

HEARINGS COMMITTEE AGENDA

MONDAY, 12 APRIL 2021, 9.00 AM
Otaru Room, 2nd Floor, Civic Centre

MEMBERSHIP: Councillors David Benson-Pope (Chairperson), Sophie Barker and Christine Garey

IN ATTENDANCE: Campbell Thomson (Senior Planner/Committee Advisor), Shane Roberts (Consultant Planner), Luke McKinlay (Landscape Architect), Andrea Farminer (Heritage Advisor), Jeremy Moyle (Heritage Consultant) and Wendy Collard (Governance Support Officer)

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

1 RESOURCE CONSENT APPLICATION SUB-2020-210 AND LUC-2020-683, 37 QUARRY ROAD, WAIKOUAITI

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 - 24

The Applicant's Presentation

Application

Refer to pages 25 - 56

Further Information Received

Refer to pages 57 - 64

Council Officer's Evidence

- Memorandum from Landscape Architect
Refer to pages 66 - 70
- Memorandum from Transport
Refer to pages 71 – 72
- Memorandum from Development Support Officer, 3 Waters
Refer to pages 73 – 74

- Email from Civil Engineer, Stantec New Zealand
Refer to pages 75 – 77
- Heritage Consultant's Assessment
Refer to pages 78 – 88
- Email from Heritage Advisor
Refer to pages 89 – 90

SEC95 Assessment

Refer to pages 91 - 106

Draft Conditions

Refer to pages 107 - 113

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 – 37 Quarry Road, Waikouaiti	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: 7 April 2021

SUBJECT: **RESOURCE CONSENT APPLICATION**
SUB-2020-210 and LUC-2020-683
37 QUARRY ROAD, WAIKOUAITI
NORBILL ESTATE LIMITED

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 7 April 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.
- [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] It should be noted that whilst I have drafted the 42A report, I had not been involved with the prior processing of the application through the section 95 process.

SUMMARY OF RECOMMENDATION

- [5] For the reasons set out in paragraphs 93 – 114 below, I consider that the proposal should be refused due to the proposed activity being contrary to the key objectives and policies of the Proposed 2GP and extent of any positive effects associated with the application being unclear.

DESCRIPTION OF PROPOSAL

- [6] Resource consent is sought to create an undersized rural lot comprising 3.130ha to ensure the ongoing protection of a homestead and associated curtilage on the site. The residual land being 28.821ha will be retained as a working farm. A new dwelling will be established on the higher elevations of the farm to maximise the views of Waikouaiti township and the Otago coastline.

- [7] Proposed Lot 1 will comprise 3.130ha and include the historic homestead, existing farm sheds, forested driveway, wastewater treatment field and curtilage associated with the domestic area of the homestead. It will have formed and legal frontage to Quarry Road.
- [8] Proposed Lot 2 will comprise the 28.821ha and include the balance of the property. It will have formed and legal frontage to Quarry and Ramrock Road. A new dwelling will be established on the site in the future which will either comply with the performance standards for the zone, or a further resource consent will be required. No building platform was indicated on the original scheme plan provided. However, a building platform has been defined on the revised scheme received by Council on 12 February 2021. Lot 2 will require amalgamation with the part section to the nor-west, as shown in the scheme plan.
- [9] There is a historic homestead on the site, which is not registered or listed as a protected heritage building under the Operative District Plan, the Proposed 2GP or by Heritage New Zealand. The application indicates that whilst it is currently in poor condition, it is not beyond repair. As it was built pre-1880, and is believed to have some significance in terms of local history, the landowner is reluctant to seek authority to demolish the homestead, but at the same time, the presence of an existing residential unit on the site negates the ability for the landowner to develop the wider farm with a new residence on site.
- [10] A copy of the application, including plans of the proposed two-lot subdivision and associated land-use activity is contained in Appendix 1 of this report.

DESCRIPTION OF SITE AND LOCATION

- [11] The site is legally described as Part Section 56 – 58 Block V Hawksbury Survey District held in Record of Title OT350/70. The site comprises of approximately 35.77ha and is held in the name of Norbill Estate Limited.
- [12] The site consists of an irregularly shaped parcel of land that slopes gently uphill from Ramrock Road (10m amsl) to approximately 70m amsl on the upper slopes of the site. The site is divided into a number of paddocks and also features scattered vegetation.
- [13] Approximately one-third of the way along the Quarry Road is the existing entrance to the site which is defined by a 250 metre corridor of large macrocarpa trees which lead up to the existing dwelling and outbuildings.

ACTIVITY STATUS

- [14] 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.
- [15] The activity status of the application is fixed by the provisions in place when the application was first lodged, pursuant to Section 88A of the Resource Management Act 1991. However, it is the provisions of both district plans in force at the time of the decision that must be had regard to when assessing the application.

Dunedin City District Plan

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

- [17] The subject site is zoned Rural in the Dunedin City District Plan. Quarry Road is a Local Road in terms of the roading hierarchy.
- [18] 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 one site is less than 15ha therefore the activity is a non-complying activity in accordance with Rule 18.5.2.
- [19] 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...”

- [20] 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 Proposed Lot 1 is less than 15ha (2.920ha) 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”

- [21] 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 **Coastal Rural**. The maps also indicate that a very small portion of the site is within the **Hazard 2 – Coastal Flood** overlay zone.

Land Use Activity

- [22] 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.”*

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

- [24] 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.

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

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

- [25] The land use performance standard under Rule 16.5.2.1.a requires that standard residential activities in the Coastal Rural Zone must not exceed the following density limit:
- Minimum site size – first residential activity per site - 15ha.
- [26] In this instance, the residential activity proposed on Lot 1 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

- [27] Under Rule 16.7.4.a the minimum site size for new resultant sites is 40ha in the Coastal Rural Zone. Subdivision that contravenes this standard is a **non-complying activity** in terms of Rule 16.7.4.3.
- [28] For completeness I note there are exemptions to the minimum site size provided under Rules 16.7.4.2 (sites used for certain purposes exempt from the minimum site size standard) and 16.7.4.3 (surplus dwelling subdivision).
- [29] The proposed subdivision does not qualify under either of these exemptions, however Rule 16.7.4.2 is discussed further below.

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

- [30] 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.
- [31] A search of Council records was undertaken (HAIL-2020-229) which did not indicate any evidence of HAIL activity. 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.

NOTIFICATION AND SUBMISSIONS

- [32] No written approvals were submitted with the application.
- [33] After initial consideration of the application, it was considered that the adverse effects of the proposal would be no more than minor, having regard to the surrounding

environment. The application has therefore been processed on a non-notified basis. A copy of the Section 95 assessment is attached as Appendix 4.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

[34] 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

[35] 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.

[36] From a contextual perspective, the site overall prior to subdivision comprises 35.7691ha (limited as to parcels) and therefore only one residential unit is permitted on the single site (given 80ha is the minimum for two units on a single site in the 2GP). If consent is granted to the subdivision, then following subdivision, each resulting site comprising 15ha or more can accommodate a dwelling, but this will not apply to proposed Lot 1 being undersized. Therefore, in terms of residential activity, the permitted baseline for development of this property involves one dwelling only. However, by contrast, the rule provisions for development of farm buildings in Rural zones (where the land is not subject of any overlay zone) are permissive. Any number of sheds and other structures for farming purposes may be erected on the site, subject to compliance with the performance standards for development activity, and the relevant citywide rules such as the provisions for small scale earthworks. These structures could potentially be built at almost any location within the site, subject to the setback requirement in Rule 16.6.10. While such buildings could be up to 10m high it is hard to make any meaningful determination of the scale and effects of such development, as it relies upon a judgement of what may be fanciful for farming activity on a property of this size.

[37] The permitted baseline does allow for the removal or demolition of the homestead as it is not a scheduled heritage building. While an Archaeological Authority is required prior to demolition this is not an RMA consent process and is not considered to be a relevant consideration in this instance. Council's Heritage Advisor does note there could be some support to schedule the homestead to meet this standard, but indicates there is a process to work through before this status could be achieved, with a variation to the 2GP being required. It is noted that the applicant seeks to construct a new residential dwelling on the property. The establishment of a new residential unit on an undersized lot currently containing an existing dwelling is not permitted.

[38] The 2GP does provide some guidance in terms of creating undersized sites in some situations, such as:

- Rule 16.7.4.2 sets out an exemption for the minimum site size for protected heritage features or those with a heritage covenant; or
- Rule 16.7.4.3 also sets out exemptions for surplus dwellings and whilst the subject site only contains the single residential unit the circumstance of this historic villa is that of a surplus dwelling.

[39] However, the provisions for this activity are contingent on the balance lot resulting from the subdivision at least complying with the minimum lot size. Further, given that the building is not listed on the district plan, nor is it classified as a heritage building by Heritage New Zealand, the proposal does not meet these exemptions. Given the age of building pre-dates 1900s, there is some evidence that the homestead may meet the requirements to become a scheduled building at a later date (discussed below).

[40] It is accepted the 2GP framework does not expressly set out a baseline for the specific situation faced by the landowner, however, it is accepted that the existing environment could potentially be modified by erection of new farm sheds, or the replacement of the existing homestead with a new dwelling, with few restrictions on where within the site this development could be located. Further, the above exemptions for minimum site area do provide some indication of when an undersized site may be considered acceptable in the rural zone.

Assessment of Effects

Operative Dunedin City District Plan and Proposed 2GP

[41] 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)

[42] The development of land at a density significantly over and above that expected for the Rural Zone can adversely affect the rural amenity and character of the rural landscape. The amenity values of rural areas are widely described as including the spaciousness and separation of activities in the rural area. In this locality, it is the open space and limited visibility of residential development that contributes to the rural amenity of the surrounding environment.

[43] The applicant does note that the existing rural amenity will be retained by the proposal. I would agree in part to this given that proposed Lot 2 will still be utilised for rural production activities, and may still be of sufficient size to cater to these activities in a manner that maintains the rural character of the surrounding environment. It is considered that the proposal will still have some effects on the amenity of the surrounding environment. The key question is whether these effects extend beyond the site and whether they are adverse to a more than a minor degree.

[44] In this instance, the visual effects associated with the activity are partially existing in regards to the establishment of the homestead and associated farm buildings (barns and farm sheds) that support rural activity occurring on the property. The homestead is considered to be visually prominent and highly visible from Quarry Road, Ramrock Road and SH1. Nevertheless, the homestead does have substantial curtilage along the driveway to reduce the visual effects of the homestead.

[45] However, the key concern of the proposal for rural amenity relates to the establishment of a new lot, and the consequential construction of an additional residential dwelling at a higher elevation on proposed Lot 2. The applicant initially did not provide an indicative building platform to outline the location of this new dwelling, or any details of the intended site development. However, an amended scheme plan was provided on Friday 12th February that shows a 20m x 20m building platform in the north western corner of the property. While it is noted that the subject site is not subject to any landscape overlays, given the extent of the density breach, it is possible that the establishment of an additional residential dwelling alongside the existing homestead could result in cumulative visual dominance effects. As such, the proposal was referred to the Council's Landscape Architect for comment and they advised the following:

- *The site is located to the west of Waikouaiti, on the south-eastern, lower slopes of Pahatea/Durdan Hill. The upper slopes and summit of Pahatea (440m-260masl) have high rural amenity values. As outlined at A3.3.1 of the 2GP, this Significant Natural Landscape has a coherent and memorable volcanic form. It has an uncluttered appearance and a sense of remoteness due to the absence of buildings and other structures (refer figure 2). The mid slopes, as viewed from the primary visual catchment to the south and west of the site, on Waikouaiti-Waitati Road and within western parts of Waikouaiti, are characterised by a band of exotic forestry, pastoral paddocks and low levels of built development. The lower slopes, which includes the subject site, are characterised by more gently sloping topography, a scattering of residential dwellings and ancillary structures. Landcover is more mixed than on the higher slopes and includes pasture, shelterbelts, patches of exotic weed species and some, limited, areas of remnant native vegetation (refer figures 1-4 in appendix 2).*
- *There is a general consistency with some of the above relevant values of the wider zone present in the area surrounding the subject site. Natural elements, in the form of paddocks in pasture, shelterbelts, wood lots and areas of remnant indigenous vegetation visually dominate built elements. However, there is a loose cluster of residential dwellings and ancillary structures on the lower-mid slopes in the vicinity of the site (refer figure 2), which means that a dwelling within the proposed building platform area would not intrude on a highly natural or undeveloped pastoral environment. Further, one additional dwelling within proposed Lot 2 would not notably alter the existing ratio of open space to buildings in the surrounding area. It is considered that if some controls are placed on the appearance of a dwelling within proposed Lot 2, effects on existing rural amenity values could be managed.*
- *Effects on perceptions of the nearby Pahatea/Durdan Hill summit SNL would be limited. The proposed site is on the lower, more gently sloping foot-slopes, which do not have the remote, undeveloped character of the upper slopes and summit. A dwelling on lot 2 would not notably intrude or obstruct views towards the SNL from surrounding locations.*
- *As described above, from these locations a dwelling within proposed Lot 2 would be seen in the context of the other, scattered dwellings on the lower-mid slopes, and would not become a focal feature, if controls were imposed on the height and appearance of the dwelling.*
- *From nearby residential dwellings, a new dwelling on proposed Lot 2 would not intrude on existing views to the rural landscape. Screening of the proposed dwelling site from locations on the eastern side of Quarry Road is provided by existing topography (parts of Quarry Road follow the alignment of a minor ridge).*

The dwelling location within proposed Lot 2 is at a considerably lower elevation than the neighbouring dwelling to the north (129 Quarry Road). As such, it would not intrude or obstruct views to the broader landscape from 129 Quarry Road.

- *In order to limit the visual influence of a dwelling within proposed Lot 2 and avoid adverse effects on existing the natural landscape forms and features it is recommended that the dwelling is restricted to a single storey structure and controls are imposed on cladding types/colours to ensure they have a low level of contrast with the colours of the surrounding rural landscape*

- [46] As such, given the above assessment, it is accepted that any adverse effects on rural amenity arising from a new residential dwelling on Lot 2 can be mitigated appropriately with conditions on any decision, should the consent be granted. Therefore, it is considered that the proposal is not likely to have either a minor or more than minor effect on the rural amenity of the surrounding environment, subject to conditions.

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

- [47] The application was referred to the Council's Transportation Planner for comment. They advised the following:

Access

- [48] Upon subdivision, Lot 1 will contain the existing historic residential dwelling and associated land of 2.92Ha with access to Quarry Road. Access will be via the existing formation to Quarry Road. The access was not inspected as part of this consent but is understood to be an unsealed crossing measuring approximately 3.5m at the boundary and splaying to approximately 6m at the edge of the formed road with shallow roadside swale. The surface of quarry road is unsealed, and it is therefore appropriate for the access to Lot 1 to remain an unsealed surface. As with the drive formation of the unsealed crossing the drainage of the off-street drive has not been assessed and both are the responsibility of the individual(s) which they serve. It is advised that should Council become aware of any issues related to this access in accordance with Section 335 of the Local Government Act 1974 the access may be required to be reconstructed as appropriate.
- [49] The proposed Lot 2 will contain the balance of the land, 29.31Ha, and contain the remaining farming related structures and farmland. There is currently no established access to this site. It is proposed to establish a new residential dwelling within Lot 2 however, this aspect is not included as part of this application and the location of the access is therefore unknown. A vehicle access will be required at the time of further development, it is advised that DCC Transport will assess provisions for parking, access and manoeuvring at the time of resource consent/building consent application.
- [50] It is advised that any access required for farm activities must also comply with 2GP requirements including distance to intersections and sight lines. The formation from the property boundary to the formed road is within the legal road corridor and requires DCC approval for the creation of any access.

Parking and Manoeuvring

- [51] The proposal, in its current form does not alter the use of the site. Due to both Quarry Road and Ramrock Road both being local roads, on-site manoeuvring is not a requirement under the 2GP. Due to the large lot sizes and generally level terrain there is ample space within which to provide necessary parking and manoeuvring space. Speed limits on both

Ramrock Road and Quarry Road are both 100km/h. Therefore, DCC transport strongly advise that property owners ensure that all access to the legal road corridor is therefore completed in a forward-facing direction.

Summary

- [52] As such, giving consideration to the above advice, it is considered that the proposed subdivision will not result in adverse effects on the surrounding transportation network.

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

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

Water services

- [54] *The proposed subdivision will be located within the Coastal Rural zone and located outside the Rural Water Supply Areas as shown in Appendix B of the Dunedin City Council Water Bylaw 2011. Consequently, no reticulated water supply will be available to either proposed lots.*
- [55] *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.*

Stormwater

- [56] *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.*
- [57] *To allow adequate pervious area for natural stormwater drainage, the maximum site coverage specified in the District Plan must be complied with. It is considered that the area provided for both Lots 1 and 2 will still provide adequate permeable surfaces to allow stormwater discharge to ground.*

Firefighting Requirements

- [58] *The applicant notes that proposed Lot 1 is not compliant with the fire-fighting requirements and will require the addition of a new static supply. The proposal seeks that the firefighting requirements are deferred until such time the dwelling is either sold, or a new building consent is lodged with Council. With respect to any new dwelling on proposed Lot 2, the proposal also seeks to defer this to be addressed at the time of building consent for a residential dwelling.*
- [59] *The deferral of the fire-fighting requirements will need to be approved by the New Zealand Fire Service prior to further development on any additional lots. In general accordance with the Dunedin City Council Water Bylaw 2011, 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 Firefighting Water Supplies. Provided the applicant is able to comply with the requirements from the New Zealand Fire Service, 3 Waters will not object to the proposal.*

Wastewater Services

- [60] *The proposed subdivision will not have reticulated wastewater services available for connection. Any effluent disposal will be to a septic tank and effluent disposal system which is to be designed by an approved septic tank and effluent disposal system designer.*

Seepage Control Unit Comments

- [61] *There are no marked Watercourses in this property. There are no Dunedin City Council foul or stormwater reticulated services available to this property.*
- [62] *New lot 1 has an existing dwelling. There are no accurate drainage plans on file for the existing drainage. The foul and stormwater are to be identified as to be discharging to an acceptable outfall. The existing drainage is to be identified as to be discharging within this new lot.*
- [63] *For any future dwelling on this lot, foul drainage will require an onsite effluent disposal system designed by a Dunedin City Council approved designer. Stormwater from the roof can be used for domestic supply with a minimum of 25,000 litres storage.*

Summary

- [64] *The 3 Waters Subdivision Support Officer did not recommend any conditions to form part of the decision for this application, however, they did recommend several advice notes should an additional dwelling be built on the lot at a later date.*

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

- [65] *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.*
- [66] *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).*

- [67] *The site is annotated in the Hazards Register as being subject to land instability for land movement and expansive clays. The application was consequently considered by Council's consultant engineer, Stantec New Zealand Ltd. The Senior Engineer advised the following:*

"From the Hazard Register, street files, and previously sent emails; for both this title and nearby properties

- Hazard ID 11965: Land Stability – Land Movement*
- Hazard ID 10108: Land Stability – Expansive Clays 8*

The underlying geology consists of Abbotsford mudstone and is typically sloping by less than 12 degrees, though up to 20 degrees locally.

The application proposed no new earthworks or development that would adversely affect the stability of the land.

We recommend that the application not be declined on the ground of known natural hazards.

There are no general potential instabilities of concern.

The proposal will not create or exacerbate instabilities on this or adjacent properties"

- [68] The Consultant Engineer recommended a series of standard conditions to form part of the decision, should the proposal be granted.
- [69] As such, it is considered that the proposal will have a no more than minor effect on the surrounding environment in regards to natural hazards.

Historic Heritage (Assessment Matter 2GP 13.8.2.1)

- [70] Given the historic dwelling and outbuildings being present on the site, and the applicant's position that the presence of the buildings is a partial driver for the subdivision, the site was visited by Council's Heritage Consultant Mr Jeremy Moyle who has produced a report on the history of the buildings on the site, and their significance. A copy of the report is attached in Appendix 3.

- [71] The findings of the report are as follows:

"The site proposed for subdivision – formally known as Hawksbury or Puke Ora – has been occupied since the earliest days of pākehā settlement in Otago and is associated with a prominent early settler family. The store building on the site may date back to this earliest period of its history. The fate of the Orbell's house and other farm buildings is unclear, but remnants may survive within the present structures. The house presently on the site was built circa 1889-1891 during a later phase of the site's history.

