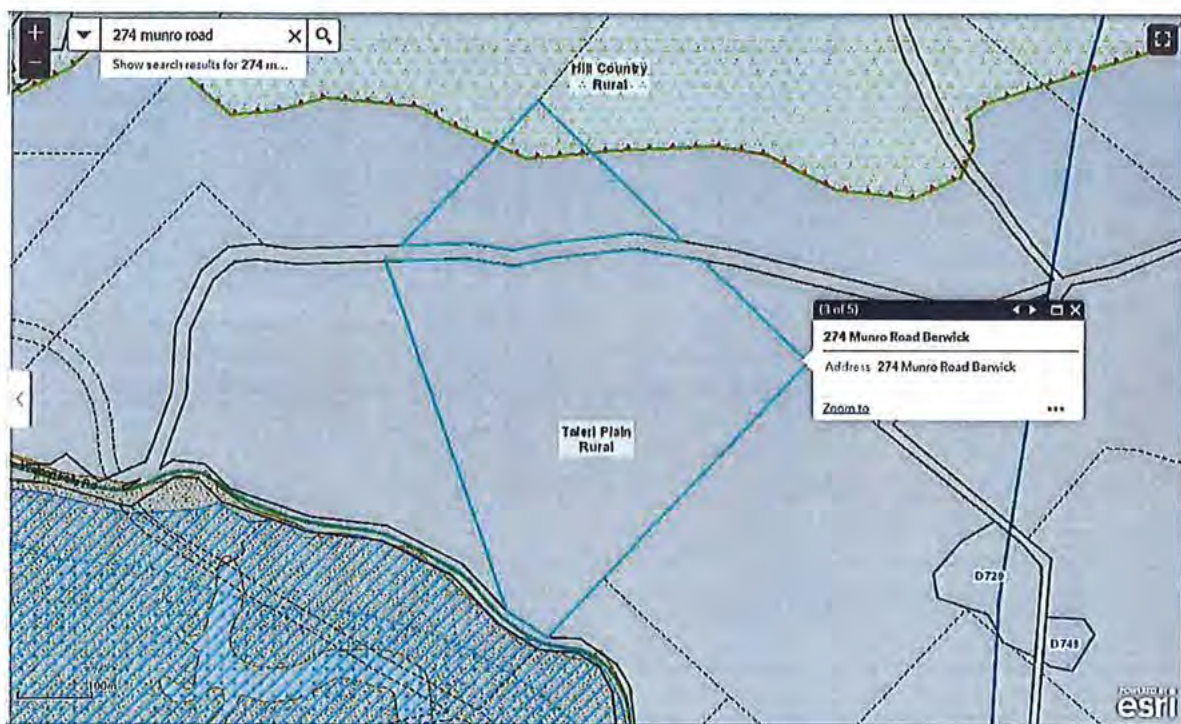


Figure 2: Zoning Pursuant to 2GP.

The following overlay and mapped area are also applicable to that part of the property zoned *Rural Hill Slopes* as shown in Figure 2 above:

- Maungatua Significant Natural Landscape (SNL) Overlay; and
- Wāhi Tupuna Mapped Area (red line) being Maukaatua (Maungatua).

Proposed Activity

Struan and Victoria want to formalise the existing family flat on the property. The family flat was built in 2005 and received a code of compliance certificate as a sleep out from the Dunedin City Council (Council) in 2014 – see copy of the relevant part of the LIM received from Council in 2014 appended in Appendix 2. This was prior to Struan and Victoria undergoing settlement for the property on 30 January 2015. The

family flat is being used as accommodation for elderly relatives. The existing family flat has a footprint of approximately 100m². There is also a shed adjacent to the family flat. The existing family flat is located approximately 480 metres downhill from the primary dwelling on the property which is located at 274 Munro Road.

The family flat is single level and is shown in Figure 3 below. Due to topography, the existing family flat is accessed from Waipori Falls Road, is serviced by solar power, has its own wastewater disposal system and water supply.



Figure 3: East Elevation of Existing Family Flat.

A completed application form is attached at Appendix 3. Struan and Victoria will pay the application fee upon receipt from Council of an invoice for a non-notified land use consent application.

Activity Status

Rule 16.5.4 governs the establishment of family flats in the rural zone. Rule 16.5.4.1 states:

16.5.14.1 Family Flats - Tenancy

a. Family flats must:

i. only be occupied by:

1. a person or persons related to or dependent on the household that lives in the primary residential unit on the same site; or
2. employed on-site, in a paid or voluntary capacity, as a domestic, child-care, farm or conservation worker by the household that lives in the primary residential unit on the same site.

ii. not be on a different tenancy agreement to the primary residential unit.

b. Standard residential activity that contravenes this performance standard is a non-complying activity.

The family flat is being used by elderly relatives and, therefore, compliance with 16.5.14.1.a.i is achieved. Struan and Victoria are the owner/occupiers of the 'primary residential unit' on the property. As such, compliance with Rule 16.5.14.1.a.ii is achieved.

Rule 16.5.4.2 states:

16.5.14.2 Family Flats - Design

a. Family flats must:

- i. not exceed a maximum gross floor area of 60m²;
- ii. be on the same available water and wastewater infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit;
- iii. be on the same household electricity account;
- iv. share the same vehicle access as the primary residential unit; and
- v. be attached to or located in the same residential building as the primary residential unit, or located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat.

b. Standard residential activity that contravenes this performance standard is a restricted discretionary activity.

(Note - Appeal does not relate to sites in rural zones not within a landscape or coastal character overlay zone, except for Hill Slopes Rural Zone where appeal applies to all sites)

Table 1: Analysis of Proposed Activity Against Performance Standards in Rule 16.5.14.2.

Performance Standard	Compliance of Proposed Activity
R.16.5.14.2.a.i: ...must not exceed gross floor area of 60m ²	The existing family flat has an approximate floor area of 110m ² and, therefore, contravenes this performance standard.
R.16.5.14.2.a.ii: ...must be on...the same non-reticulated waste water disposal system as the primary residential unit	The existing family flat has its own non-reticulated waste water disposal system and, therefore, contravenes this performance standard.
R.16.5.14.2.a.iii: ...must be on the same household electricity account	Not applicable. The family flat is powered by solar panels.
R.16.5.14.2.a.iv: must share the same vehicle access as the primary residential unit	The existing family flat has its own access from Waipori Falls Road and, therefore, contravenes this performance standard.
R.16.5.14.2.a.v: must be...located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat	The existing family flat is located approximately 370m downhill from the primary residential building and, therefore, contravenes this performance standard.

Rule 16.6.10.1 governs boundary setbacks in the rural zone. Rule 16.6.10.1.a.i.1 requires the family flat be setback 20m from the road boundary. The existing family flat is setback approximately 70m from the road

boundary. Rule 16.6.10.1.a.i.2 states that the minimum setback from side and rear boundaries with sites held in separate ownership is: *"The greater of either: (i) 20m; or (ii) a setback that provides a 40m separation from any residential building on any adjoining site."* The existing family flat complies with these setbacks.

Rule 16.5.4.2.b states: *"Standard residential activity that contravenes this performance standard is a restricted discretionary activity."* Presumably the standard residential activity referred to is the family flat. So in terms of Rule 16.5.4 the activity status of the proposed family flat is restricted discretionary.

However, potentially Rule 16.5.2 (relating to density) comes into play. The primary residential activity is already established on the property as is the family flat. However, the property is an undersized rural allotment with respect to the minimum site size for standard residential activity in the *Rural – Taieri Plains zone*¹. Rule 16.5.2.2 provides for one family flat per site *"...in association with a standard residential activity that meets this performance standard for density."* The standard residential activity and the family flat were established on the site prior to notification of the 2GP; however, the property contains approximately 19.6 hectares which is short of the 2GP density requirement of 25 hectares for standard residential activity in the *Rural – Taieri Plains zone*.

As such, the family flat has a technical non-compliance and, therefore, non-complying activity status², due to the existing primary residential activity being on a site which is undersized with respect to 2GP density requirements for the zone. The 2GP density provisions in relation to rural zones are under appeal. It is also our understanding that Policy Planning are investigating solutions, such as a change in activity status, to the technical non-compliance of family flats associated with existing residential activity on what are now, pursuant to the 2GP, undersized rural sites.

Notification

Section 95A of the Resource Management Act 1991 (RMA) governs the process for determining if an application is to be publicly notified. The process contains four steps with criteria set out for each step. The four steps are:

- Step 1: mandatory public notification in certain circumstances.
- Step 2: public notification precluded in certain circumstances.
- Step 3: public notification required in certain circumstances.
- Step 4: public notification in special circumstances.

¹ See Rule 16.5.2.1.g which requires a minimum site size of 25 hectares for the establishment of new standard residential activity.

² Rule 16.5.2.3.

With respect to the criteria for step 1, as listed in subsection (3) of s95A, the applicant has not requested the application be notified; Council has all relevant information and the application does not include recreation reserve land. Therefore, there is no requirement for mandatory public notification.

With respect to criteria for step 2, the consent application is not for one of the activities listed in s95A(5)(b) (i) – (iv) and, therefore, public notification is not precluded.

With respect to criteria for step 3, there is no rule or national environmental standard requiring notification (s95A(8)(a)), nor will the proposed activity have adverse effects that are more than minor (s95A(8)(b)) – see *Assessment of Environmental Effects* below for further detail.

With respect to step 4, subsection 9 of s95A, requires a determination as to whether special circumstances exist in relation to the application that warrant the application being publicly notified – if yes, publicly notify the application; if no, determine whether to give limited notification under s95B.

Case law holds that what constitutes 'special circumstances' are circumstances which must be unusual or exceptional, but may be less than extraordinary or unique³ – the circumstances must be out of the ordinary. Although, public opinion may be a contributing factor it is not determinative⁴.

There are no 'unusual', 'exceptional' or 'out of the ordinary' circumstances relating to the application. The application is for a family flat associated with an existing standard residential activity on a slightly undersized rural site which will continue to be used for rural productive purposes. Any adverse effects associated with the proposed activity will be less than minor – see *Assessment of Environmental Effects* below for further detail.

Similarly s95B sets out the steps for determining whether there is a need for limited notification of an application. Step 1 determines whether there are certain affected groups or affected persons that must be notified. No protected customary rights or marine title groups are affected by the application, nor will the application affect land the subject of a statutory acknowledgement made in accordance with an act specified in schedule 11 of the RMA. None of the circumstances set out in step 2 (s95B(6)) apply meaning Council is not precluded from limited notification of the application. Step 3 (s95B(8)) requires determination of any other affected party in accordance with s95E. There are no other affected parties because any adverse effects will be less than minor as demonstrated by the assessment of environmental effects below. Step 4 (s95B(10)) requires that the application be notified on a limited basis if special circumstances exist which warrant limited notification. No such special circumstances exist.

The application can be dealt with on a non-notified basis.

³ *Peninsula Watchdog Group Inc v Minister of Energy* [1996] 2 NZLR 529.

⁴ *Murray v Whakatane District Council* [1997] NZRMA 433.

Assessment of Environmental Effects

Rule 16.9.3.1 governs the assessment of family flats in the rural zone which contravene the family flat design performance standards – please see Appendix 4 for a copy of Rule 16.9.3.1. This rule states the matters of discretion are restricted to: (a) effects on long term maintenance of rural land for productive rural activities; and (b) effects on rural character and visual amenity. Guidance for the assessment of resource consents is also provided. Each of the matters of discretion is dealt with in turn below.

Effects on Long Term Maintenance of Rural Land for Productive Rural Activities

The family flat already exists and is located on a steep part of the property. It is the understanding of Struan and Victoria that the family flat (then called a sleep out) was built in approximately 2005. The balance of the property will continue to be used as it currently is, for rural productive activities.

Effects on Rural Character and Visual Amenity

The rural character of the immediate locale of the family flat, is one of a valley floor rising steeply to various ridge lines above. Indeed the driveway traverses the steeply rising terrain to the family flat located on the lower part of a ridge above as is shown in Figures 4a and 4b below.



Figure 4a: Contours in Relation to the Family Flat and Its Access.



Figure 4b: General Contours of the Locale.

The family flat, formerly called a 'sleep out', has been in existence since approximately 2005. This means that the values associated with rural character as described in Objective 16.2.3 and the relevant part of Appendix A7 will not be adversely effected – please see Appendix 5b for a copy of Objective 16.2.3 and the relevant part of Appendix A7. Due to distance and intervening topography and vegetation, the family flat is difficult to see from nearby roads which are the only public viewing points in the locale.

Technical Non-Compliance

The only issues with respect to the technical non-compliance with the minimum site size for the existing primary residential activity with 2GP density requirements is, perhaps, integrity of the plan.

This is the idea that the integrity of the plan will be threatened by granting consent to family flat associated with existing standard residential activity established prior to notification of the 2GP on an undersized rural site because that grant of consent will create a precedent and 'open the floodgates' for family flats on similar undersized allotments. However, this is not the case as the activity status provides the ability for Council to consider each application on its merits and particularly on the effects of the family flat in the particular locale. Council has discretion to impose conditions to avoid, remedy or mitigate any adverse effects resulting from a particular proposal for a family flat in a particular locale.

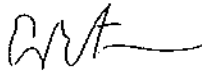
In the present case the application is to formalise a situation which has existed since 2005 and the family flat cannot be seen from offsite. The balance of the property will continue to be used for rural productive use being forestry and pastoral grazing including the production of hay, baleage and/or silage. The family flat is consistent with other policy considerations as discussed in Appendix 5a.

CONCLUSION

Struan's and Victoria's family flat is used by their elderly relatives. The family flat has been in existence since 2005, was built by previous owners and received a code of compliance certificate from Council prior to Struan and Victoria purchasing the property. The family flat is effectively screened from public view by topography. Any adverse effects on rural character and visual amenity will be in the range of negligible to less than minor and the proposed activity is consistent with relevant objectives and policies. Therefore, granting consent will not create a precedent threatening the integrity of the 2GP and as such, Council should grant consent on a non-notified basis to the application.

Please make contact if you wish to discuss this matter further or require any further information.

Yours sincerely,



Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214
www.sweepconsultancy.co.nz

Appendix 1: Record of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R. W. Muir
Registrar-General
of Land

Identifier OT15B/750
Land Registration District Otago
Date Issued 10 November 1993

Prior References
OT277/105

Estate Fee Simple
Area 19.6901 hectares more or less
Legal Description Lot 8-9 Deposited Plan 23473

Registered Owners
Struan Bruce Robertson and Victoria Jenn Robertson

Interests

Subject to Section 241 (2) Resource Management Act 1991 (See DP 23473)

808361.3 Transfer creating the following easements - 26.6.1992 at 9.51 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Convey electricity	Lot 8 Deposited Plan 23473 - herein	U1 DP 22105	Section 51 Block VIII Waipori Survey District - CT OT2C/1162	

842371.9 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 10.11.1993 at 10.51 am

842371.16 Transfer creating the following easements in gross - 10.11.1993 at 10.51 am

Type	Servient Tenement	Easement Area	Grantee	Statutory Restriction
Convey water	Lot 8 Deposited Plan 23473 - herein	q1-r1-s1-t1-n1-v1-w1 DP 23473	Dunedin City Council	Section 243 (a) Resource Management Act 1991

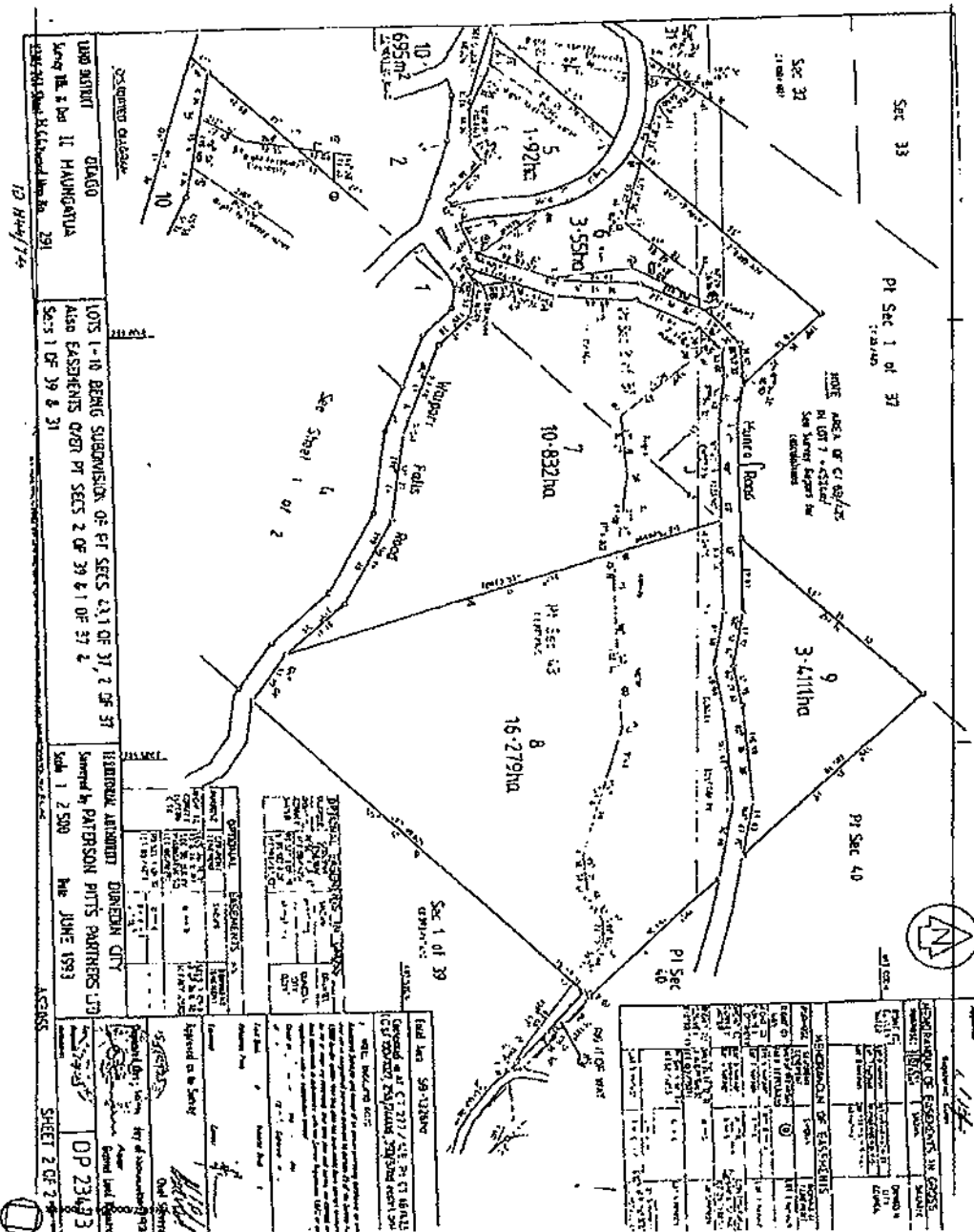
849647.1 Transfer creating the following easements - 23.2.1994 at 12.27 pm

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Section 1 of 39 Block II Maungatua Survey District - CT OT393/67	D DP 23473	Lot 8-9 Deposited Plan 23473 - herein	Section 243 (a) Resource Management Act 1991
Right of way	Section 2 of 11 Block II Maungatua Survey District - CT OT393/67	D DP 23473	Lot 8-9 Deposited Plan 23473 - herein	Section 243 (a) Resource Management Act 1991

9953398.3 Mortgage to ANZ Bank New Zealand Limited - 30.1.2015 at 2:03 pm

Identifier

OT15B/750



Appendix 3: Completed Application Form



Application Form for a Resource Consent

50 The Octagon, PO Box 5045
Dunedin 9054, New Zealand
Ph 03 477 4000 | www.dunedin.govt.nz

PLEASE FILL IN ALL THE FIELDS

Application details

I/We Struan and Victoria Robertson (must be the FULL name(s) of an individual or an entity registered with the New Zealand Companies Office. Family Trust names and unofficial trading names are not acceptable; in those situations, use the trustee(s) and director(s) names instead) hereby apply for:

☒ Land Use Consent ☐ Subdivision Consent

I opt out/do not opt out (delete one) of the fast-track consent process (only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity: Family Flat

Have you applied for a Building Consent? ☐ Yes, Building Consent Number ABA _____ ☒ No

Site location/description

I am/We are the: ☒ owner ☐ occupier ☐ lessee ☐ prospective purchaser of the site (tick one)

Street Address of Site: 274 Munro Road and 236 Walpole Falls Road

Legal Description: Lot 8-9 Deposited Plan 23473

Certificate of Title: OT158/750

Contact details

Name: Emma Peters, Consultant, Sweep Consultancy Limited (applicant/agent (delete one))

Address: P.O. Box 5724 Dunedin Postcode: 9054

Phone (daytime): 0274822214 Email: emma@sweepconsultancy.co.nz

Chosen contact method (this will be the first point of contact for all communications for this application)

I wish the following to be used as the address for service: ☒ email ☐ post ☐ other _____ (tick one)

Address for invoices or refunds (if different from above)

Name: _____

Address: _____

Bank details for refunds

Bank Account Name: _____

Account Number:

--	--

--	--	--	--	--	--

--	--	--	--	--	--	--	--	--	--

--	--

Bank Branch

Account Number

Suffix

Ownership of the site

Who is the current owner of the site? Applicants

If the applicant is not the site owner, please provide the site owner's contact details:

Address: _____ Postcode: _____

Phone (daytime): _____ Email: _____

Appendix 2: Copy of Part of LIM Showing CCC Status as 'CCC Issued' (ABA-2005-306740)

BUILDING, PLUMBING AND DRAINAGE																																	
Public Sewer sheets. WARNING. Please note that public sewer reticulation sheets are scaled in either Imperial feet or Metric metres. Please check with the Duty Drainage Inspector if in doubt. Dunedin City Council Private Drainage plans incomplete. WARNING. The Dunedin City Council's private drainage records (plans) prior to 1 January 1993 may be incomplete or not clearly recorded. Owners therefore are advised to carry out work with due care to avoid damage to any private drain not detailed because of the lack of information filed in the Council's records. Building and Drainage Information Private Storm Water Drains servicing existing buildings There are Private Storm Water drains servicing existing buildings on this land. Private Foul Drains servicing existing buildings There are Private Foul drains servicing existing buildings on this land. Septic Tank and Effluent Disposal This property has onsite Septic Tank and Effluent Disposal																																	
Building and Drainage Consents The following consents are recorded for this property: <table> <tr> <td>Status Key:</td> <td>BC - Building Consent Issued</td> </tr> <tr> <td></td> <td>CCC - Code Compliance Certificate Issued</td> </tr> <tr> <td>Archived -</td> <td>In accordance with section 93(2)(b) of the Building Act, the consent was reviewed for code compliance after two years. Compliance with the Building Code could not be established and therefore the Code Compliance Certificate has been refused.</td> </tr> <tr> <td>Lapsed -</td> <td>Work has not commenced and no extension of time applied for within 12 months of date of consent issue. Consent is of no further effect</td> </tr> </table> NOTE: This is not a comprehensive list of all building consent statuses <u>ABA-2005-306740</u> Building Consent Only Lodgement - Erect Garage/Granny Flat with Yunca Hobson Heater and Septic Tank <table> <tr> <td>Lodgement Date</td> <td>19-Jan-2005</td> </tr> <tr> <td>Decision</td> <td>Granted</td> </tr> <tr> <td>Decision Date</td> <td>07-Apr-2005</td> </tr> <tr> <td>Current Status</td> <td>CCC Issued</td> </tr> <tr> <td>Previous Number</td> <td>ABA50111</td> </tr> <tr> <td colspan="2"><i>(Applications before 2007)</i></td> </tr> </table> <u>ABA-2006-314240</u> Building Consent Only Lodgement - Lounge/Bedroom/Office <table> <tr> <td>Lodgement Date</td> <td>16-Nov-2006</td> </tr> <tr> <td>Decision</td> <td>Granted</td> </tr> <tr> <td>Decision Date</td> <td>14-Dec-2006</td> </tr> <tr> <td>Current Status</td> <td>CCC Issued</td> </tr> <tr> <td>Previous Number</td> <td>ABA63520</td> </tr> <tr> <td colspan="2"><i>(Applications before 2007)</i></td> </tr> </table>		Status Key:	BC - Building Consent Issued		CCC - Code Compliance Certificate Issued	Archived -	In accordance with section 93(2)(b) of the Building Act, the consent was reviewed for code compliance after two years. Compliance with the Building Code could not be established and therefore the Code Compliance Certificate has been refused.	Lapsed -	Work has not commenced and no extension of time applied for within 12 months of date of consent issue. Consent is of no further effect	Lodgement Date	19-Jan-2005	Decision	Granted	Decision Date	07-Apr-2005	Current Status	CCC Issued	Previous Number	ABA50111	<i>(Applications before 2007)</i>		Lodgement Date	16-Nov-2006	Decision	Granted	Decision Date	14-Dec-2006	Current Status	CCC Issued	Previous Number	ABA63520	<i>(Applications before 2007)</i>	
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Previous Number	ABA63520																																
<i>(Applications before 2007)</i>																																	

Occupation of the site

Please list the full name and address of each occupier of the site: _____

Not applicable as the occupiers of the family flat are elderly relatives of the applicants.

Monitoring of your Resource Consent

To assist with setting a date for monitoring, please estimate the date of completion of the work for which Resource Consent is required. Your Resource Consent may be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your Resource Consent, if granted, may be monitored three years from the decision date).

_____ (month and year)

Monitoring is an additional cost over and above consent processing. You may be charged at the time of the consent being issued or at the time monitoring occurs. Please refer to City Planning's Schedule of Fees for the current monitoring fee.

Detailed description of proposed activity

Please describe the proposed activity for the site, giving as much detail as possible. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please provide proposed site plans and elevations.

Please see attached A&E.

Description of site and existing activity

Please describe the existing site, its size, location, orientation and slope. Describe the current usage and type of activity being carried out on the site. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please also provide plans of the existing site and buildings. Photographs may help.

Please see attached A&E.

_____ (Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? The family flat is located in the Taieri Plains Rural Zone

Are there any overlying District Plan requirements that apply to the site e.g. in a Landscape Management Area, in a Townscape or Heritage Precinct, Scheduled Buildings on-site etc? If unsure, please check with City Planning staff.

Not relevant to the location of either the existing family flat or existing dwelling.

Breaches of district plan rules

Please detail the rules that will be breached by the proposed activity on the site (if any). Also detail the degree of those breaches. In most circumstances, the only rules you need to consider are the rules from the zone in which your proposal is located. However, you need to remember to consider not just the Zone rules but also the Special Provisions rules that apply to the activity. If unsure, please check with City Planning staff or the Council website.

Please see attached AEE.

Affected persons' approvals

I/We have obtained the written approval of the following people/organisations and they have signed the plans of the proposal:

Name: _____

Address: _____

Name: _____

Address: _____

Please note: You must submit the completed written approval form(s), and any plans signed by affected persons, with this application, unless it is a fully notified application in which case affected persons' approvals need not be provided with the application. If a written approval is required, but not obtained from an affected person, it is likely that the application will be fully notified or limited notified.

Assessment of Effects on Environment (AEE)

In this section you need to consider what effects your proposal will have on the environment. You should discuss all actual and potential effects on the environment arising from this proposal. The amount of detail provided must reflect the nature and scale of the development and its likely effect, i.e. small effect equals small assessment.

You can refer to the Council's relevant checklist and brochure on preparing this assessment. If needed there is the Ministry for the Environment's publication "A Guide to Preparing a Basic Assessment of Environmental Effects" available on www.mfe.govt.nz. Schedule 4 of the Resource Management Act 1991(RMA) provides some guidance as to what to include.

Please see attached AEE.

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have/have not (delete one) been applied for:

☐ Water Permit ☐ Discharge Permit ☐ Coastal Permit ☐ Land Use Consent for certain uses of lake beds and rivers ☒ Not applicable

Declaration

I certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

I accept that I have a legal obligation to comply with any conditions imposed on the Resource Consent should this application be approved.

Subject to my/our rights under section 357B and 358 of the RMA to object to any costs, I agree to pay all the fees and charges levied by the Dunedin City Council for processing this application, including a further amount if the cost of processing the application exceeds the deposit paid.

Signature of Applicant/Agent (delete one):



22/1/2020

Date:

Privacy – Local Government Official Information and Meetings Act 1987

You should be aware that this document becomes a public record once submitted. Under the above Act, anyone can request to see copies of applications lodged with the Council. The Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld, the Council will make a decision following consultation with you. If the Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen.

Please advise if you consider it necessary to withhold your application, or parts of it, from any persons (including the media) to (tick those that apply):

- ☐ Avoid unreasonably prejudicing your commercial position
- ☐ Protect information you have supplied to Council in confidence
- ☐ Avoid serious offence to tikanga Maori or disclosing location of wahi tapu

What happens when further information is required?

If an application is not in the required form, or does not include adequate information, the Council may reject the application, pursuant to section 88 of the RMA. In addition (section 92 RMA) the Council can request further information from an applicant at any stage through the process where it may help to a better understanding of the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated. The more complete the information provided with the application, the less costly and more quickly a decision will be reached.

Fees

Council recovers all actual and reasonable costs of processing your application. Most applications require a deposit and costs above this deposit will be recovered. A current fees schedule is available on www.dunedin.govt.nz or from Planning staff. Planning staff also have information on the actual cost of applications that have been processed. This can also be viewed on the Council website.

Development contributions

Your application may also be required to pay development contributions under the Council's Development Contributions Policy. For more information please ring 477 4000 and ask to speak to the Development Contributions Officer, or email contributions@dcc.govt.nz.

Further assistance

Please discuss your proposal with us if you require any further help with preparing your application. The Council does provide pre-application meetings without charge to assist in understanding the issues associated with your proposal and completing your application. This service is there to help you.

Please note that we are able to provide you with planning information but we cannot prepare the application for you. You may need to discuss your application with an independent planning consultant if you need further planning advice.

City Planning Staff can be contacted as follows:

In Writing: Dunedin City Council, PO Box 5045, Dunedin 9054

In Person: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon

By Phone: (03) 477 4000

By Email: planning@dcc.govt.nz

There is also information on our website at www.dunedin.govt.nz.

Information requirements

- ☐ Completed and Signed Application Form
- ☐ Description of Activity and Assessment of Effects
- ☐ Site Plan, Floor Plan and Elevations (where relevant)
- ☐ Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- ☐ Written Approvals
- ☐ Forms and plans and any other relevant documentation signed and dated by Affected Persons
- ☐ Application Fee (cash, cheque or EFTPOS only; no Credit Cards accepted)
- ☐ Bank account details for refunds

In addition, subdivision applications also need the following information

- ☐ Number of existing lots.
- ☐ Number of proposed lots.
- ☐ Total area of subdivision
- ☐ The position of all new boundaries.

In order to ensure your application is not rejected or delayed through requests for further information, please make sure you have included all of the necessary information. A full list of the information required for resource consent applications is in the Information Requirements Section of the District Plan.

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information and adequate assessment of effects)?

☐ Yes ☐ No

Application: ☐ Received ☐ Rejected

Received by: ☐ Counter ☐ Post ☐ Courier ☐ Other: _____

Comments: _____

(Include reasons for rejection and/or notes to handling officer)

Planning Officer: _____ Date: _____

Appendix 4: Rule 16.9.3.1

16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. <u>Family flats - design</u> (Note - appeal does not relate to sites in rural zones not within a landscape or coastal character overlay zone, except for Hill Slopes Rural Zone where appeal applies to all sites)	a. Effects on long term maintenance of rural land for productive rural activities b. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 16.2.1, 16.2.3 ii. The design of <u>family flats</u> avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity and future pressure to subdivide off <u>family flats</u> (Policy 16.2.1.6). <i>Potential circumstances that may support a consent application include:</i> iii. For contravention of maximum <u>gross floor area</u>, the extra area is required due to occupant needs. iv. For contravention of maximum separation distance, other mechanisms such as covenants are proposed to avoid pressure for <u>subdivision</u> of the family flat. v. The size of the <u>residential unit</u> will not create future pressure or expectation for it to be subdivided or be consented to operate as a second residential activity on <u>site</u>. vi. For contravention of maximum <u>gross floor area</u>, the family flat is in the same <u>residential building</u> as the primary <u>residential unit</u>. vii. For <u>family flats</u> in separate <u>buildings</u> to the primary dwelling the design of the family flat matches the design of the primary <u>residential building</u>. viii. For <u>family flats</u> in separate <u>buildings</u> to the primary dwelling, <u>landscaping</u> or other forms of screening will be used to reduce the visibility of the family flat. ix. For <u>family flats</u> in separate <u>buildings</u> to the primary dwelling, the family flat will not be easily viewed from outside the <u>site</u>. <i>General assessment guidance:</i> x. As well as the effects on the values specified in Objective 16.2.3, <u>Council</u> will consider the effects on the rural character values identified in Appendix A7.

Appendix 5a: Policy Consideration: Objective 16.2.1 and Policy 16.2.1.6

Objective 16.2.1 states:

"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 papakaika."

Policy 16.2.1.6 states:

"Restrict the tenancy and design of family flats to:

- a. avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity; and*
- b. avoid, as far as practicable, future pressure to subdivide off family flats."*

Consideration:

The family flat, previously called a 'sleepout', has been in existence since 2005. The family flat is occupied by elderly relatives of Struan and Victoria. Struan and Victoria live in the primary residence on the property. There has been no pressure to subdivide the family flat since it was built. Even if there was a future application to subdivide the family flat it would simply be a paper exercise as the family flat has always had its own access and services and been separated from the primary dwelling by topography – in the unique circumstances of the property and its history, such a subdivision would pose no threat to the integrity of the district plan.

Appendix 5b: Policy Consideration: Objective 16.2.3

Objective 16.2.3 states: *"The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:*

- 1. a predominance of natural features over human made features;*
- 2. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;*
- 3. buildings that are rural in nature, scale and design, such as barns and sheds;*
- 4. a low density of residential activity, which is associated with rural activities;*
- 5. a high proportion of land containing farmed animals, pasture, crops, and forestry;*
- 6. extensive areas of indigenous vegetation and habitats for indigenous fauna; and*
- 7. other elements as described in the character descriptions of each rural zone located in Appendix A7."*

In relation to the Rural Taieri Plains zone, Appendix A.7 provides the following character description and list of values:

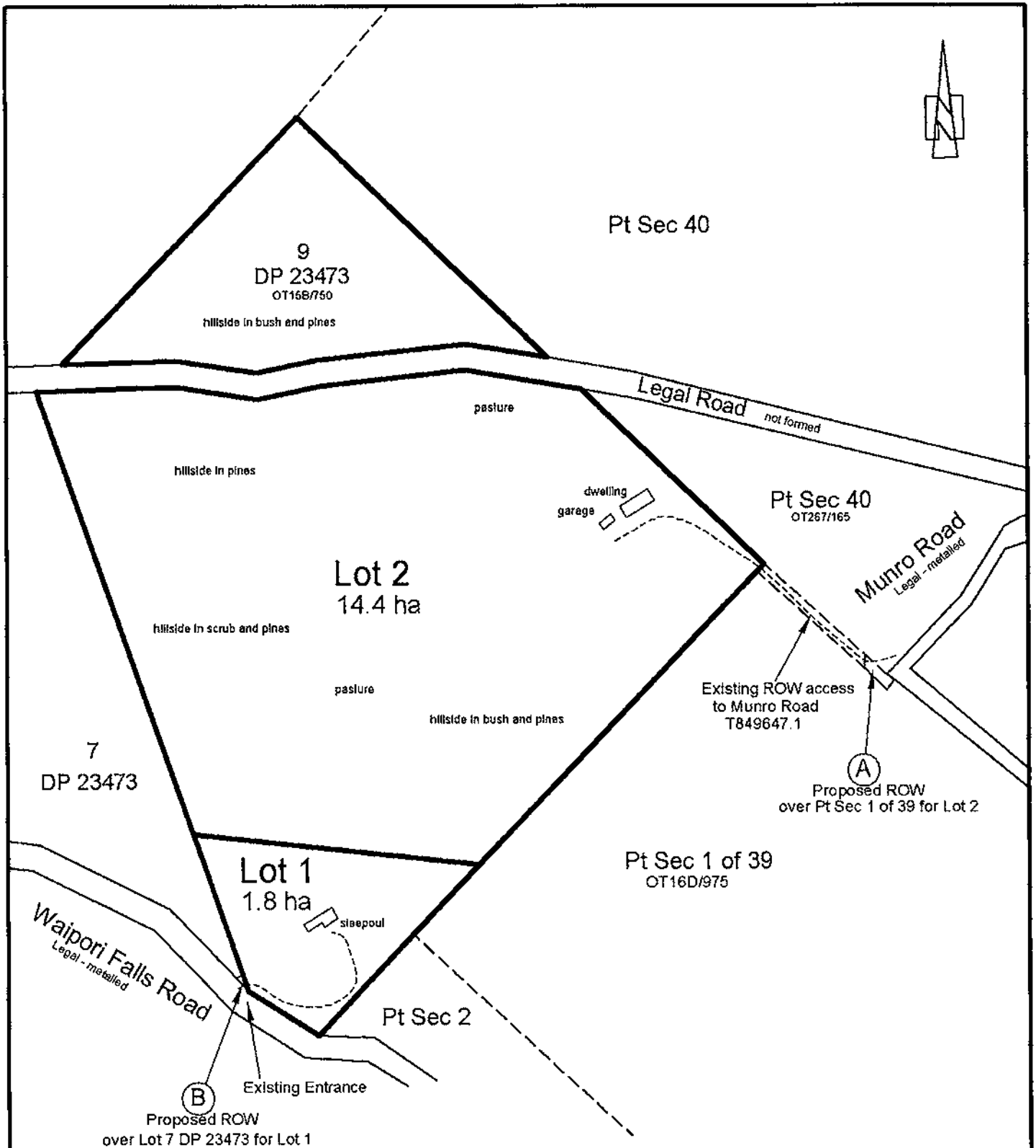
"The Taieri Plain Rural Zone encompasses the Taieri Plain, a modified and managed landscape located west of Dunedin. Bordered by the Maungatua ranges in the west and hills to the north and east, it is a natural alluvial plain which is now predominantly rural farmland. Dunedin City's main south access runs through this area as well as it being the location of the Dunedin International Airport. These significant transport routes through the southern hinterland of the district make the area a scenic and strategic gateway into Dunedin City, linked with a sense of identity for locals and a first impression for visitors.

Originally this area was wetland, being the outwash plains of the Taieri River. However, early settlers colonised and modified the area, beginning at the better drained north eastern corner. This beginning is reflected today in the eastern end being the most established area of the plain, hosting the township of Mosgiel. It was a logical choice, given that the south west area is close to sea level, with some areas actually below it. The transformation of the plain into pasture affected a significant mahika kai gathering area used by local Māori, who hunted eels, birds and other food from the wetland. Draining the plain, as well as protecting it from frequent flood events, was challenging. Today the area is criss-crossed with extensive open drain networks, mechanical pumps and flood embankments. The very south-western end of the plain has maintained some wetlands which feed into the remaining lakes: Lake Waiholo and Lake Walpori (both are located just outside of Dunedin City boundaries). These lakes are two of what once were several located across the plain.

Values

- 1. Soil quality: significant areas of Dunedin's high class soils are located on the Taieri Plain, with particular value for the production of food.*
- 2. The role of waterways: large parts of the Taieri Plain are intensively farmed and surface water flows are mostly directed through artificial drains that dissect the landscape. The plain is crossed by three main water bodies; the Taieri, Silverstream and Walpori rivers. The Taieri River is also of significance to Manawhenua.*
- 3. Productive capacity: while in early times farms in this area ran mixed stock and often crops of wheat or barley/oats, or operated as market gardens, there are now significant areas of the northern Taieri Plain that are rural lifestyle blocks. These blocks are seldom intensively used for food or crop production, though some horticultural production continues in the area.*
- 4. Rural character: moving west on the Taieri Plain, a change in land use occurs from rural lifestyle, to more traditional sheep and beef farming, and then into intensive dairy farming. With this change in land use comes a change in rural character. The urban settlements of the northern Taieri are replaced by a working rural environment.*

5. *Traditional development patterns: the typical pattern of development on the Taleri Plain conforms to a grid-like layout, where fence lines, shelterbelts and consequent land use activity have a distinguishing rectangular regularity.*
6. *Typical building forms: building forms in the north east of the Taleri Plain, which was developed earlier than other more westerly sections, are typically of larger, more distinctly heritage forms."*



Amalgamation Conditions
That Lot 2 hereon and Lot 9 DP
23473 (OT15B/750) be held in the
same record of title.

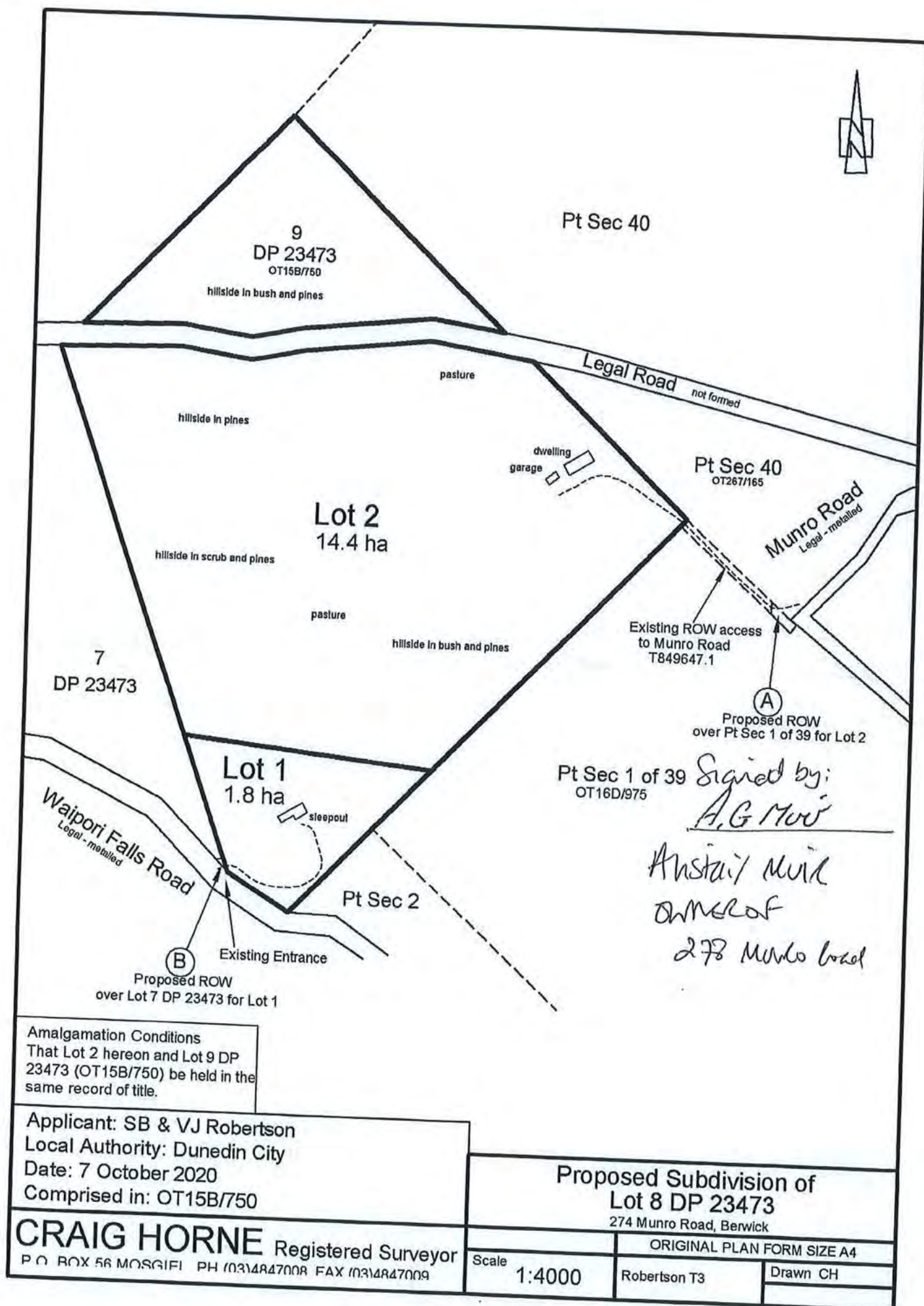
Applicant: SB & VJ Robertson
Local Authority: Dunedin City
Date: 7 October 2020
Comprised in: OT15B/750

Proposed Subdivision of
Lot 8 DP 23473
274 Munro Road, Berwick

CRAIG HORNE Registered Surveyor
P.O. BOX 56 MOSGIE PH (03)4847008 FAX (03)4847009

Scale
1:4000

ORIGINAL PLAN FORM SIZE A4
Robertson T3
Drawn CH



Resource Consent Affected Person(s) Written Approval Form

Important: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): Philip Jones

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

of the property situated at (address and/or legal description of your property):

292 Waipori Falls Road

have read and understand the information on the reverse side of this page and give written approval to the

proposal by (name of applicant(s)): Struan and Victoria Robertson

to (description of proposed activity):

Subdivide their property at 274 Munro Road so that the dwelling located at 236 Waipori Falls Road sits on its own title as well as provide right of way B over 292 Waipori Falls Road to recognise the existing physical access to 236 Waipori Falls Road.

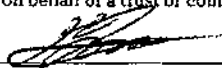
on the following property (address of application site):

☒ I/we have read and understand the application as described above and have signed and dated the application and plans as attached.

If there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or tick the declaration box below:

☒ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Signed: 

A signature is not required if you give your written approval by electronic means

Date: 22/08/2020 Telephone: 027 416 3323

Contact person (name, and designation if applicable): Philip Jones

Postal address: 292 Waipori Falls Rd.

Email address: philip.h.jones@gmail.com Telephone:

Method of service: ☒ Email ☐ Post ☐ Other

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Resource Consents Team, City Planning Department, Dunedin City Council, Telephone: 03 477 4000
Facsimile: 474 3451, PO Box 5045, Moray Place, Dunedin 9058, www.dunedin.govt.nz



Written Approval of Affected Person(s) in Relation to an Application for Resource Consent under the Resource Management Act 1991

Introduction

Any proposal to do something that is not a Permitted Activity in the Dunedin City District Plan requires a Resource Consent.

If you have been asked to sign this form, it will be because your neighbour proposes to do something that is not a Permitted Activity, and therefore their proposal requires a Resource Consent. This is not a bad thing in itself, but the Resource Consent process provides the opportunity to determine whether the proposal can be granted consent in terms of the Resource Management Act 1991.

Why is your written approval required?

If an application for a Resource Consent is to be processed as a non-notified application, the Resource Management Act 1991 requires that:

- The activity have or be likely to have adverse effects on the environment that are no more than minor; and
- Written approval be obtained from all affected persons, in relation to an activity, if the activity's adverse effects on the parties are minor or more than minor (but are not less than minor).

If you have been asked to give your written approval it is because you may be adversely affected by the proposed activity. However, just because your written approval is being sought does not mean that you are definitely adversely affected. The affected persons written approval process is designed to give you the opportunity to consider the particular proposal and decide for yourself whether you are adversely affected and/or the degrees to which you may be adversely affected.

What should you do?

If you are asked to give your written approval to someone's proposal as part of their application for a Resource Consent, you should do the following:

1. Request that your neighbour (or their representative) explain the proposal clearly and fully to you.
2. Study the application and associated plans for the proposed activity provided by them in order to understand the effects of the proposal. If there are no plans available at this stage, you are quite entitled to wait until they are available.
3. Decide whether the proposal will adversely affect you or your property and, if so, to what extent. You can take your time over this decision and you are quite entitled to ask the applicant for more information. You may suggest amendments to the proposal that you consider improve aspects of the proposal in terms of its adverse effects on you.
4. If you are satisfied that the proposed activity will not adversely affect you, complete and sign the affected person's written approval form on the reverse side of this page and sign a copy of the associated plans. If you wish to give written approval to the proposed activity subject to conditions, these should be discussed with your neighbour (or their representative) directly and a satisfactory conclusion reached before your written

approval is given. This may require your neighbour amending the application or plans, or entering into a private (side) agreement with you. The Council will not enter into any negotiations on the subject.

5. Return all documentation to your neighbour (or their representative).

Please note that:

- You do not have to give written approval if you are unhappy with what is being proposed;
- The Council will not get involved in any negotiations between you and the applicant;
- The Council will not accept conditional written approvals;
- Side agreements do not bind the Council in any way.

Important information

Please note that even though you may sign the affected person(s) written approval form, the Council must still give full consideration to the application in terms of the Resource Management Act 1991. However, if you give your approval to the application, the Council cannot have regard to any actual or potential effects that the proposal may have on you. If Resource Consent is granted by the Council there is no way for either you or the Council to retract the Resource Consent later. You are therefore encouraged to weigh up all the effects of the proposed activity before giving written approval to it.

If you do not give your approval, and you are considered to be an adversely affected party, then the application must be treated as a limited notified or publicly notified application, as a result of which you will have a formal right of objection by way of submission.

If the proposal requires resource consent and you change your mind after giving your written approval to the proposed activity, your written approval may only be withdrawn and the effects on you considered for the notification decision if a final decision on affected parties has not already been made by the Council. Accordingly, you need to contact the Council immediately if you do wish to withdraw your written approval.

If the Council determines that the activity is a deemed permitted boundary activity under section 87BA of the Resource Management Act 1991, your written approval cannot be withdrawn if this process is followed instead.

For further information

Read the Council's "Written Approvals of Affected Persons - What Are They?" pamphlet.

Refer to the Ministry for the Environment's publication "Your Rights as an Affected Person" available on www.mfe.govt.nz.

Privacy: Please note that written approvals form part of the application for resource consent and are public documents. Your name, and any other details you provide, are public documents and will be made available upon request from the media and the public. Your written approval will only be used for the purpose of this resource consent application.

Affected Person(s) Written Approval Form, Page 2

Initials of Affected Party.....

Sweep Consultancy Limited
P.O. Box 5724
Dunedin 9054
Phone 0274 822 214
emma@sweepconsultancy.co.nz
www.sweepconsultancy.co.nz

18 August 2020

Philip Jones
292 Waipori Falls Road
Berwick Outram 9073

Dear Sir,

We have been engaged by Struan & Victoria Robertson in relation to an application for resource consent to subdivide a property legally described as Lots 8 and 9 Deposited Plan 23473 contained in record of title OT15B/750 located at 274 Munro Road, Berwick (**property**). The property contains approximately 19.6 hectares, the entirety of which is zoned *Rural* pursuant to the 2006 district plan; whilst pursuant to the 2GP the majority of the property is zoned *Rural Taieri Plains* with the balance zoned *Rural Hill Country*.

The property contains two dwellings both of which were existing prior to Struan and Victoria purchasing the property in January 2015. These dwellings are located at 236 Waipori Falls Road and 274 Munro Road. The dwelling at 236 Waipori Falls Road was erected in 2005; whilst the dwelling at 274 Munro Road was erected during the 1980s.

As you may be aware, until recently Victoria's parents resided in the dwelling at 236 Waipori Falls Road. However, the recent death of Victoria's father and her mother's failing health, have meant that the family have no further use for the dwelling at 236 Waipori Falls Road. Instead, the family's preference is to be able to sell the dwelling at 236 Waipori Falls Road to another family. To do so requires the dwelling at 236 Waipori Falls Road to be on its own title.

Council has identified that the access to 236 Waipori Falls Road crosses part of your property located at 292 Waipori Falls Road for which there is no official access easement recorded on the titles. The area where the access to 236 Waipori Falls Road crosses your property is shown in Figure 1 below.

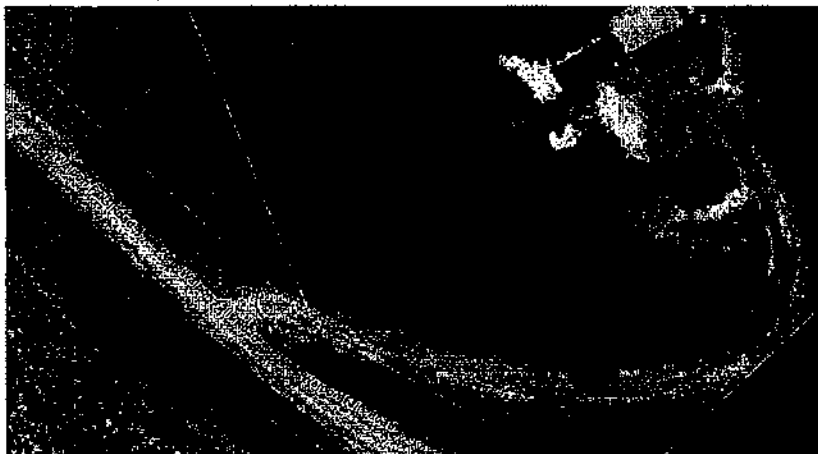


Figure 1: Physical Access to 236 Waipori Falls Road Crossing Part of 292 Waipori Falls Road

Initials of Affected Party.....

PJ

Struan and Victoria are requesting your consent to both the subdivision and to the imposition of an easement for access shown as 'ROW B' on the scheme plan attached at Attachment 1.

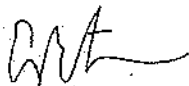
The subdivision will not meet the minimum allotment sizes for rural allotments pursuant to either the 2GP or the 2006 district plan. Despite this, there will be no physical adverse effects resulting from the proposed subdivision because both dwellings have been in place and used for a considerable length of time and form part of the existing neighbourhood.