It is suggested that the site has high historic and social significance, high design significance, and high technological/scientific significance. Local runaka will need to be consulted as to Māori spiritual/cultural significance, to determine is the site holds cultural values for Tangata Whenua.

Considering this overall high heritage significance, this site will clearly qualify for heritage protection in the Dunedin City District Plan Heritage Schedule, if proposed."

- [72] It is clear that the existing buildings on the site have heritage significance, despite these not being listed in the Operative Plan or Proposed 2GP. The subdivision consent application has essentially been a 'trigger' for the assessment of the heritage values of the site and despite these not being reflected in a listing in either district plan, it would seem, based on the report prepared by Mr Moyle that the site is worthy of listing / protection.
- [73] Given the presence of these heritage values, the matter for consideration is whether the proposed application will have an effect on them. I note the applicant has amended their application as lodged, to include an additional farm building within Lot 1 to ensure the cluster of historic buildings are contained on a single lot, along with the tree lined access.
- [74] As the heritage values have now been identified, the matter for consideration is what to do with that information. There is no current protection under the RMA for the buildings

on the site, however, as noted above an Archaeological Authority would be required to undertake work on the site.

- [75] I consider, that should the committee contemplate approval of the application, a suitable suite of conditions that provide adequate protection for the buildings should be imposed, to ensure these values are appropriately protected. In stating this, I note a residual risk remains that should consent be granted, the applicant may choose not to implement to consent and seek approval to demolish the buildings onsite through the archaeological authority process.

Reverse Sensitivity Effects

- [76] As Lot 1 will essentially be surrounded by Lot 2 which will remain a working rural property, it is conceivable that permitted rural activity on Lot 2 could create adverse effects (noise, odours) that impact on Lot 1 – what is known as reverse sensitivity. The applicant has promoted a no complaints covenant as a means to deal with this. Whilst this may be an appropriate response to the issue, without details of the covenant it is difficult to be definitive as to the suitability of the covenant. This is a matter the applicant may wish to expand on at the hearing.

Positive Effects

- [77] Positive effects have already accrued through the consent process through the research that has been undertaken with respect to the existing buildings on the site, identifying the values they hold. Further positive effects can accrue through protection of the buildings, however, to understand the extent of these effects, a proposed means of ensuring protection from further deterioration would be necessary, accompanied by a suite of appropriate consent conditions.

Effects Assessment Conclusion

- [78] After considering the likely effects of this proposal above, overall, I consider the effects of the proposal can be appropriately mitigated by conditions of consent so as to be no more than minor.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

- [79] 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.
- [80] 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))

- [81] 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

- [82] 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, through the retention of the existing historic buildings, and through the sensitive siting of a building platform on Lot 2 – noting Mr McKinlay's concluding that a dwelling within the proposed building platform area would not intrude on a highly natural or undeveloped pastoral environment. There is the potential for some Incompatibility (reverse sensitivity effects) by introducing residential activity on such as small site in the Rural Zone. The applicant has promoted a no complaints covenant to this effect, but has not provided any wording for consideration. 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 in any meaningful manner, noting a small amount will be lost through the construction of a dwelling on Lot 2. A dwelling on Lot 2 will not decrease the ability of the land resource to meet the needs of future generations and does provide the opportunity for increased surveillance and husbandry of livestock on the site as opposed to a bare grazing block.. The establishment of a dwelling on Lot 2 can be undertaken in a manner that will not detract from the amenity of the rural 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 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. With regards to Policy 6.3.3 the proposal if granted will result in land fragmentation through the excising of Lot 1 from the existing larger landholding. 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 residential 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. The size of Proposed Lot 2 lends itself to ongoing rural activities. There will be a slight reduction of land used for farming as a result of the proposed activity, however, the site will remain predominantly in pasture and can continue to be grazed. 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 (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.	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.

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 the site is subject to a small area of mapped hazards, this is remote from both the existing buildings on the site, and the proposed building platform on Lot 2. Any other matters e.g. foundation suitability for the ground conditions, are addressed at the time of building consent. 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. Objective 20.2.4	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.

Maintain and enhance a safe, efficient and effective transportation network.	I consider the proposed activity to be consistent with this objective and policies.
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

- [83] 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 (those marked with an asterisk * are subject to appeal):

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Strategic Directions Section	
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. 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.
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: a. 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; b. consideration of rural productive values, including the location of highly productive land, in identifying appropriate areas for urban expansion; and c. 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.	I consider the proposal to be consistent with this Objective and Policy.
Policy 2.2.4.4 Avoid subdivision that provides for residential activity of a fundamentally different type than provided for in the various zones, through: (a) rules that prevent rural residential or urban-scale residential living in rural zones; (b) rules that prevent urban-scale residential living in a rural residential zone; (c) rules in urban environments that require the density of residential activity to reflect the existing or intended future character of the residential area; and (d) rules that do not provide for family flats to be converted into primary residential units through subdivision or other means.	This policy is strongly worded ('avoid subdivision') and the method this is implemented is in the rules framework of the plan as outlined in (a)-(d). At its face value the proposal could be seen as being contrary to this policy, however the plan provides the means for a consent to be applied for (non-complying activity). Therefore I consider the proposed activity to be inconsistent with this policy.
Policy 2.3.1.3 In order to avoid cumulative effects on rural productivity and rural character values set and strictly enforce a minimum site size standard for subdivision in the rural zones. Determine the minimum site size standard considering:	As identified above, the proposed activity will not have adverse effects on rural productivity and rural character values, even though the minimum site size standard will not be met for the site. It should also be noted the site of Lot 1 is driven the desire to consolidate the existing historic buildings on a

(a) the median size land holding associated with and necessary to support farming activity in each rural zone; (b) the existing pattern of settlement and land use in each rural zone; and the character and amenity values that exist in each rural zone.	single smaller Lot, whilst retaining the remainder of the site for rural activities. The proposed activity is consistent with this policy.
Objective 2.4.2 Heritage Dunedin's heritage is central to its identity and is protected and celebrated as a core value of the city, through the heritage conservation and retention of important heritage items, and the maintenance and active use of built heritage.	The proposed activity can give effect to this Objective through the protection and restoration of the buildings on Lot 1. The proposed activity is consistent with this objective.
Objective 2.4.6 Character of Rural Environment The character and visual amenity of Dunedin's rural environment is maintained or enhanced.	The proposed activity will introduce new built elements into the rural environment, however it has been established this can be done in a manner that will not impact on the character or visual amenity of the site and surrounds. Therefore the proposed activity will at least maintain the character of the rural environment. The proposed activity is consistent with this objective.
Policy 2.4.6.2 Maintain the identified values within different rural environments through mapping rural zones and using: (a) rules that limit the density of residential activities; (b) rules that manage the bulk and location of buildings; (c) policies and assessment rules that require or encourage the consideration of effects on rural character and visual amenity associated with land use and development activities; and rules that manage the pattern, scale and design of subdivision.	The values of the Coastal Rural Zone as they apply to the site have been assessed by Mr McKinlay. He has assessed the density outcome from the proposed activity as not detracting from the identified values for the Coastal Rural Zone, including an assessment of effects on rural character and visual amenity. As the proposed activity can maintain these values, I consider the proposed activity consistent with this Policy.
Transportation Section	
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 6.2.3.9* Only allow land use and development activities or subdivision activities that may lead to land use or development activities, where: a. adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated; and 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 consider the proposed activity to be consistent with this objective and policies.

Public Health and Safety Section	
Policy 9.2.1.1 Only allow land use or subdivision activities that may result in land use or development activities where: (a) in an area with public water supply and/or wastewater infrastructure, it will not exceed the current or planned capacity of that infrastructure or compromise its ability to service any activities permitted within the zone; and (b) in an area without public water supply and/or wastewater infrastructure, it will not lead to future pressure for unplanned expansion of that infrastructure.	With regards to (b) whilst there is no reticulated services on the site, due to the proposed density of development, location and topography of the site consider the pressure for the expansion of services as a result of the subdivision to be unlikely. I consider the proposed activity to be consistent with this policy.
Policy 9.2.2.9 Require all new residential buildings, or subdivision activities that may result in new residential buildings, to have access to suitable water supply for firefighting purposes.	Should consent be granted, this issue can be addressed by way of a condition. I note that any water storage on Lot 1 would need to be sensitively sited to avoid adverse effects on heritage values. Likewise Mr McKinlay has made some suggestions around the siting of tanks on Lot 2 which can be implemented through conditions of consent. I consider the proposed activity to be consistent with this policy.
Natural Hazards Section	
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's 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.
Heritage Section	
Policy 13.2.1.6 Only allow subdivision of sites containing scheduled heritage buildings and scheduled heritage structures where the subdivision is designed to: (a) provide sufficient curtilage around the scheduled heritage building or scheduled heritage structure to protect heritage values; and ensure any future land use or development will maintain existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places, as far as practicable.	Whilst the buildings on Lot 1 are not currently scheduled heritage structures, they clearly do have heritage value and according to Council's consultant, worthy of inclusion in the Proposed 2GP. As an observation, the policy framework does not appear to foresee a situation where a non-scheduled heritage building or structure might be the subject of a resource consent application. Within the policy (a) and (b) do provide some direction for the committee should approval of the application be contemplated.
Rural Section	
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.	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 too small for farming (Policy 16.2.1.5).
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 16.2.1.7* 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.	With regards to Policy 16.2.1.7 as the application is not for a surplus dwelling subdivision 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, and 16.2.1.7
Objective 16.2.2 The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that 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	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, there is the potential for some reverse sensitivity effects in the future e.g. farming activities 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 contributes to the visual amenity of the site. As identified above, Mr McKinaly does not consider the proposed activity will detract from the rural character values at 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.	As has been established above, the subdivision will at least maintain the rural character and visual amenity of the Coastal Rural Zone. 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 (f) not increase the potential for reverse sensitivity.	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.
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. This can be achieved through a consent notice as promoted by the applicant. I consider the proposed activity to be consistent with this Policy.

Overall Objectives and Policies Assessment

- [84] The proposed activity is consistent with those objectives and policies relating to transportation, public health and safety, hazards and heritage in both the Operative Plan and 2GP.
- [85] The proposal is contrary to 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 and 16.2.1.7.
- [86] 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))

- [87] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. The Partially Operative Regional Policy Statement for Otago 2019 was made operative on 15 March 2021. The relevant objectives and policies are those that relate to historic heritage and land / rural activities:
- [88] Objective 5.2 and Policy 5.2.1

Objective 5.2 Historic heritage resources are recognised and contribute to the region's character and sense of identity

Policy 5.2.1 Recognising historic heritage

Recognise all the following elements as characteristic or important to Otago's historic heritage:

- a) Residential and commercial buildings;*
- b) Māori cultural and historic heritage values;*
- c) 19th and early 20th century pastoral sites;*
- d) Early surveying, communications and transport, including roads, bridges and routes;*
- e) Early industrial historic heritage, including mills and brickworks;*
- f) Gold and other mining systems and settlements;*
- g) Dredge and ship wrecks;*
- h) Coastal historic heritage, particularly Kāi Tahu occupation sites and those associated with early European activity such as whaling;*
- i) Memorials;*
- j) Trees and vegetation.*

[89] Objective 5.3 and Policy 5.3.1

Objective 5.3 Sufficient land is managed and protected for economic production

Policy 5.3.1 Rural activities

Manage activities in rural areas, to support the region's economy and communities, by:

- a) Enabling primary production and other rural activities that support that production;*
- b) Providing for mineral exploration, extraction and processing;*
- c) Minimising the loss of significant soils;*
- d) Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects;*
- e) Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency;*
- f) Providing for other activities that have a functional need to locate in rural areas.*

[90] With respect to the proposed application, the activity recognises the presence of historic structures on the site, and in particular those identified by 5.2.1(c) (19th century pastoral sites).

[91] With regard to rural activities, the proposed activity will enable the ongoing use of land for economic production through primary production. With regards to (e) the proposed subdivision will not result in the loss of productive capacity. The extent of Lot 1 is driven by the extent of items of heritage significance on the site – the existing dwelling, outbuildings and the tree lined entrance.

[92] As such, the proposal is considered to be consistent with the relevant objectives and policies of the Partially Operative Regional Policy Statement for Otago 2019.

DECISION MAKING FRAMEWORK

Part 2 Matters

[93] 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

- [94] 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.
- [95] Overall I consider that the actual and potential effects associated with the proposed development will be able to be mitigated by imposing consent conditions so as to be no more than minor and therefore the first 'gateway' test of Section 104D is met. 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.
- [96] In order for a proposal to fail the second test of Section 104D, it needs to be contrary to the objectives and policies of 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 was assessed as being consistent with the objectives and policies relating to Heritage, Transportation and Natural Hazards. It is noted that in this instance, I consider the proposal remains 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.
- [97] 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 grant or refusal the consent.

Section 104

- [98] Section 104(1)(a) states that the Council must have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposed development overall will be minor and can be adequately avoided remedied or mitigated provided recommended conditions of consent were adhered to.
- [99] It is also clear that the buildings on proposed Lot 1 (and their setting) have considerable heritage values associated with them as confirmed in the report of Mr Moyle. With the heritage value of the site established, I consider the relevant consideration is then does the presence of these buildings mean that there are potential positive effects at play here, that require consideration? The presence of the buildings in and of themselves, are not a positive effect. As identified above, through the process of this resource consent application, Council is now aware the site has considerable heritage values, given the site has been an important element of both the Otago and Waikouaiti pākehā landscape since circa 1850.
- [100] In terms of those heritage values, I consider that something further than just their identification is required. Any inclusion of the site in the Proposed 2GP would need to go through the Schedule 1 process of the Resource Management Act 1991. Any protection that would arise from this would be some time away (most likely years). I consider more immediate 'action' is required to ensure the protection of the buildings on the site and for

positive effects to accrue. In terms of what has been promoted by the applicant, it is not clear what is proposed to ensure these positive effects accrue.

- [101] This is further reinforced by the application, which states that *“by leaving it unoccupied the dwelling will eventually be compromised”*¹. The approval of the application in its current form is no guarantee of the occupation (and presumably restoration) of the dwelling on Lot 1.
- [102] One option is a consent notice or covenant restricting development on the site, however, I consider this would need to be coupled with a clear proposal in terms of how those heritage values on the site will be protected from further degradation i.e. a programme of active management such as a conservation management plan for the buildings and curtilage on Lot 1. This is not currently proposed, even in a draft form.
- [103] Further to this, when regard is had to the historic value of the site and the location of the various historic elements on the site, even without the proposed subdivision being undertaken, in order to ensure appropriate preservation of these features there would be the need to ‘remove’ these from productive rural use on the site. For example, the presence of livestock in and around the historic buildings on the site could damage the historic fabric of the buildings on the site. As it stands, there is nothing preventing this from occurring, therefore approval of the consent could have some positive effects, without any firm course of action being proposed.
- [104] 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.
- [105] Section 104(1)(b)(vi) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concluded that the application would be contrary to the key objectives and policies relating to both the Dunedin City District Plan and the Proposed 2GP.
- [106] 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, in particular Objectives 5.2 and 5.3 and Policies 5.2.1 and 5.3.1.

Other Matters

- [107] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.
- [108] 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.
- [109] There are clearly two competing issues at hand here – the policy direction in the plan regarding the density of residential land use and development in the rural zone and the historic heritage present on the site.
- [110] There is a very specific policy in the plan thread in the Proposed 2GP stating that residential density of the level sought by the application shall be avoided – despite any

¹ Application Page 18

positive effects that may accrue. This provision (Policy 16.2.1.7) is subject to appeal. As the policy direction of the 2GP for the rural zone clearly does not support the proposed outcome sought proposed activity, I consider that approval of the application would require sufficient policy direction elsewhere to overcome this.

- [111] When reviewing the heritage objective and policies of the 2GP, these are clearly written with a focus on scheduled buildings and structures (Objectives 13.2.1 and 13.2.2 and their policies). There is not a more generic policy thread relating to 'other' heritage buildings and structures i.e. those not scheduled in the 2GP. Given this, I do not consider there is sufficient weight in the policy direction of the heritage section of the 2GP to support approval of the application.
- [112] This is an unfortunate situation as it is clear the buildings on the site have heritage value and the protection of built heritage on the site is certainly not an undesirable outcome and is something that indirectly implements the Heritage Objectives and Policies of the 2GP, and the PORPS. There is clear evidence that there are buildings of significant heritage value on the site that should be protected - which the application promotes.
- [113] Subdivision of sites with a residential density outcome such as the current application is seeking are not a prohibited activity in the zone, but in order for the consent to be approved, the Committee would need to be confident that approval would not set an undesirable precedent. I consider the only matter that sets the site apart from the 'norm' is the presence of the historic homestead and setting. The plan already provides a 'carve out' for subdivisions of this nature, provided the building or structure is scheduled in the 2GP. In this instance there is little policy support for the proposed activity (involving as it does a non-scheduled feature), therefore I consider there is the potential for an undesirable precedent to be set. This is also based upon the fact that the applicant has not proposed any concrete measures to protect and enhance the existing built heritage on the site, apart from consolidating the built heritage on the site on a single Lot.
- [114] For the above reasons, I consider that approval of the proposal in its current form could potentially undermine the integrity of the Plan. Whilst the activity will produce only localised and minor effects, it is not clear how approval of the application will create positive effects that might weigh in favour of granting the application.

CONCLUSION

- [115] Having regard to the above assessment, I recommend that the application be refused. Should the Committee come to a different view, I have appended a set of draft conditions for consideration.

Report prepared by:



Shane Roberts
Planner

Date 7 April 2021

Report checked by:



Campbell Thomson
Senior Planner

Date 7 April 2021

APPENDIX 1: THE APPLICATION

APPLICATION NUMBER:	SUB-2020-210
RELATED APPLICATIONS/LICENCES:	HAIL-2020-229 LUC-2020-683

PLANNING APPLICATION DETAILS FORM

Property Address		37 Quarry Road Waikouaiti	
Property Description:		Property No: 5044725 Legal Description: PT SEC 56 BLK V SO 588 HAWKS BURY SD, PT SEC 56 BLK V SO 588 HAWKS BURY SD, PT SEC 56 BLK V SO 588 HAWKS BURY SD, PT SEC 57 BLK V SO 588 HAWKS BURY SD, PT SEC 58 BLK V SO 588 HAWKS BURY SD	
First Contact: (Applicant)	Name:	Norbill Estate Limited	
	Mail Address:	C/O Terramark Limited (Darryl Sycamore), PO Box 235, Dunedin 9054	
	Contact Email:	darryl@terramark.co.nz	
	Phone Number:	03 477 4783	
	Method of Service	Preferred Method - Email	
Second Contact: (Agent)	Name:		
	Mail Address:		
	Phone Number:		
	Contact Person:		
Description of Application:		subdivision on an undersized rural site for the purpose of enabling the preservation of Toomey's Homestead	
Application Type:		Subdivision Consent	
Fast Track?			
Consent Type:	Subdivision	Consent Nature	Fee-Simple One Additional Site
Major Category		Subdivision Category A	
Minor Category		Non-Notified - Non Complying	
Senior Planner or Responsible Officer:		Phil Marshall	
Lodgement Date:		18 December 2020	Lodgement Officer: Tracey Diack
Amount Paid:	\$2,350.00	Invoice Number:	842692
Waived: ☐			
Application Requirements	Signed Application Form		Copy of Title
	Locality Plan		Site Plan
	Plans and Elevations		AEE
	Affected Persons Consent		
Counter Comments:			

APPLICATION NUMBER:	LUC-2020-683
RELATED APPLICATIONS/LICENCES:	SUB-2020-210 HAIL-2020-229

PLANNING APPLICATION DETAILS FORM

Property Address		37 Quarry Road Waikouaiti	
Property Description:		Property No: 5044725 Legal Description: PT SEC 56 BLK V SO 588 HAWKSBURY SD, PT SEC 56 BLK V SO 588 HAWKSBURY SD, PT SEC 56 BLK V SO 588 HAWKSBURY SD, PT SEC 57 BLK V SO 588 HAWKSBURY SD, PT SEC 58 BLK V SO 588 HAWKSBURY SD	
First Contact: (Applicant)	Name:	Norbill Estate Limited	
	Mail Address:	C/O Terramark Limited (Darryl Sycamore), PO Box 235, Dunedin 9054	
	Contact Email:	darryl@terramark.co.nz	
	Phone Number:	03 477 4783	
	Method of Service	Preferred Method - Email	
Second Contact: (Agent)	Name:		
	Mail Address:		
	Phone Number:		
	Contact Person:		
Description of Application:		consequential LUC to a subdivision on an undersized rural site	
Application Type:		Land Use Consent	
Fast Track?			
Consent Type:	Combined with or Consequential to another consent	Consent Nature	To Another Non Notified Consent
Major Category		Land Use Category A	
Minor Category			
Senior Planner or Responsible Officer:		Phil Marshall	
Lodgement Date:		18 December 2020	Lodgement Officer: Tracey Diack
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:			



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We **Warwick Williamson**

(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 of the fast-track consent process: ☐ Yes ☐ No

(only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity:

non complying subdivision

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 etc) of the site (tick one)

Street address of site: **37 Quarry Road, Waikouaiti**

Legal description: **see AEE**

Certificate of Title: **OT 350/70**

Contact details

Name: **Darryl Sycamore**

(☐ applicant ☒ agent (tick one))

Address: **C/- Terramark Limited**

Postcode:

Phone (daytime): **4774783**

Email: **darryl@terramark.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 (tick one): ☐ Email ☐ Post ☐ Other:

Ownership of the site

Who is the current owner of the site? **Norbill Estate Limited (being Warwick Williamson)**

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

Address:

Postcode:

Phone (daytime):

Email:

Planning Application Fees Payment Details (Who are we invoicing)

THIS FORM MUST BE COMPLETED FOR ALL PLANNING APPLICATIONS THAT ATTRACT A FEE.

This information is required to assist us to process resource consent invoices and refunds at lodgement and the end of the process. If you have any queries about completing this form, please email planning@dcc.govt.nz

ALL FIELDS ARE MANDATORY

Deposit Payment Payee Details:

Full Name of Deposit Payee (Person or Company):

Mailing Address of Deposit Payee (please provide PO Box number where available):

Email Address of Deposit Payee:

Daytime contact phone number:

Important Note: The Payee is automatically the debtor of record. Any additional cost or unspent portion of the deposit will be attributed to the debtor, unless otherwise specified below:

Details required for a Further Invoice or Refund (if either is applicable):

Full Name of Person or Company to be invoiced (or as above):

Mailing Address (or as above):

Email Address for invoice or remittance advice to be sent to (or as above):

Bank Account Name:

Account Number:

* Full Bank Account details for Person or Company to be paid refund

* Must include the Person/Company name the bank account is in, the bank account number and either a screen shot of it from your internet banking, a scan of the bank statement header or a scan of a deposit slip.

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 development.contributions@dcc.govt.nz.

Occupation of the site

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

Currently unoccupied.

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.

See AEE

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.

See AEE

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? 2006 ODP Rural (partially operative) Rural Coastal 2GP

Are there any overlaying 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.

no

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.

See 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: none

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.

See AEE

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have been applied for: ☐ Yes ☒ No

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

Assessment of Objectives and Policies

In this Section you need to consider and assess how your application proposal aligns with the relevant objectives and policies in the District Plan relating to your activity. If your proposal is a discretionary or non-complying activity under the District Plan more attention to the assessment will be necessary as the objectives and policies of the District Plan may not always be in support of the proposed activity.

See AEE

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 account if the cost of processing the application exceeds the deposit paid.

Signature of: ☐ Applicant ☒ Agent (tick one):



18.12.20

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 Māori or disclosing location of waahi 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.

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

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)? ☐ 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:

*Application for Resource Consent under
Section 88 Resource Management Act 1991*

Warwick Williamson
37 Quarry Road
Waikouaiti



*To undertake a non-complying subdivision for the
purpose of enabling the preservation of Toomey's
Homestead a pre-1880 dwelling on an undersized rural
site*

Surveying, Resource Management and Engineering Consultants

DUNEDIN 9054

PO Box 235 - 477 4783
dunedin@terramark.co.nz

MOSGIEL 9053

PO Box 235 - 489 7107
mosgiel@terramark.co.nz

BALCLUTHA 9240

PO Box 178 - 418 0470
balclutha@terramark.co.nz

MEMBER OF NZ INSTITUTE OF SURVEYORS (NZIS) AND THE CONSULTING SURVEYORS OF NZ (CSNZ)



18 December 2020

Dunedin City Council
PO Box 5045
DUNEDIN 9054

ATTENTION: The Senior Planner

Re: Resource Consent Application – 37 Quarry Road, Waikouaiti

On behalf of Warwick Williamson, we submit for consideration by your Council an application for subdivision consent for a two lot subdivision at 37 Quarry Road, Waikouaiti.

Please find enclosed the following documents:

1. Form 9
2. Subdivision and Land use Consent Application
3. Terramark Plan D12372 dated December 2020
4. Records of Title

For reference, the applicant's details are:

Warwick Williamson
37 Quarry Road
Waikouaiti

All resource consent associated correspondence is to be directed via the writer; the applicant's agents, and our contact details are as follows:

Terramark Limited	Attention:	Darryl Sycamore
P O Box 235	Phone:	03 477 4783
Dunedin 9054	Email:	darryl@terramark.co.nz

If you have any further queries, please do not hesitate to contact the undersigned.

Yours faithfully

Terramark Ltd



Darryl Sycamore
Resource Management Planner

Subdivision and Land Use Consent Application

37 Quarry Road, Waikouaiti

The applicant, Mr Williamson owns the land at 37 Quarry Road, Waikouaiti. The site has significant historic value within the Waikouaiti district as it contains Toomey's Homestead a pre-1880 dwelling that was a prominent landholding in early European history. The homestead is now falling into disrepair and is no longer fit for purpose for the applicant.

The applicants seek consent to create a special purpose lot around the homestead and have a prospective purchaser interested in buying the site to occupy and restore the homestead sympathetic to the original form. The former homestead is currently not occupied but has been until recently by both tenants and family members.

Existing Title Structure and Site Description

The site comprises three parcels legally described as Part Section 56-58 Block V Hawksbury Survey District, help in Record of Title OT350/70. The land comprises 35.7692 hectares (limited as to parcels) and is in held in the name of Norbill Estate Limited. A single encumbrance is recorded on the Record being X19840 legalising the road on the southern boundary.

The site adjoins both Quarry Road and Ramrock Road and is only 170m from State Highway 1 south of Waikouaiti. The township of Waikouaiti is located less than 300m from the subject site.



Figure 1- the subject site

Toomey's homestead is located at the end of a tree-lined driveway. It is now in poor repair and is not used for residential use anymore as a consequence of the degrading condition. It had previously been tenanted and occupied by family members.

Proposal

The applicant wishes to create a special purpose lot comprising 2.92ha to ensure the ongoing protection of the homestead and curtilage. The residual land being 29.31ha will be retained as a working farm. A new dwelling will be established on the higher elevations of the farm to maximise the sweeping views of Waikouaiti township and the Otago coastline.

The issue for the landowner relates to the historic villa, which whilst is in poor condition is not beyond repaid. As it was built pre-1880, the landowner is reluctant to seek authority to demolish the villa, but at the same time, the presence of a residential unit on the site negates the ability for the landowner to develop the wider farm.

The image below is a photograph of Toomey's homestead taken from an image in the Waikouaiti Museum.



Figure 2 – Toomey's Homestead (taken from Waikouaiti Museum- date unknown)

Our client has been approached by an enthusiast interested in buying the villa and curtilage without purchasing the entire farm. This presents an opportunity to subdivide off the homestead, the tree-lined drive and curtilage from the farm, which would ensure the villa will be restored and occupied within, whilst allowing a new residential unit on the residual land.

Proposed Lot 1 will comprise 2.92ha and include the historic homestead, forested driveway, wastewater treatment field and curtilage associated with the domestic area of the homestead. It will have formed and legal frontage to Quarry Road.

Proposed Lot 2 will comprise the 29.31ha and include the balance of the property. It will have formed and legal frontage to Quarry and Ramrock Road. A new dwelling will be established on the site in the future which will either comply with the performance standards for the zone or a further resource consent will be required.

Lot 2 will require amalgamation with the part section to the nor-west, as shown in the scheme plan. We propose an amalgamation covenant that reads "*That the owners of Lot 2 Hereon shall not without prior consent of Council transfer, lease or dispose of the aforementioned land except in conjunction with the land contained in residue title OT350/70 (Ltd), being Part Section 56 Hawksbury Survey District*".

We ask that LINZ be advised in respect of the wording of the amalgamation covenant.

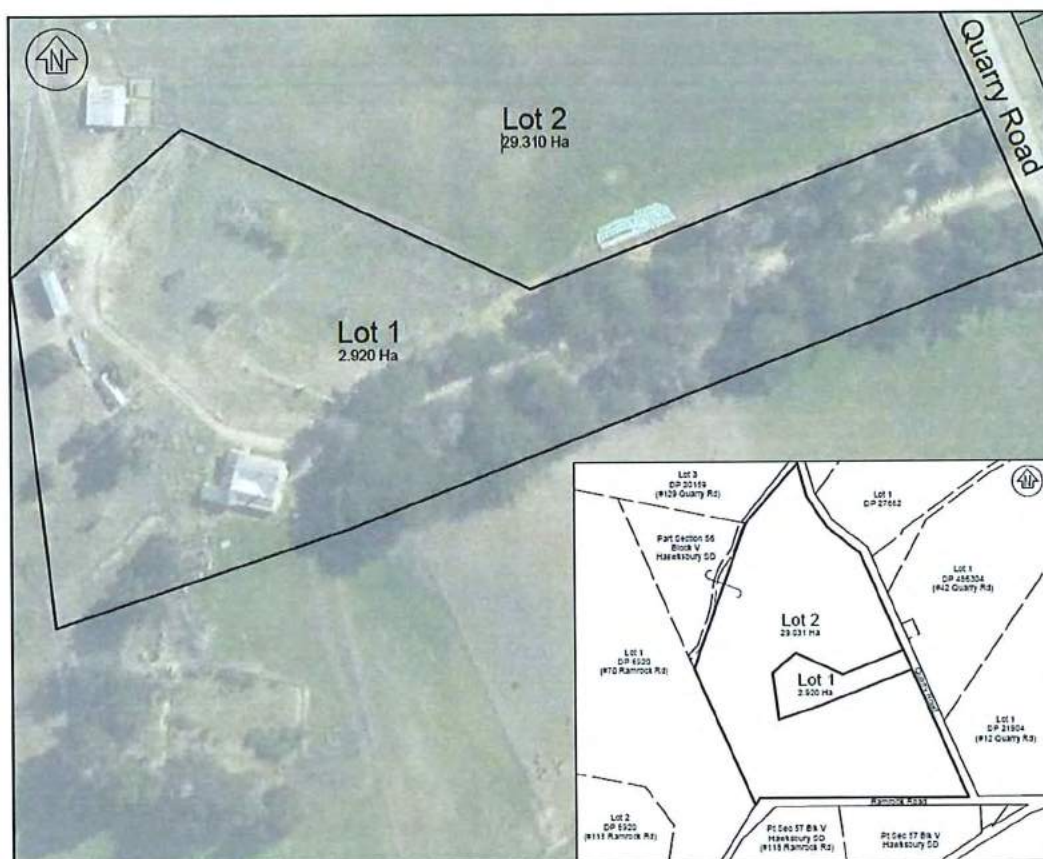


Figure 3 – Subdivision Layout

Service Connections

The site is independently serviced and does not rely on any Council infrastructure. Any new future residential unit on Lot 2 will provide their own waste water and potable supply onsite.

Given the age of the historic villa, it is assumed the waste water treatment comprises a single stage septic tank. It is considered appropriate that the state of the septic system is assessed and upgraded if necessary.



Figure 3 – DCC 3-Waters GIS

Fire Fighting Water Supply

There are no fire hydrants in the vicinity of the homestead nor elsewhere on the site. Should consent be granted and the former homestead on-sold it is appropriate that the fire-fighting capacity is assessed and made compliance with the NZFS standards. We ask this be deferred on the basis that it is currently not occupied, and therefore at a lower risk of fire, and also to align with any future building consent work. Any future dwelling on proposed Lot 2 will be assessed against the fire-fighting standards at the time of lodging building consent.

Reasons for Application

Dunedin currently has two district plans, the 2006 Dunedin City District Plan (2006 Plan) and the 2GP. The decisions on the 2GP were released on 7 November 2018 and the rules of the 2GP have legal effect. The appeal period of the 2GP closed on 19 December 2018. An appeals version of the plan was released on 13 February 2019.

Section 86F of Act states that: (1) A rule in a proposed plan must be treated as operative (and any previous rule as inoperative) if the time for making submissions or lodging appeals on the rule has expired and, in relation to the rule,—

- (a) no submissions in opposition have been made or appeals have been lodged; or
- (b) all submissions in opposition and appeals have been determined; or
- (c) all submissions in opposition have been withdrawn and all appeals withdrawn or dismissed.

The subject site is zoned Rural Coastal under the 2GP and Rural in the Operative District Plan. There are no other relevant planning overlays appended to the site.

There are 2GP appeals relevant to this site, in relation to minimum site size and density. As such, it is assessed that the 2GP rules for this site can only be deemed partially operative and the 2006 District Plan rules retain some weighting in accordance with Section 86F of the Act.

Proposed 2GP

The subject site is zoned Rural Coastal in the 2GP. The site is zoned Rural in the 2006 Operative District Plan.

Rules

The activity status tables in rules 16.3.3 to 16.3.6 specify the activity status of land use activities, development activities and subdivision activities in the rural zones and relevant overlay zones.

Development Activities

Rule 16.3.4.1 sets out performance standards that apply to all developments in the rural zone. Rule 16.3.4.2 sets out standards to all buildings and structures.

Whilst it is unclear how any future development will look on proposed Lot 2, it is expected it will be able to comply with the performance standards below given the size and dimensions of the site. Should it not comply, additional residential consents will be required.

Rule 16.3.4.1 - Development

a	Natural Hazards	Compliance with Rule 16.2.2— compliant
b	Setbacks from Scheduled Trees	N/A

Rule 16.3.4.2 — Buildings and Structures

a	Boundary Setbacks	Compliance with Rule 16.6.10.1— The historic villa will be held within a parcel designed to capture the villa, the tree-lined driveway and the curtilage. Whilst it will be less than 20m from the proposed boundary, it will meet the (ii) limb of providing a 40m separation from any other residential building. The site associated with the historic villa is unusual and a response to the desire to protect it rather than either demolish or allow to fall into complete disrepair such that demolition is the only option. With respect to the larger residual parcel, the site is of sufficient size to ensure this standard is met. Compliant
b	Fire Fighting	Compliance with Rule 9.3.3 — The existing villa will not meet this performance standard and will therefore require the addition of a static supply which is highly important given the value this house has to the Waikouaiti area. With respect to the new residential unit, this will be addressed at building consent. Not compliant
c	Height	Compliance with Rule 16.6.5.1(c) - Compliant
d	Signs	Compliance with Rule 16.6.7 — Compliant
e	Reflectivity	Compliance with Rule 16.6.9 — N/A
f	Setbacks from coast and waterbodies	Compliance with Rule 15.6.13.3 – N/A
g	Setbacks from National Grid	Compliance with Rule 15.6.13.4 — N/A

Subdivision Activities

Rule 15.3.5 sets out performance standards that apply to subdivision in the Township and Settlement zone.

a	Access	Compliance with Rule 6.8.1 . Compliant
b	Esplanade reserves	Compliance with Rule 10.3.1 — N/A
c	Fire Fighting	Compliance with Rule 9.3.3 – As noted above, proposed Lot 1 is not complaint and will require the addition of a new static supply. We ask that this is deferred until such time the dwelling is either sold, or a new building consent is lodged with Council. With respect to any new dwelling on proposed Lot 2, this can also be addressed at the time of seeking building consent. Not compliant
d	Minimum Site Size	Compliance with Rule 16.7.4.1(a) — Neither lot will comply with this standard. Whilst one residential unit is permitted by virtue of existing use, this application seeks to create a special purpose lot for the protection of the pre-1880 villa where it will be restored and occupied as a residential unit. Rule 16.7.4.2 provides for atypical resultant sites and this site is exactly that. By creating a 2.92ha special purpose lot for the homestead, the heritage will be retained, whereas should consent not be achievable it is inevitable that the villa will be demolished or left to degrade.

		Rule 16.7.4.3 relates to surplus dwelling subdivision. Whilst the site only comprises one residential unit, the proposal is related to a surplus dwelling that is hindering the ability to construct a new dwelling in the higher elevations of the site. The historic villa is a surplus dwelling and this proposal seeks to establish a site specific to the villa to on-sell to a local with an interest in restoring and residing within the villa. It is acknowledged that the proposal is not directly aligned with either Rule 16.7.4.2 or 16.7.4.3 however the proposal shares the intent of both of these provisions. Non-compliant
e	Shape	Compliance with Rule 16.7.5 – Both lots will comply with this performance standard. Again, the 2GP is seeking to protect values associated with heritage features and whilst the historic villa is not listed or scheduled there is a strong case for it to have some formal recognition given it was one of the early villas in the Waikouaiti area. This application seeks to provide that protection and act as a mechanism whereby the villa can be retained and protected for future generations. Compliant

Land Use Activities

Rule 16.3.3.1 sets out land use performance standards that apply to all land use activities. In this situation, whilst some of the standards are not specified in this application, any future dwelling on proposed Lot 2 will comply or require additional resource consents.

a	Acoustic Insulation	Compliance with Rule 16.5.1 — N/A
b	Electrical interference	Compliance with Rule 9.3.2 — Compliant
c	Light spill	Compliance with Rule 16.5.5 — Lighting will be designed to ensure this standard is achieved - Compliant
d	Noise	Compliance with Rule 9.3.6 - Compliant
e	Setback from National Grid	National Grid sensitive activities must comply with Rule 5.6.1 - compliant

With respect to the residential activity only, Rule 16.3.3.26 sets out land use performance standards that then apply to residential activities.

a	Density	Compliance with Rule 16.5.2.1(a) the minimum density for standard residential activity is 15ha per site for the first site and 80ha for the second residential unit on a single site. In this case, proposed Lot 1 will not comply, however after subdivision the density will apply to each new site. The 2006 Operative District Plan provides some direction whereby one residential unit is permitted per 15ha of site area. In this case, it is not logical to create two 15+ha lots and an averaging approach is useful. Without adopting an averaging following subdivision proposed Lot 1 will not comply. Not compliant
b	Separation Distances	Compliance with Rule 16.5.10 — Compliant
c	Family Flats	N/A

Overall Activity Status

Overall, the proposal shall be assessed as a **non-complying** activity.

Council may however exercise their discretion in accordance with the relevant policies of a regional plan, regional policy statement, any relevant NES and the RMA (in particular Part 2 matters). If the resource consent is granted the council can set any conditions that fall within the Council's powers under Section 108 of the RMA.

National Environmental Standards

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

A search of DCC records has been requested concurrent with this application to determine whether the site has a history of HAIL activity. We will provide comment once that report has been assessed.



A search of the ORC database (GIS shown above) has been undertaken and there is no evidence of HAIL activity on the site or in the immediate vicinity of the site.

There are no other National Environmental Standards triggered by this application.

Statutory Considerations

This application must be considered in terms of Section 104 of the RMA. Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of:
 1.
 - (i) A national environmental standard;
 - (ii) Other regulations;
 - (iii) a national policy statement
 - (iv) a New Zealand coastal policy statement
 - (v) regional policy statement or proposed regional policy statement (vi) a plan or proposed plan; and

- (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

The application is assessed as a non-complying activity overall. In considering the application, regard has been given to section 104, 104B and 104D of the Act.

Effects on the Environment

Affected Persons

There are no persons that are considered to be adversely affected by this proposal for the reasons outlined below. Whilst proposed Lot 1 is undersized and the proposal seeks to authorise an additional residential unit on the upper elevations of proposed Lot 2, there are no effects that will extend beyond the subject site or challenge the integrity of the 2GP to the extent other parties are considered affected.

Assessment of Environmental Effects

Section 104(1)(a) requires consideration of the actual and potential effects on the environment of the activity.

Permitted Baseline and Receiving Environment

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect. In this instance, there is no subdivision permitted as of right and no permitted baseline is not applied to non-complying activities.