Once you have read this information, if you are satisfied that, in your assessment, there will be no adverse effects on your property, then please complete by signing the affected party's consent form and initial one of the copies of this letter (including all pages and attachments) and return to Emma Peters of our office (either by snail mail to P.O. Box 5724 Dunedin 9054 or by email to emma@sweepconsultancy.co.nz).

Sturan and Victoria are happy to discuss their application with you. They can be contacted via Victoria's cell phone: 0292 001 595.

Please retain a copy of the affected party's consent form and letter with attachments for your records. We thank you for your time and please contact Emma Peters of our office if you have any questions.

Regards,

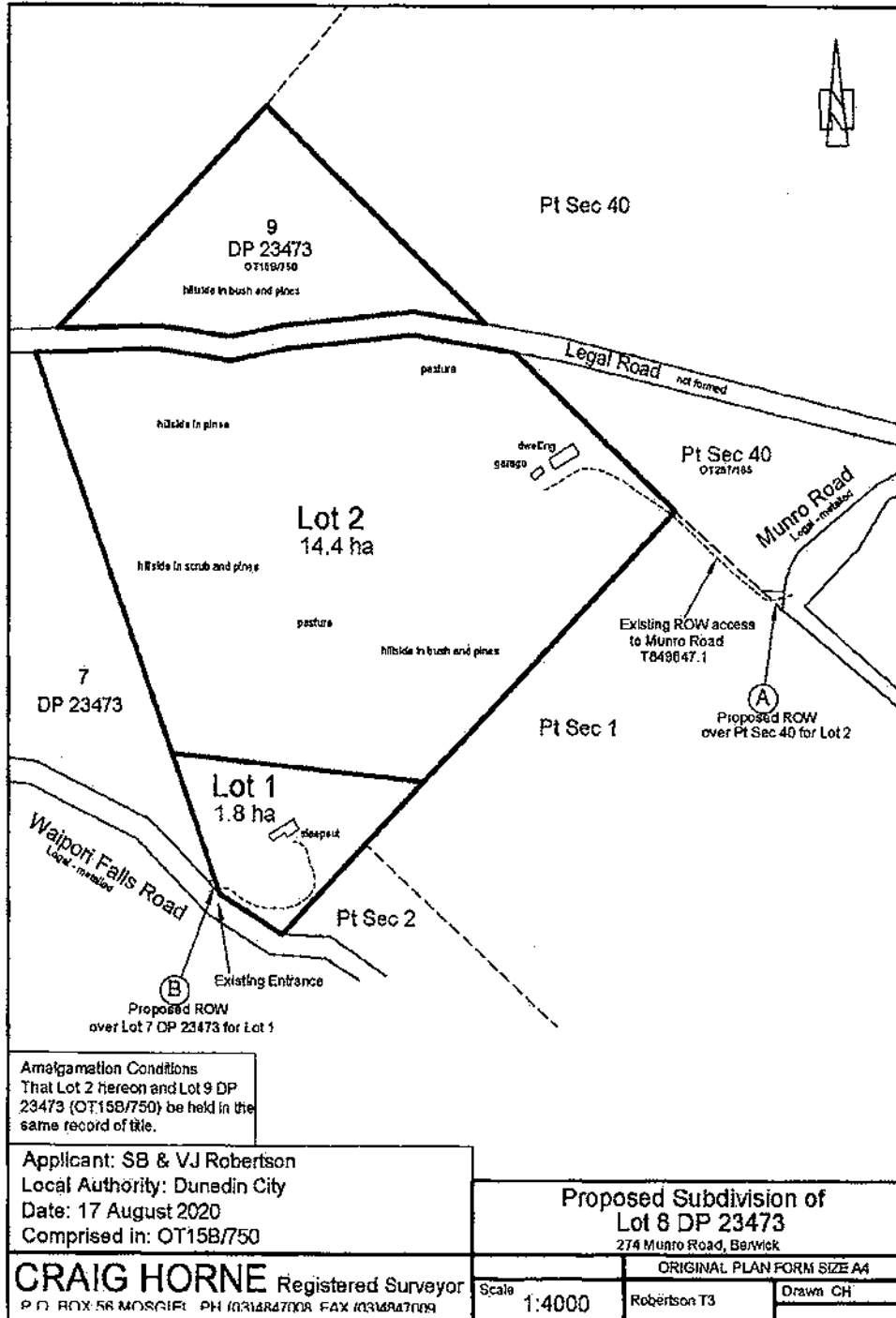


Emma Peters.

Initials of Affected Party



ATTACHMENT 1: Subdivision Scheme Plan Showing Proposed ROW B



Initials of Affected Party... *CH*

Campbell Thomson

From: Roberts, Shane <shane.l.roberts@wsp.com>
Sent: Thursday, 30 July 2020 11:12 a.m.
To: Laura Mulder
Subject: FW: 274 Munro Road, Berwick
Attachments: Letter to Council's Consultant Planner (29-7-20).pdf

Hi Laura

For the file

Shane Roberts
 Technical Principal - Planning

T: +64 3 471 5565
 M: +64 27 237 1168
 shane.l.roberts@wsp.com

WSP
 197 Rattray Street
 Dunedin 9016
 New Zealand

<http://www.wsp.com/nz>

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

From: Emma Peters On Behalf Of emma
 Sent: Wednesday, 29 July 2020 7:22 PM
 To: Roberts, Shane
 Cc: Campbell Thomson
 Subject: 274 Munro Road, Berwick

Hi Shane,

Further to our telephone discussion on 22 July 2020, please find attached information in relation to the sleepout/workshop building close to the dwelling at 274 Munro Road.

Please let us know if you require any further information.

Cheers,

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin
 9054 Phone 0274822214 www.sweepconsultancy.co.nz

NOTICE: This communication and any attachments ("this message") may contain information which is privileged, confidential, proprietary or otherwise subject to restricted disclosure under applicable law. This message is for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on, this message is strictly prohibited. If you have received this message in error, or

Sweep Consultancy Limited
 PO Box 5724
 Dunedin 9054
 Phone: 0274 822214
 Email: emma@sweepconsultancy.co.nz

29 July 2020

Shane Roberts
 Consultant Planner
 Dunedin City Council
 P.O. Box 5045
 Dunedin 9054

Sent via email to:
 shane.roberts@wsp-opus.co.nz

Hi Shane,

LUC-2020-31: Photos Of Workshop / Sleep-Out Adjacent To Dwelling at 274 Munro Road

In the further information request response dated 16 March 2020, floor plans of the dwellings located at 274 Munro Road and 236 Waipori Falls Road were provided as well as a site layout plan for each property. The site layout plan included for 274 Munro Road showed the following:



Photos of the internal of the building labelled sleepout / workshop in the above site map, have been requested by Council. Our clients have provided photos of the internal of this building and copies of these photos are provided in Attachment 1.

Further to our telephone discussion on 22 July 2020, please let us know if you require any further information in relation to the application for subdivision of 236 Waipori Falls Road from 274 Munro Road.

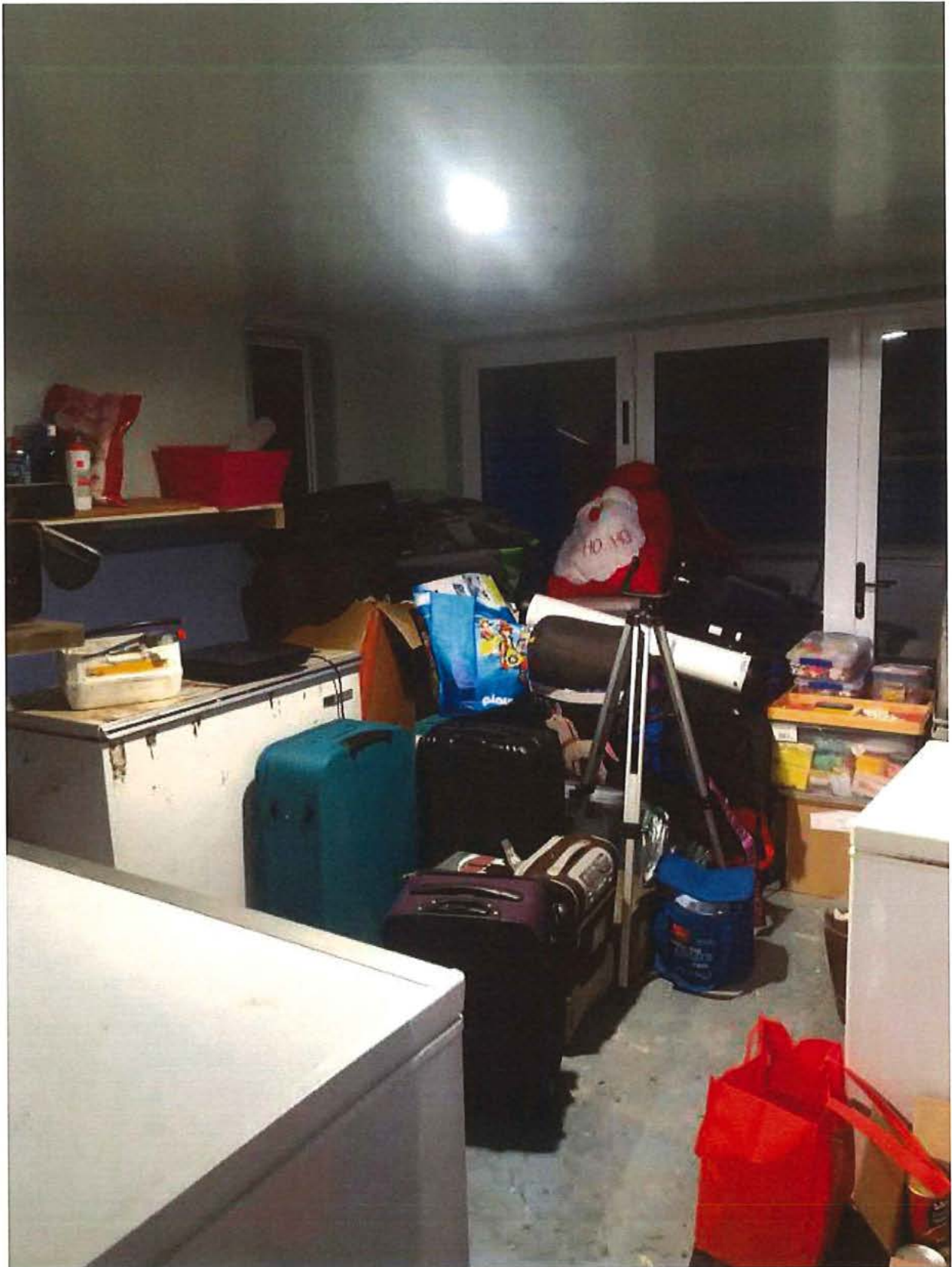
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Emma Peters', with a long horizontal flourish extending to the right.

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214 www.sweepconsultancy.co.nz

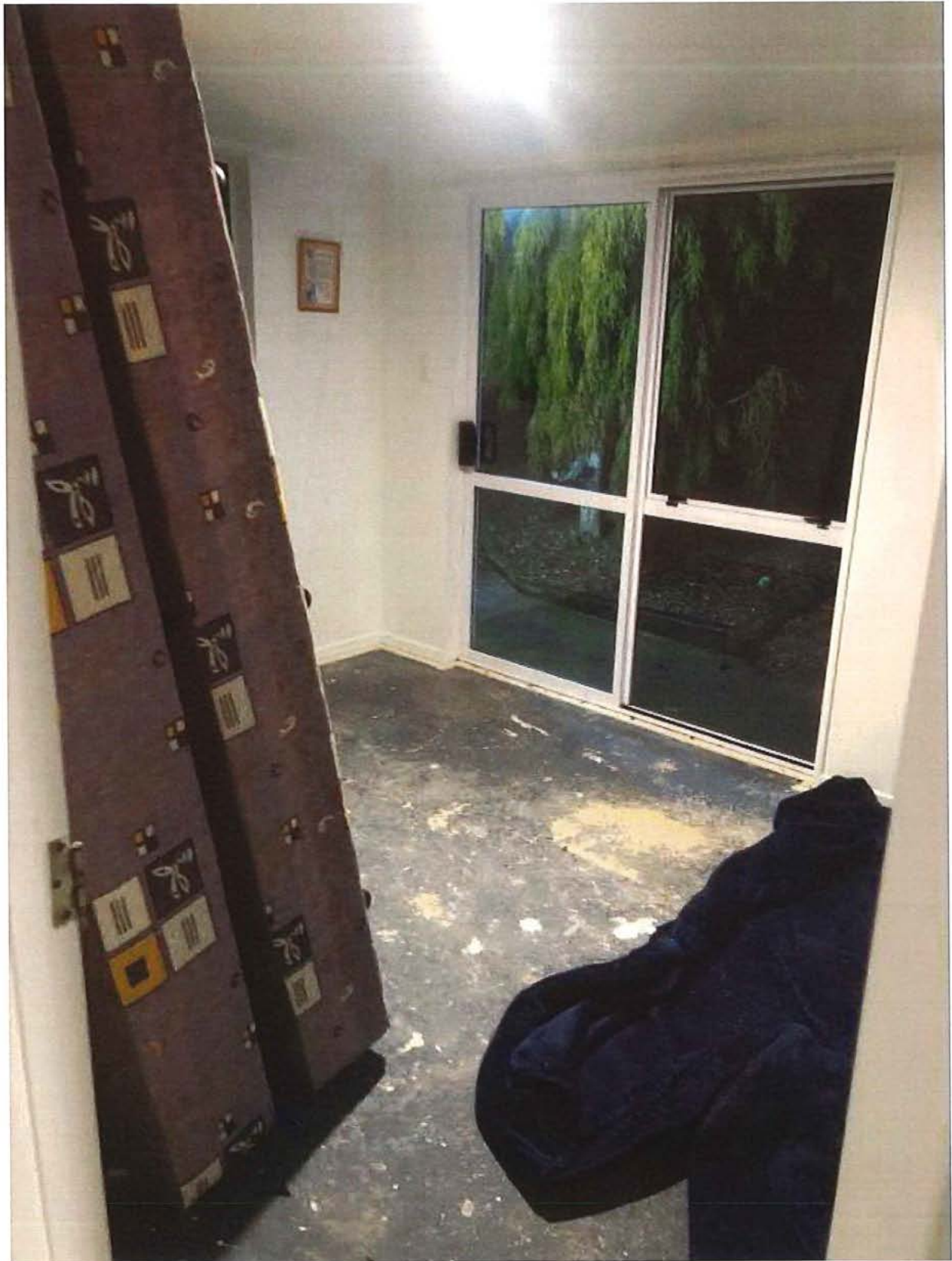
Attachment 1: Photos of Workshop / Sleep Out Accessory Building to Dwelling at 274 Munro Road, Berwick.













26 June 2020

Dunedin City Council
P O Box 5045
DUNEDIN 1954

Attention:

Resource Consent SUB-2020-81 – S & V Robertson

Application

Te Rūnanga o Ōtākou understand that S & V Robertson are applying for resource consents associated with a subdivision – 274 Munro road, Berwick (as specified in the information provided).

The Affected Party

Aukaha writes this written approval on behalf of Te Rūnanga o Ōtākou, the kaitiaki Rūnaka whose takiwā (area) includes the site the application relates to.

The representatives have received the full application provided.

I have the authority to sign on behalf of Te Rūnanga o Ōtākou and I have read the full application provided.

Te Rūnanga o Ōtākou represent the rakatira and are kaitiaki of all natural resources within the area to which the application relates.

Decision

Te Rūnanga o Ōtākou provide their written approval along with the request that Te Rūnanga o Ōtākou are further consulted for any subsequent consent applications arising from this proposal, to consider visual impact, any land disturbance and archaeological provisions.

In signing this written approval, Te Rūnanga o Ōtākou understand that the consent authority must decide that Te Rūnanga o Ōtākou are no longer an affected person, and the consent authority must not have regard to any adverse effects on Te Rūnanga o Ōtākou.

Please see Kāi Tahu ki Otago Natural Resource Management Plan 2005 appendices seen as relevant to this application.

Te Rūnanga o Ōtākou understand that they may withdraw written approval by giving written notice to the consent authority if there is a hearing, or if not, then before the application is determined.

Nāku noa, nā

Tania Richardson
Consents Officer

cc: Te Rūnanga o Ōtākou

Appendices

The following Issues/Objectives/Policies of the Kāi Tahu ki Otago Natural Resource Management Plan 2005 are seen as relevant to the above proposal. This relates to the holistic management of natural resources from the perspective of local iwi.

Kāi Tahu ki Otago Natural Resource Management Plan 2005

Otago Region / Te Rohe o Otago

Wāhi Tapu

Wāhi Tapu General Issues

- Contamination by discharges and other activities seriously erodes the cultural value and integrity of wāhi tapu.

Wāhi Tahu Objectives

- All wāhi tapu are protected from inappropriate activities
- Kāi Tahu ki Otago have access to wāhi tapu.
- Wāhi tapu throughout the Otago region are protected in a culturally appropriate manner.

Wāhi Tapu General Policies

- To require consultation with Kāi Tahu ki Otago for activities that have the potential to affect wāhi tapu.

Discharges

- To discourage all discharges near wāhi tapu.

Cultural Landscapes

Cultural Landscapes General Issues

- Extension and maintenance of infrastructure (eg transport, telecommunications) can affect cultural landscapes.

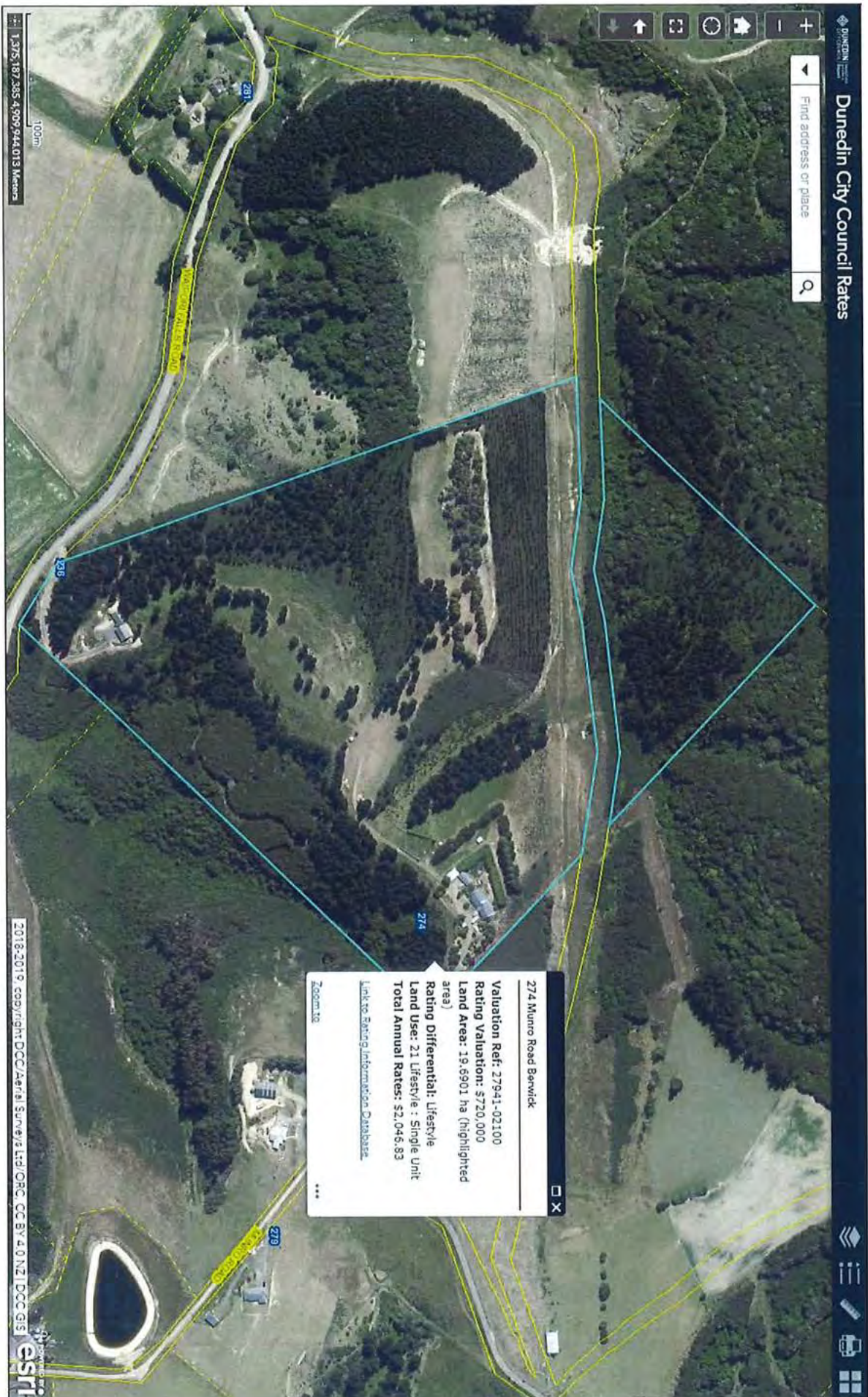
Cultural Landscapes Objectives

- The protection of significant cultural landscapes from inappropriate use and development.

Cultural Landscapes General Policies

Subdivisions

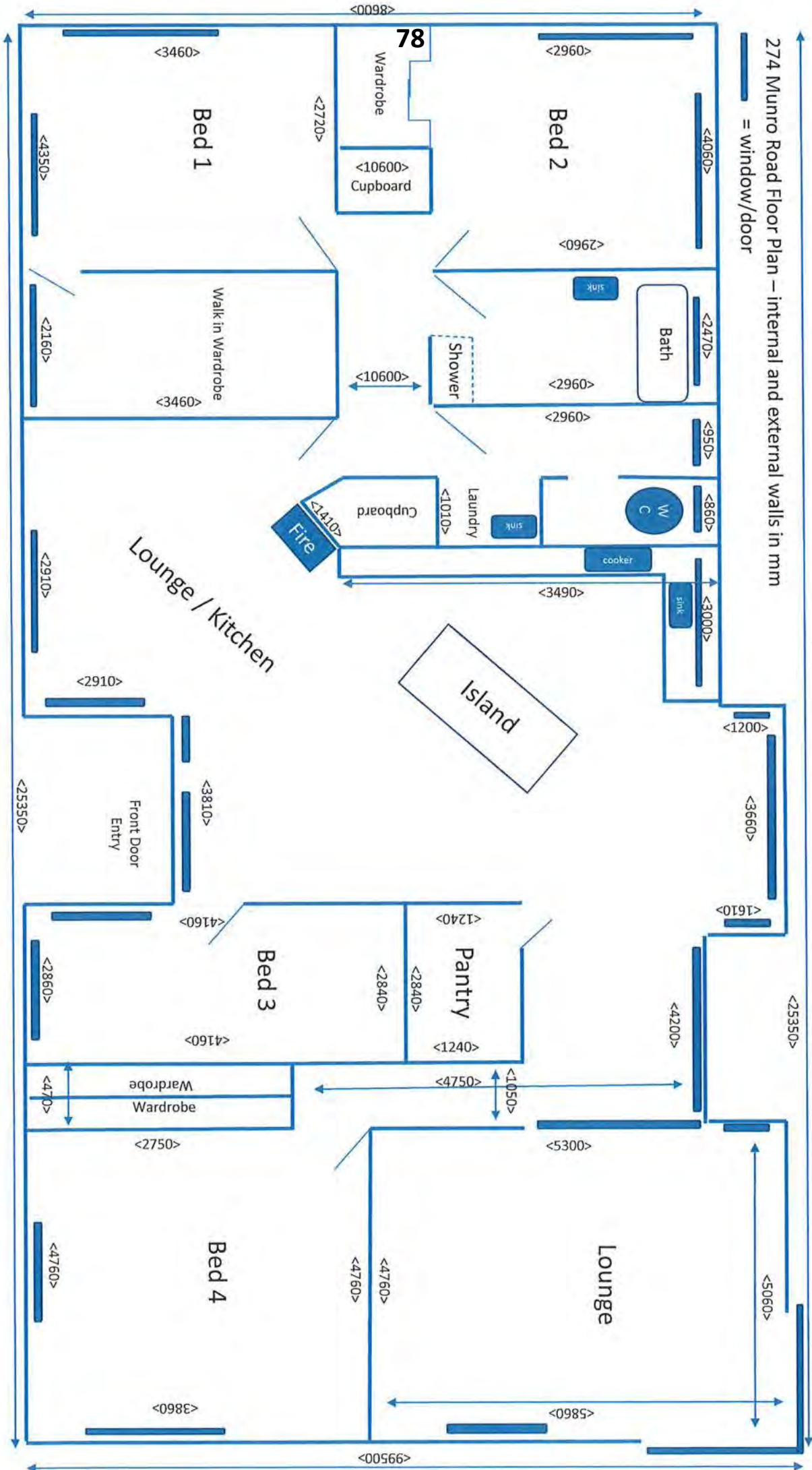
- To discourage subdivision and buildings in culturally significant and highly visible landscapes.
- To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:
 - All consents related to the subdivision to be sought at the same time.
 - Protection of Kāi Tahu ki Otago cultural values.
 - Visual amenity
 - Water requirements
 - Wastewater and stormwater treatment and disposal
 - Landscaping
 - Location of building platforms
- To require that where any earthworks are proposed as part of a subdivision activity an accidental discovery protocol is to be signed between the affected Papatipu Rūnaka and the Company.
- To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.
- To require public foot access along lakeshore and riverbanks within subdivisions.