From a contextual perspective, the site overall prior to subdivision comprises 35.7691ha (limited as to parcels) and therefore only one residential unit is permitted on the single site (given 80ha is the minimum for two units on a single site). Following subdivision, each site comprising 15ha or more can accommodate a dwelling, and again proposed Lot 1 will be undersized. Given the circumstances creating two equal sized sites would compromise the rural productive capacity of the land and retaining one larger lot is logical. Considering an averaging across both sites would find the density is met, although this is not the correct method set out in the 2GP. The minimum site size is also not met. Further, the 2GP is under appeal for both density and minimum site size. The 2006 Operative Plan provides some guidance in this respect.

The permitted baseline does allow for the removal or demolition of the historic villa and the establishment of a new residential unit in the higher elevations of the site. This approach is not consistent with a desire to retain the villa in the wider Waikouaiti area.

The 2GP does provide some guidance in terms of creating undersized sites in some situations, such as

- Rule 16.7.4.2 sets out an exemption for the minimum site size for protected heritage features or those with a heritage covenant. Whilst the villa is not scheduled, it is arguable that it should be, and there is every likelihood it will be in the future, or
- Rule 16.7.4.3 also sets out exemptions for surplus dwellings and whilst the subject site only contains the single residential unit the circumstance of this historic villa is that of a surplus dwelling.

It is accepted the 2GP framework does not expressly set out a baseline for the specific situation faced by the landowner, however it does provide some intent of when an undersized site may be considered acceptable in the rural zone.

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;

- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

It is the effects arising from the proposal, beyond the permitted baseline and existing and lawfully established receiving environment that are the crucial elements for consideration, and which form the basis of this assessment of effects.

Assessment Matters

Non-complying activities will be assessed in accordance with section 104, 104B and 104D meaning Council may grant or refuse the application, and, if granted, may impose conditions.

Easements

No new easements are proposed as part of the application, although an amalgamation covenant is required. We propose the covenant read as:

"That the owners of Lot 2 Hereon shall not without prior consent of Council transfer, lease or dispose of the aforementioned land except in conjunction with the land contained in residue title OT350/70 (Ltd), being Part Section 56 Hawksbury Survey District: See (LINZ Reference)"

If it provides any comfort for Council, the applicant is happy to volunteer a consent notice seeking that there will be no further subdivision on proposed Lot 2, and that the site shall be restricted to a single residential unit.

The applicant also promotes a no complaints covenant on proposed Lot 1 as a mechanism to control reverse sensitivity issues arising from the ongoing farming activity should Council consider it is appropriate. This covenant would help align the proposal with the objectives and policies framework for the rural zone.

It is also appropriate to incorporate the following notice into the consent decision to address any unforeseen easement matters.

"If a requirement for any easements for services, including private water supply pipes or 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."

Risk from Natural Hazard

There are no known natural hazards appended to the site in the 2GP. As such, it is considered that the hazard risk of the proposal is no more than minor.

Amenity Values and Character

Amenity values are commonly controlled via the District Plan density provisions of the various zones. The landscape overlay also controls amenity and character in the area.

In this case, the proposed subdivision will produce two lots at a density where the special purpose lot will be of a size not anticipated by the 2GP. Each lot will have the sufficient space to provide for onsite amenity in keeping with the current receiving environment. Overall, and putting aside the density shortfall which is not consistent with the area, the character and amenity of the wider environment will be consistent with that anticipated within the zone.

The proposal will result in an additional residential unit being created on proposed Lot 2. This will be in the upper elevations of the property. No landscape controls are appended to the site in the 2GP; however, it is anticipated any new dwelling will be constructed in materials and colours sympathetic to the rural environment.

The applicant would be open minded to any conditions of consent the Council may consider appropriate to address any visual effects and landscape concerns.

Overall, it is assessed that the proposal will not adversely affect the amenity values of the area or introduce unexpected elements which will alter the character of the area.

Lot Size and Shape and Physical Limitations

The proposed subdivision seeks to subdivide the site into two new lots each in their own Record.

As noted above, proposed Lot 1 will be significantly undersized. It is considered that at an overall level the proposed subdivision and authorisation of an additional residential unit will be compatible with the wider environment. With respect to the planning framework, under the 2006 Operative Plan, the site could have been subdivided into two 15+ha sites under a restricted discretionary process. The additional residential unit on proposed Lot 2 would (provided yard setbacks were respected) be a permitted activity. This provides some guidance on the degree of effects that would have been considered acceptable. In this case, proposed Lot 1 will be undersized to allow the farm to continue productively. The proposed size of each lot is in real terms, only a line on paper, and will not alter how the sites are perceived from the public realm.

There are no known geotechnical reasons why the subdivision is inappropriate, and any future development and building design can be addressed at the time of seeking building consent.

Effects on the Safety and Efficiency of the Transport Network and Accessibility

The proposed subdivision and additional new residential unit will not introduce any new effects on the transportation network. Quarry Road is a local road in the 2GP roading hierarchy and as noted above, the creation of two Lots and an additional residential unit on the land would be regarded as part of the permitted baseline under the 2006 ODP.

Overall, we consider that the addition of a single residential unit will have no more than minor adverse effects on the existing transportation network given the development complies with the density provisions.

2GP Objective and Policy Analysis

Objectives	Supporting Policies	Assessment
Objective 2.2.1 The risk to people, communities and properties from natural hazards, considering the potential for climate change, is no more than low.	Policy 2.2.1.1 Manage land use, development and subdivision based on: a. the sensitivity of activities, by identifying them as: a natural hazards sensitive activity, a natural hazards potentially sensitive activity, or a natural hazards least sensitive activity; and b. the risk from natural hazards to people, communities and property, considering both the likelihood and consequences of natural hazards, as shown in Table 11.1.2A in Section 11.	The proposed subdivision will enable an additional residential unit to be built on proposed Lot 2. It is assumed any new build will be within the upper elevations of the site to maximise the views. The site is not appended in the 2GP as having any known natural hazards. Given the elevation, there is no likelihood the site will be directly impacted by climate change. Overall, it is considered the subdivision proposal and additional residential unit will not introduce any risk to people or communities. The proposal is therefore considered to be consistent with this objective and policy.
Objective 2.2.3	Policy 2.2.3.1	The site is a rural farm with few areas of indigenous biodiversity, although the

Dunedin's significant indigenous biodiversity is protected or enhanced, and restored; and other indigenous biodiversity is maintained or enhanced, and restored; with all indigenous biodiversity having improved connections and improved resilience.	Protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, including by: - promoting the protection of these in a schedule of areas (ASBV's), QE II covenants and/ or other legal covenants; and - assessment rules which require the consideration of significance as part of the assessment of effects on biodiversity values.	vegetation may serve as a wildlife corridor. With respect to any new effects on the site, it is considered a new dwelling and residential activity on proposed Lot 2 and residential use in the villa will be the only change on the site. The proposal is therefore considered to be consistent with this objective and policy.
Objective 2.3.1 Land and facilities that are important for economic productivity and social well-being.	Policy 2.3.1.3 In order to avoid cumulative effects on rural productivity and rural character values set and strictly enforce a minimum site size standard for subdivision in the rural zones. Determine the minimum site size standard considering: - the median size land holding associated with and necessary to support farming activity in each rural zone; - the existing pattern of settlement and land use in each rural zone; and - the character and amenity values that exist in each rural zone.	The proposal will not introduce any new cumulative effects beyond that anticipated in the Plan. Whilst the historic villa is not scheduled by Heritage NZ, there is a strong case that it should be. The prospective purchaser will be investigating the process to potentially schedule the site in terms of the driveway, driveway vegetation, curtilage and exterior of the villa as part of their restoration work. It is acknowledged the site will not meet the minimum site size however the site and the purpose of the subdivision are exceptional where subdividing the villa and curtilage is an appropriate response. Had the villa already been scheduled, the proposal would find a more favourable pathway through the consenting process however the subdivision is integral to the sale and purchase of that site. The historical component of the site has been separated from the farm proper to allow the farm to maintain a landholding that will ensure an ongoing viable farm consistent with the character and amenity of the zone. Overall and despite the minimum site area shortfall, it is considered the proposal is generally consistent with this objective and policy.
Objective 2.4.1 Form and Structure of the environment The elements of the environment that contribute to residents' and visitors' aesthetic appreciation for the enjoyment of the city are protected and enhanced.	Policy 2.41.5 To maintain or enhance the attractiveness of streetscapes, public open spaces and residential amenity by using rules the manage building bulk and location, site development and overall development density.	The subdivision will not introduce any perceptible change to the existing neighbourhood. The proposal is at a density commensurate with the surrounding area and development can occur which complies with the bulk and location provision of the district plan. The proposal is considered consistent with this objective and policy
Objective 2.7.1 Efficient public infrastructure Public infrastructure networks operate efficiently and effectively and have the least possible long-term cost burden on the public.	Policy 2.7.1.1 Manage the location of new housing to ensure efficient use and provision of public infrastructure	The proposal does not seek to introduce additional residential activity beyond that already anticipated in the underlying zone. The proposal is assessed as consistent with this objective and policy

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 6.2.3.9 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.	Both proposed lots 1 & 2 will enjoy legal and physical access to Quarry Road. The proposal is not likely to create any additional effects that will be more than minor. The proposal is therefore considered generally consistent with this objective and the relevant policies.
Objective 9.2.1 Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water, supply, wastewater and stormwater infrastructure.	Policy 9.2.1.1 Only allow land use or subdivision activities that may result in land use or development activities where: a. in an area with public water supply and/or wastewater infrastructure, it will not exceed the current or planned capacity of that infrastructure or compromise its ability to service any activities permitted within the zone.	The sites will each be serviced by on-site infrastructure. There will be no demand on the Council network as a result of the additional residential unit on proposed Lot 2. The proposal is assessed as consistent with this objective and policy
Objective 13.2.1 Scheduled heritage buildings and structures are protected. Objective 13.2.2 The heritage values of scheduled heritage sites are protected	Policy 13.2.1.6 Only allow subdivision of sites containing scheduled heritage buildings and scheduled heritage structures where the subdivision is designed to: - provide sufficient curtilage around the scheduled heritage building or scheduled heritage structure to protect heritage values; and - ensure any future land use or development will maintain existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places, as far as practicable. Policy 13.2.1.7 Avoid the demolition of a protected part of a scheduled heritage building or scheduled heritage structure unless the following criteria are met: (i) the building or part of the building poses a significant risk to safety or property; or (ii) the demolition is required to allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of loss of the building; and - there is no reasonable alternative to demolition, including repair, adaptive re-use, relocation or stabilising the building for future repair; and - for buildings and structures located within a heritage precinct: - development post demolition will maintain or enhance the heritage streetscape character	The historic villa is not subject to any formal protection in terms of specifically recorded in any register by either the Council or Heritage NZ. It is however protected under the Heritage NZ Act as it is pre-1900. The landowner no longer wishes to occupy the villa and seeks consent to construct a new dwelling as part of the farm on proposed Lot 2. Given the site area, and that the villa has no formal protection which would enable a simpler consenting process for the undersized rural lot comprising the historic villa, the landowner is left with the option of demolition or removal from the site. Either option does not respect the contribution and value the former homestead has offered the Waikouaiti district over the last 140+ years. The proposal seeks to provide a curtilage that respects the domestic use of the site, the vegetation and waste-water treatment system. The subdivision will enable the protection and restoration of the villa and the ongoing use of the farm whilst enabling a new dwelling to be established in the upper portion of proposed Lot 2 to maximise the views of Waikouaiti and along the coastline. Putting aside the ongoing occupancy of the homestead by the landowner which is not considered viable, the only reasonable alternative is the demolition or removal of the villa. That is to create a small lot specifically for the ongoing residential use and restoration of the site where it is on-sold to someone who wishes to maintain and restore the building. Alternatively, the applicant could apply to create two evenly sized lots, but that would imperil the

	(ii) and amenity in accordance with Policy 13.2.3.6; and conditions will be imposed which would give reasonable certainty that this will be completed within an acceptable timeframe. Policy 13.2.2.2 Only allow subdivision of scheduled heritage sites where: a. the subdivision is designed to ensure any future land use or development respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space; b. scheduled heritage sites that are primarily open space are protected from unnecessary development; and c. the heritage values of the site are maintained.	ability to farm the land economically for current and future generations. Overall, whilst the site is not specifically scheduled, it is my view the proposal is generally consistent with these 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 16.2.1.1 Enable farming, grazing and conservation in rural zones 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 16.2.1.7 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.	The proposal deliberately seeks to create a small site relating to the domestic use of the historic villa, and to retain the bulk of the land as a working farm. It is accepted the site does not comply with the density assessment, however after subdivision each new site could be established at 15+ha and comply. This approach would be simpler from a planning process however would result in a loss of productive potential, where neither landholding could be operated economically. The 2006 ODP provides some additional guidance in terms of the density and minimum site size shortfall. It is however acknowledged this is not the approach promoted in the 2GP, but it nonetheless provides some context on the site and the nature of the proposal. Policy 16.2.1.7 is not directly relevant to the proposal but provides some appreciation that surplus dwellings can be separated from the site despite a density shortfall in the resulting lots. In this case, the historic villa is a surplus dwelling to the applicant as it is no longer fit for purpose for their family, but still retains significant historic values. It is understood a prospective purchaser is wishing to buy the villa to restore it but does not wish to buy a 35ha rural block. The subdivision will enable the retention of a working farm and the protection of the heritage values associated with the villa. With respect to Policy 16.2.1.5 the subdivision layout seeks to support the ongoing farming activity at a level that is

		considered economic whilst protecting the historic feature on the site in perpetuity. Overall, it is my view the proposal is generally consistent with these objectives and policies.
Objective 16.2.2 The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that 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. 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.	Policy 16.2.2.3 Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites. 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. 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 proposal will retain the rural character and amenity of the rural values. It is accepted the proposal will introduce a new dwelling into the site and a second residential activity overall, however this will not be at odds with the receiving environment. The site is not appended within any landscape overlay. The site could have, under the 2006 Operative Plan undergone subdivision creating two sites each over 15ha where two residential activities would be a permitted activity as of right. In this case, the predominance of open space as a working farm will be retained. It is expected a high level of residential amenity will be established by the protection and restoration of the villa and a new build in the upper portion of the site. Reverse sensitivity issues will be managed as any purchaser of the historic villa will go into the arrangement with 'their eyes open' cognisant of the fact the property and wider area comprises working farms. Should Council consider a no complaints covenant to address reverse sensitivity is appropriate, the applicant would gladly offer that. Overall, it is my view the proposal is consistent with these objectives and policies.
Objective 16.2.4 The productivity of rural activities in the rural zones is maintained or enhanced.	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;	The subdivision layout has been specifically designed to create a discrete site relating to the historic villa and the domestic use within the curtilage. This allows the productive potential of the existing farm to continue unencumbered whilst enabling the addition of a new residential activity in the elevated portion of the farm. Reverse sensitivity issues can be addressed by way of a no-complaints covenant if necessary. With respect to Policy 16.2.4.4 it is accepted the density of the residential activity associated with the historic villa is not met, however the use of the villa has been independent to that of the farm and

	e. maintain land in a rural rather than rural residential land use; and 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.	as such the area of proposed Lot 1 is considered appropriate. Overall, it is my view the proposal is generally consistent with these objectives and policies.
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Having regard to the relevant objectives and policies individually, and considering these holistically, the above assessment indicates that the application is exceptional and is generally consistent with those provisions set out in the Proposed 2GP despite failing to meet the density and minimum site size performance standards.

Section 104D

Section 104D of the Resource Management Act 1991 specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of Section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the district plan and the proposed district plan.

It is considered that the proposal sits outside the generality of a typical consent application before Council. The proposal is a considered response to retaining and enhancing the historic villa on the site whilst enabling a further residential unit to be built on the high elevations with negligible impact on the primary potential of the site. It is accepted that proposed lot 1 is significantly undersized and does not meet the minimum lot size, however it is prudent to establish a curtilage around the villa only to the extent it is appropriate to ensure the existing farm can remain economically viable. It is also noted that had the site comprised two residential units (that could have been done as of right under the 2006 Operative Plan) then the separation of a surplus dwelling on an undersized site would have enjoyed a relatively straightforward process under the 2GP. Additionally, had the villa been formally recorded in either the 2GP or the HNZ register (which it arguably should have had Council or HNZ been aware) then the creation of an undersized Lot 1 would find greater support in the planning framework.

On this basis, it is my opinion the proposal meets both limbs as any adverse effects arising from this proposed activity will be no more than minor, and the activity will not be contrary to the objectives and policies of both the 2006 Operative District Plan and the proposed 2GP.

Therefore, the Council can exercise its discretion under Section 104D to grant consent.

Other Matters

Section 104(1)(c) of the Resource Management Act 1991 requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matters of precedent and Plan integrity are considered relevant here. In this case, the proposal is non-complying because proposed Lot 1 is significantly undersized.

General subdivision that contravenes the standard for minimum site size is non-complying, however Rule 16.7.4.2 and Rule 16.7.4.3 whilst not directly relevant provide some support for the proposal. As noted above had the site comprised two residential units (that could have been done as of right under the 2006 Operative Plan) then the separation of a surplus dwelling on an undersized site would have enjoyed a relatively straightforward process under the 2GP.

The proposal to create a special purpose lot is exceptional. The site comprises a pre-1880 villa that has been occupied by tenants and family members and is now at risk of falling into a state of disrepair where is not suitable to restore. As the landowner seeks authority to construct a new dwelling on the

upper extent of the site, the historic villa is problematic as it is considered a residential unit. By leaving it unoccupied the dwelling will eventually be compromised or demolishing or relocating it elsewhere will equally affect the heritage values.

The proposal to create a special purpose lot for the villa and ongoing residential use is not considered contrary to the objective and policies of the plans and can, in conjunction with a new residential unit on Lot 2, be developed appropriately in accordance with the values of the underlying zone and respective overlays. Overall, it is considered that the proposal will not undermine the integrity of the Plan as the activity will produce only minor effects, if any, and will not set an undesirable precedent given the site is of historic significance to early Waikouaiti given its prominence from the township.

The authority on precedent effects is *Dye v Auckland Regional Council*, CA86/01, which provides that the granting of a resource consent has no precedent effect in the strict sense. It is obviously necessary to have consistency in the application of legal principles and all resource consent applications must be decided in accordance with a correct understanding of those principles.

The proposal is unique to Council, or exceptional at worst. In any event no two applications are ever likely to be the same, albeit one may be similar to the other. The most that can be said is that the granting of consent may well have an influence on how other applications should be dealt with. The extent of that influence will depend on the extent of the similarities. This application, like many previous applications are generally inconsequential in terms of threat to the plan integrity. Should a future application that mirrors this proposal be predicated on the basis of this application being approved, that would be a sensible response to protecting our built heritage when the 2GP only contemplates protections on scheduled heritage structures. This villa warrants a high level of protection and the controls set within the 2GP should be applied in this situation.

In my view this proposal does not offend the effects-based policies of the District Plan or 2GP and does not generate adverse effects that are any more than minor. On that basis no undesirable precedent would be created or either Plan integrity imperilled.

Part 2 – Purpose and Principles

Part 2 of the RMA contains the purpose and principles. Consideration of applications for resource consent as a **non-complying activity** is subject to Part 2 of the RMA.

The purpose of the RMA is set out in Section 5 as being to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- a. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b. safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- c. avoiding, remedying, or mitigating any adverse effects of activities on the environment.

For the reasons outlined in the assessments above, it is considered that the proposal is consistent with Section 5 of the RMA. Overall, the proposed development will create a special purpose lot to enable the historic villa to be separated from the site thereby allowing it to be purchased, occupied and restored. The residual land will be retained as a productive farming unit and a new residential property on the higher elevations of the proposed Lot 2. Overall, it is considered that the proposal will not compromise the life supporting capacity of air, water, soil and ecosystems within the receiving environment. It is also considered that the proposed uses are directly in keeping with Section 5 in that the provision of residential activity on an existing undersized site will enable people and communities to provide for their social, cultural and economic well-being.