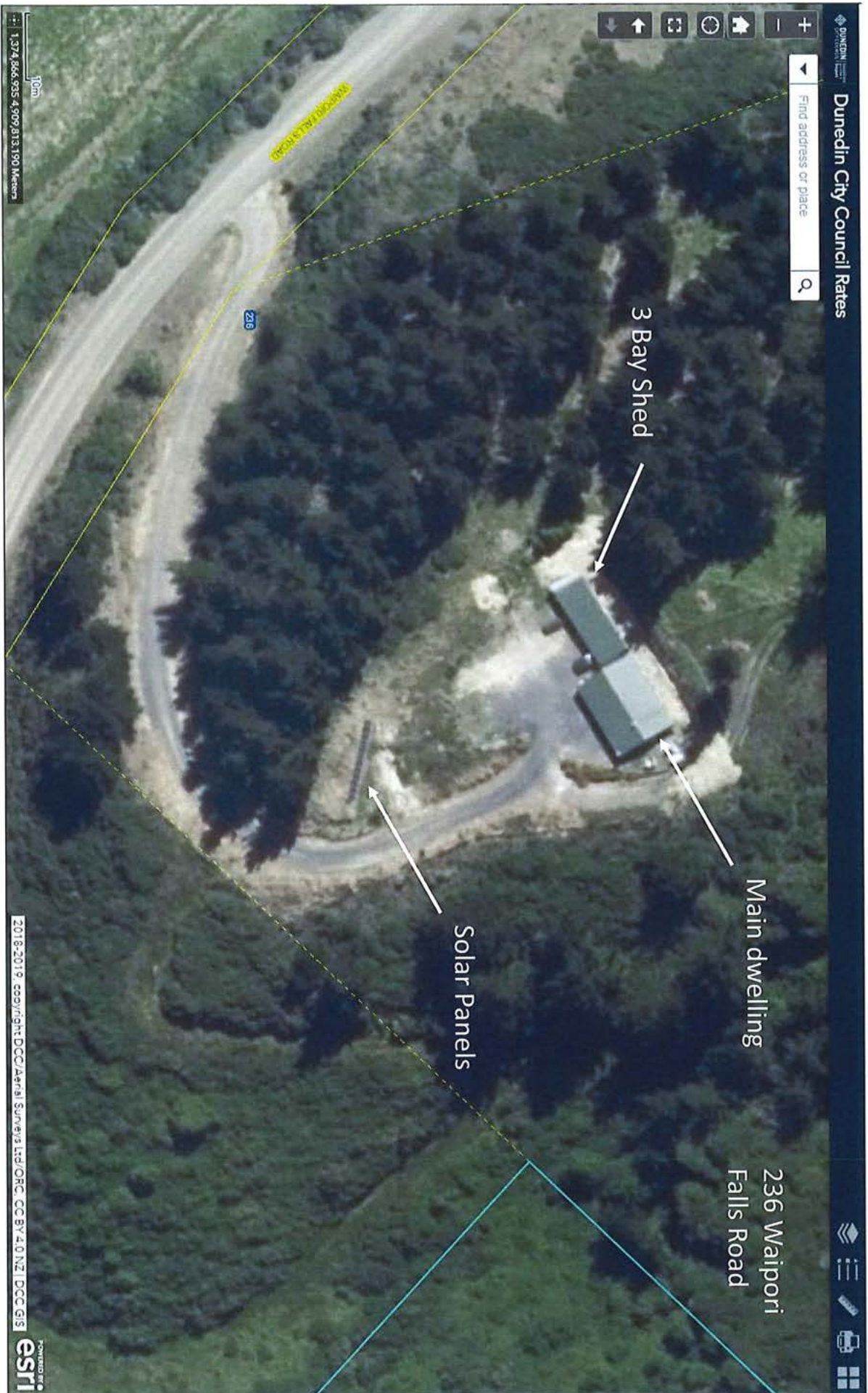




274 Munro Road Floor Plan – internal and external walls in mm

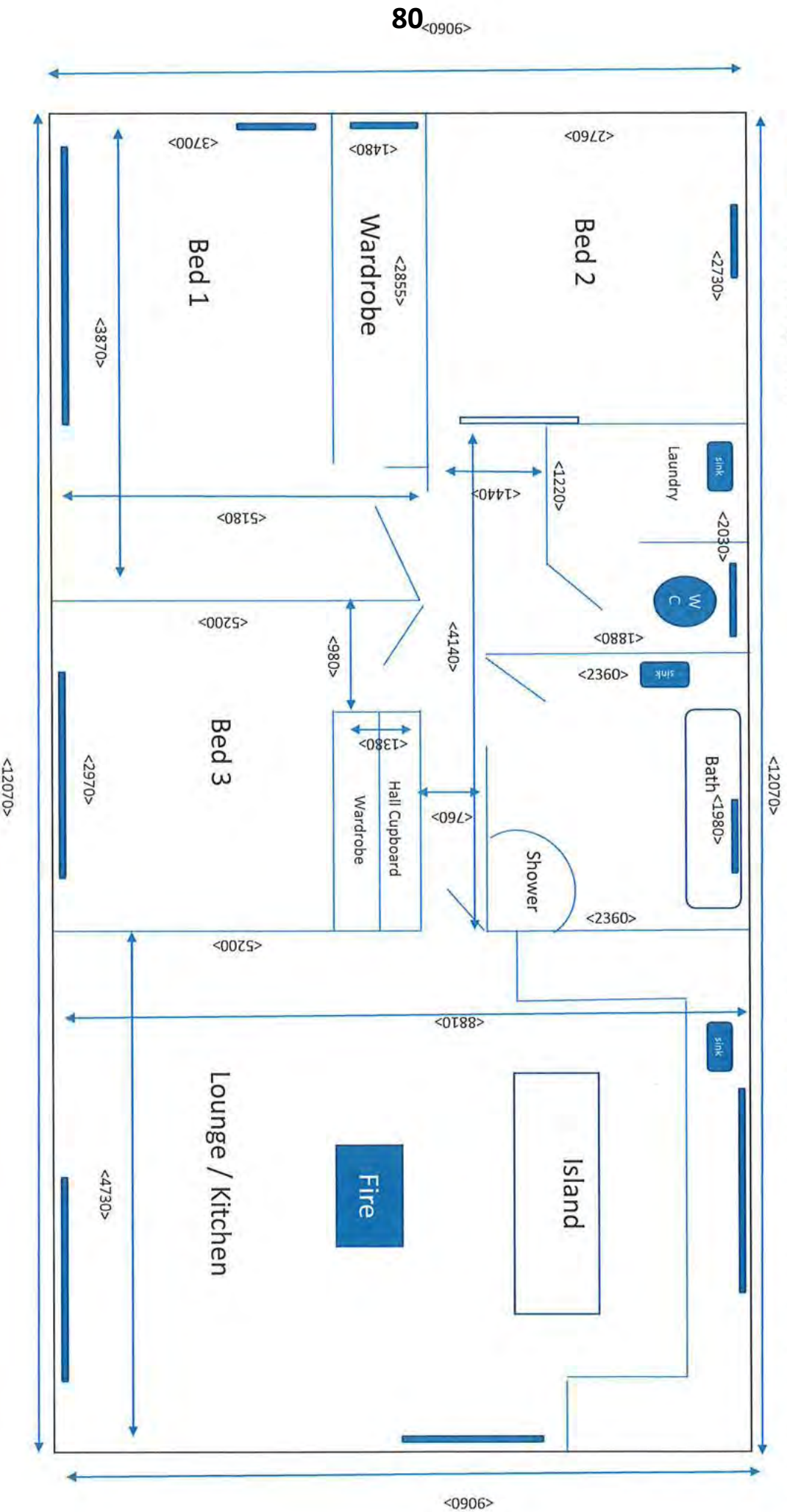
= window/door





— = window/door

236 Waipori Falls Road Floor Plan – internal and external walls in mm





31 January 2020

S B Robertson and V J Robertson
C/O Sweep Consultancy Limited
PO Box 5724
Dunedin 9054

Via email: emma@sweepconsultancy.co.nz

Dear Emma,

LUC-2020 -31- 274 Munro Road and 236 Waipori Falls Road, Berwick - Request for further information

Thank you for your application for a land use consent for retrospective approval of a family flat at 274 Munro Road and 236 Waipori Falls Road, Berwick. After initial assessment of your application, the Dunedin City Council has determined that further information is required pursuant to section 92 of the Resource Management Act 1991.

Requested information:

The further information required is detailed below. It will help the Council to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated.

1. The application refers to authorising an existing second residential unit as a "family flat". The 2GP defines family flats as follows:

A secondary residential unit that is ancillary to a primary residential activity on the same site. This definition excludes sleep outs. Under the Proposed 2GP, activities have both a land use activity and a development activity component.

The 2GP defines Ancillary as follows:

For the purposes of this Plan, an activity being "ancillary" means it is subordinate to and part of the operation of the primary activity identified. It is not a stand-alone activity that is operated outside of or distinctly apart from the operation of the primary activity.

It is not possible for the two residential units on the site to be considered a primary residential unit and family flat according to the above definitions. This is due to their proximity from each other and that the proposed family flat is operated outside of or distinctly apart from the operation of the primary activity.

2. In order to authorise the existing situation you will need to apply for a land use consent for two residential units on a rural zoned site.

Rule 16.5.2 Density

The maximum density of standard residential activity is as follows:

Rural Zone		i. Minimum <u>site</u> size – first residential activity per <u>site</u>	ii. Minimum <u>site</u> size – second residential activity per <u>site</u>
g.	Taieri Plain	25ha	80ha

In accordance with rule 16.5.2(3) Standard residential activity that contravenes the performance standard for density is a non-complying activity.

3. Please provide up to date internal floor layouts of each dwelling and a site plan labelling the use of each accessory building and car parking associate with each unit. Council's building records do not seem to match up with what is currently on the site.

Responding to this request:

Within 15 working days from the date of this letter you must either:

- Provide the requested information; or
- Provide written confirmation that you cannot provide the requested information within the timeframe, but do intend to provide it; or
- Provide written confirmation that you do not agree to provide the requested information.

The processing of your application has been put on hold from **31 January 2020**

If you cannot provide the requested information within this timeframe, but do intend to provide it, then please provide:

- Written confirmation that you can provide it; and
- The likely date that you will be able to provide it by; and
- Any constraints that you may have on not being able to provide it within the set timeframe.

The Council will then set a revised timeframe for the information to be provided.

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council.

Restarting the processing of your application:

The processing of your application will restart:

- When all of the above requested information is received (if received within 15 working days from the date of this letter being **24 February 2020**); or
- From the revised date for the requested information to be provided, if you have provided written confirmation that you are unable to meet the above timeframe and the Council has set a revised timeframe for the information to be provided; or
- From the date that you have provided written confirmation that you do not agree to providing the requested information; or
- 15 working days from the date of this letter (if you have not provided the requested information or written confirmation being **24 February 2020**).

Once the processing of the application restarts:

If you have provided all the requested information, then we will consider its adequacy and make a decision on whether your application requires public or limited notification pursuant to sections 95A, 95B, 95D, 95E and 95F of the Resource Management Act 1991, or, whether any parties are considered adversely affected from whom you will need to obtain written approval in order for the proposal to be considered on a non-notified basis.

If you have not provided the requested information, then your application will continue to be processed and determined on the basis of the information that you have provided with the application:

- If the Council decides to give public or limited notification of the application, then the Council must publicly notify the application under section 95C(1) of the Resource Management Act 1991. You will be invoiced for any outstanding payment needed to make up the \$8,750.00 deposit required for public notification.
- If the Council decides to process the application on a non-notified basis, and all written approvals have been received, then the application must be considered under section 104 of the Resource Management Act 1991. The Council may decline the application on the grounds that it has inadequate information to determine the application. In making an assessment on the adequacy of the information, the Council must have regard to whether this request resulted in further information being made available.

Please note that requests for further information, interim correspondence and assessment of the further information can introduce additional work and therefore costs. Deposits are based on the average cost of processing similar consents in the previous year. There is normally a sizable range between the lowest and highest cost for similar consents. These additional costs incurred as a result of the further information request will be passed onto you and, as such, the final cost of processing this application may be higher than previous 12-month average for similar applications.

Please do not hesitate to contact the writer on 03 474 3731 or amy.young@dcc.govt.nz if you have any questions or concerns regarding the above request or the further processing of the application.

Yours faithfully



Amy Young
Planner

**APPENDIX 2:
DRAFT CONDITIONS**



Consent Type: Subdivision Consent

Consent Number: SUB-2020-81

Purpose: A two lot subdivision.

Location of Activity: 274 Munro Road & 236 Waipori Falls Road, Berwick.

Legal Description: Lot 8 DP23473, (Record of Title OT15B/750)

Lapse Date: XXXXX 2026, unless the consent has been given effect to before this date.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 22 January 2020, and further information received on 16 March 2020, 29 May 2020 and 28 October 2020 except where modified by the following conditions.*
2. *Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:*
 - a) *The right of way easements A and B shown on the scheme plan must be duly granted or reserved and included in a Memorandum of Easements on the cadastral dataset. The legal width of the easements must be a minimum of 4m (in accordance with Rule 6.6.3.9.a.iv of the 2GP).*
 - b) *If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.*
 - c) *The following amalgamation condition must be endorsed on the survey plan:*

"That Lot 2 hereon and Lot 9 DP23473 (OT15B/750) be held in one record of title." [Request 1689014]
3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*

Water

- a) *The existing water connection to Lot 2 must be metered and a boundary RPZ backflow prevention device installed.*
- b) *Evidence shall be provided to verify that the residential units on Lots 1 and 2 have access to sufficient water supplies for fire fighting consistent with the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.*

Wastewater

- c) *Confirmation that the existing onsite wastewater system on Lot 1 is fully contained within the boundaries of Lot 1 must be supplied to Council. Additionally, confirmation must be provided from a suitable qualified person (plumber or wastewater engineer) that the onsite wastewater system on Lot 1 is adequate to safely service a 3 bedroom dwelling.*

Access

- d) *Confirmation must be supplied to Council that the existing access formation from the road carriageway of Waipori Falls Road to Lot 1 via Right of Way B comprises an all weather surface suitable for the intended usage and is adequately drained.*
- e) *Confirmation must be supplied to Council that the existing access formation from the road carriageway of Munro Road to Lot 2 via Right of Way A comprises an all weather surface suitable for the intended usage and is adequately drained.*

Consent Notice

- f) *A consent notice must be prepared and registered on the records of title for Lots 1 and 2 hereon, for the following ongoing conditions:*
- (i) No earthworks or vegetation clearance may be undertaken on slopes steeper than 20 degrees without professional design or advice by a suitably qualified engineer.*
 - (ii) Any modifications to stormwater flows must be designed by appropriately qualified person/s and shall ensure that no adverse effects result on adjacent properties.*
 - (iii) Residential activity on this lot shall be limited to one residential unit only..*

Advice Notes:Transportation

1. The vehicle access from the road carriageway to the rights of way will be over road reserve and must be maintained to the extent possible in compliance with the Dunedin City Council Vehicle Entrance Specification (available from Council's Transportation Operations Department).
2. The applicant is advised to ensure the surfacing and construction of the access to the dwelling on proposed Lot 1 is suitable for the types of vehicles likely to use it.

General

3. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
4. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
5. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent.

Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.

6. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
7. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.



Consent Type: Land Use Consent

Consent Number: LUC-2020-219

Purpose: Land use consent for a density breach.

Location of Activity: 274 Munro Road & 236 Waipori Falls Road, Mosgiel.

Legal Description: Lot 8 DP23473, (Record of Title OT15B/750

Lapse Date: LUC-2020-219 shall lapse 5 years from the date that the s223 certificate for SUB-2020-81 is issued.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 22 January 2020, and further information received on 16 March 2020, 29 May 2020 and 28 October 2020 except where modified by the following conditions.*
2. *The residential unit on Lot 1 must not be occupied until the consent holder has provided confirmation that all building work on the property has been undertaken in accordance with the Building Act 2004 and that a Certificate of Acceptance has been obtained for the residential unit with respect to any building work undertaken that is not expressly authorised by Building Consent ABA-2005-306740 (Historic reference ABA50111).*

Advice Notes:

General

1. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
2. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
3. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
4. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
5. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on XXXXX [Year]

[Planner Name]

Planner

Appendix One: Approved Plan/s for SUB-2020-81 & LUC-2020-219 (scanned image(s), not to scale)

APPENDIX 3:
COUNCIL OFFICER EVIDENCE

TO: Shane Roberts, Consultant Planner

FROM: Dave Moffat, Graduate Planner – Transport

DATE: 6 August 2020

SUBJECT: **SUB-2020-81 & LUC-2020-31**
274 MUNRO ROAD & 236 WAIPORI FALLS ROAD, BERWICK

APPLICATION:

I have assessed the above application, which seeks resource consent to subdivide the above property into two proposed lots. Proposed Lot 1 will contain the existing sleepout/family flat addressed as 236 Waipori Falls Road and located at the southern extent of the site, while proposed Lot 2 will comprise the remainder of the site and the existing dwelling at 274 Munro Road. The site is within the Taieri Plain Rural zone and Munro Road is classified as a Local Road in the 2GP Road Classification Hierarchy. Waipori Falls Road is classified as a Collector Road in the 2GP Road Classification Hierarchy, although it supports a relatively low volume of traffic, with an estimated ADT of 100 vehicles. Overall, the proposal is assessed as a restricted discretionary activity.

KEY CONSIDERATIONS:

The key issue in this case is the standard of the existing access to each proposed lot.

ACCESS:

Both proposed lots are served by one existing access each and both existing accesses are proposed to continue to be used following subdivision. Proposed Lot 1 is served by an existing gravelled access from Waipori Falls Road that has been in use for at least 14 years, with no known safety effects on the transport network.

In terms of Rule 6.6.3.2(b)(vi), sight distances from the existing vehicle crossing are reduced, with approximately 96.0m and 51.0m available to the north and south of the crossing respectively. Although Waipori Falls Road has a posted speed of 100km/h, it is likely that vehicles operate on the carriageway at up to 60km/h in this area, noting the gravel surfacing of the carriageway and the curves near the existing vehicle crossing.

Using the likely operating speed of the road and recommended sight distances from NZTA RTS 6, the sight distance available to the north is therefore acceptable, while the sight distance to the south is within the realm of acceptability, noting the environmental factors of the location. Furthermore, the noise and dust typically generated by vehicles on gravel roads will act to signal that a vehicle may be approaching the site. Considering the low ADT of 100 vehicles on Waipori Falls Road, in conjunction with the above factors, I consider the continued use of the existing access to proposed Lot 1 to be acceptable in this instance.

The gradient of the existing access to proposed Lot 1 does not comply with Rule 6.6.3.7(b). Based on measurements at the site, the maximum gradient of the driveway is only marginally shallower than the maximum 1:4 recommended by AS/NZS 2890.1:2004. That said, the gradient of the first five metres of the access from the road boundary into the site does not appear to be having any effect on the transport network in terms of damage, however it may place vehicles exiting the site on an angle that further impedes visibility from the vehicle crossing along Waipori Falls Road. The gradient of the access may affect the ability of some vehicles to effectively utilise the access to proposed Lot 1, however with cognisance that the access is likely to be used primarily by private passenger vehicles, its existing formation is considered acceptable in this instance. The applicant is advised to ensure the surfacing and construction of the access to proposed Lot 1 is suitable for the types of vehicles likely to use it.

The existing vehicle crossing to proposed Lot 2 can achieve compliant sight distances, appears suitably surfaced in gravel and achieves a compliant grade. I have no objection to its continued use following subdivision.

I note that the accesses to both proposed Lot 1 and 2 appear to pass through the adjacent properties 292 Waipori Falls Road and 188 Munro Road respectively. The access to proposed Lot 2 benefits from two right of ways over 278 Munro Road, but no evidence of any existing rights of way allowing the accesses to pass through the other adjacent properties has been provided. The applicant is advised to seek independent advice regarding the legality of each access. In order to maintain the existing access arrangements to both proposed lots in perpetuity, the applicant is strongly advised to consider legalising their existing physical accesses, if required.

PARKING AND MANOEUVRING:

Sufficient parking space for at least two vehicles and compliant onsite manoeuvring space is provided for each of the proposed lots.

CONCLUSION

Based on the discussion above, I consider the effects of the proposed development on the transportation network to be less than minor. Recommended advice notes are included below:

ADVICE NOTES:

- (i) It is advised that the existing access to each proposed lot be formalised as a legal right of way in order to preserve the existing physical access arrangements, if required.
- (ii) The applicant is advised to ensure the surfacing and construction of the access to proposed Lot 1 is suitable for the types of vehicles likely to use it.

Memorandum

TO: City Planning

FROM: Development Support Officer, 3 Waters

DATE: 19 January 2021

SUBJECT: SUB-2020-81 2 LOT SUBDIVISION
274 MUNRO RD & 236
WAIPORI FALLS RD, BERWICK

3 WATERS COMMENTS

1. The proposed activity

Subdivision consent is sought from DCC to undertake a 2 lot subdivision at 274 Munro Road and 236 Waipori Falls Rd, Berwick. The site is within the Rural Taieri Plain & Hill Country Rural zones in the Second Generation District Plan (2GP).

Subdivision description

To formerly subdivide the land and the existing 2 dwellings into 2 lots. Lot 1 – 1.8 hectares and Lot 2 – 17.59 hectares.

2. Infrastructure requirements

Dunedin Code of Subdivision and Development 2010.

All aspects of this development shall be undertaken in accordance with the requirements of the Dunedin Code of Subdivision and Development 2010

Water services

The proposed subdivision is located within the Rural Taieri Plains zone and located outside the Rural Water Supply Areas as shown in Appendix B of the *Dunedin City Council Water Bylaw 2011*. A review of the rates database shows that the existing dwelling at the site is currently supplied with a reticulated water supply. Upon subdivision, the existing dwelling may maintain the current water service connection however no new reticulated water service connections shall be permitted to the newly created lots.

This 'extraordinary' connection to the existing dwelling should be metered and a boundary RPZ backflow prevention device is necessary. Installation of an RPZ requires a building consent, or an exemption from a building consent. Details of the device and its proposed location will be approved through that process.

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.

Firefighting requirements

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.

Wastewater services

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

Stormwater services

As the proposed subdivision is located within the Rural Taieri Plain zone, there is no stormwater infrastructure or kerb and channel discharge points. Disposal of stormwater is to water tables and/or watercourses onsite, or to suitably designed onsite soak-away infiltration system or rainwater harvesting system. Stormwater is not to cause a nuisance to neighbouring properties or cause any downstream effects.

To allow adequate pervious area for natural stormwater drainage, the maximum site coverage specified in the District Plan must be complied with. Please note that there are new site coverage rules in the 2GP for both building coverage and maximum site imperviousness.

3. Consent conditions

No conditions of consent are recommended.

1. Advice notes

The following advice notes may be helpful for any resource consent granted:

Code of Subdivision & Development

- All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
- Private drainage issues and requirements (including any necessary works) are to be addressed via the Building Consent process.
- Certain requirements for building on this site may be stipulated via the building consent process and are likely to include the following points:
 - Stormwater from driveways, sealed areas and drain coils is not to create a nuisance on any adjoining properties.
 - Surface water is not to create a nuisance on any adjoining properties.
 - For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
 - As required by the New Zealand Building Code E1.3.2, surface water resulting from an event having a 2% probability of occurring annually, shall not enter dwellings. The finished floor level shall be set accordingly.

Development Support Officer

3 Waters

Dunedin City Council



Memorandum

TO: Amy Young

FROM: Seepage Control Unit

DATE: 15 June 2020

SUBJECT: SUB 2020-81
274 Munro Rd, 236 Waipori Fall Rd
Berwick

New Lot 1 & 2

New lots 1 & 2 have existing dwellings serviced with both foul and stormwater. These existing services are to be identified as to be within the boundaries of the proposed Lots they service.

New Note: 2 GP rule 9.3.7 requires that all services are laid at least 600mm into resultant sites, therefore this is provided as a condition of consent for both the waste water and stormwater connections. This work would require a Building Consent under Section 40 of the NZBC 2004.

Note: These services may require pumping.

- Storm water from driveways, sealed areas and drain coils is not to cause nuisance on and adjoining properties.
- For sites level with or above the road, the finished floor level of any building is to be a minimum of 150mm above the crown of the road.
- For sites below the road, the finished floor level is to be no less than 150mm above the lowest point on the site boundary. Surface water is not to create a nuisance on any adjoining properties.
- For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
- As required by The new Zealand Building Code E1.3.2 surface water resulting from an event having a 2% probability of occurring annually, shall not enter dwellings, The finished floor level shall be set accordingly.

All rights reserved for any necessary easements required for this subdivision.

Technical Support Officer
Neville Mackay

Memorandum

TO: Amy Young, Planner

FROM: Luke McKinlay, Landscape Architect

DATE: 16 June 2020

SUBJECT: SUB-2020-81 and LUC-2020-31 - 274 Munro Road Berwick, 236 Waipori Falls Road Berwick. LA Comment

Hi Amy,

This memorandum is in response to your request for comment on the above application to allow for two residential units on two undersized sites. In March, I provided comments on an application to authorise the use of a second existing residential unit on the 236 Waipori Falls Road site. These comments remain relevant to this application and are repeated below.

Relevant assessment matters are as follows:

Amenity Values (Operative Plan 6.7.3(i))

The effect that the activity will have on amenity values.

Visual Impact (Operative Plan 6.7.13)

(i) The visual impact arising from an activity on the character of the rural landscape, visual amenity and significant views.

(ii) The potential effect of structures on significant views from public viewpoints, including visibility from State Highway 1.

(iii) The effect of an activity on the open amenity of the rural area.

Density (Proposed Plan 16.12.5(1) and Residential units in the Rural Zone (Operative Plan 6.7.15 and Proposed Plan

- i *(i) The cumulative effects of an increased density of residential development in this location.*
- ii *(ii) The potential for conflict between adjoining land uses or reverse sensitivity issues arising from the location of the proposed residential activity.*
- iii *(iii) The extent to which soil will be covered by hard surfaces.*
- iv *(iv) The extent to which a residential unit on the site affects the amenity and economic well-being of neighbouring properties.*
- v *(v) The degree to which amenities relating to the open nature of the environment are compromised.*
- vi *(vi) The degree to which the productive potential of the site and adjoining properties and their future sustainable use is compromised.*

The site is located within the A7.3 Taieri Plain Rural Zone (proposed plan). Rural character values associated with this area are identified as follows:

Rural character: moving west on the Taieri Plain, a change in land use occurs from rural lifestyle, to more traditional sheep and beef farming, and then into intensive dairy farming. With this change in land use comes a change in rural character. The urban settlements of the northern Taieri are replaced by a working rural environment.

Comments

The subject site is located on the foothills south of the high point of the Maungatua Ranges. As such, it is perhaps not typical of the generic description for this Taieri Plain Rural Zone, as described above. The location of the dwelling at 236 Waipori Falls Road, is atop a low spur overlooking the alluvial plains to the south. As shown in the photos attached in Appendix 1, there is a predominance of natural elements in the surrounding area. Landcover comprises a

mix of exotic woodland, exotic weed species (broom and gorse) and patches of remnant native vegetation. Dwellings are very sparsely distributed.

As seen in figure 1, the dwelling at 236 Waipori Falls Road appears to be the only visible built structure on this hillside from locations on the southern approach to the site on Waipori Falls Road. The other dwelling on this site (at 274 Munro Road) is part of a small cluster of dwellings (including those at 278 and 279 Munro Road), which are effectively part of a different visual catchment, hidden from public locations near 236 Waipori Falls Road.

The dwelling at 236 Waipori Falls Road is visible from a relatively short section of Waipori Falls Road. Located on small terraced area, the dwelling is partially screened by landform. As such, only the upper part of the dwelling and roof are visible. Additional screening is also provided by surrounding pines trees on the site.

The steep driveway access is not prominent on the approach to the site and does not notably detract from existing amenity values.

Given the modest size of the dwelling and the limited extent of its visibility from surrounding public locations it is considered that effects of this application on anticipated amenity values for this area are low. While very low levels of built development are evident in this area, effects on values associated with naturalness are limited due to both the modest visual influence of the dwelling and the somewhat modified character of surrounding existing landcover.

Luke McKinlay
Landscape Architect

Appendix 1: Site Photographs



Figure 1: View towards the dwelling at 236 Waipori Falls Road from approximately 350m south of the site.