Section 6 of the RMA sets out matters of National Importance and requires that these be recognised and provided for. These include natural character of the coastal environment, natural, landscape and heritage areas, significant indigenous vegetation and fauna and the relationship of Maori with their culture and traditions. The retention and protection of heritage areas and structures is a matter of national importance and underpins the application. The historic villa is not suitable for the applicant's family and is at risk of becoming dilapidated to the extent it cannot be restored. The landowner wishes to construct a new dwelling on the higher elevations of the site and can do so provided the villa is appropriately decommissioned, demolished or relocated. Either option imperils the heritage values. This application is consistent with s6(f) which seeks to protect historic heritage from inappropriate subdivision, land use and development.

Section 7 outlines the matters that must be considered when managing the use, development and protection of natural and physical resources, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. The subdivision of land to create a special purpose allotment will enable the ongoing productive use of the farm and provide for the establishment of an additional residential unit on the vacant Lot 2. The proposal is considered appropriate in this location, given the underlying zoning is supportive of a development.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. It is considered that there are no matters relating to the Treaty of Waitangi relevant to this application.

Accordingly, it is concluded that the proposed development is consistent with the purpose of the RMA in relation to managing the use, development, and protection of natural and physical resources, with particular reference to the historic heritage.

Special Circumstances

Special circumstances have been defined by case law (in the context of whether special circumstances exist to require the public notification of an application) as "outside the common run of things which is exceptional, abnormal or unusual, but less than extraordinary or unique.

A special circumstance would be one which makes notification desirable despite the general provisions excluding the need for notification." (Far North DC v Te Runanga-aiwi o Ngati Kahu [2013] NZCA 221).

The proposal is considered to be extraordinary, but maybe not unique. This is a high test, and in this case the intent of the proposal is to create a small lot comprising the villa which can be on-sold to an interested party where it will be restored. The applicant can via a number of means removed the villa but this is at odds with the historic values of the area and contrary to s6(f).

Potential circumstances that support an application include a legal mechanism to ensure any resultant lots cannot be used for additional residential activity beyond their intent. In terms of the proposal, the applicant would support a consent notice restricting residential use on both Lots 1 and 2 to one residential unit, where no further subdivision is permitted.

In this case, no special circumstances exist to warrant notification in relation to the breaches trigger the non-complying status.

Offsetting or Compensation Measures

In accordance with Section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures are offered nor are any deemed necessary.

Bundling of applications

In circumstances where there are multiple applications, the council must decide whether to treat a proposal as a number of separate activities or as one overall activity. Bundling resource consent activities is generally considered appropriate where the activities for which consents are being sought overlap to such an extent that they cannot be realistically or properly separated.

In this case we consider it is appropriate to bundle the proposal as one overall activity being non-complying.

Assessment of Regional Policy Statements

Section 104(1)(b)(v) of the Act requires that any relevant regional policy statements be taken into account. The Regional Policy Statement for Otago (RPS) and the Partially Operative Regional Policy Statement for Otago (PORPS) were reviewed in respect of this proposal, specifically:

- Objective 5.2 of the PORPS seeks that historic heritage is recognised and contributes to the regions character and sense of identity.
- Policy 5.2.1(a) and (c) recognises that historical residential and 19th and 20th century pastoral sites respectfully are recognised for their contribution to Otago's character.
- Policy 5.2.3 seeks to protect and enhance places and areas of historic heritage.

Overall, the proposal is considered to be consistent with both the operative and partially operative Regional Policy Statements for Otago.

Other Planning Instruments

Section 104(1)(b) requires consideration of other relevant planning instruments. There are no other planning instruments considered relevant to this proposal.

Affected Parties

No parties are considered potentially affected by this proposal.

Notification

With regard to notification:

- The applicant does not request notification.
- The proposal does not relate to the exchange of reserves land, does not involve a statutory acknowledgement area and does not involve an affected protected customary rights group.
- Given the context, there are no rules in the District Plans or NES which require notification.
- It is considered that there are no special circumstances relating to the application.
- It is assessed that the effects of the proposal on the wider environment are less than minor.

In respect of affected parties, no adverse effects on neighbours or other parties who have not been asked for their written approval will be introduced as a result of this proposal. No change to the character or amenity of the area is anticipated with the exception of the positive effects described above.

Conclusion

Resource consent is sought to subdivide the site including the creation on an undersized site designed to suit the existing use of the land. The proposal is assessed as consistent with the relevant objectives of the proposed 2GP and other relevant planning instruments.

It is respectfully requested that consent be granted to this proposal on a non-notified basis. If you have any questions arising from this assessment, please do not hesitate to contact me for clarification.

Yours faithfully,
Terramark Ltd



Darryl Sycamore
Resource Management Planner



APPENDIX 2: FURTHER INFORMATION RECEIVED

Campbell Thomson

From: Darryl Sycamore <darryl@terramark.co.nz>
Sent: Friday, 12 February 2021 09:57 a.m.
To: Riddle, Callum
Cc: Campbell Thomson; Phil Marshall
Subject: [#TM-D12372] SUB-2020-210 & LUC-2020-683 - s95 Decision
Attachments: 37QuarryRoad_overlay_historic_close.png; 37QuarryRoad_overlay_historic.png; 37QuarryRoad_overlay_modern_close.png; 37QuarryRoad_overlay_modern.png; DNC_SO_581__I_1_930936.PNG; D12372-1-Resource Consent-Scheme Plan revised.pdf

Hi Gents

Following a discussion yesterday from your consulting heritage advisor (as Andrea is away) he advises the dwelling my client is trying to save is likely to be constructed between 1850 and 1860. This is because it features on maps drawn in 1860.

Mr Moyle has provided some additional information for your consideration.

I attach a revised plan to include both a proposed building platform and also to include the historic building upslope associated with the dwelling that was not in the original scheme plan.

Given this dwelling is around 1850 (i.e a decade after the Treaty was signed) it may be prudent for you to revisit your draft s95 assessment.

Darryl Sycamore

Resource Management Planner

darryl@terramark.co.nz
 P: (03) 477 4783
 C: 021 125 5554
 www.terramark.co.nz

330 Moray Place, Dunedin 9016
 PO Box 235, Dunedin 9054



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From: Jeremy Moyle <jeremy@originteam.co.nz>
Sent: Thursday, 11 February 2021 5:08 pm
To: Darryl Sycamore <darryl@terramark.co.nz>
Subject: RE: [#TM-D12372] SUB-2020-210 & LUC-2020-683 - s95 Decision

Hi Darryl,

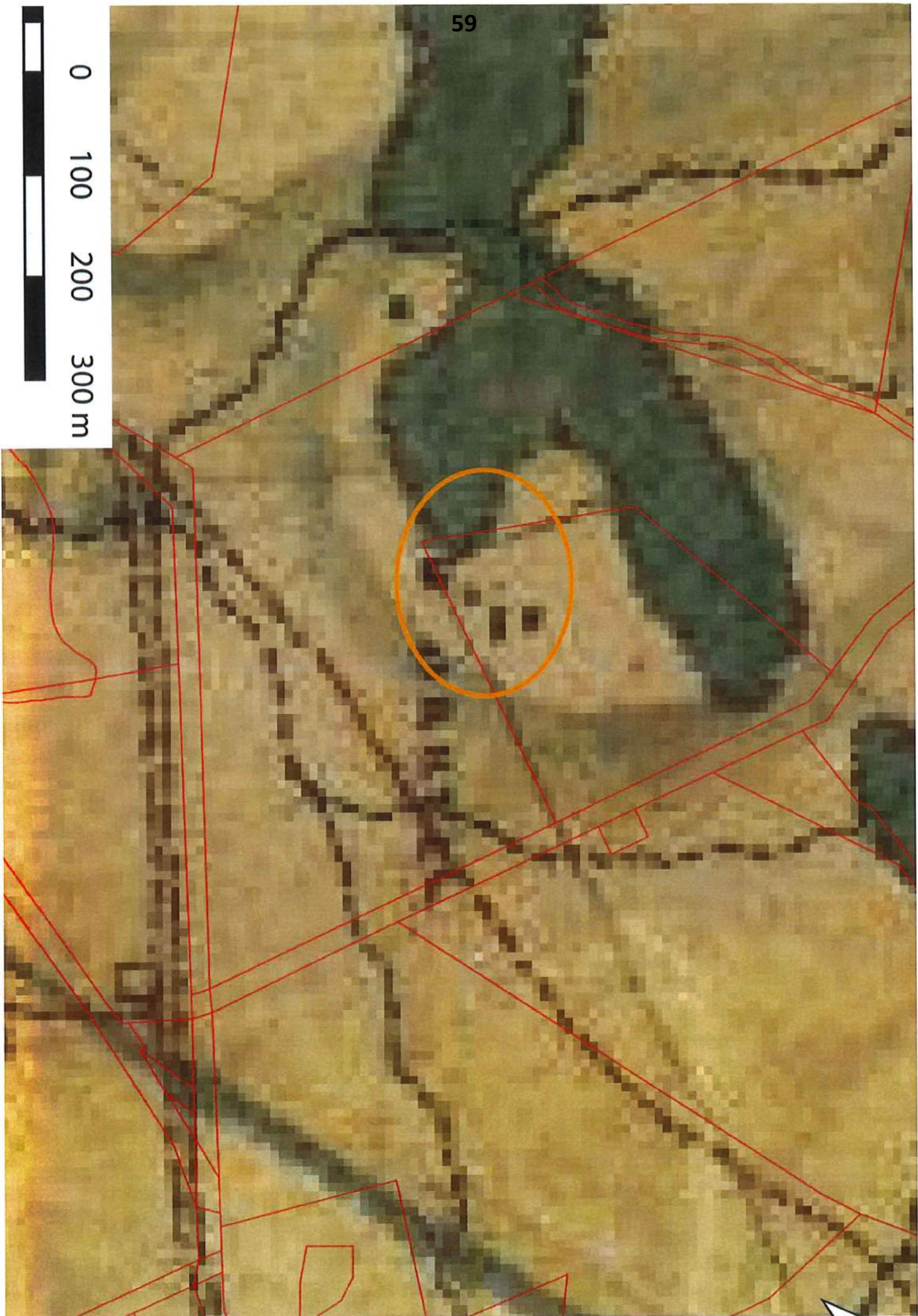
Good to chat on the phone just now. I have attached the survey plan and modern parcel boundary overlay I was talking about.

A couple of things to note:

- The name 'Orbell' next to the dwelling (cf. https://www.wchc.org.nz/single-page-stories-from-the-archives/Orbell_article).
- The present dwelling aligns exactly with one of the buildings shown on the survey plan.

59

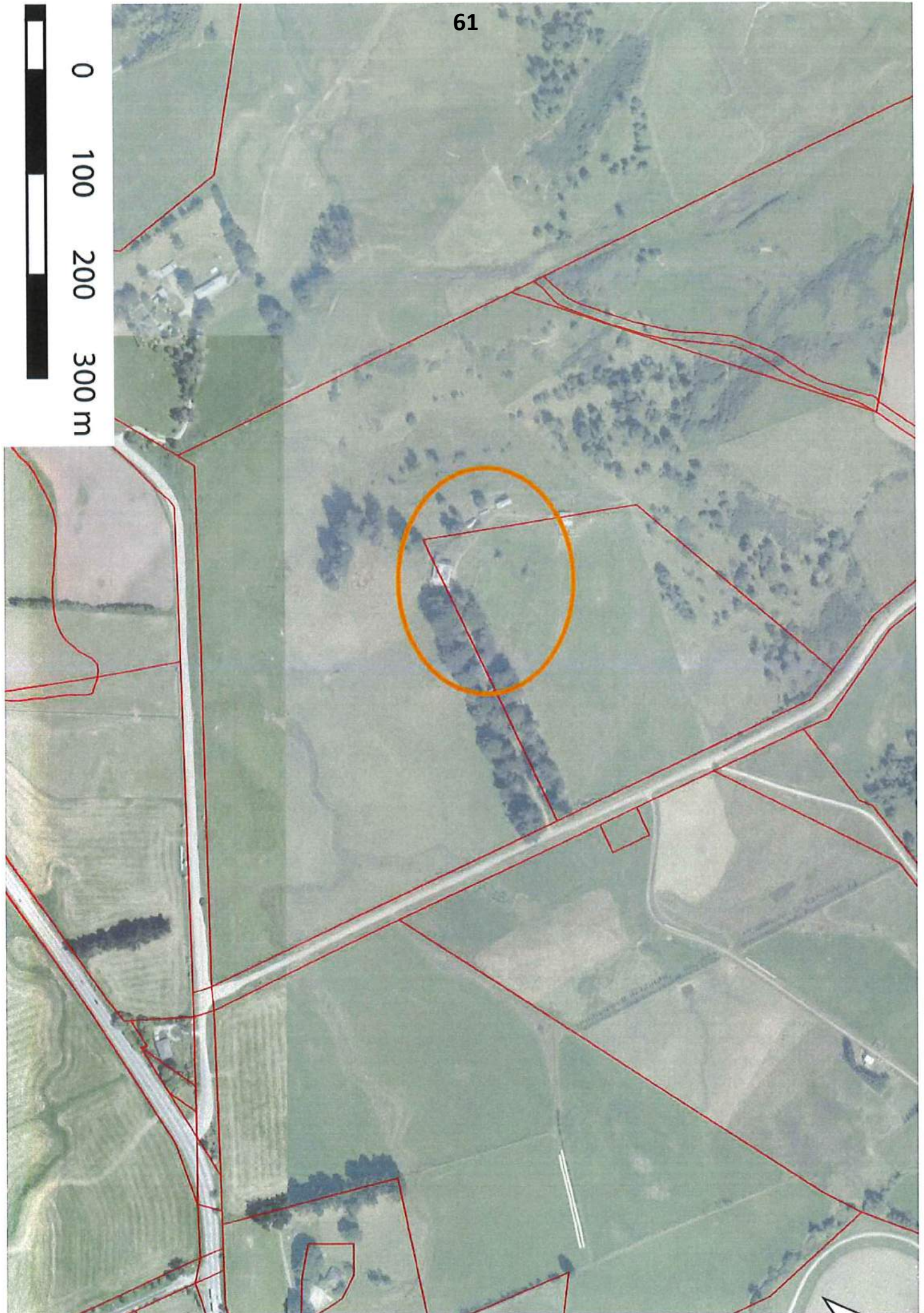
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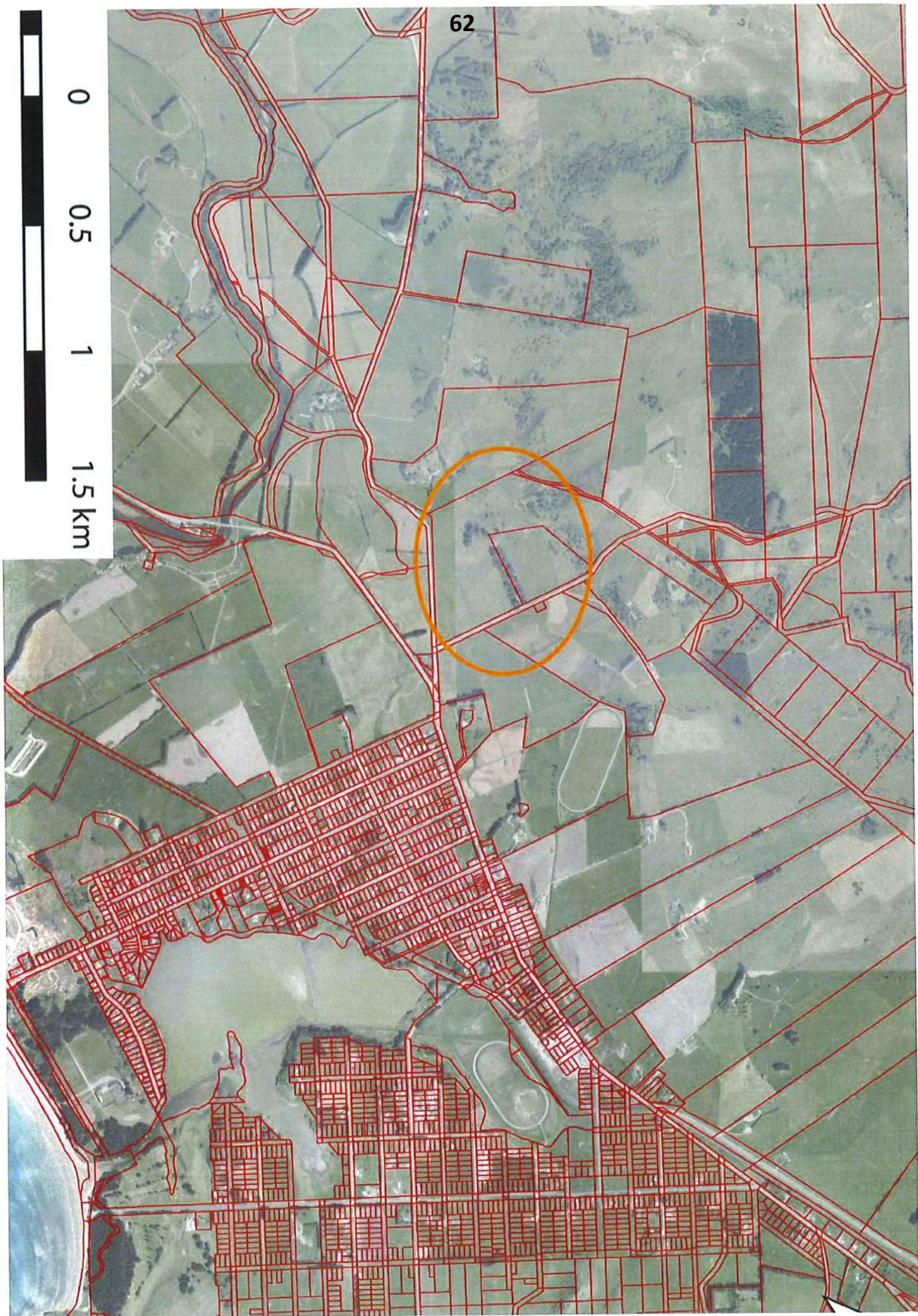




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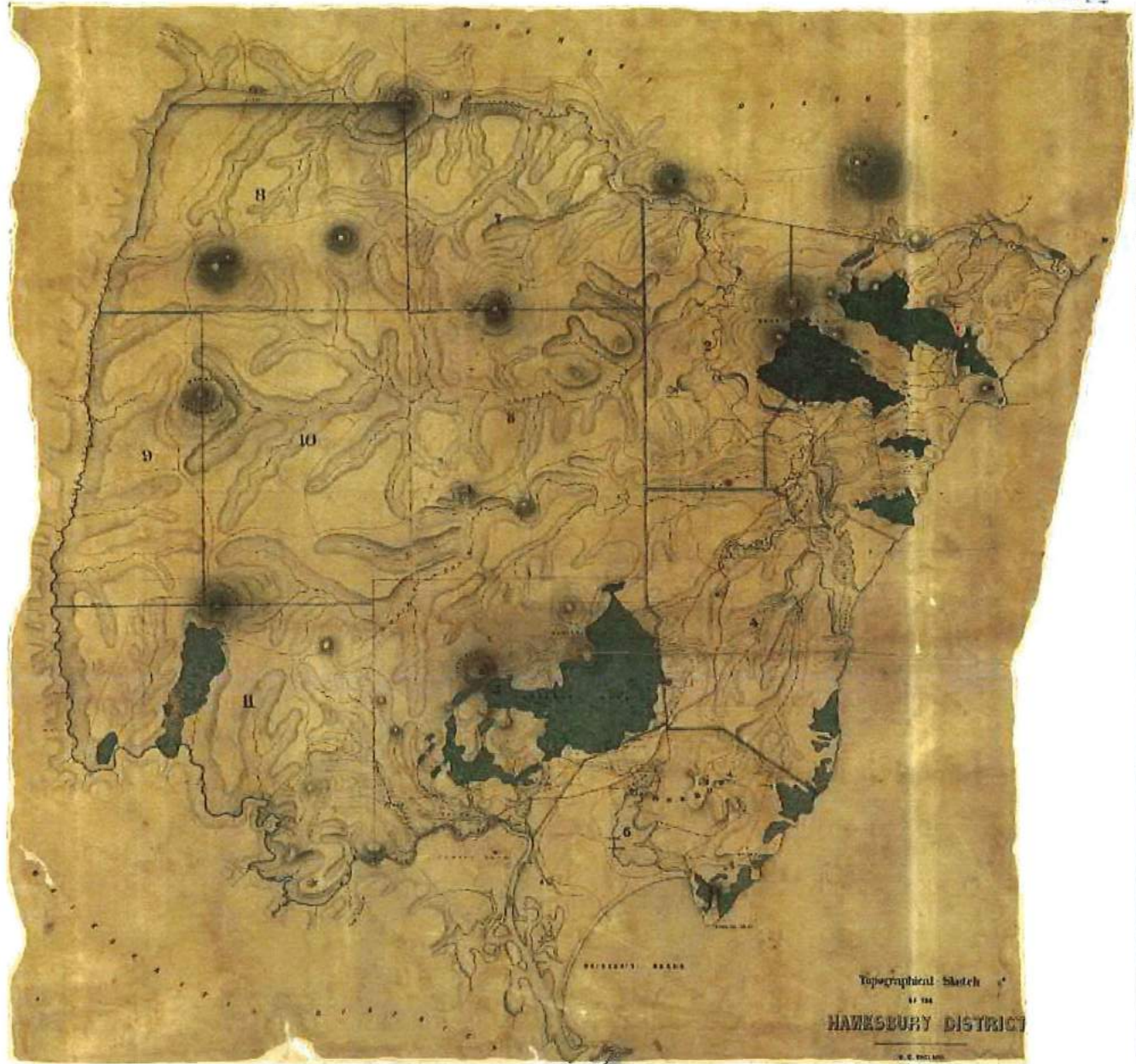