Figure 2: View towards site from near intersection of Waipori Falls Road and Twelve Trees Road.



Figure 3: View towards site from north-western approach on Waipori Falls Road.

Campbell Thomson

From: Darrell Thomson
Sent: Tuesday, 23 June 2020 01:40 p.m.
To: Amy Young
Subject: FW: SUB-2020-81 Request 1661362 - TA _ Amalgamation Consultation

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

From: landonline@linz.govt.nz <landonline@linz.govt.nz>
Sent: Tuesday, 23 June 2020 1:16 p.m.
To: Darrell Thomson <Darrell.Thomson@dcc.govt.nz>
Subject: SUB-2020-81 Request 1661362 - TA _ Amalgamation Consultation

Attn: Darrell Rex Thomson

Request Type: TA _ Amalgamation Consultation

Survey No:

The proposed amalgamation is practicable.

Please do not reply to this email as it is sent from an un-monitored email a/c. If you require or wish to email LINZ customer support use: customersupport@linz.govt.nz - and quote this request number.

This message contains information, which may be in confidence and may be subject to legal privilege. If you are not the intended recipient, you must not peruse, use, disseminate, distribute or copy this message. If you have received this message in error, please notify us immediately (Phone 0800 665 463 or info@linz.govt.nz) and destroy the original message. LINZ accepts no responsibility for changes to this email, or for any attachments, after its transmission from LINZ. Thank You.

APPENDIX 4: PROPERTY INFORMATION

Including:

- Conclusion of HAIL Assessment
- Aerial photos from 1990 onward
- Consent Record
- Building Consent for building located within proposed Lot 1
- Building Consents for buildings located within proposed Lot 2
- Land use consent for residential activity on current site (for existing dwelling within Lot 2)
- Subdivision consent creating current land title
- Consent Notice registered against property title



25 June 2020

Struan & Victoria Robertson
C/O Emma Peters
Sweep Consultancy Limited
PO Box 5724
Dunedin 9054

Via email: emma@sweepconsultancy.co.nz

Dear Emma

HAIL PROPERTY SEARCH

HAIL-2020-82
274 Munro Road Berwick

Please find attached the results of your Hazardous Activities and Industries List (HAIL) search lodged on 12 June 2020.

Please note:

- The attached documentation only includes information that is available on the Council's records and the Council does not necessarily hold comprehensive records of the historic land use of this site.
- Additional HAIL activities beyond any identified in the results may have occurred on the site or may be occurring without the Council's knowledge.
- It is recommended that further investigation of the historic land use be undertaken through other means, including consulting with any former land owners and checking with the Otago Regional Council.
- This information does not constitute a Preliminary Site Investigation in terms of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Yours sincerely

Peter Webb
Planner

HAIL Search Summary

Collated by: Peter Webb, Dunedin City Council

Date Collated: 25/06/2020

1 PROPERTY INFORMATION

Current Owner:

Struan Bruce Robertson & Victoria Jean Robertson

Address:

274 Munro Road Berwick (with 236 Waipori Falls Road being an auxiliary address)

Legal Description(s):

Lot 8-9 Deposited Plan 23473

Territorial Authority:

Dunedin City Council

2 SEARCH EXTENT

Site plan showing search area:



3 HAIL INFORMATION

3.1 Supporting documents regarding land use history

List of supporting documents about land use history. e.g. historic aerial photographs, resource or building consent documents, street-view photographs etc. Any documents showing possible or actual HAIL activity are specifically noted.

- Email from Council's Records Department, outlining results of archival search
- Aerial photo dated 1946 (from https://files.interpret.co.nz/Retrolens/Imagery/SN293/Crown_293_1004_43/High.jpg)
- Aerial photo dated 1951 (from https://files.interpret.co.nz/Retrolens/Imagery/SN381/Crown_381_1863_14/High.jpg)
- Aerial photo dated 1958 (from https://files.interpret.co.nz/Retrolens/Imagery/SN895/Crown_895_2555_2/High.jpg)
- Aerial photo dated 1962 (from https://files.interpret.co.nz/Retrolens/Imagery/SN1435/Crown_1435_3506_27/High.jpg)
- Aerial photo dated 1963 (from https://files.interpret.co.nz/Retrolens/Imagery/SN1514/Crown_1514_A_3/High.jpg)
- Aerial photo dated 1967 (from https://files.interpret.co.nz/Retrolens/Imagery/SN1876/Crown_1876_5170_15/High.jpg)
- Aerial photo dated 1970 #1
- Aerial photo dated 1970 #2 (from https://files.interpret.co.nz/Retrolens/Imagery/SN3236/Crown_3236_4348_2/High.jpg)
- Aerial photo dated 1971 (from https://files.interpret.co.nz/Retrolens/Imagery/SN3437/Crown_3437_A_9/High.jpg)
- Aerial photo dated 1982 (from https://files.interpret.co.nz/Retrolens/Imagery/SN8036/Crown_8036_B_4/High.jpg)
- Aerial photo dated 1984 #1 (from https://files.interpret.co.nz/Retrolens/Imagery/SN8286/Crown_8286_L_10/High.jpg)
- Aerial photo dated 1984 #2 (from https://files.interpret.co.nz/Retrolens/Imagery/SN8403/Crown_8403_A_7/High.jpg)
- Aerial photo dated 1990
- Aerial photo dated 1995 (from https://files.interpret.co.nz/Retrolens/Imagery/SN9457/Crown_9457_A_8/High.jpg)
- Aerial photo dated 2000
- Aerial photo dated 2006
- Aerial photo dated 2013
- Aerial photo dated 2018/19
- Consents record

- Recommending report and scheme plan for subdivision RMA-1993-355694 (previously numbered RMA93055) which amongst other things created this site
- Letter from G C Stafford dated 29/7/1993 outlining farm plan for Lots 8 and 9, amongst other things mentions spraying of gorse, and intended spot spraying and application of fertiliser
- Letter from R A Storer dated 19/8/1993 approving farm plan for Lots 8 and 9
- Letter from Gary Gutsell dated 1/11/1993, mentions property had been aerial sprayed for gorse
- Application RMA-1993-356312 (previously numbered RMA93859) from G Gutsell and T Ludlow dated 5/11/1993 including associated plan about intended construction of dwelling
- Report on application RMA-1993-356312, mentions intended use of site for part-time pastoral farming and woodlot production
- Photographs of site and locality retrieved from RMA-1993-356312 file
- Decision on application RMA-1993-356312 dated 6/12/1993
- Project Information Memorandum for building consent ABA-1994-326766 (note: building plans not found on file)
- Memorandum from Rex Alexander dated 23/1/1995, mentions converted double garage being used as a dwelling and being destroyed by fire
- Building consent ABA-1995-331423 application and plans to erect dwelling
- Building consent ABA-1999-347689 plan for alterations to dwelling
- Building consent ABA-2005-306740 application coversheet, Project Information Memorandum and relevant plans to erect garage/sleepout
- Building consent ABA-2006-314240 plans for extension to existing dwelling

3.2 HAIL land uses

Land uses (from HAIL):

- Nil identified

It should be noted that previous and existing farming activity may have included HAIL activities that the Council holds no records about (such as agricultural use, fertiliser bulk storage, livestock dips/spray races, persistent pesticide storage/use, storage tanks for fuel, farm landfills).

3.3 Spatial extent of HAIL activity

☒ Not Applicable

☐ Part of Property

☐ Whole Property

4 CONCLUSION

☒ No explicit information found regarding HAIL activity

☐ Possible HAIL site

☐ Confirmed HAIL site

Peter Webb

From: Alison Breese
Sent: Tuesday, 16 June 2020 04:03 p.m.
To: Peter Webb; Campbell Thomson; Lily Burrows
Subject: HAIL Archive Search, 274 Munro Road, Berwick, 2020/82
Attachments: 274 Munro Road Berwick 1970.jpg; 274 Munro Road Berwick 1990.jpg

HAIL 2020-#082

Property Address: 274 Munro Road Berwick, DP23473

We have examined the relevant archival records relating to this site.

Records searched: Taieri County Council (TCC) Valuations rolls 1953-1978, TCC Building Permits, Taieri County Council Dangerous Goods lists 1970-1974, Landfills listings, DCC City Engineers correspondence 1990-1996, Inward Correspondence Series 1989-2002.

Nothing was found for the property in these lists.

For the subject site, the land use history according to the information in archives can be summarised as:

We have no buildings permits from 1950-1989 for any activity. The Silverpeaks County Council valuation rolls do not record what is on the property.

The available aerial photos for this locality are attached.

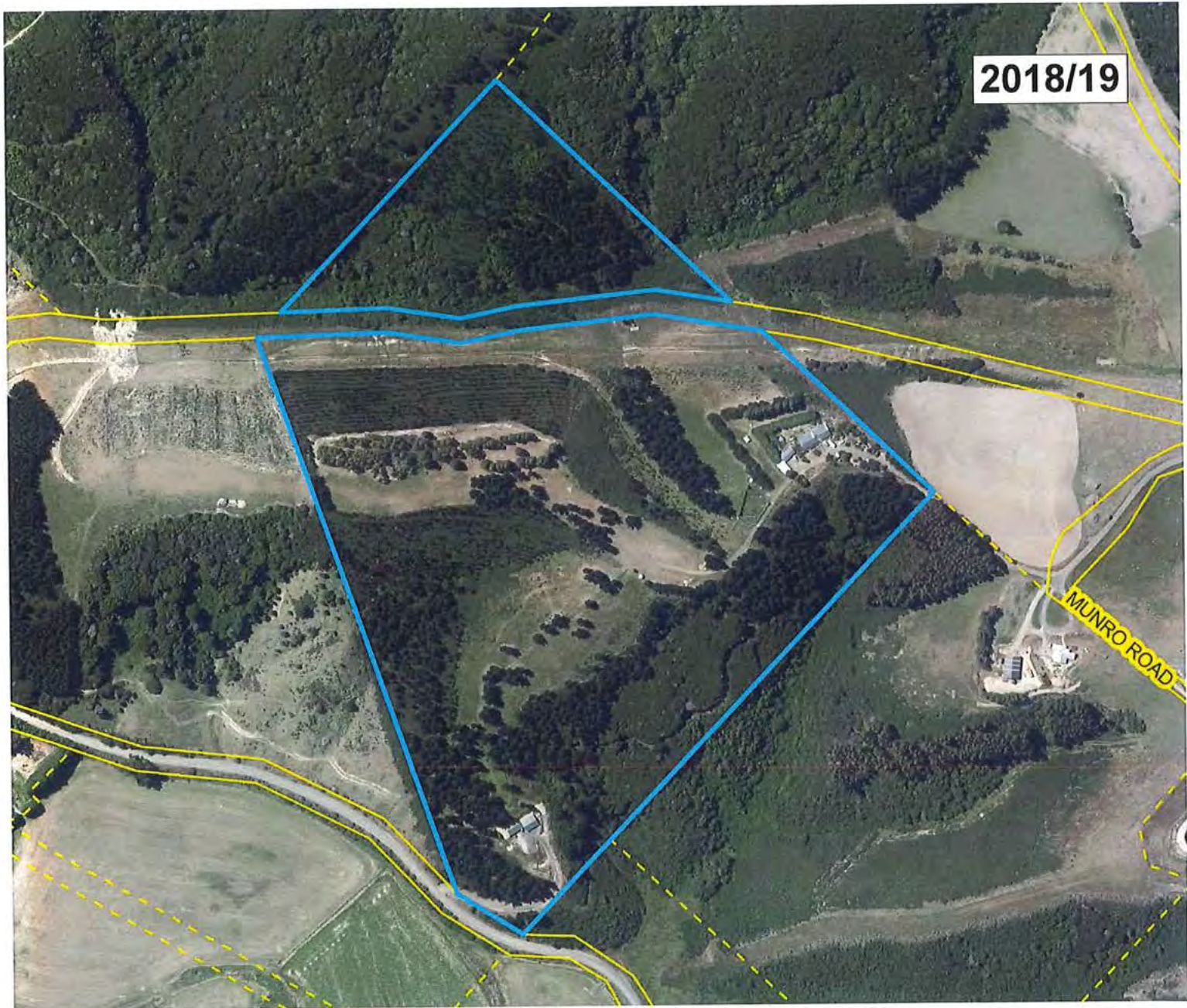
Ngā Mihi

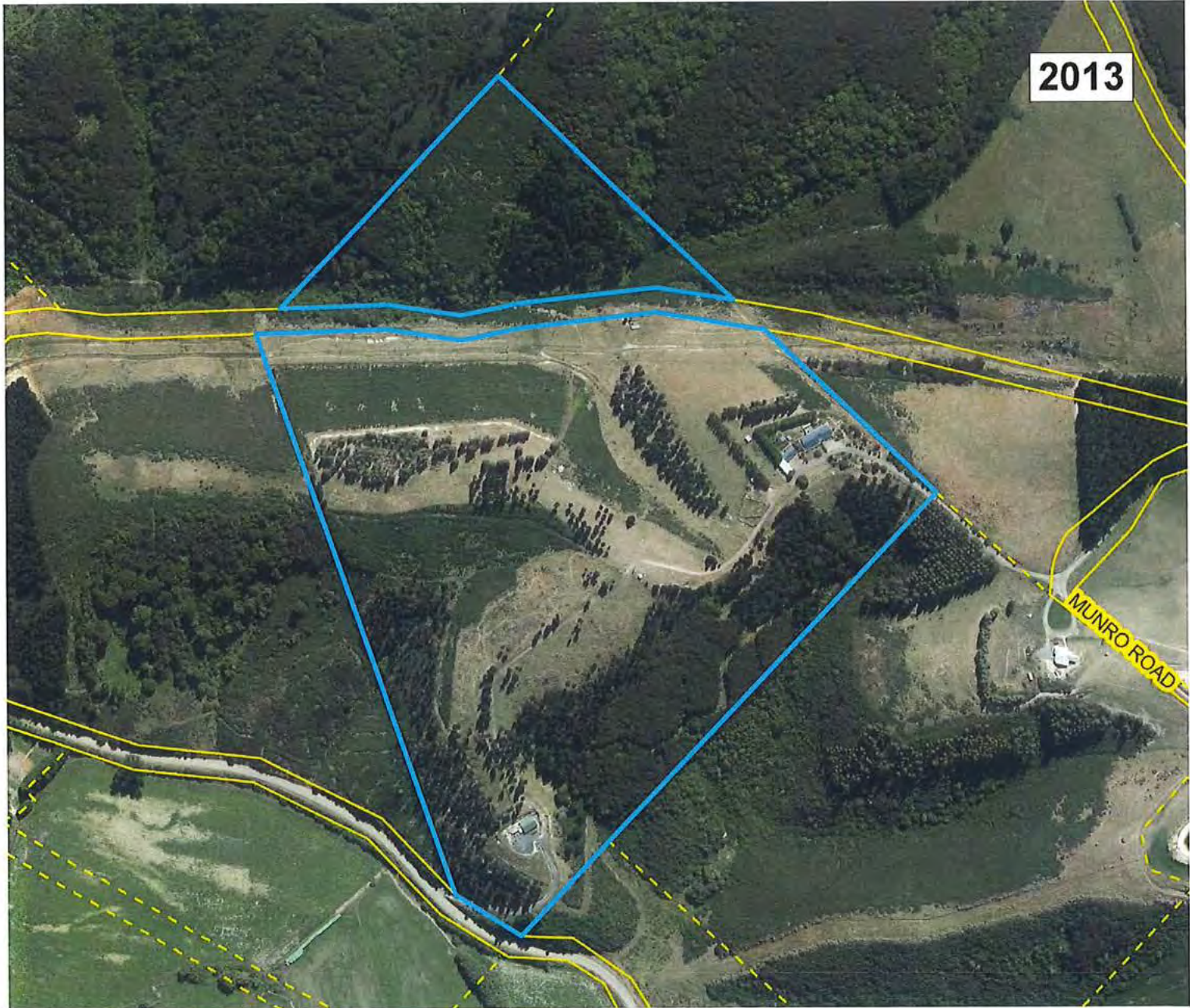
Alison Breese
 DIGITAL ARCHIVIST
 BUSINESS INFORMATION SERVICES

P 03 477 4000 | DD 03 474 3751 | E alison.breese@dcc.govt.nz

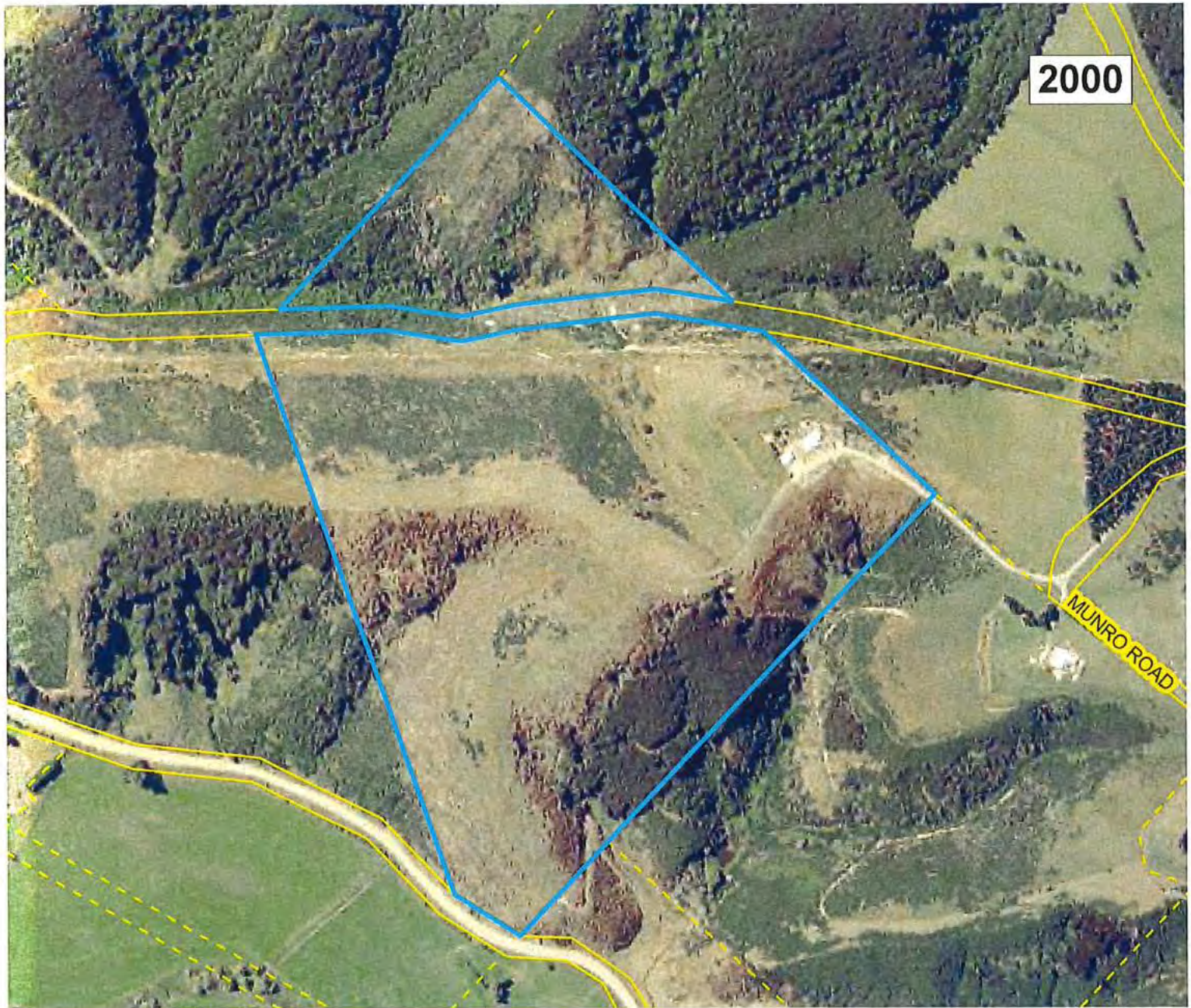
Visit DCC Archives photo collection at www.flickr.com/photos/dccarchives
 DCC Archives <http://www.dunedin.govt.nz/services/archives>

Dunedin City Council, 50 The Octagon, Dunedin
 PO Box 5045, Dunedin 9054, New Zealand











1990



**Consent Record for 274 Munro Road Berwick
(Property Number: 5069823)**

*Subject land
in SUB-2020-81*

Building Applications:

Building Application	Status	Description	Lodge Date	Applicant
<u>ABA-2006-314240</u> GEMS ID ABA63520	CCC Issued	Lounge/Bedroom/Office	16/11/2006	<u>171919</u> G J M Gutsell
<u>ABA-2005-306740</u> GEMS ID ABA50111	CCC Issued	Erect Garage/Granny Flat with Yunca Hobson Heater and Septic Tank	19/01/2005	<u>171919</u> G J M Gutsell
<u>ABA-1999-347689</u> GEMS ID ABA992331	CCC Issued	Add to Dwg (Kitchen, Dining, Office, Entrance)	24/08/1999	<u>171919</u> G J M Gutsell
<u>ABA-1995-331423</u> GEMS ID ABA951907	Archived	ABA951907 1907 - Erect Dwelling, Metro Extreme Trad (Gutsell)	06/06/1995	<u>171919</u> G J M Gutsell
<u>ABA-1994-326766</u> GEMS ID ABA942340	CCC Issued	Erect Versatile Garage	13/06/1994	<u>171919</u> G J M Gutsell

Lot 2

Lot 1

Lot 2

Lot 2

Lot 2

Planning Applications:

Planning Application	Status	Description	Lodge Date	Applicant
<u>HAIL-2020-82</u> GEMS ID	HAIL request lodged	274 Munro Road, Berwick	12/06/2020	<u>462155</u> S B Robertson
<u>SUB-2020-81</u> GEMS ID	1st FI Request	subdivision	02/06/2020	<u>462155</u> S B Robertson
<u>LUC-2020-31</u> GEMS ID	Assessment /Report	land use consent for retrospective approval for family flat	22/01/2020	<u>462155</u> S B Robertson
<u>RMA-2004-368542</u> GEMS ID RMA20041138	Application Withdrawn	2ND RESIDENTIAL UNIT ON 19.69 HA RURAL PROPERTY	13/12/2004	<u>171919</u> G J M Gutsell
<u>RMA-1993-356312</u> GEMS ID RMA93859	Consent Issued	ERECT HOUSE ON 19.45 HA SITE Ownr:GUTSELL/LUDLOW / App: G GUTSELL/T LUDLOW 1036 BRIGHTON RD	09/11/1993	<u>171919</u> G J M Gutsell
<u>RMA-1993-355694</u> GEMS ID RMA93055	Consent Issued	SUBDIVISION INVOLVING CT'S OT277/105, OT258/244 & OT8B/425 Ownr:G STAFFORD	08/04/1993	<u>189736</u> Historic Person - Old Consents (Bldg, Land Use, Sub)

Whole site

//

//

Lot 1

Lot 2

Whole site

ABA-2005-306740

FORM 3

Consent No.

50111 P



APPLICATION FOR BUILDING CONSENT

Section 33, Building Act 1991

PART A

Complete Part A in all cases

(Tick each applicable box. Attach relevant documents in duplicate.)

APPLICANT*

171919

Name:

G. Gutsell

Mailing address:

R01 Outram

Contact Name:

as above

Position:

Owner

Phone:

4861314

Fax:

Email:

gguts@xtra.co.nz

PROJECT

Domestic Dwelling



New or Relocated Building



Alteration

Intended Use(s) (in detail)

Garage / Sleep out

Intended life:



Indefinite (but not less than 50 years)

Specified as _____ years



Demolition

Being stage _____ of _____ stages

Attach additional information if necessary to describe the project.

EK1628 19Jan05 12:37 CHEQ

BC 171919

Estimated value (inclusive of GST):

\$ 40,000

108 m²

Floor area of new work

PROJECT LOCATION

Street Address:

274 Munro Rd

Berwick

LEGAL DESCRIPTION

Property Number:

5069823

Valuation Roll Number:

2794102100

Lot:

8/9

DP:

23473

Section:

Block:

Survey District:

FOR COUNCIL USE

Received:

Application Fee: \$

Receipt No.:

Doc. check:

App. check:

* Under Section 33 of the Building Act 1991 the applicant must be the owner of the land on which building work is contemplated or a person who or which has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force.

15B/750

PROJECT INFORMATION MEMORANDUM NUMBER 50111**ERECT GARAGE/SLEEPOUT****274 MUNRO RD, BERNICK 9055**

Departmental Information for this project is as follows

Building and Drainage

In accordance with the Construction Noise Standard NZS 6803 P, except in the case of emergencies, no work with noisy equipment is to be carried out before 7:30am or after 6:00pm Monday to Saturday. During the week there may be workers on the site from 6:30am quietly preparing for work. Work with noisy equipment is not permitted on Sunday and Public Holidays.

Your attention is drawn to Clause F5 (**Construction and Demolition Hazards**) of the New Zealand Building Code. This site may require site fencing and hoardings, water hazard fencing, gantries or toeboards.

An earthworks permit is required for this site / project if cut or fill depths are greater than 0.6 metres or where more than 10 cubic metres of soil or material of any description is to be placed or removed.

High wind zone.

Refer to Section 364 of the Building Act 2004; a residential property developer commits an offence if they do either or both of the following before a Code Compliance Certificate has been issued:

1. Completes the sale of the household unit
2. Allows the purchaser of the household unit to enter into possession of the household unit.

To comply with the New Zealand Building Code.

NM4

City Planning

It is proposed to erect a garage / sleepout on the subject site at 274 Munro Road.

The proposed activity is located in the Rural Zone of the Proposed District Plan.

This proposal complies with the provisions of the Plan and as such does not require a resource consent. It is however noted, that should cooking facilities be added to the proposed sleepout, the proposal will no longer comply with the Plan and resource consent will be required.

MB9

Engineering

No records were found of land instability, potential erosion, avulsion, falling debris, subsidence, slippage, alluvion or inundation.

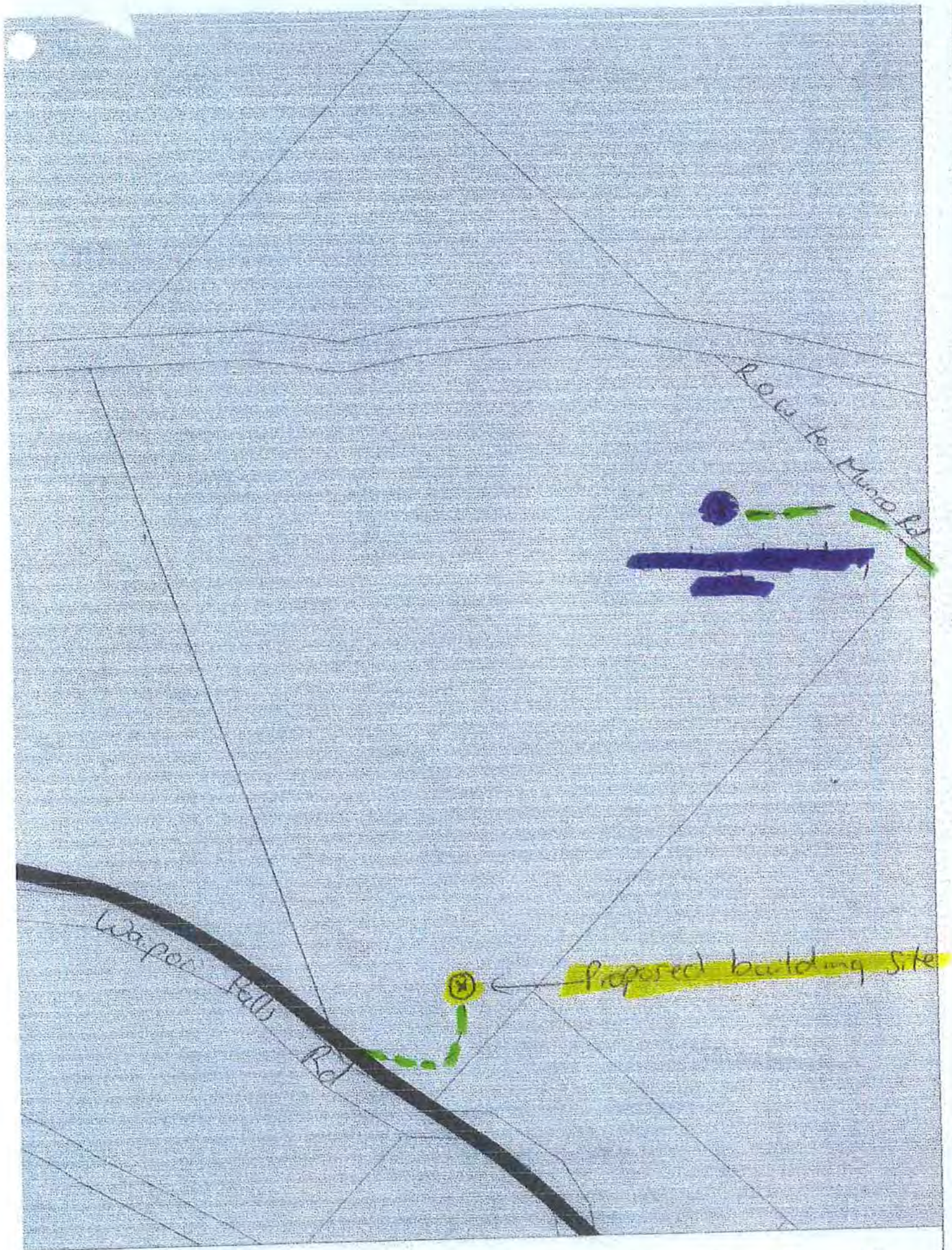
MG1

Roading

ANY damage to Council's Street Frontage will be reinstated at the Applicant's cost

RS1

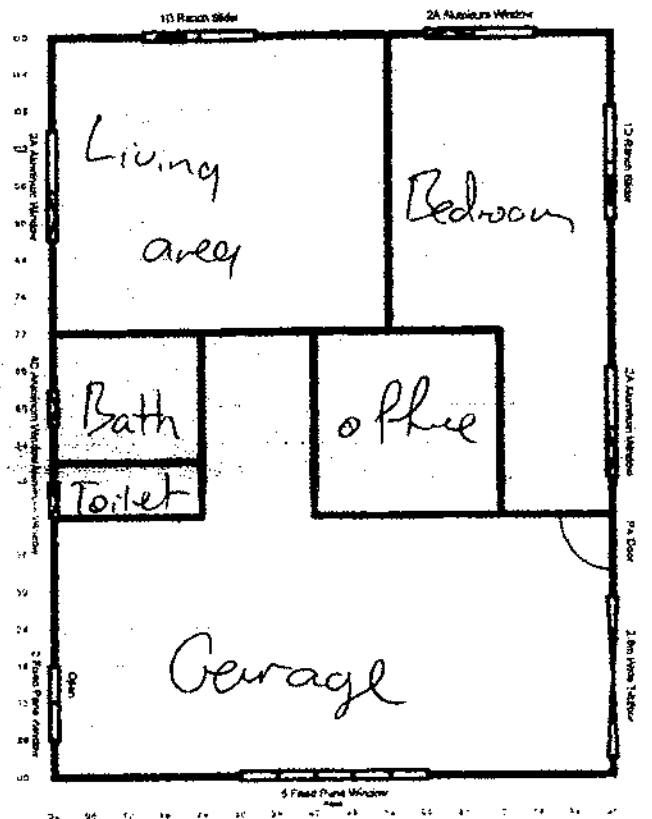
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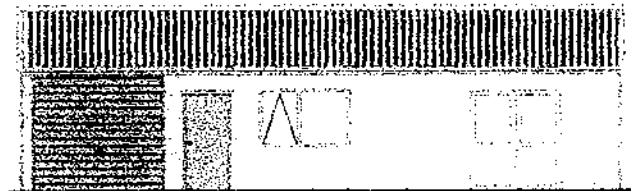
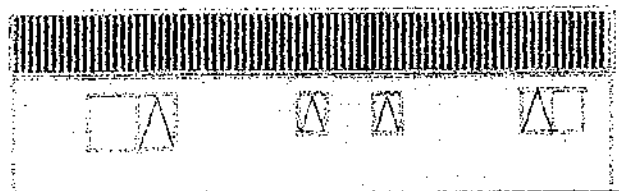
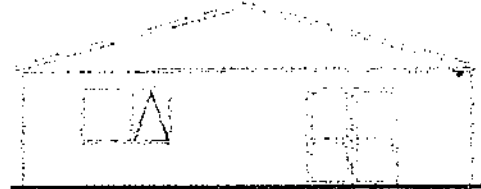
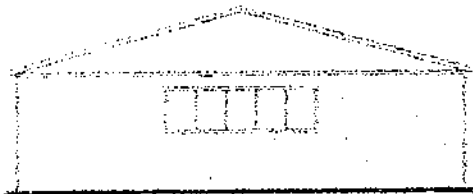


VENETIAN
BUILDINGS

MAKING BUILDINGS LAST



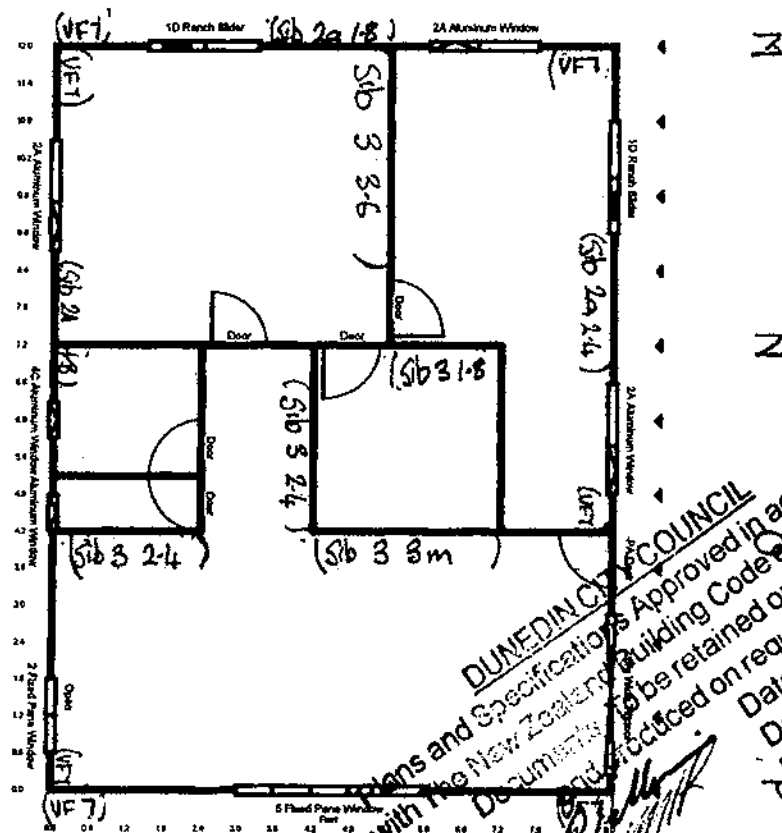
New



This development complies with the District Plan(s) subject to: _____

Dated

24/1/5.



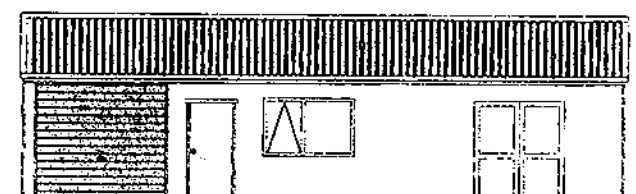
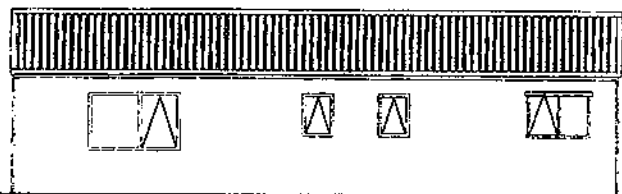
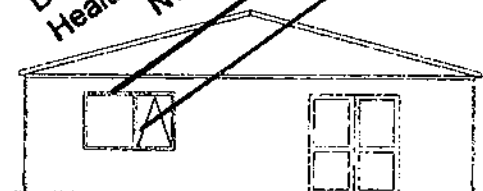
3 3m

DUNEDIN CITY COUNCIL

Plans and Specifications Approved in accordance
with the New Zealand Building Code and Approved
Documents to be retained on request

Date 3/2/05
Date 22-3-05
Date

Building
Drainage
Health



Date:

Brüdering Schule.

Plumbing and Drainage to comply with
AS/NZS 3500.2.2 UM1 + UM2.

Approved Documents E1/AS1, G12/AS1.
G13/AS1 + 2.

Wastewater disposal to comply with
NZS 1547:2000.

Water supply: Tank water, 30,000l. storage tank,
pressure pump supply for cold fittings and to
gas hot water calorifier.

DUNEDIN CITY COUNCIL

Plans and Specifications Approved in accordance
with the New Zealand Building Code and approved
Documents. To be retained on work
and produced on request

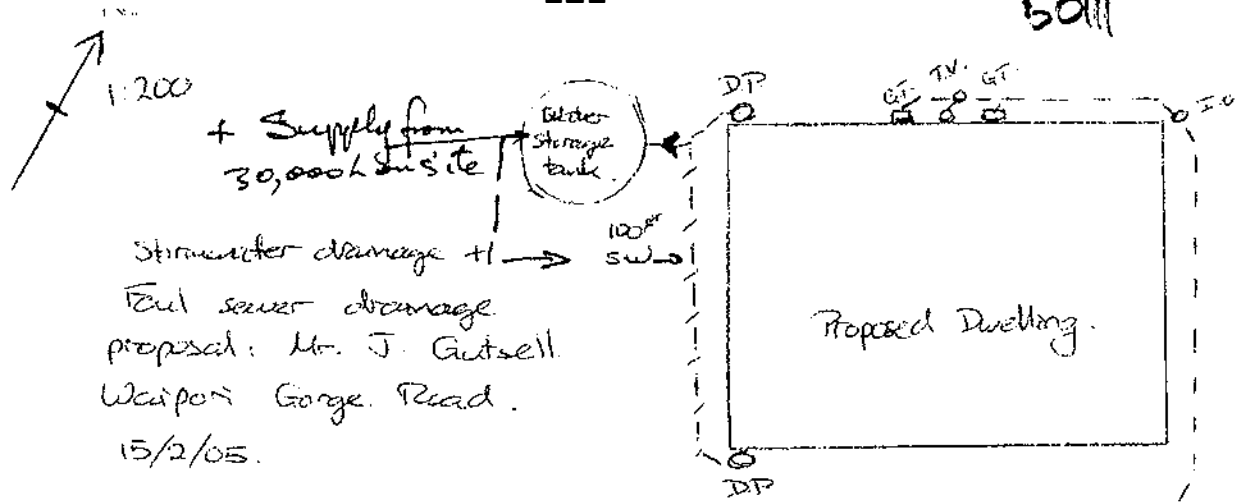
Building
Drainage
Health

Date
Date 22-3-05
Date

NOTE

FUEL BURNING APPLIANCE

Two copies of the manufacturers
installation instructions to be
supplied to the DCC prior to fire
installation.



274 Munro Rd

DUNEDIN CITY COUNCIL

Plans and Specifications Approved in accordance with The New Zealand Building Code and Approved Documents. To be retained on works and produced on request

Building
Drainage
Health

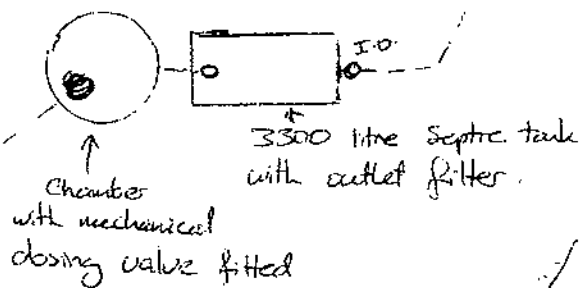
Date

Date 22-2-05

Date

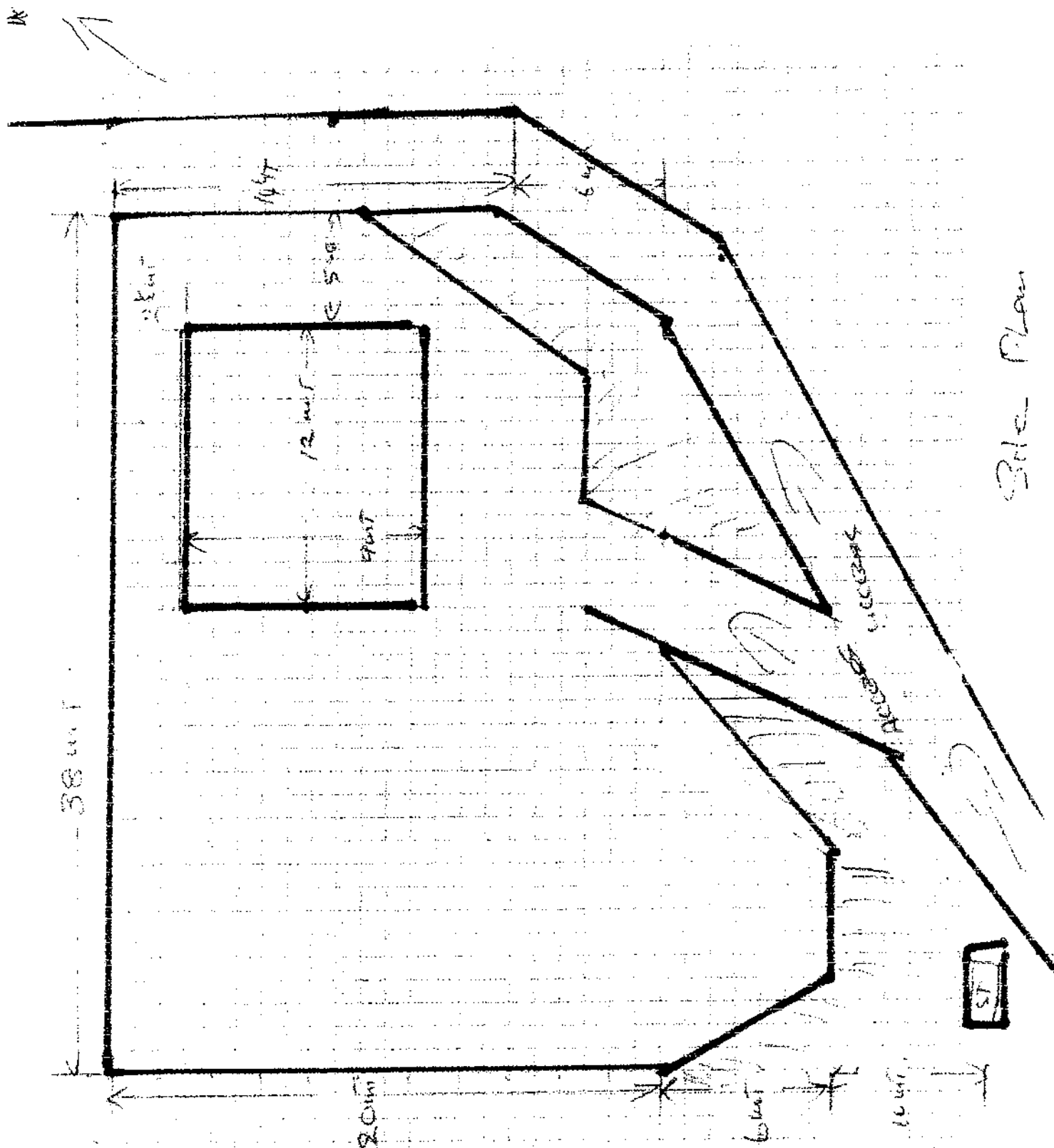
NOTE

Septic tank to have a filter. Effluent disposal is to be a Dosed above ground ETS system around the bottom of the building plot form. Designed by D Brownlie



To Warrior Gorge Rd.

D. Renney

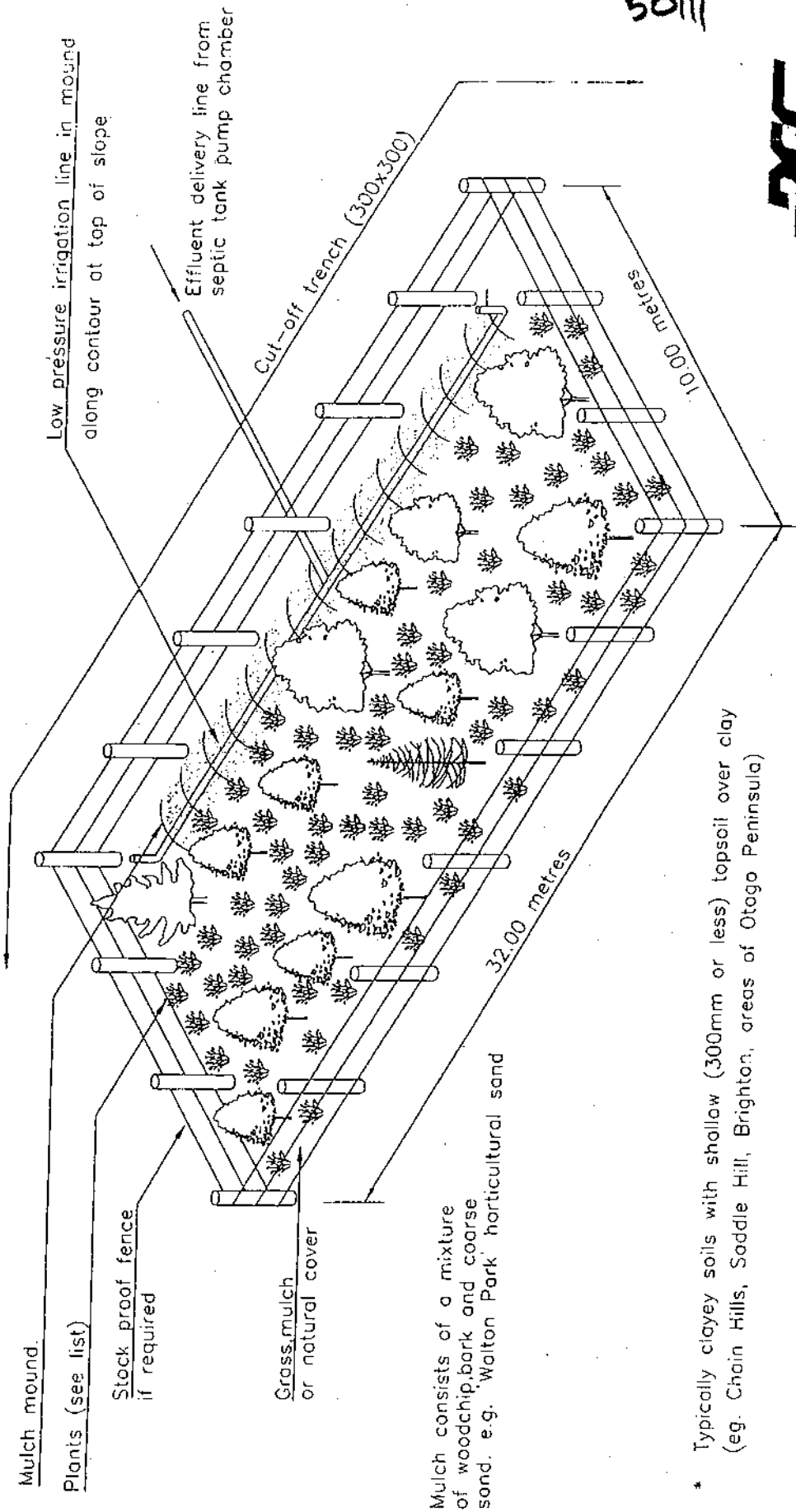


Site Plan

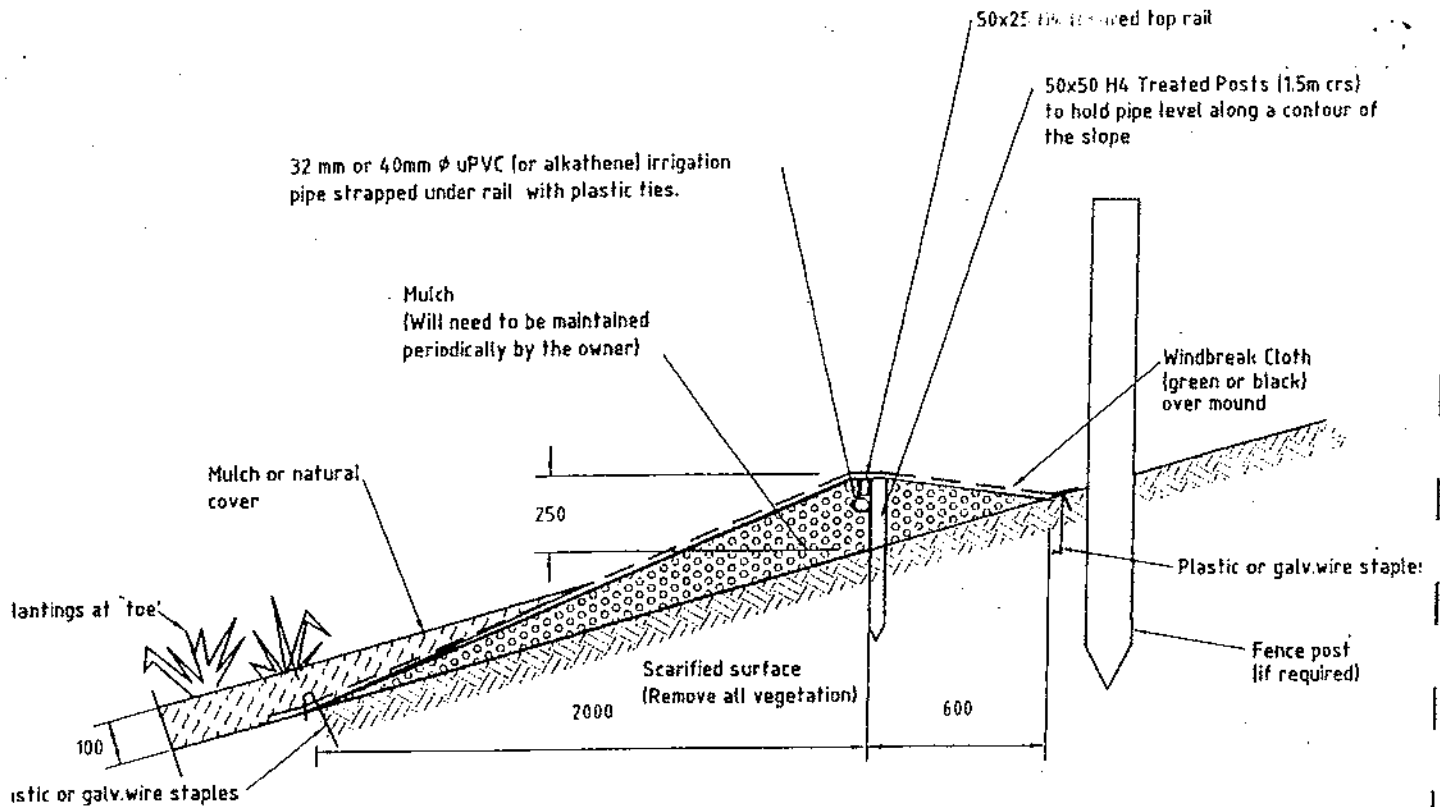
Evapotranspiration / Seepage System for Low Permeability Soils * on Sloping Site

Above Ground Effluent Disposal Area For 1 to 4 Bedroom Dwelling

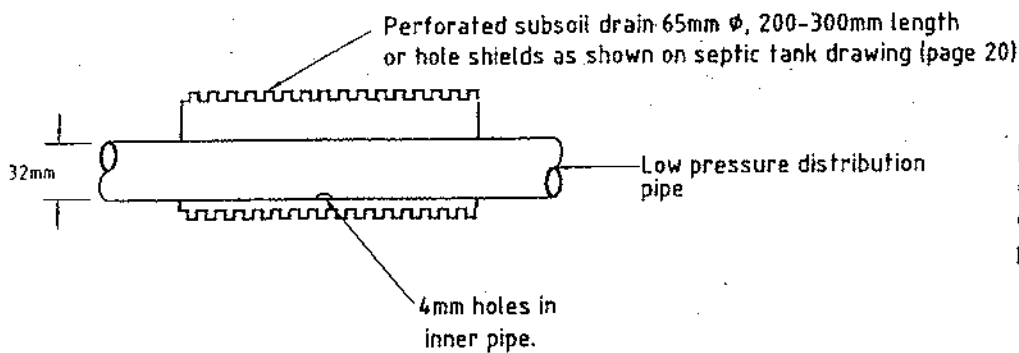
Using Multi-Chamber Septic Tank with Filter and Pump



* Typically clayey soils with shallow (300mm or less) topsoil over clay (eg. Chain Hills, Saddle Hill, Brighton, areas of Otago Peninsula)

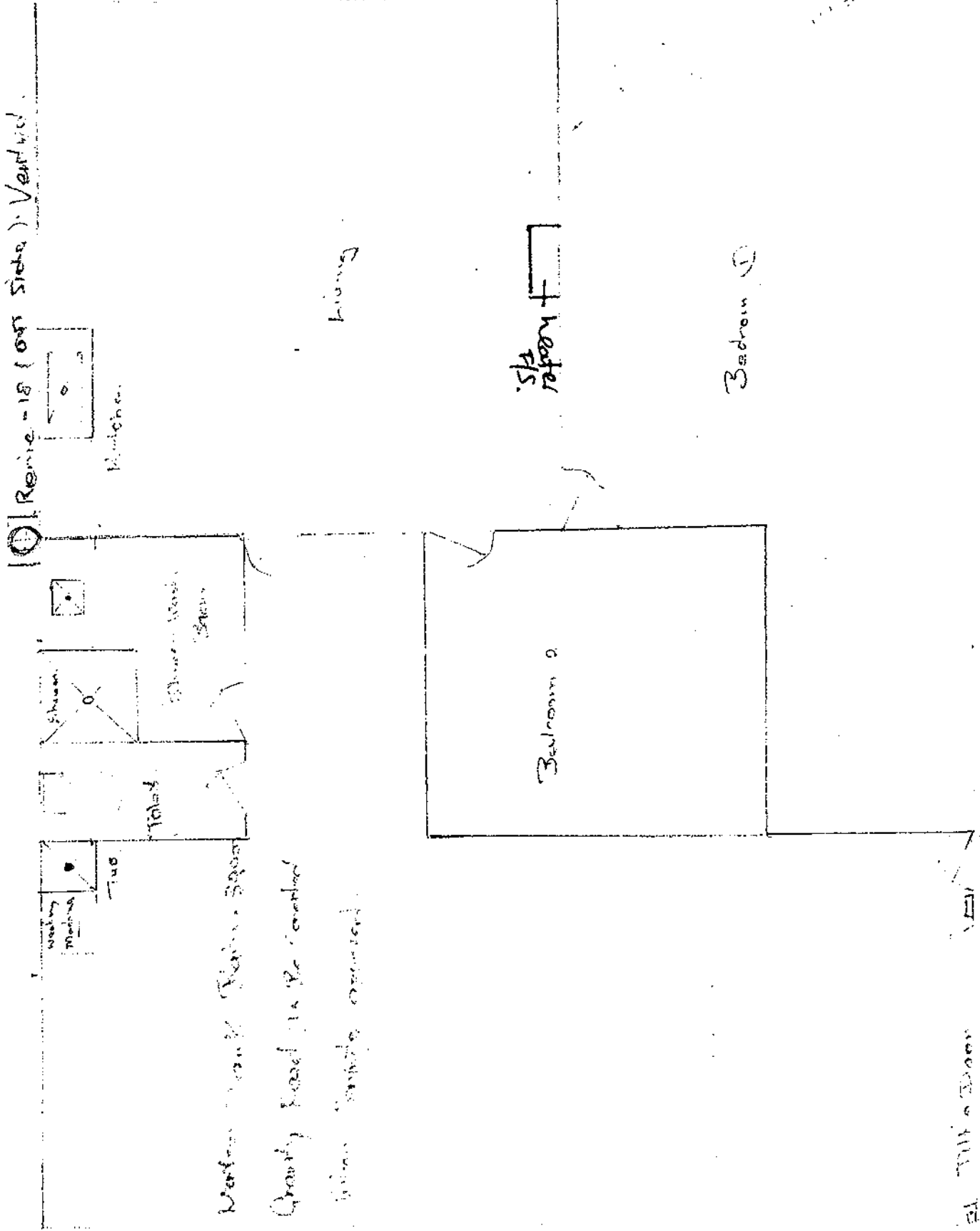


End of distribution pipe to be capped and left exposed at end of mound.