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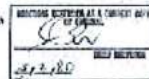
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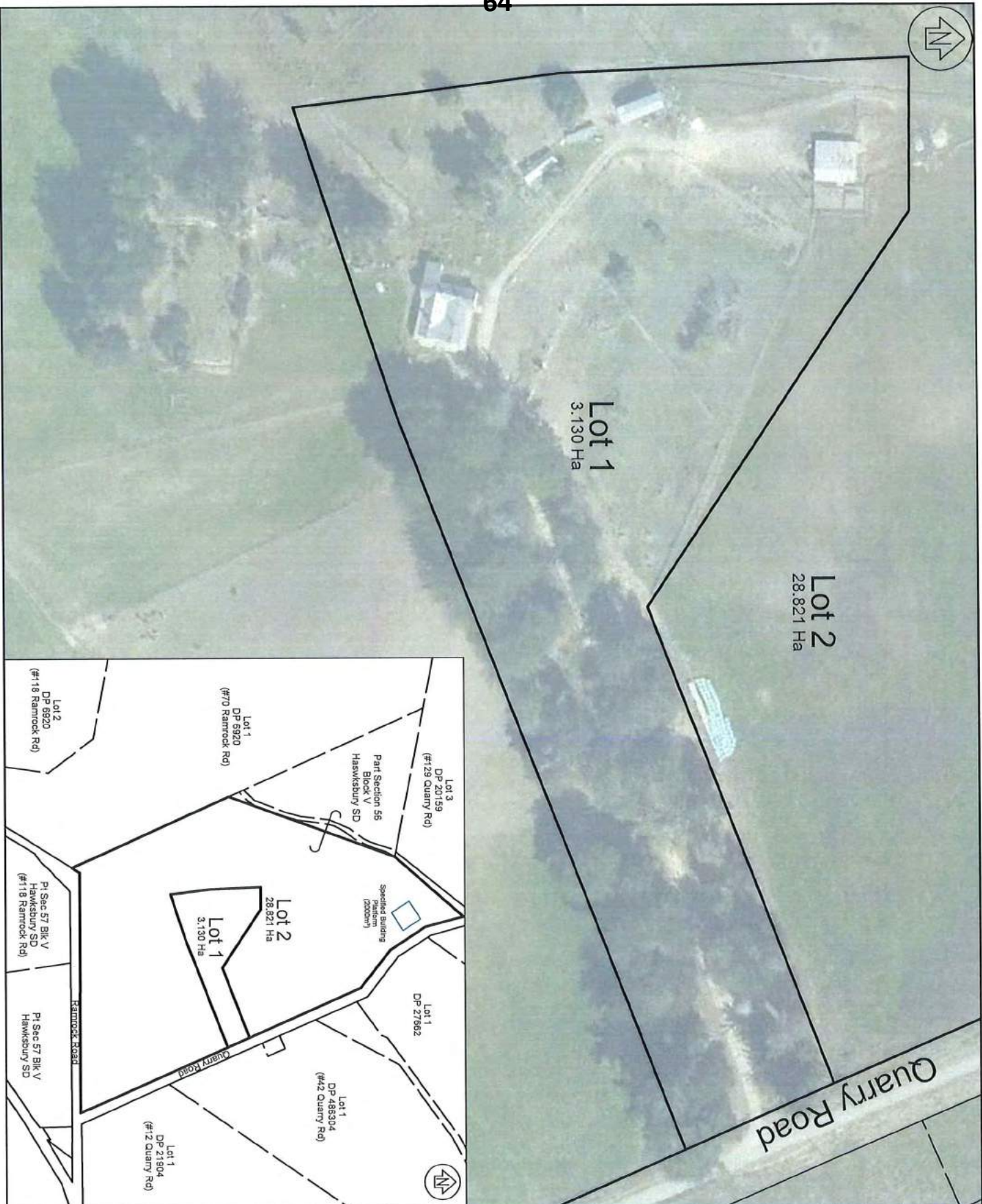


581

SCALE - 40 CHAINS TO AN INCH



581



terramark
setting new boundaries
 Surveying, Resource Management, & Engineering Consultancy

PROVISIONAL ONLY
DETAIL, AREAS & DIMENSIONS ARE
SUBJECT FINAL DESIGN, RESOURCE
CONSENT & FINAL SURVEY

Amalgamation Covenant

Condition:

"That the owners of Lot 2 Hereon shall not without prior consent of Council transfer, lease or dispose of the aforementioned land except in conjunction with the land contained in residue title OT35070 (Ltd), being Part Section 55, Hawksbury Survey

See (LINZ Reference)"

Lots 1 & 2 Being a
Subdivision of
Part Section 57-58 Block V
Hawksbury SD

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37 Quarry Road
Waikouaiti

Legal Description	Part Section 57-58 Block V
Hawksbury SD	

Warwick Williamson

35.7692 Ha	OT350/70
35.7692 Ha	OT350/70

12/02/2021	1100
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Job No:	Plan No:	Revision:
D12372	1	B

APPENDIX 3:
COUNCIL OFFICER EVIDENCE

Memorandum

TO: Campbell Thompson, Planner

FROM: Luke McKinlay, Landscape Architect

DATE: 24 February 2021

SUBJECT: **SUB-2020-210 & LUC-2020-683**
37 Quarry Road, Waikouaiti
LA Comment

Hi Campbell,

Thanks for forwarding this application to me for comment. As I understand it, council has received an application to carry out a two-lot subdivision at 37 Quarry Road, Waikouaiti. The proposal will create an undersized rural lot comprising of 2.92ha for the purpose of protecting a homestead and associated curtilage. The residual land (29.31ha) will be retained as a working farm and a new dwelling established on this lot at a higher elevation.

The site is located within the Coastal Rural zone within the Proposed 2GP.

Proposed Lot 1 will comprise 2.92ha and include the historic homestead, tree-lined driveway, wastewater treatment field and curtilage associated with the domestic area of the homestead. There is an existing formed and legal frontage to Quarry Road.

Proposed Lot 2 will comprise 29.31ha and include the balance of the property. It will have formed and legal frontage to Quarry and Ramrock Road. A new dwelling will be established on the site in the future which will either comply with the performance standards for the zone or have an additional resource consent applied for at the time of development.

Comments

The site is located to the west of Waikouaiti, on the south-eastern, lower slopes of Pahatea/Durdan Hill. The upper slopes and summit of Pahatea (440m-260masl) have high rural amenity values. As outlined at A3.3.1 of the 2GP, this Significant Natural Landscape has a coherent and memorable volcanic form. It has an uncluttered appearance and a sense of remoteness due to the absence of buildings and other structures (refer figure 2). The mid slopes, as viewed from the primary visual catchment to the south and west of the site, on Waikouaiti-Waitati Road and within western parts of Waikouaiti, are characterised by a band of exotic forestry, pastoral paddocks and low levels of built development. The lower slopes, which includes the subject site, are characterised by more gently sloping topography, a scattering of residential dwellings and ancillary structures. Landcover is more mixed than on the higher slopes and includes pasture, shelterbelts, patches of exotic weed species and some, limited, areas of remnant native vegetation (refer figures 1-4 in appendix 2).

Objective 16.2.3 of the 2GP requires that rural character values and amenity of the rural zones are maintained or enhanced, elements of which include the following:

- 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 (Appendix A7).

The subject site is contained within the northern part of the Coastal Rural Zone (A7.6 of 2GP):

Description

The northern section of the zone stretches from the inner harbour area of Deborah Bay and continues north to Aramoana, along the coast to include Heyward Point, Long Beach, Potato Point, Warrington, Seacliff and Kāritane. It extends inland incorporating a considerable part of the coastal slopes above Whareakeake, areas south of Blueskin Bay, Porteus Hill, Round Hill and land adjacent to Waikouaiti towards the northern boundary of Dunedin city.

The north (Waikouaiti) coast is rich in Māori and European history and exudes a strong sense of place, reflecting an environment that has always been important for human habitation. The area is drained by two major river systems. On the north side of the Kilmog the twin branches of the Waikouaiti River join to flow as one through the Waikouaiti-Kāritane estuary system and south of the Kilmog, the Waitati River and Carey's Creek flow into Blueskin Bay. The smaller Pūrākaunui estuary is the other outlet of significance.

Values

1. *The general visual dominance of natural elements such as natural landforms, streams and remnant indigenous vegetation over human landscape elements e.g. buildings or shelter plantings.*
2. *The generally limited visual influence of any large-scale structures or exotic plantings to diminish the impact of the natural landscape forms and features.*
3. *The extent and quality of the dramatic coastal landforms and views, with visual interest focused on the coastal edge.*
4. *The remote wilderness character of the beach landscapes and the visual separation of these areas from adjacent developed areas by dunes or other landforms.*
5. *The human-made features which are relics of the past, e.g. remnant shelter plantings and drystone walls.*
6. *Transient wildlife of interest, e.g. seals.*
7. *Areas which have significant habitat value, e.g. Aramoana salt marsh and Pūrākaunui Estuary.*
8. *The landscape and cultural values of the historically and culturally significant Quarantine Island/ Kamau-taurua and Goat Island/ Rakiriri, pā sites at Huriawa (Kāritāne) and Māpoutahi (Pūrākaunui Bay) and site of early European settlement at Matanaka (Matanaka).*

There is a general consistency with some of the above relevant values of the wider zone present in the area surrounding the subject site. Natural elements, in the form of paddocks in pasture, shelterbelts, wood lots and areas of remnant indigenous vegetation visually dominate built elements. However, there is a loose cluster of residential dwellings and ancillary structures on the lower-mid slopes in the vicinity of the site (refer figure 2), which means that a dwelling within the proposed building platform area would not intrude on a highly natural or undeveloped pastoral environment. Further, one additional dwelling within proposed Lot 2 would not notably alter the existing ratio of open space to buildings in the surrounding area. It is considered that if some controls are placed on the appearance of a dwelling within proposed Lot 2, effects on existing rural amenity values could be managed.

Effects on perceptions of the nearby Pahatea/Durdan Hill summit SNL would be limited. The proposed site is on the lower, more gently sloping foot-slopes, which do not have the remote, undeveloped character of the upper slopes and summit. A dwelling on lot 2 would not notably intrude or obstruct views towards the SNL from surrounding locations.

The visual catchment of the site is predominantly located to the south and west of the site and from dwellings in the immediate surrounding area. Whilst views are available towards the site from SH1 (Waikouaiti-Waitati Road), partial or complete screening is provided in many places on both the northern and southern approached by roadside shelter vegetation or intervening topography. The most open, unobstructed views towards the site are available from near the intersection of SH1 and Ramrock Road (refer figures 1 & 2). These views are representative of motorists and a limited number of nearby residents. As described above, from these locations a dwelling within proposed Lot 2 would be seen in the context of the other, scattered dwellings on the lower-mid slopes, and would not become a focal feature, if controls were imposed on the height and appearance of the dwelling.

From nearby residential dwellings, a new dwelling on proposed Lot 2 would not intrude on existing views to the rural landscape. Screening of the proposed dwelling site from locations on the eastern side of Quarry Road is provided by existing topography (parts of Quarry Road follow the alignment of a minor ridge). The dwelling location within proposed Lot 2 is at a considerably lower elevation than the neighbouring dwelling to the north (129 Quarry Road). As such, it would not intrude or obstruct views to the broader landscape from 129 Quarry Road.

In order to limit the visual influence of a dwelling within proposed Lot 2 and avoid adverse effects on existing the natural landscape forms and features it is recommended that the dwelling is restricted to a single storey structure and controls are imposed on cladding types/colours to ensure they have a low level of contrast with the colours of the surrounding rural landscape.

Recommended Conditions

The following, or similarly worded, conditions are recommended is consent is granted for this development.

1. The dwelling shall not exceed 6m in height, measured from existing ground level.
2. The exterior building materials and finishes of the proposed dwelling must consist of natural materials (stone, timber) or a colour scheme that will ensure a low level of contrast with the colours of the surrounding rural landscape.
3. Any fencing shall be confined to rural post and wire construction only.
4. Any water tanks associated with the proposed dwelling on Lot 2 that are located above ground must be coloured to ensure a low level of contrast with the colours of the surrounding rural landscape.

Regards,

Luke McKinlay
Landscape Architect

Appendix 1: Site Photos

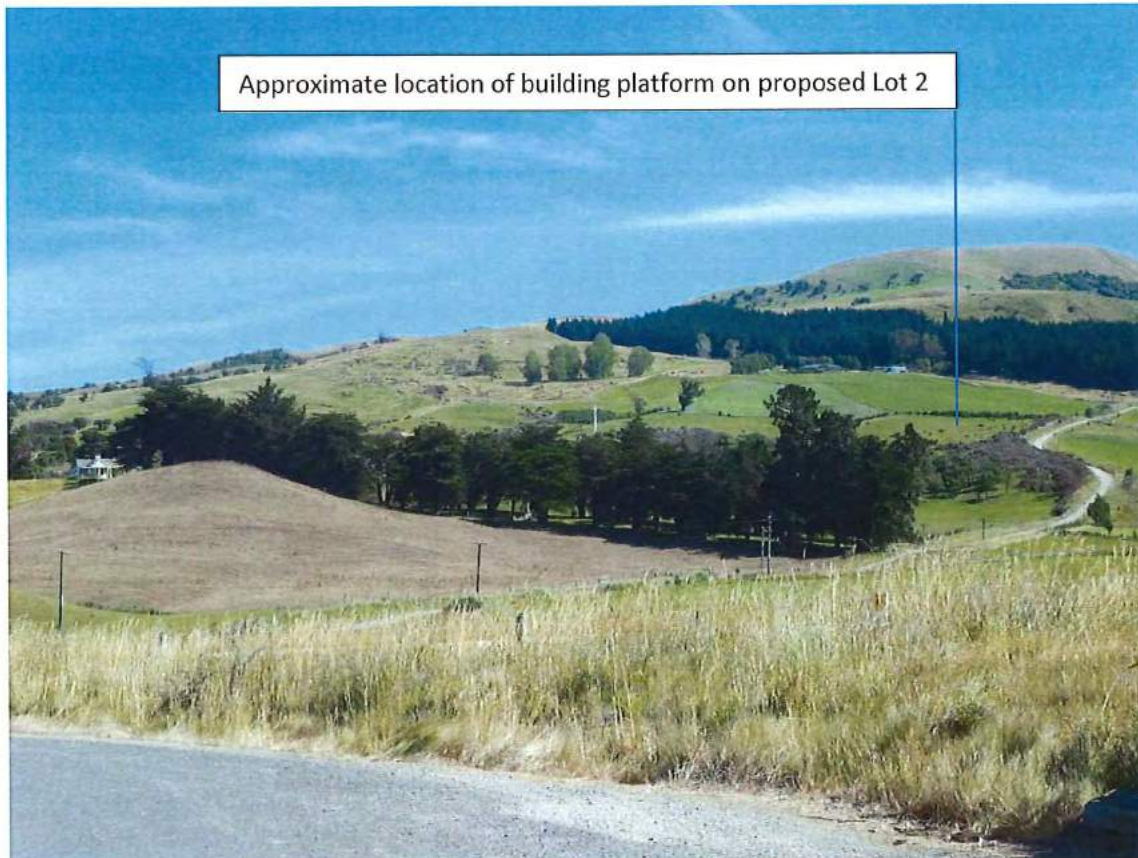


Figure 1: View towards site from near intersection of Ramrock and Waikouaiti-Waitati Road



Figure 2: View towards site from near intersection of Ramrock and Waikouaiti-Waitati Road

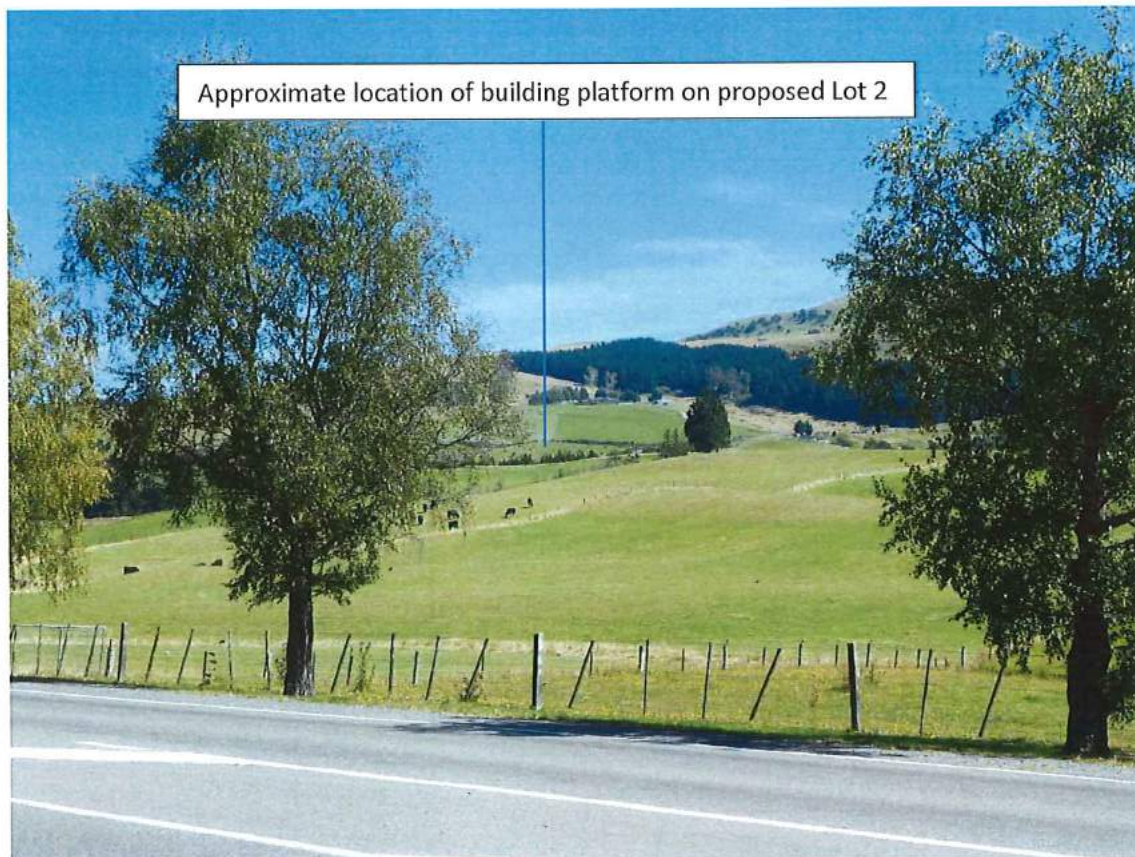


Figure 3: View towards site from near intersection of Geelong Street and Main Road, Waikouaiti.