40mm inner pipe may be necessary in cases of greater distances or head, to prevent loss of pressure due to friction.

MOUND FOR ETS SYSTEM



Bedroom 1 - 12' x 12' - 12' x 12' - 12' x 12'

Bedroom 2 - 12' x 12' - 12' x 12' - 12' x 12'

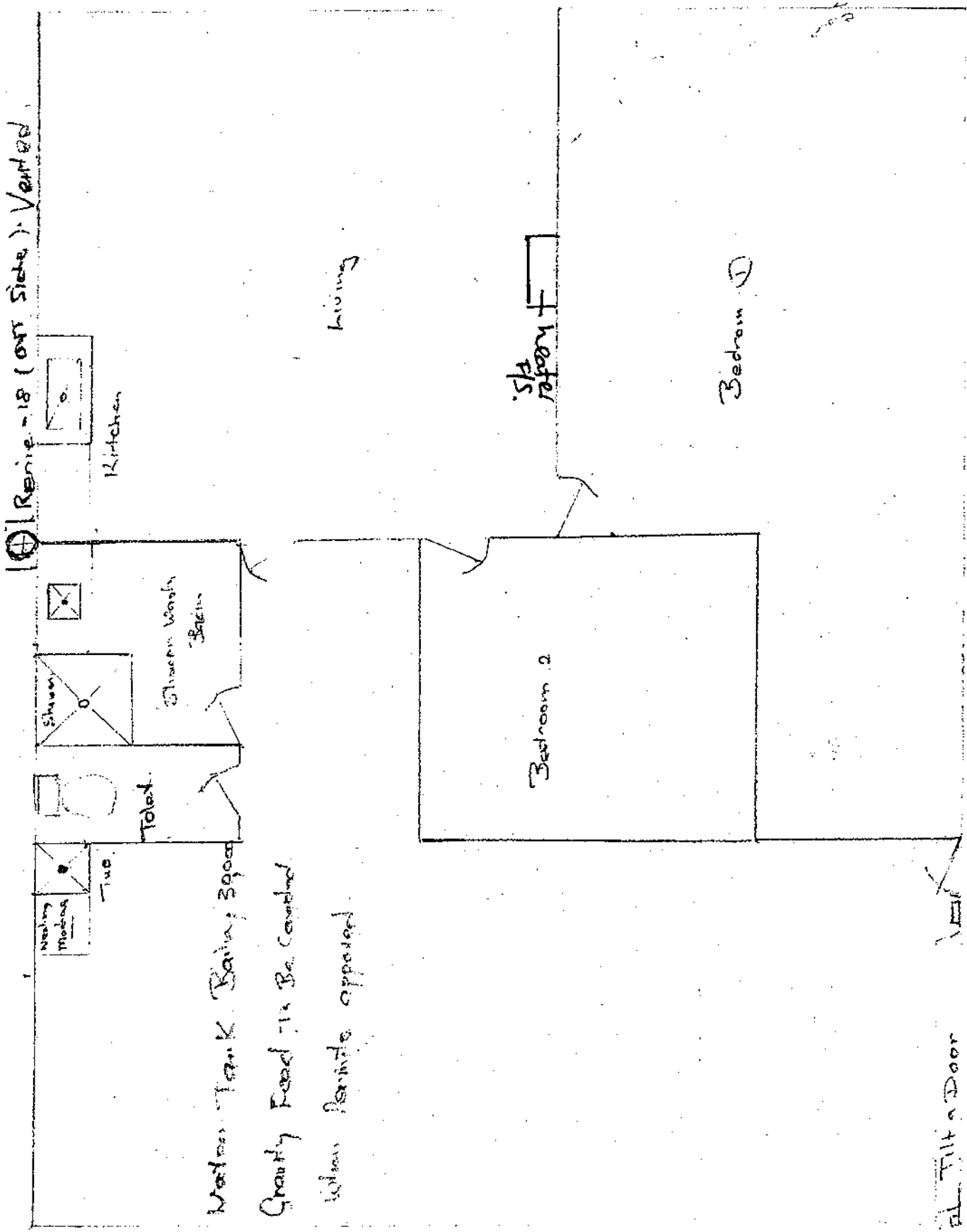
Living Room - 12' x 12' - 12' x 12' - 12' x 12'

Dining Room - 12' x 12' - 12' x 12' - 12' x 12'

Kitchen - 12' x 12' - 12' x 12' - 12' x 12'

Hallway - 12' x 12' - 12' x 12' - 12' x 12'

50111





Reference: RMA20041138/5069823/171919

Enquiries To: Grant Finn

Direct Phone: 474 3489

7th January 2005

Mr. G Gutsell
274 Munro Road,
RD1
OUTRAM

Dear Gary

RESOURCE CONSENT APPLICATION 2004-1138: 274 Munro Road, Berwick.

Further to our previous correspondence dated 17th December 2004, I am in receipt of your correspondence and amended floor plan for the proposed accessory building dated 20th December 2004. Thank you.

In terms of the provisions of the Transitional and Proposed District Plans, I am satisfied that the development of this accessory building which is deemed as being ancillary to the existing residential use of the site is a permitted development. In light of its permitted activity status, resource consent is not required however Building Consent is still required.

It is noted that you have paid resource consent fees of \$700.00. Given that the majority of this money is unspent, you will be entitled to a refund. This will be upon calculation forwarded to you in due course.

I trust this information is of assistance to you and should you have any further queries please do not hesitate to contact me.

Yours faithfully



Grant Finn
PLANNER

Reece Warnock concept design ltd
 Mobile (07) 245 500 - Phone (03) 434 1111 - Fax (03) 434 1114 - Email: reece.warnock@reecewarnock.co.nz

DUNEDIN CITY COUNCIL
 APPROVED BUILDING CONSENT DOCUMENT

63520

ABA-2006-314240

© COPYRIGHT

- NOTES**
1. The site has not been formed by Reece Warnock Concept Design Ltd and it is assumed the mill ground pressure capacity is 100kPa. Ensure to test before construction. If the contractor is unsure of soil bearing he should engage an engineer to assess soil bearing.
 2. The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings.
 3. Where necessary relocate all drains clear of proposed addition. Confirm location on file prior to construction.

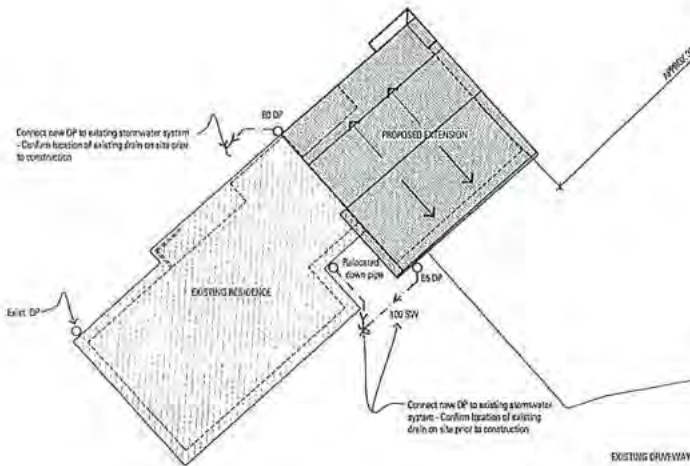
LEGAL DESCRIPTION

LOTS 8/9
 DP 23473
 SITE AREA = 19.69 hectares
 274 MUNRO ROAD,
 BERWICK, OTAGO

DOMESTIC SMOKE ALARM
 Smoke alarms complying with the NZBC clause F7 are required in this building.

Glazing
 Shall comply with NZS 4223.1999 parts 1 to 3

Plumbing and Drainage
 To comply with approved documents: E1/AS1, G12/AS1, G13/AS1 & 2



DCC CITY PLANNING
THESE PLANS ARE APPROVED
 This development complies with the District Plan

Subject to:
 Signature: [Signature] Date: 27/11/06

PART SITE PLAN
 Scale 1:200

DUNEDIN CITY COUNCIL
 Plans and Specifications Approved in accordance with The New Zealand Building Code and Approved Documents. To be retained on works and produced on request

Building Date 14-12-06
 Drainage Date 14-12-06
 Health Date

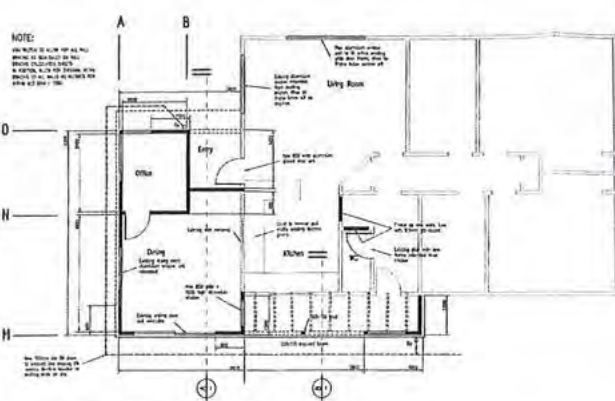
NOTE

FOR CONSENT

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING CONSTRUCTION. DO NOT SCALE OFF DRAWINGS.

0	11.06	FOR CONSENT
No.	Date	Revision
JOB TITLE PROPOSED ADDITION FOR G GUTSELL & T LUDLOW 274 MUNRO ROAD, BERWICK, OTAGO		
SHEET TITLE PROPOSED PART SITE PLAN		
TEAM ARCHITECTURAL DATE NOV 2006 DESIGNER JAC	DESIGNED PJW SCALE 1:200 CAD DRAWING A&B	CHECKED RJW SHEET NO. WD01 1st SET OF 14

ABA-1999-347689



New Proposed Floor Layout

Scale: 1/8" = 1'-0"

Elevation 1

Scale: 1/8" = 1'-0"

Elevation 2

Scale: 1/8" = 1'-0"

Elevation 3

Scale: 1/8" = 1'-0"

Elevation 4

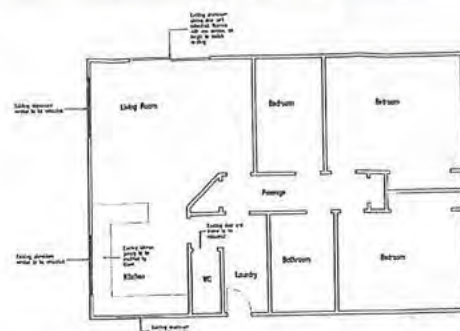
Scale: 1/8" = 1'-0"

Detail B

Scale: 1/8" = 1'-0"

Detail A

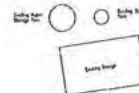
Scale: 1/8" = 1'-0"



Existing Floor Layout

Scale: 1/8" = 1'-0"

NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



Part Site Plan

Scale: 1/8" = 1'-0"

LEGAL

1/8" = 1'-0"

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FORM 3 - PART A	ISSUED - 1 JUN 1995 REVISED	FILE # <u>1950530/12MUD</u>
 "APPLICATION FOR BUILDING CONSENT" Division Of Building Control 1991		
TO <u>Burnaby City</u>		<u>95/1907</u>
Complete Part A & B online Submit a copy to each applicable body. Attach supporting documents as specified.		
(APPLICANT) Name <u>GARY FRANK GIBSON</u> Mailing Address <u>Rd 1</u> <u>Alderton</u> Current Name <u>GARY</u> Previous: <u>4861314</u> , Inc. (PROJECT) LOCATION Street Address <u>2932 Munro Rd</u> <u>Bernick</u>	(PROJECT) Used or Potential Building ☒ Alteration ☐ Proposed Under Development ☐ Home Erect Dwg P.D. Branded Litter: ☐ Indefinite, but less than five years ☒ Perpetual ☐ Destruction ☐ Expiry date <u>10-7-95</u> ☐ expires	
LEGAL DESCRIPTION Property Number: <u>035 5069823</u> Valuation Roll Number: <u>274W-03100</u> Lot: <u>314</u> on <u>274W137R</u> Section: <u>43</u> Block: <u>II</u> Survey District: <u>Mangrove</u>		
COUNCIL CHARGES The Council's charges payable at the time of this application are listed below as rates of GST included:		
Building	\$ <u>85.00</u>	
Planning & Design	\$ <u>5.00</u>	
Total:	\$ <u>90.00</u>	
* Under Section 32 of the Building Act 1991 the applicant must pay the owner of the land on which building work is contemplated at a person who is not so agreed in writing, whether on condition or unconditionally, for purchase of the lot on which building work is intended or in the field, or in case of loss of the land, shall be responsible for the cost of such payment.		

Using the Part D on the list provided to list names, titles, addresses, and telephone numbers. Give only a rough sketch (if possible) of possible:

Business Self

Register all Companies Wayne Lindsey 1985 11127

Registered Partners Wayne Lindsey 1985 11127

Register all Offices

Register all Branches Steve Williams 1989 11116

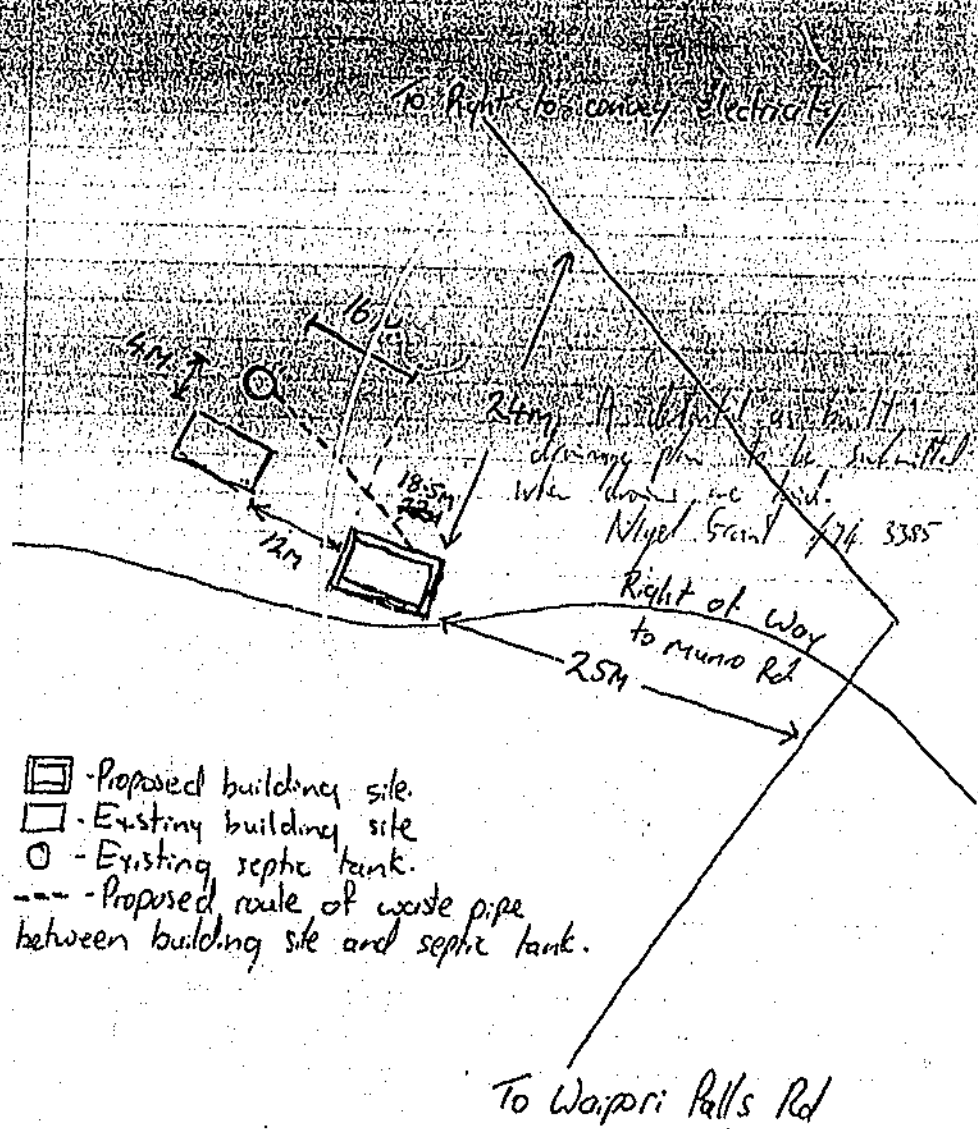
Business Self Dean Williams

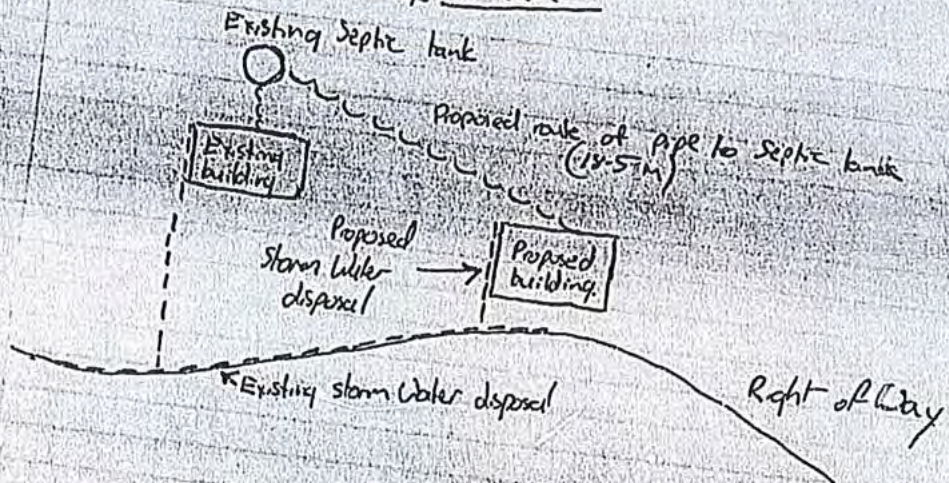
Other

PART 1: COMPLIANCE REFERENCE DETAILS	
"B" SYSTEMS NEGOTIATING A COMPLIANCE SCHEDULE <i>(Complete Part 1B if you are the Buyer and are allowing or require immediate remedial)</i>	
The Building has provided the following items that are applicable, true and correct (Project Inspection, measurements, and reporting procedures):	
☐	Automatic fire alarm system or other type of automatic fire protection.
☐	Automatic alarm which warns of any fire and which is designed to cause shut down and/or shut off of any fire.
☐	Compliance warning system for fire or other danger.
☐	Emergency lighting system.
☐	Escape route for an occupant.
☐	Alarm which has been tested.
☐	Any equipment which is to be tested or operated by a specialist upon receipt.
☐	Clear instructions to a building or other user for use.
☐	Standard installation of the building system which is to be a major part of the building.
☐	Any other mechanical, electrical, piping, or otherwise system which is necessary for compliance with the Building Code.
☐	Building system which will be provided or used by the owner and which is part of the building.
☐	Item is not as required by the Building Code is required of the same mechanical system.
☐	None of these.
END OTHER SYSTEMS AND FEATURES TO BE INCLUDED IN THE COMPLIANCE SCHEDULE <i>(Check Part 1B only if the Buyer is required or part of the same item in Part 1)</i>	
The Building will provide the following items that are applicable, true and correct (Project Inspection, measurements, and reporting procedures):	
☐	Storage of escape routes.
☐	Alarm system.
☐	Means of escape and building fire for the project which includes which item is required by the Building Code or the Building Code is required by the Building Code.
☐	Item is not as required by the Building Code or the Building Code is required by the Building Code.
☐	Item is not as required by the Building Code or the Building Code is required by the Building Code.

N

SITE PLAN SCALE

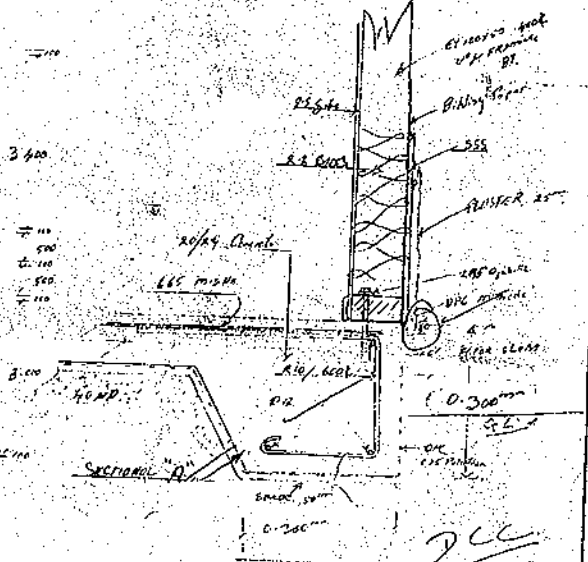
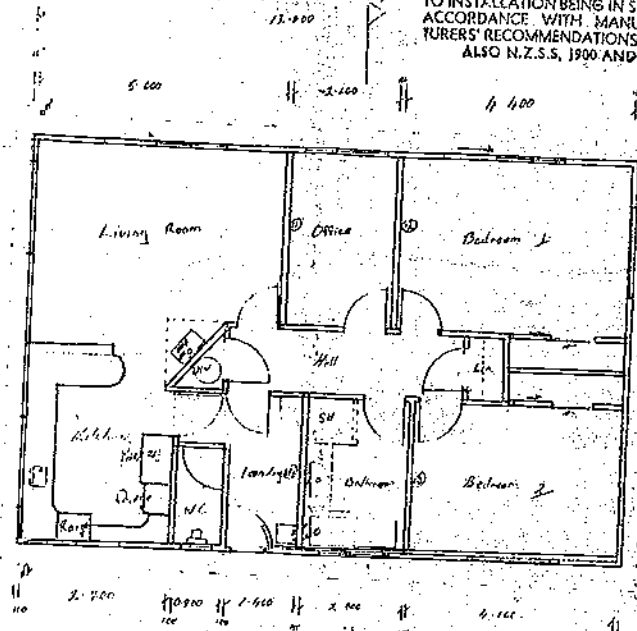


Drainage Plan

LINCOLN CITY COUNCIL
Copy of Approved Plan
and/or Specification
TO BE RETAINED ON WORKS
AND PRODUCED ON REQUEST
OF BUILDING INSPECTOR
DATE 12/12/07
BY 12/12/07

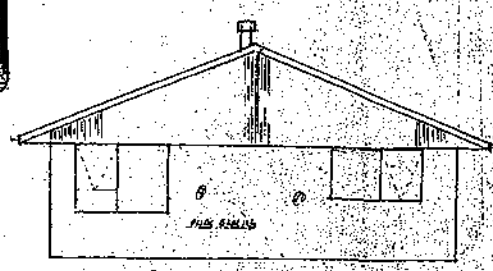
LINCOLN CITY COUNCIL
Work involved in installing the
back and water pipework
must be carried out by a Craftsman
No. 1000
Work complies with the Building
Regulations 1992, Part 6 & 12
12/12/07

NOTE: THIS PERMIT IS APPROVED SUBJECT
TO INSTALLATION BEING IN STRICT
ACCORDANCE WITH MANUFACTURERS'
RECOMMENDATIONS AND
ALSO N.Z.S.S. 1900 AND 1421

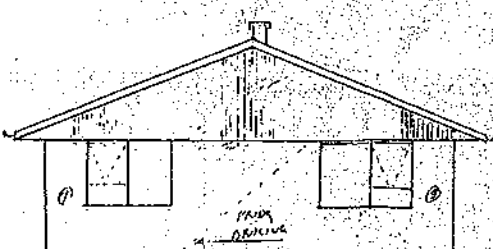


FLOOR PLAN
FOUNDATION PLAN
J.T. GUTBEL

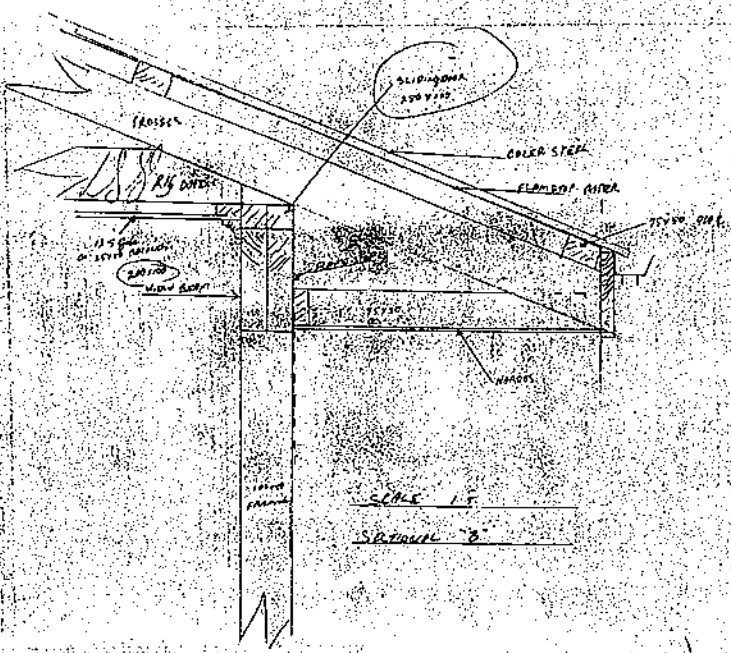
UNION	DATE	SHEET
SCALE 1:50	11/5/07	1
	5/1907	



NORTH ELEVATION



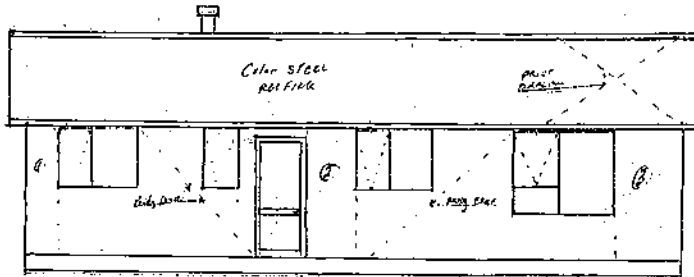
SOUTH ELEVATION



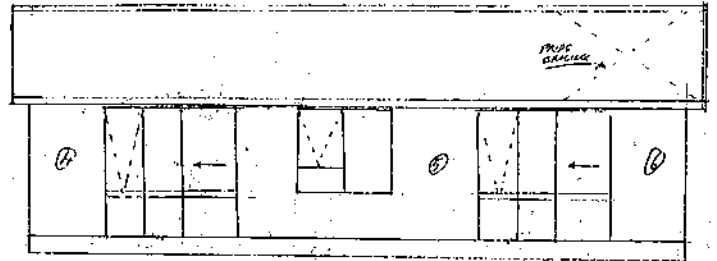
SCALE 1:5
SECTIONAL 'B'

ELEVATION PLAN

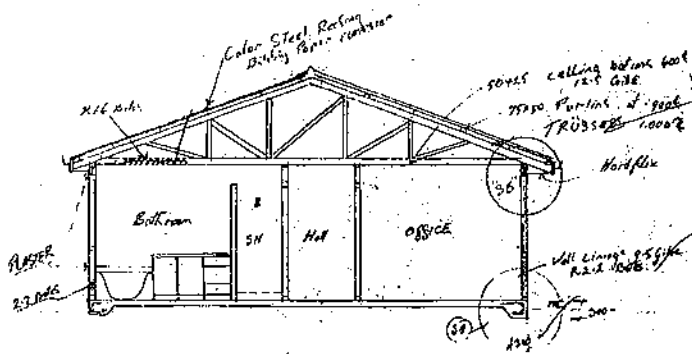
UNION	DATE	SHEET
SCALE 1:50	11/5/07	1
	5/1907	



WEST ELEVATION



EAST ELEVATION



A/A SCALE 1/5 1/50

SECTIONAL ELEVATION
ELEVATION PLAN

BRACING		
①	2-400 x 600	SLAY 12mm
②	2-400 x 900	MADE 1502 WITH SILE 10-10-10
③	2-400 x 1200	
④	2-400 x 1200	
⑤	2-400 x 1200	
⑥	2-400 x 1200	
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9571907

DRAWN	DATE	SHEET
SCALE	17.5.95	3
DRAWING NO.		OF 3 SHEETS

PROJECT INFORMATION MEMORANDUM No.: 94/2340

ABA-1994-326766
PIM

Section 31, Building Act 1991

ISSUED BY

DUNEDIN CITY COUNCIL

(Insert a cross in each applicable box. Attach relevant documents)

APPLICANT Name: G GUTSELL Mailing address: CO OUTRAM POSTOFFICE OUTRAM	PROJECT New or Relocated Building ☐ Alteration ☐ Intended Use(s) (in detail): OUTBUILDINGS NEW ERECT GARAGE/DRNGE Intended Life: Indefinite, but not less than 50 years ☒ years Demolition ☐ Specified as
PROJECT LOCATION Street Address: 233 MUNRO RD BERWICK	This is: ☐ Confirmation that the proposed building work may be undertaken, subject to the provisions of the Building Act 1991 and any requirements of the building consent. Not yet applied for ☐ No.: attached ☐ ☐ Notification that other authorisations must be obtained before a building consent will be issued. ☐ Notification that the proposed building work may not be undertaken because a necessary authorisation has been refused.
LEGAL DESCRIPTION Property Number: - Valuation Roll Number: - Lot: 8/9 DP: 23473 Section: 43 Block: 11 Survey District: MAUNG TUA	
COUNCIL CHARGES The Council's total charges payable on the uplifting of this project information memorandum, in accordance with the tax invoice are \$ 0.00 ALL FEES ARE G.S.T. INCLUSIVE	

This project information memorandum includes (cross each applicable box, attach relevant documents, and send a copy to any relevant network utility operators and organisations having the power to classify land and buildings):

- ☐ Information identifying relevant special features of the land concerned.
- ☐ Information about the land or buildings concerned notified to the Council by any statutory organisation having the power to classify land or buildings.
- ☐ Details of relevant utility systems.
- ☐ Details of authorisations which have been granted.
- ☐ Details of authorisations which must be obtained before a building consent will be issued.
- ☐ Details of authorisations which have been refused.

Signed for and on behalf of the Council:

Name: 

Position:

Date: 05/07/94

PROJECT INFORMATION MEMORANDUM NUMBER 94/2340
233 MUNRO ST , BERWICK

Information for this project is attached as follows:

Building

To Comply with the New Zealand Building Code.

Plumbing and Drainage

No requirements/

WARNING: Please note that public sewer reticulation sheets are scaled in either Imperial (feet) or Metric (metres).

Please check with the Area Drainage Inspector if in doubt.

Water

No requirments.

Roading

No requirements.

Planning

Complies with planning requirements.

Environmental Health

No requirements.

City Architects

No requirements.

Our Reference: Property
Inquiries to: Greg Robson
Direct telephone: 474 3714

6 December, 1993

G Gutsell and T Ludlow
1036 Brighton Road
BRIGHTON

Dear Sir and Madam

RESOURCE CONSENT APPLICATION: NO: A93859
ADDRESS: 233 Munro Street, South Dunedin Road, Berwick
DESCRIPTION: Proposed House

Your resource consent application was considered by Consent Applications Subcommittee on Thursday 2 December 1993

The Application

You made application under the Resource Management Act 1991 for confirmation that the erection of a house on a site located at 233 Munro Road, Berwick, in conjunction with the development and use of the land described in the accompanying farm plan, would be permitted.

The site is legally described as Lots 8 and 9 DP 23473.

Decision

After considering the application, the Consent Applications Subcommittee has confirmed that the erection of a house on this site in conjunction with the use of the land described in your farm plan would be a permitted activity requiring only the issue of a building permit. This confirmation is subject to the site being, and continuing to be, fully and actively farmed in the manner specified in the farm plan submitted with the application.

Reasons

The Applications Subcommittee confirmed that the erection of a house on your site is a permitted activity because it was satisfied that your intended development and use of the agricultural potential of the site would ensure that it is fully and actively used as required by the District Plan. However, since no time limits concerning the planting of the woodlot or the achievement of the target stocking level were stated in the farm plan, you are advised that you will be expected to make steady progress from the outset towards the achievement of the farm plan. You are also advised to contact Council's Rural Fires Officer (Ross Hamilton, ph: 474 3879) regarding his requirements for planting pine trees near boundaries.

Duration of Consent

It is brought to the applicant's attention that under the terms of Section 125 of the Resource Management Act 1991 this consent shall lapse if effect has not been given to it within two years or Council has not granted an extension of time.

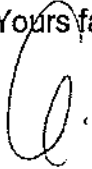
Right of Review

The consent holder may apply to the Consent Hearing Committee of Council for a review of the Consent Applications Subcommittee decision within fifteen days of the notice of decision being received.

Building Consent

This is only Resource Consent and a separate application for Building Consent may be required before any work is undertaken on the site. Please check with the Building Inspectors Section, Development Services.

Yours faithfully



Adrian Blair
COMMITTEE SECRETARY

DUNEDIN CITY COUNCIL

Applications Under
The Resource Management Act 1991.

Application Number: 93859

Applicant: G J Gutsell and T Ludlow

Address for Service: 1036 Brighton Road, Brighton

Owner: G F Stafford

Property Address: 233 Munro Road, Berwick

Legal Description: Lots 8 and 9 DP 23473

Valuation No.:
District Plan)

Zone: Rural B and C (Silverpeaks section of Transitional

Description of Proposal:

Consent is sought to erect a house on this 19.45 ha. site in conjunction with the development and use of the land for part-time pastoral farming and woodlot production.

Reasons for Application:

Council's consent is necessary because in the Rural B Zone a house is only permitted to be erected where Council is satisfied that the site will be fully and actively farmed.

Consideration of Proposal:

The Council is being asked to rule as to whether the proposed development and use of the agricultural potential of the site is sufficiently full and active to permit a house to be erected as of right. If the Council considers that the site would not be fully and actively farmed then the proposed house would be a non-complying activity.

In deciding this application, I consider that the Subcommittee should take the following into consideration:

- a. The applicants propose to clear the remaining native bush off the 3.25 ha. Rural C part of the site and plant it in pine trees. On the Rural B area, they propose to graze sheep, increasing the carrying capacity from about 30 stock units today to a maximum of between 105 and 110 stock units as the extensive gorse cover is removed and pastures resown. The gorse has been sprayed but the applicant would act to control regrowth. Wrightson's real estate agent, Mr J Lagan, considers that the proposed target stocking level is practicable for this type of land and farm. Council permitted the subdivision of this site, in May 1993, along with two adjoining Rural C zoned farmlets of similar size and topography, from a defunct full time farm. In November 1993 the Subcommittee

consented to the erection of a house on these adjoining farmlets on the basis that the agricultural potential of these sites would be well used. I believe that this application should be evaluated on the same basis

- b. Council's Rural Fires Officer advises that the woodlots should not be closer than about 20 metres from boundaries. The proposed house would be well clear of the nearest woodlot. Woodlots are not permitted within 50 metres of the carriageway centreline of a formed road. While Munro Road is a designated road, it is formed only as narrow farm road and is unlikely to be developed for general use in the foreseeable future. Therefore, there is no need for the proposed woodlot to be set back 50 metres from Munro Road.

Conclusion:

I conclude that the agricultural potential of the land would be adequately developed and used, and that therefore Council should confirm that the proposed house would be a permitted activity.

Recommendation and Conditions:

Pursuant to the Resource Management Act 1991 that:

The Council confirms that the proposed house is a permitted activity subject to the site being developed and used in the manner specified in the farm development plan submitted by the applicant.

Date: 2 December 1993

Author: G M Robson G M Robson

Application APPROVED/DECLINED (Delete one)

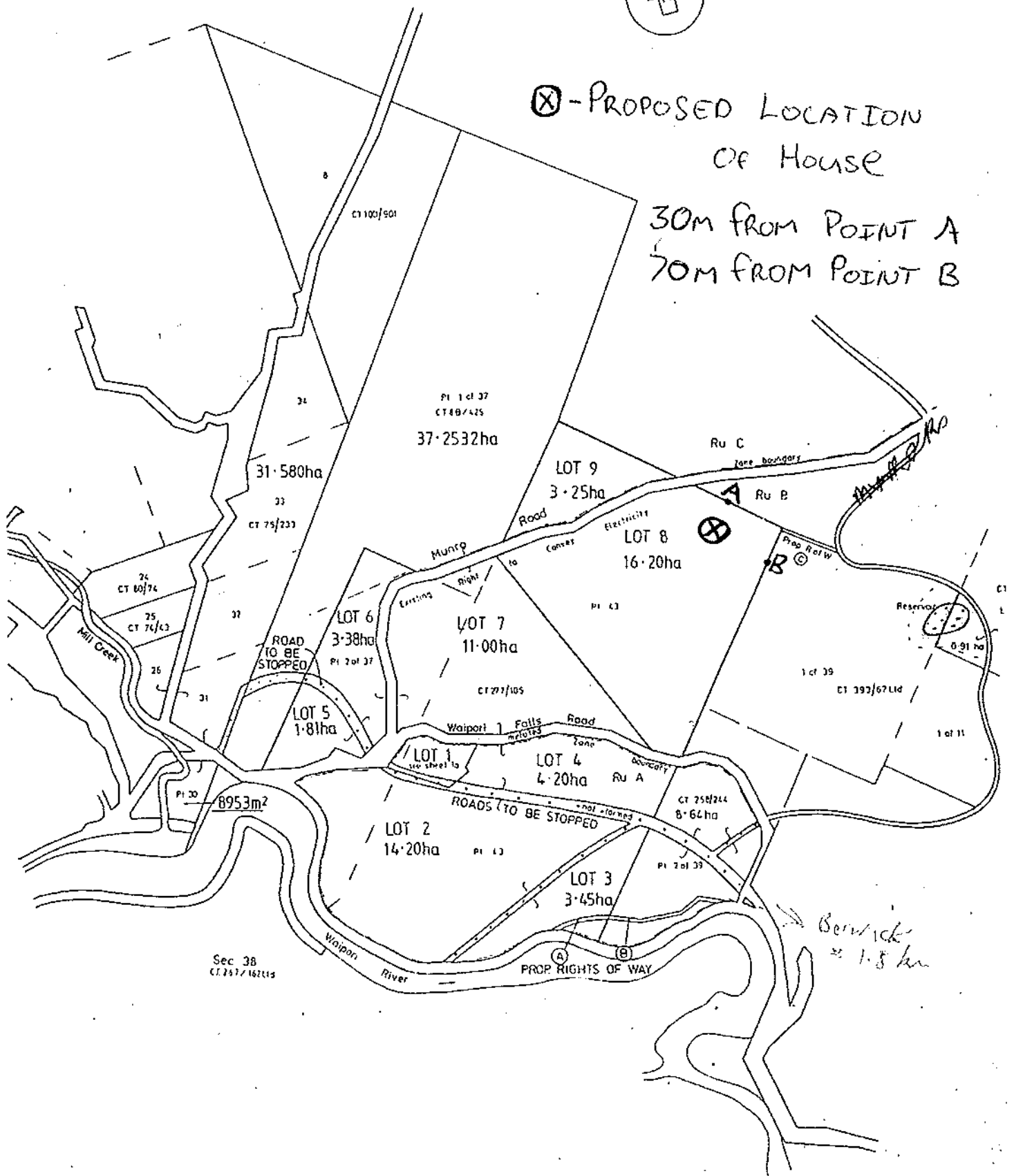
Committee Secretary: _____

Applicant Advised: _____



⊗ - PROPOSED LOCATION
OF HOUSE

30M FROM POINT A
70M FROM POINT B



C.T. 277/105 and Pt C.T. 8B/425

DRAWN	CHECKED	SCALE	SHEET
TRACED	DATE March 1993	1:5000	1

SERIES OF
REF

RMA-1993-356312
photos



Report

To: Consent Applications Subcommittee 27 May 1993

From: Staff Surveyor B G Richards

Date: 26 May 1993

Subject: Subdivision 267 Waipori Falls Road A93055

Reference: Application received 3 May 1993 from Paterson Pitts Partners Ltd (N Pitts)

INTRODUCTION

The applicant, Mr G Stafford wishes to subdivide CT 277/105 into four parcels. One parcel for an existing dwelling , one to be amalgamated with adjoining land and two stand alone parcels.

PLANNING

CT 277/105 is a holding of 57 ha. It has three zonings. Rural A,B and C Silverpeaks. To simplify the application each zone is considered separately.

RURAL A

This is the land to the south of Waipori Falls Road. It has a significant home known as Rosebank on the site but no other dwellings. It is intended that the immediate land about the homestead be retained as Lot 1. The balance of the Rural A land is to be amalgamated with the adjoining title CT 258/244. That is Lots 2,3 & 4 be amalgamated with CT 258/244. Consequently this can be considered as a boundary adjustment as no additional lots are created within the Rural A zone.

RURAL B

The Rural B land is to be divided into two parcels of no less than 15 ha. As the land is segmented by legal roads, each parcel has several lots. Lots 8 and 9 are to be amalgamated and lots 5,6 and 7 are to be amalgamated. Each parcel is of adequate area for a part time farm block but Council must be satisfied that each block is to be farmed by a bonifide farmer. It is proposed that farm management plans from prospective purchases be approved by Committee prior to the sealing of the survey plan. Each farm plan can be enforced by placing consent notices on the titles for a continuing condition that the land be farmed in accordance with an approved farm plan.

RURAL C

Fragments of the original title are zoned Rural C. These small areas are included with the rural B land as above. There is no planning significance to this.

ROAD STOPPING

The application plan shows areas of legal road to be stopped. These roads are not formed and are of no use to roading. The Roading Division are to initiate the road stopping procedure and that can proceed independent of this application. The stopped roads would be amalgamated with adjoining land.

WATER

The West Taieri Rural Water Scheme raw water intake pipeline traverses Lots 6,7 and 8. The Water Department request that that pipeline be protected by easements in gross.

The existing house on lot 1 has a water supply from Mill Creek over lots proposed in this application. This pipe also serves Lots 2,3 and 4. Easements are to be created.

RIGHT OF WAY

An existing formed track over Lot 3 and CT 258/244 is to be protected by right of way easements in favour of CT 267/162.

RECOMMENDATION

It is recommended pursuant to Section 105 of the Resource Management Act 1991 that consent to subdivision be given subject to the conditions on the attached schedule.



B G Richards
STAFF SURVEYOR

SCHEDULE FOR REPORT ON A93055

Resource Consent for subdivision is given pursuant to Section 105 of the Resource Management Act 1991.

The following conditions are imposed in accordance with Sections 108 and 220 of the Resource Management Act 1991.

1. The consent holder may, in accordance with Section 127 (1) of the Resource Management Act 1991, apply to the Dunedin City Council for the change or cancellation of any conditions of that consent:-
 - a) within a period of three months from the date of consent; or
 - b) at any time on the grounds that a change in circumstances has caused the condition to become inappropriate or unnecessary.
2. That lots 2,3, & 4 hereon and all that land in CT. 258/244 be held together by a covenant.
3. That Lots 5, 6 and 7 hereon be held in the same certificate of title; and

That Lots 8 and 9 hereon be held in the same certificate of title.
(LRR 82092)
4. That sale and purchase agreements and farm management plans be submitted by prospective purchasers of lots 5,6,& 7 and lots 8 & 9 for approval of the Dunedin City Council. The Council is to be satisfied that the Lots are to be sold to a bonifide farmer and that the land will be actively farmed.
5. That a consent notice pursuant to Section 221 of the Resource Management Act 1991 be prepared and placed on the titles of Lots 5,6 & 7 and Lots 8 & 9 for the following condition.

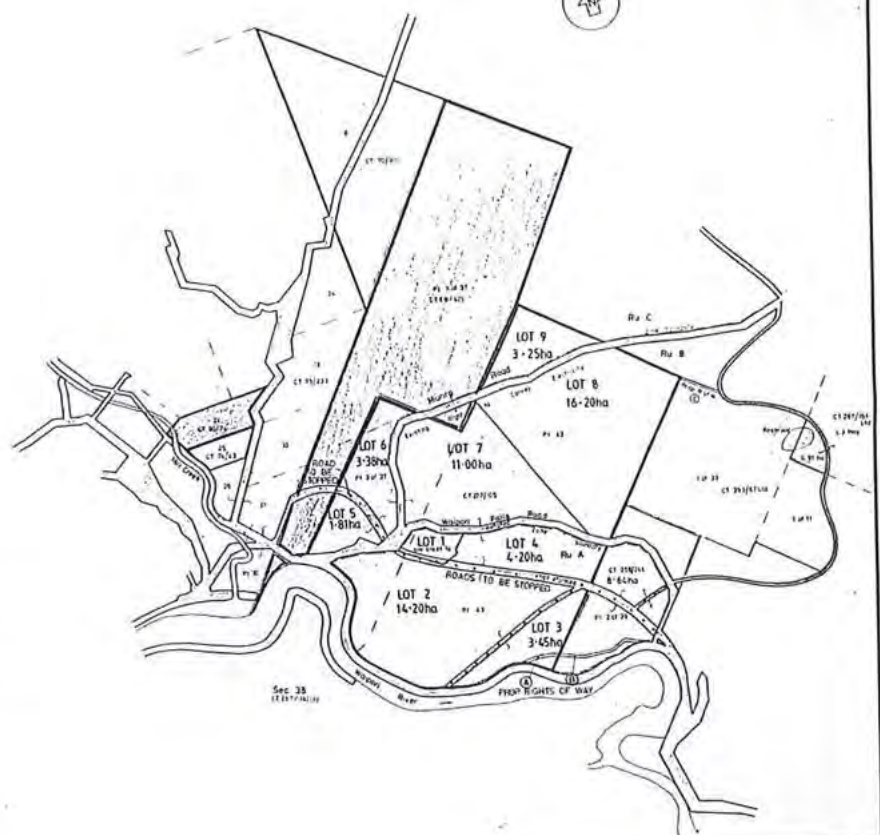
The farming of the land is to managed in accordance with an approved farm management plan.

- 5 -

6. That the West Taieri Rural Water Scheme raw water intake pipeline be protected by an easement in gross in favour of the Dunedin City Council.
7. That the proposed easements for the right to convey water to Lots 1 and to Lots 2,3 & 4 be duly granted or reserved.
8. That the proposed Rights of Way be duly granted or reserved.

Combined Area Lots 2, 3 & 4	• 21-85ha
Plus C.T. 258/264 (8.64ha)	• 30-49ha
Plus Slipped Road (2.62ha)	• 32-51ha
Combined Area Lots 5, 6 & 7	• 16-19ha
Plus Slipped Road (6000m ²)	• 18-53ha
Combined Area Lots 8 & 9	• 19-45ha
Proposed Rights of Way	⑤ & ⑥
in/over C.T. 267/162	

Areas & Dimensions
subject to final survey



PATERSON PITTS PARTNERS LTD
SURVEYING CONSULTANTS
DUNEDIN

Lots 1—9 being Proposed Subdivision of C.T. 277/105 and Pt C.T. 8B/425

DATE	CHECKED	SCALE	SHEET
19/11/1993	19/11/1993	1:5000	1

**R A Storer letter
approving farm plan**

151



50 THE OCTAGON, BOX 5015, DUNEDIN, NEW ZEALAND. TELEPHONE: (03) 477-4000. FACSIMILE: (03) 474-3594

Our Reference: 93055
Enquiries to: Mr R A Storer
Direct telephone: 474-3709
Your Reference:

19 August 1993

Paterson Pitts Partners Ltd
PO Box 1083
DUNEDIN

Attention: N.B. Pitts

Dear Sir

APPLICATION 93055 - 267 WAIPORI ROAD

The proposed farm plan signed by G.C.Stafford for Lots 8 and 9 of the above proposed subdivision satisfies the Council's requirements for a farm management plan.

Yours faithfully

R A Storer
SENIOR SURVEYOR

P.O.Box 158
Waitati

29 July 1993.

PROPOSED FARM PLAN LOTS 8 & 9 BERWICK SUBDIVISION WAIPORI FALLS ROAD
comprising approx. 20 hectares.

I have owned this block of land, which I intend to sell as a lifestyle unit, since 29 January 1993. It will be a term of the sales agreement that the purchaser accepts this farm plan or submits another one for your approval.

Over previous years, the farm has been poorly managed, with little or no weed control or topdressing. At present, it is badly infested with gorse, which has all now been sprayed, and has areas of native bush. Pastures are in a low productive state and there is no internal subdivision. There are no buildings.

Management Plan.

With the gorse having been sprayed, follow up spot spraying will be carried out when necessary, with the aim of having total clearance and breakdown within 5-6 years. Lime and fertilizer will be needed to improve pasture growth and quality. Where terrain permits an initial application of 2 tonne/ha of lime will be applied by ground spreader followed by 250 kg/ha of molybdenum super aurally applied. Subsequent fertilizer applications would be at 12-18 month intervals. The property will be subdivided into about 5 permanent paddocks, also use being made of temporary electric fences to aid stock control. Tree planting for shelter and beautification will be carried out in conjunction with other activities.

With these improvements in place over the next 5-6 years, I would expect the stock carrying capacity to increase from the 40 s.u. at present to approx. 120 s.u.

Yours faithfully



G C Stafford

12/8/93
subcommittee gave OK to
both farm management plans.
PAB

CONO 842371.9 Consent ur

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IN THE MATTER

of Section 221 of the
Resource Management
Act 1991

A N D

IN THE MATTER

of an Application for
Subdivision Consent
by A 93055

CONSENT NOTICE

BACKGROUND

- A. GEOFFREY CHARLES STAFFORD of Waitati, Farmer ("**the Owner**") has applied to the Dunedin City Council ("**Council**") pursuant to the Resource Management Act 1991 for subdivision consent to the proposed subdivision of land contained in Certificates of Title 8B/425 and 277/105 (Otago Registry) ("**the land**").
- B. Council has granted consent to the proposed subdivision subject to certain conditions which are required to be complied with on a continuing basis by the Owner and Subsequent Owner of the land or part(s) thereof being those conditions specified in the Operative Part.

IN THE MATTER of Section 221 of the
Resource Management
Act 1991

AND

IN THE MATTER of an Application for
Subdivision Consent
by A 93055

CONSENT NOTICE

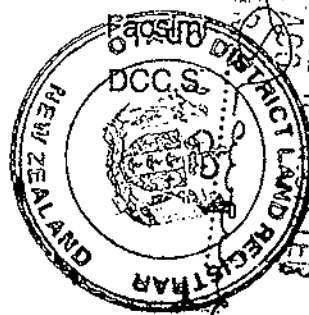
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RECALL FILE LABEL

158/719
158/750

CAUDW
P O Bo
Mr V
Telephc



10.5.1 10.NOV93

842371/9

Caudwells
BARRISTERS & SOLICITORS

OPERATIVE PART

This Consent Notice is to be registered against Lots 5, 6, 7, 8 and 9 DP 23473.

The conditions the subject of this Consent Notice are as follows:

1. The farming of the land is to be managed in accordance with an approved farm management plan.

DATED this 28th day of September 1993

SIGNED for and on behalf of the
DUNEDIN CITY COUNCIL by its
Principal Administrative Officer

an Beck