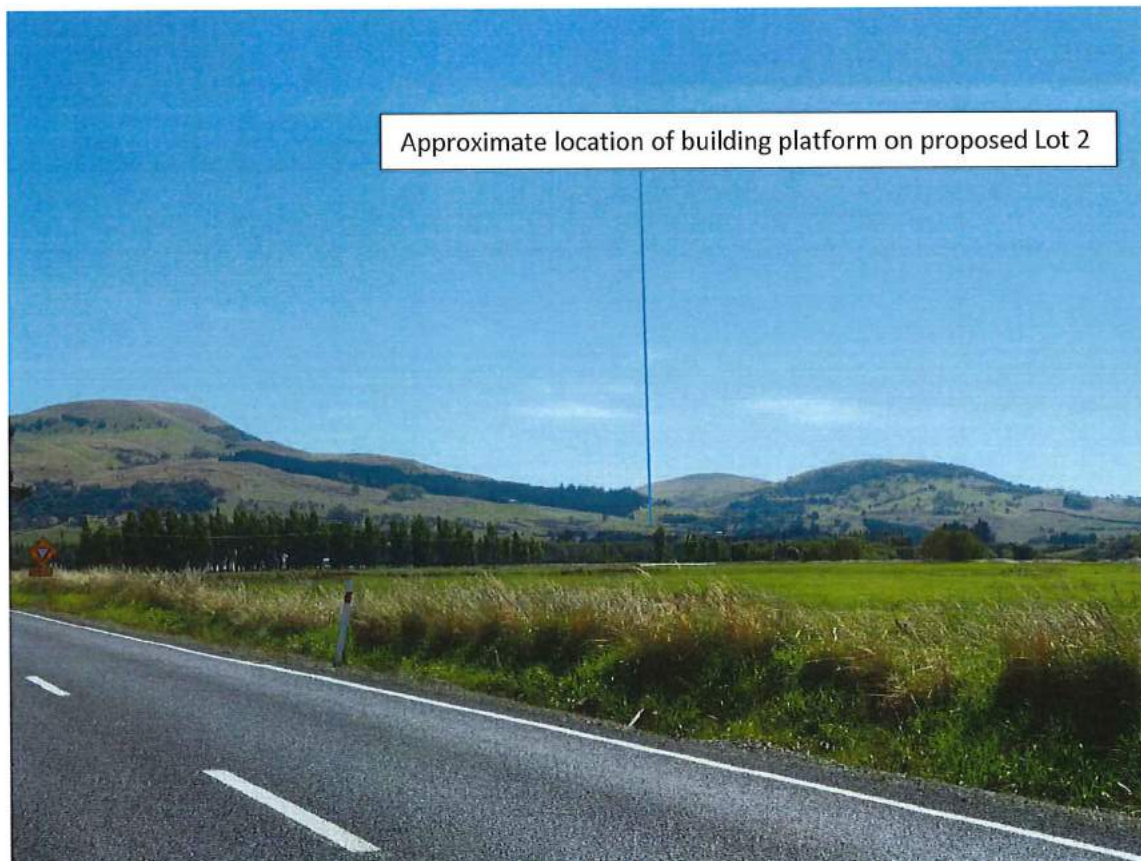


Figure 4: View towards site from near intersection of Coast Road and Waikouaiti-Waitati Road (3km from site).

Memorandum

TO: Callum Riddle – Planner

FROM: Sebastian Demarcy - Planner, Transport

DATE: 10 February 2021

SUBJECT: **SUB-2020-210 & LUC-2020-683**
37 Quarry Road, Waikouaiti

APPLICATION:

The above application seeks resource consent to subdivide the above property into two new lots. The property is located within the Coastal Rural zone. The site contains an existing historic villa believed to be built pre 1880s. The site also contains structures, believed to be sheds and other similar farm related buildings. The proposal will see the creation of Lot 1, 2.92Ha, containing the established historic residential building and existing access and Lot 2, 29.31Ha, will contain the land related to farming activities as well as a new residential dwelling which to be designed and built at a later date. No further details regarding site development are included as part of this proposal.

Proposed Lot 1 will retain access to Quarry Road over the existing formation. Quarry Road is classified as a local road in the 2GP Road Classification Hierarchy.

Proposed Lot 2 will have frontage to Quarry Road and Ramrock Road. There is no existing legal access and no crossing is proposed as part of this consent. Ramrock Road is a local road in the 2GP Road Classification Hierarchy.

Overall, the application is assessed as non-complying due to minimum site size not being met.

ACCESS:

Upon subdivision, Lot 1 will contain the existing historic residential dwelling and associated land of 2.92Ha with access to Quarry Road. Access will be via the existing formation to Quarry Road. The access was not inspected as part of this consent but is understood to be an unsealed crossing measuring approximately 3.5m at the boundary and splaying to approximately 6m at the edge of the formed road with shallow roadside swale. The surface of quarry road is unsealed, and it is therefore appropriate for the access to Lot 1 to remain an unsealed surface. As with the drive formation of the unsealed crossing the drainage of the off-street drive has not been assessed and both are the responsibility of the individual(s) which they serve. It is advised that should Council become aware of any issues related to this access in accordance with Section 335 of the Local Government Act 1974 the access may be required to be reconstructed as appropriate.

The proposed Lot 2 will contain the balance of the land, 29.31Ha, and contain the remaining farming related structures and farmland. There is currently no established access to this site. It is proposed to establish a new residential dwelling within Lot 2 however, this aspect is not included as part of this application and the location of the access is therefore unknown. A

vehicle access will be required at the time of further development, it is advised that DCC Transport will assess provisions for parking, access and manoeuvring at the time of resource consent/building consent application.

It is advised that any access required for farm activities must also comply with 2GP requirements including distance to intersections and sight lines. The formation from the property boundary to the formed road is within the legal road corridor and requires DCC approval for the creation of any access.

PARKING AND MANOEUVRING:

The proposal, in its current form does not alter the use of the site. Due to both Quarry Road and Ramrock Road both being local roads, on-site manoeuvring is not a requirement under the 2GP. Due to the large lot sizes and generally level terrain there is ample space within which to provide necessary parking and manoeuvring space. Speed limits on both Ramrock Road and Quarry Road are both 100km/h. Therefore, DCC transport strongly advise that property owners ensure that all access to the legal road corridor is therefore completed in a forward-facing direction.

GENERATED TRAFFIC:

It is considered that the effects of the proposal on the transportation network will be less than minor.

CONCLUSION

Transport considers the effects of the proposed development on the transportation network to be less than minor, subject to the following condition(s) and advice note(s):

ADVICE NOTES:

- (i) The vehicle crossing, between the road carriageway and the property boundary, is within legal road and will therefore require a separate Vehicle Entrance Approval from DCC Transport to ensure that the vehicle crossing is constructed/upgraded in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).
- (ii) It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.
- (iii) It is advised that should Council become aware of any issues related to this access in accordance with Section 335 of the Local Government Act 1974 the access may be required to be reconstructed as appropriate.
- (iv) Maintenance of unsealed accesses are the responsibility of the properties/users they serve.

Memorandum

TO: City Planning

FROM: Development Support Officer, 3 Waters

DATE: 21/01/2021

SUBJECT: SUB-2020-210 2 LOT SUBDIVISION
LUC-2020-683 37 QUARRY ROAD, WAIKOUAITI
3 WATERS COMMENTS

1. The proposed activity

Subdivision consent is sought from DCC to undertake a 2 lot subdivision at 37 Quarry Road, Waikouaiti. The site is within Coastal Rural zone in the Second Generation District Plan (2GP).

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 Coastal Rural zone and located outside the Rural Water Supply Areas as shown in Appendix B of the *Dunedin City Council Water Bylaw 2011*. Consequently, no reticulated water supply is available to the proposed subdivision.

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 Coastal Rural 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 Residential 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.

Sangya Zhou
Subdivision Support Officer

3 Waters
Dunedin City Council

Campbell Thomson

From: MWH Hazards Team <MWHHazardsTeam@stantec.com>
Sent: Monday, 25 January 2021 02:16 p.m.
To: Laura Mulder; MWH Hazards Team
Subject: RE: SUB-2020-210 & LUC-2020-683 - Memo Request for Department Comment - 37 Quarry Road Waikouaiti

Hello Laura,

We have assessed the application in relation to the hazard register, street files and available aerial photography. We have not visited the site.

We have the following comments to make regarding the application.

Proposal

The proposed activity is to subdivide the above lot into two to separate out and restore an existing historic dwelling on the newly created lot. A new dwelling is also proposed on the balance lot.

Site investigation reports have not been provided.

Plans for the proposal are provided within the application

Hazards

From the Hazard Register, street files, and previously sent emails ; for both this title and nearby properties

- Hazard ID 11965: Land Stability – Land Movement
- Hazard ID 10108: Land Stability – Expansive Clays 8

Global Setting

The underlying geology consists of abbotsford mudstone and is typically sloping by less than 12 degrees, though up to 20 degrees locally.

Discussion

The application proposed no new earthworks or development that would adversely affect the stability of the land.

We recommend that the application not be declined on the ground of known natural hazards.

There are no general potential instabilities of concern.

The proposal will not create or exacerbate instabilities on this or adjacent properties.

Advice

There is potential for expansive clays on the site. This will be an engineering consideration for the proposed new dwelling but poses no unavoidable stability risks.

Conditions

The following conditions are standard conditions, some of which are generic in order to address a potential of work that whilst not indicated, could conceivable occur at the site. We recommend that the following conditions be required:-

- All walls retaining over 1.5m, or supporting a surcharge / slope, including terracing, require design, specification and supervision by appropriately qualified person/s
- Where the long-term stability of other's land or structures may rely upon the continued stability of retaining works, the designer must confirm that the retaining structure can be safely demolished following a complete design life without creating hazards for neighbouring properties.
- Any development on slopes greater than 15 degrees should be designed by an appropriately qualified engineer.
- Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development

- Slopes may not be cut steeper than 1:1 (45°) or two metres high without specific engineering design and construction
- Slopes may not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and construction
- As-built records of the final extent and thickness of any un-engineered fill should be recorded
- Any modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events

Regards,

Edward Guerreiro

BEng Civil

Civil Engineer

Mobile: +64 21 866 028

Email: edward.guerreiro@stantec.com

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From: Laura Mulder

Sent: 13 January, 2021 4:21 PM

To: City Development - Consent Comments ; Resource Consents WWS-BC Comments ; Transport ; MWH Hazards Team

Cc: 'Riddle, Callum'

Subject: SUB-2020-210 & LUC-2020-683 - Memo Request for Department Comment - 37 Quarry Road Waikouaiti

Good Afternoon,

Please find attached a memo request for comments relating to SUB-2020-210 & LUC-2020-683 - 37 Quarry Road Waikouaiti

This request for comments is to go to:

- Heritage
- 3 Waters
- Transport
- Stantec – Hazards

If possible, could I please receive these comments by **Monday 25th January 2021** at the latest.

Thank you

Laura Mulder

PLANNING TECHNICIAN - RESOURCE CONSENTS
CITY PLANNING

P 03 477 4000 | E laura.mulder@dcc.govt.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

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CITY COUNCIL | a-rohe o
Ōtepoti

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Application SUB-2020-210 and LUC-2020-683 37 Quarry Road, Waikouaiti: *Hawksbury/Puke Ora*

Heritage Assessment (Prepared by Jeremy Moyle, Origin Consultants Ltd; edited by Dr Andrea Farminer, Heritage Advisor, City Development)

Introduction

This heritage assessment has been prepared to inform the processing of the resource consent applications SUB-2020-210 and LUC-2020-683. It provides historic background, an overview of the site at present, and assesses the heritage significance of the site and its structures according to criteria outlined in the 2GP.

The Site

The site is the proposed Lot 1 shown in Figure 3 of the Resource Consent application report by Terramark. It includes an existing house, store, foul house and an implement shed. Other features of note at this site include a macrocarpa driveway and a hollow of land to the north of the house. A woolshed is located immediately to the north of the site. These buildings and features are shown in Figure 1 below.

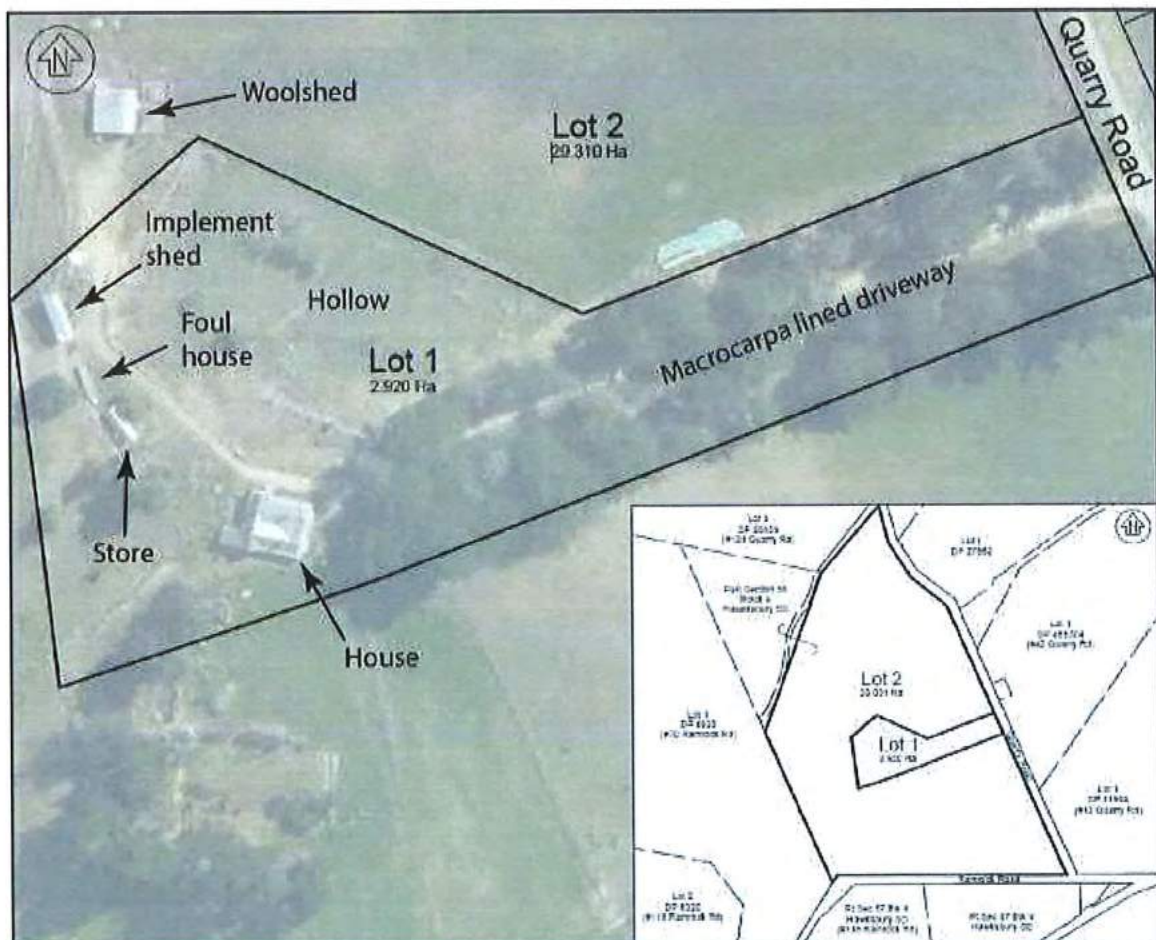


Figure 1. Site plan, adapted from Resource Consent application report by Terramark.

Historic Background

The history of the site can be understood as having two main phases. During its initial pākehā settlement in 1850, it was developed and occupied by the Orbell family, an early settler family, and christened *Hawksbury*. Later, c.1889-91 the site was re-christened *Puke Ora* by the Schultze family and the existing house was built as a country villa; elements of the original 1850 dwelling may have been incorporated into this later house.

The Orbells and *Hawksbury*: 1850 to 1869/1879¹

John and Catherine Orbell and their 12 children (seven brothers and five sisters) arrived in New Zealand in the winter of 1849.² The Orbells seem to have come from a reasonably well-off, upper-middle class background in England. However, their finances were strained by an economic depression in the 1840s and it appears that this was their motivation to emigrate to New Zealand. Several days after arriving in Port Chalmers the family relocated to Matanaka to work at John Jones' *Prospect Farm*. Over the next half century, the Orbells would continue to have a close – though not always cordial – relationship with Jones and his family. Accommodation at the farm was basic with the family's living quarters split between a small, poorly constructed cottage and agricultural outbuildings.

After 6 months at Matanaka Jones agreed to lease the family 20 acres of land to establish a homestead at what is now 37 Quarry Road (the site).³ At the time, this site adjoined Hawksbury Bush, which formerly covered much of the hillsides to the west of Waikouaiti. Over the course of nine months the Orbell brothers erected a house on the site with the assistance of an unnamed carpenter. The lengthy construction time was due to the scarcity of materials in the still embryonic Otago Colony. There is no contemporary description of this original house, but later photographs of the dwelling show what is presumably the original structure (Figure 2). This homestead was known as *Hawksbury*. It is unclear if this name was taken from the locality of Hawksbury or vice versa. However, given that they appear to have been the first pākehā settlers in the immediate area, it seems more likely that Hawksbury was named after the Orbells' house. An 1860s survey map of the area shows other buildings down the hillside to the north of the house site (Figure 3).

¹ Unless otherwise stated, this portion of the history is based on Macleod Orbell's (John and Catherine's son) memoir of early life in Otago from 1849 to 1870; Hocken Library, MS-0535.

² Hocken Library, MS-3171/007.

³ There are several sources that indicate this. Most significant is a collection of buildings marked 'J. Orbell' at the site in an 1860 survey plan (SO 581). The site is also shown as the location of John Orbell's house in an 1860s sketch of the area included in Christie's 1929 history of Waikouaiti. Finally, Macleod Orbell notes the distances between certain landmarks and the Hawksbury homestead throughout his memoir. These generally align with the 37 Quarry Road site.



Figure 2. Hawksbury, date unknown.⁴

Once established, *Hawksbury* became a common stopping place for travellers passing through on their way to Dunedin. The Orbells' 'respectable' background in England meant they were comfortable with the colonial elite (as it was at the time), and notable guests included Bishop Selwyn and Walter Mantell. The Orbell daughters are noted as providing musical entertainment, with callers frequently joining in with singing or playing the piano.

The family worked together to cultivate the land around *Hawksbury* over the following decades. The purchase of pigs and cows necessitated the construction of a piggery and cow shed on the site at some point prior to 1853. Around 1855 John took up the *Waikouaiti* run (No. 4), covering approximately 20,000 acres to the south of *Waikouaiti*. The Orbells worked this land while continuing to reside at *Hawksbury*, which was suitably close by and already well-established by this stage. By the end of the 1850s the income from the *Waikouaiti* run is reported to have allowed John and Catherine to live in comfort at *Hawksbury* as their children began to get married and leave home. It seems that by the 1860s John was largely retired and he and Catherine were alone in the house, living the life of New Zealand's early quasi-gentry.⁵

⁴ Otago Settlers Museum, 67-32.

⁵ Two sons, Henry and Macleod Orbell, began their own farming operation on another run to the west of *Hawksbury*

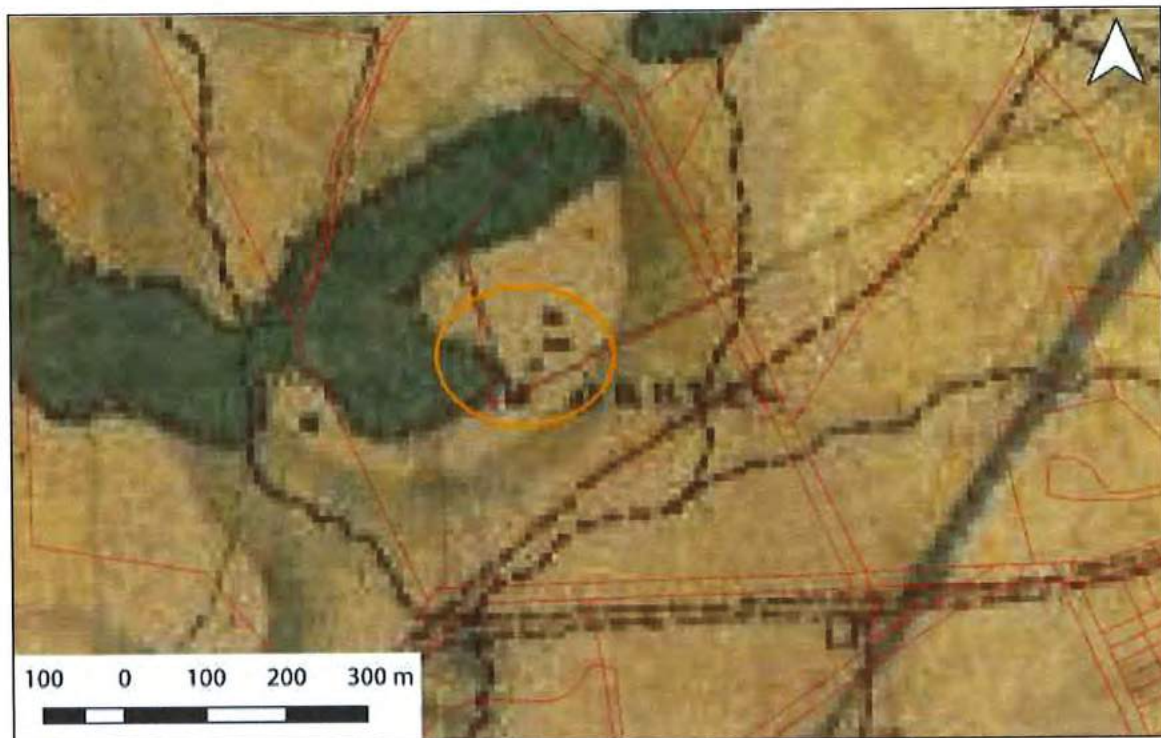


Figure 3. Enlarged detail of 1860 survey map overlaid with the current parcel boundaries. The buildings on the site are circled.⁶

The history of *Hawksbury* is not clear from the end of the 1860s until the 1890s. There is circumstantial evidence to suggest that John and Catharine moved to a house at 37 Mount Street, Waikouaiti (formerly the West Hawksbury township) around 1869.⁷ This move is plausible given that *Hawksbury* was located on land leased from the Jones family,⁸ and a shift to a freehold site for their retirement may have been desirable. However, John's funeral notice in 1879 records the party as leaving from his home "at *Hawksbury*", and it is unclear if this means 37 Quarry Road or if the house name had been transported to Mount Street.⁹ No evidence has been found that documents the use of the 37 Quarry Road site following the death/removal of the Orbells. Situated on part of the substantial Jones family landholding, the house was possibly used to house the Jones' farm managers or tenant farmers. Waikouaiti Country rates records held by the Dunedin City Council note that the property was occupied from at least 1886-c.1891 by a B. Bray, with the owner recorded as a George E. F. Schultze (or Schultz). His wife, Elizabeth Schultze, was a member of the Jones family, who came of age in March 1888 and inherited the *Hawksbury* landholding and Mill House. She married George in May 1888. The property was valued between £600-800 during this period.¹⁰

Puke Ora: circa 1889-1893 to Present

In about 1889-1893 the present house at the site was constructed by George and Elizabeth Schultze. Elizabeth was the granddaughter of John Jones and inherited title to the land.¹¹ It is unclear if the Schultze's were actively involved in farming the land around the site or if the site simply served as a country house, but the latter seems more likely. An 1889 construction tender suggests that the existing house was designed by Mason and Wales.¹² It appears to have been constructed by at least 1893 (most likely by 1891 when a well-reported hunting event was hosted by George at 'Puke Ora') when the

⁶ SO 581.

⁷ John Orbell is recorded as purchasing the sections comprising the Mount Street property in 1861. A mortgage is taken out on the property in 1869, possibly suggesting the construction of a house in that year. Deeds Index, B-695; Evening Star, 1888, 'Auction Notices,' 5 August, Pg. 3.

⁸ John Jones died in 1869 and his landholdings were distributed amongst his children. Hocken, MS-3171/007.

⁹ Evening Star, 1879, 'Special Advertisements,' 15 January, Pg. 2.

¹⁰ Waikouaiti County Council Rates Records, 1886-1918.

¹¹ Otago Witness, 1891, 'Local and General,' 24 September, Pg. 18.

¹² Otago Daily Times, 1889, Late Advertisements, 26 February, Pg. 3.

County Council valuation of the property jumped to £1600.¹³ This aligns with central government valuation records which suggest an 1891-2 construction date.¹⁴ No historic evidence has been identified that records the fate of the Orbell's original 1850s house. It may have been either demolished, incorporated into the new house, or shifted elsewhere. From later newspaper notices, this house became known as *Puke Ora* – meaning 'Hill of Health' in Māori. The Schultzes did not remain at *Puke Ora* for long though: by 1893 they auctioned their chattels and leased the site (the auction notice describes a house of nine rooms with a stable, coach house, cowshed, etc).¹⁵ There is a gap in knowledge of who bought the lease from the Schultzes in 1893, but livestock sale notices in local papers reference RAS Cantrell at *Puke Ora* in 1902.

Patrick Toomey, a former publican turned farmer who had been leasing the property, purchased *Puke Ora* and a neighbouring property in 1918.¹⁶ A subsequent comment on the sale in the *Otago Witness*¹⁷ in January 1919, noted that 'Owing to the keen demand experienced for the homestead, the occupier had to pay something like twice its value, notwithstanding that the [former] owner is an "absentee" and that the present tenant [Toomey] has been paying rent for lands for over twenty years'. In the 1918 sale information, *Puke Ora* was described as a dwelling of 12 rooms, indicating it had been extended from its c.1890 construction, when it contained nine rooms; the sale particulars also noted a dairy, store room, fowl house and Men's Hut. The Toomey family continued to own the property through most of the 20th century and Patrick's descendants are still present in Waikouaiti.

Like the original 1850s house, the development and fate of agricultural outbuildings on the site appears not to have been historically documented beyond the depiction of structures in the 1860 survey plan.



Figure 4. *Puke Ora*, date unknown (but possibly a record of a well-reported, July 1891 hunt party hosted by George Schultze).¹⁸

¹³ Waikouaiti County Council Rates Records, 1886-1918.

¹⁴ Archives New Zealand, R21 088 150.

¹⁵ *Otago Witness*, 1893, 'Late Advertisements,' 6 April, Pg. 25; 'Sales by Auction,' 15 May, Pg. 4.

¹⁶ *Evening Star*, 1918, 'Commercial: Sale of Farms,' 21 December, Pg. 6; 1941, 'Obituary: Mr Patrick Toomey,' Pg. 10.

¹⁷ *Otago Witness*, 1919, 1 January, Pg. 9.

¹⁸ Hocken Library,



Figure 6. The store, looking east.



Figure 7. For comparison: the store at Matanaka, looking north.

On-site Observations and Notes

A visit to the site was made on 5 March 2021. Observations and notes on the different buildings and features on the site are included below.

The House

The house is a substantial timber villa. It is in fair condition: there is an obvious need for maintenance and some previous renovations have altered parts of the interior, but most of the historic interior and exterior remains intact.

The rear gable-roofed portion of the house superficially appears to be a distinct structure from the rest of the building. This is likely to be either a later, undocumented addition or, possibly the heavily modified remains of the original *Hawksbury* house built by the Orbell family.



Figure 5. The house, looking north.

The Store

The store is a three-roomed timber building. Its proportions and framing members suggest it is of some antiquity – exposed studs measured approximately 140 x 90 mm – though it has been modified over time.

Crucially, this building has several distinct similarities to the early farm buildings at the Listed heritage site at Matanaka, especially the small store there:

- it has a similar size (in terms of gable elevation) and proportions;
- it has a similar attic vent (though this has been obscured by later weatherboards at 37 Quarry Road); and
- it appears to have an identical interior finish consisting of beaded match-lining.

This is significant considering the historic relationship between this site and Matanaka: the Orbell and Jones families.

The Foul House

This structure is of uncertain age and looks to be extensively modified.

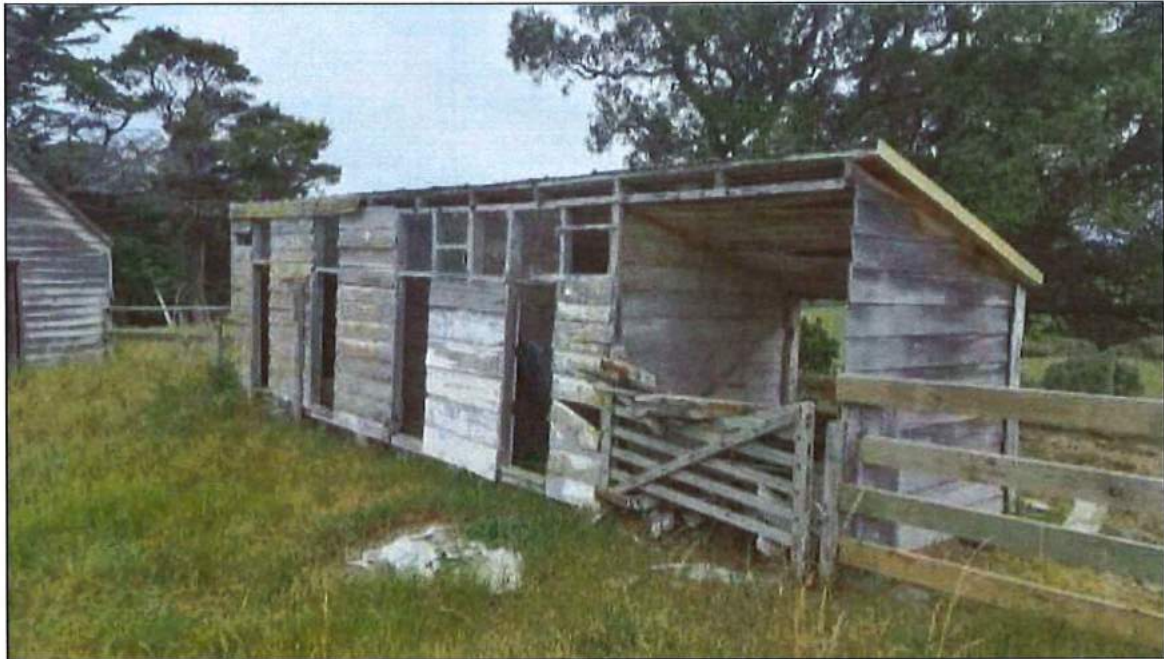


Figure 8. The foul house, looking south.

The Implement Shed

The thinner framing and use of corrugate cladding suggest this building was constructed later in the site's history; most likely during the mid-20th century.



Figure 9. The implement shed, looking west.

Macrocarpa Lined Driveway

This feature is most likely contemporary with the construction of Puke Ora in c.1891. It follows a fashion in English country-house landscaping that the Schultze family would likely have been interested in emulating, for their own country retreat when they created Puke Ora.



Figure 10. Macrocarpa lined driveway, looking north-east.

Hollow

The hollow to the north of the house is almost certainly the site of earlier outbuildings. Buildings are marked at this point in the 1860 survey plan. The present owner has oral history accounts from the previous owner about limestone building remains being found here.



Figure 11. A partial view of the hollow to the left of the image, looking south.

The Woolshed

While not on the Lot that is the focus of this assessment, this structure is part of the set of agricultural buildings associated with the 1891 house. Its framing and corrugate cladding are similar to the Implement shed, and it is likely of similar age (mid-20th century). Some recycled corrugate is used on the building, and the remains of some painted advertisements can be seen on the inside of the shed.



Figure 12. Woolshed interior with recycled corrugate visible, looking north.

Heritage Significance Assessment

The heritage significance of Hawksbury/Puke Ora is assessed below according to the criteria outlined in Policy 2.4.2.1.b of the 2GP.

Historic and Social Significance

The site has been an important element of both the Otago and Waikouaiti pākehā landscape since circa 1850. Most significant is the site's association with the Orbell family, the development of agriculture and European settlement around it, its connection with the Matanaka Farm, and the fact that the placename Hawksbury potentially originates from this site. Later changes and developments at the site by subsequent occupants may be of lesser significance, but the evolution and continued use of this site from 1850 is a highly significant element of its historic values. Anecdotally, the physical prominence of the *Puke Ora* house from the adjacent SH1 has more recently also seen it enter the community consciousness as an important landscape feature associated with Waikouaiti.

Assessment: High

Spiritual/Cultural Significance, including significance to Māori

Local runaka will need to be consulted as to the site's Māori spiritual/cultural significance; however, it sits within a wider Pre-European landscape, and as such is considered to contribute to this landscape. It has yet to be determined if *Puke Ora* was simply created by the Schultze family or if it had been adopted from a local landmark (for instance the local peak of Mill Hill was well-known). No recorded pākehā spiritual/ cultural significance is known to be associated with the site.

Assessment: Some cultural value likely

Design Significance

While not unique, the *Puke Ora* house is an excellent example of a late 19th century rural homestead. Its original materials and craftsmanship appear to be of excellent quality and superior to many of the more mass-produced urban villas. The fact that the building was very likely designed by the notable Dunedin architectural firm of Mason and Wales, is also highly notable. The timber store – if it is as old as it appears to be – has significance as an example of the early agricultural vernacular in New Zealand. The grouping of other agricultural buildings and the macrocarpa-lined driveway contribute to the European landscape aesthetic of the site.

Assessment: High

Technological/Scientific/Archaeological Significance

The significant age of the site makes it valuable in that, subject to archaeological investigation, it can provide valuable insight into some of the earliest pākehā settlement in Otago. Similarly, the timber store has the potential to develop our knowledge about early building design and construction techniques.

Assessment: High

Conclusion

The site proposed for subdivision – formally known as *Hawksbury* or *Puke Ora* – has been occupied since the earliest days of pākehā settlement in Otago and is associated with a prominent early settler family. The store building on the site may date back to this earliest period of its history. The fate of the Orbells house and other farm buildings is unclear, but remnants may survive within the present structures. The house presently on the site was built *circa* 1889-1891 during a later phase of the site's history.

It is suggested that the site has high historic and social significance, high design significance, and high technological/scientific significance. Local runaka will need to be consulted as to Māori spiritual/cultural significance, to determine if the site holds cultural values for Tangata Whenua.

Considering this overall high heritage significance, this site will clearly qualify for heritage protection in the Dunedin City District Plan Heritage Schedule, if proposed.

Kind regards,

Jeremy Moyle
Heritage Consultant
 On behalf of City Development
 Dunedin City Council

Campbell Thomson

From: Andrea Farminer
Sent: Monday, 25 January 2021 01:54 p.m.
To: Riddle, Callum
Cc: Roxanne Davies; Laura Mulder
Subject: 37 Quarry Road, Waikouaiti - Heritage comment

Hi Callum,

Thanks for your incite to comment on the above application. I did some background research last week 9including talking with the curator at the Waikouaiti heritage centre where the applicant's historic photo came from) and came up with nothing about the original history of the farm ad its origins. There was one passing reference to an 1886 date for its construction but no other stories or affiliations of any certainty (it may be associated with a prominent local man, Patrick Toomey, but even the curator was unsure of this). More recently, the villa does appear to have been renovated (photos of it appeared on a 'for sale' web page circa 2016). However, The size and quality of the villa and its associated farm buildings (a woolshed and double barn?) are likely to worthy of entry on to the district plan heritage schedule, if they were assessed formally, in my opinion. We have so few farmsteads included on the schedule in the Waikouaiti area, that it would probably be a good example to add.

Hope this assists your deliberations.

Cheers,
 Andrea

Dr Andrea Farminer
HERITAGE ADVISOR
CITY DEVELOPMENT

PLEASE NOTE: I will be working away from the office (in the UK) as from Tuesday 2nd February until Monday 12th April 2021. I will be available on email most days with some time delay, but will not be able to take phone calls directly (calls will be redirected to City Development who will email me).

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Campbell Thomson

From: Andrea Farminer
Sent: Wednesday, 7 April 2021 09:37 a.m.
To: Campbell Thomson
Cc: Jeremy Moyle
Subject: 37 Quarry Road Subdivision issue - Covenant Information

Hi Campbell,

Further to our chat this afternoon, here are my notes from my informal chat with Jonathan Howard of HNZPT, regarding their use of Heritage Covenants.

- Key aspect is the 'intent' of the HC – what is it's purpose and what is it trying to achieve?
- All parties have to be on the same page and the timing is key – what is or is about to happen, that is driving the desire/need for a covenant?
- HCs are usually about the future management of the site in accordance with an agreed/defined management strategy and set of identified values (i.e. often based on a site Conservation Plan or similar significance-management type document).
- The HC identifies the degrees of future actions allowed on both sides (i.e. what present and future owners can/should do; and what HNZPT are expected to do/comment on/monitor, etc). This has to be agreed by all parties. Again – the purpose or intent of these agreed actions needs to be thoroughly considered.
- If the future actions are too restrictive then unlikely to be fulfilled or will deter future potential owners.
- Who manages the HC is also a key point. Who has the appetite to 'police' it in the future (usually HNZPT act as the monitor/police in their HCs)?
- The extent of the HC also needs careful consideration and detailing (it needs to avoid ambiguity). Is it all of the site and everything in it, or certain significance parts? Are the owners allowed to do some works, development without consulting the other party (and why)? When so they have to consult and gain agreement from the monitor (i.e. HNZPT)? Etc.
- A set of record photos is essential to record the site at the time of the HC agreement, so it is clear what the baseline condition/situation of the site is.

Am on leave Thurs/Fri Campbell, but happy to chat by phone if needed, before the Monday hearing.

Cheers,
 Andrea

Dr Andrea Farminer
HERITAGE ADVISOR
CITY DEVELOPMENT

PLEASE NOTE: I will be working away from the office (in the UK) as from Tuesday 2nd February until Monday 12th April 2021. I will be available on email most days with some time delay, but will not be able to take phone calls directly (calls will be redirected to City Development who will email me).

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APPENDIX 4:
SEC95 ASSESSMENT

TO: Campbell Thomson , Senior Planner

FROM: Callum Riddle, Planner

DATE: 4 March 2021

SUBJECT: **SUB-2020-210 & LUC-2020 - 683**
NOTIFICATION ASSESSMENT

Public Notification

Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification.

Step 1: Mandatory public notification in certain circumstances

- If the answer to any of the below questions is yes, then public notification is required and consideration of the other steps in Section 95A is not needed.

Question	Yes	No	N/A	Assessment Notes
Has the applicant requested public notification? (s95A(3)(a))	–	✓	–	The applicant has requested that the proposal is processed as a non-notified consent.
Is public notification required under Section 95C (applicant has not provided or refuses to provide further information; or, applicant refuses to agree to commissioning of report or does not respond to report commissioning request)? (s95A(3)(b))	–	✓	–	
Has the application been made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977? (s95A(3)(c))	–	✓	–	The proposal does not include the exchange of recreation reserve land.

Step 2: If not required by Step 1, public notification precluded in certain circumstances

- If the answer is yes to any of the below questions, then Step 3 must be skipped and Step 4 considered.
- If the answer is no to all of these questions, then Step 3 must be considered.

Question	Yes	No	N/A	Assessment Notes
Does a rule or national environmental standard	–	✓	–	No rules under the Operative District Plan or the Proposed 2GP

preclude public notification of each activity in the application? (s95A(5)(a))				preclude public notification of any of the activities within the proposal. No National Environmental Standards are relevant to this proposal.
Is the application for one or more of the following, but no other, activities:				
▪ A controlled activity? (s95A(5)(b)(i))	–	✓	–	
▪ A restricted discretionary or discretionary subdivision of land? (s95A(5)(b)(ii))	–	✓	–	The proposed undersized subdivision is assessed as a non-complying activity under both the Operative District Plan and the Proposed 2GP.
▪ A restricted discretionary or discretionary 'residential activity'? (s95A(5)(b)(ii))	–	✓	–	An additional land-use consent is sought as part of the proposal to construct a new residential dwelling on proposed Lot 2.
▪ A restricted discretionary, discretionary or non-complying 'boundary activity'? (s95A(5)(b)(iii))	–	✓	–	
▪ An activity prescribed in regulations as being precluded from public notification? (s95A(5)(b)(iv))	–	✓	–	No regulations have been made under Section 360H(1)(a)(i) precluding public notification.

Step 3: If not precluded by Step 2, public notification required in certain circumstances

- If any of the answers to these questions is yes, then public notification is required and consideration of Step 4 is not needed. If the application is for multiple activities and is being processed as a 'bundled application', and any part of that application meets either of the below criteria, the application must be publicly notified in its entirety.
- If the answer to both of these questions is no, then Step 4 must be considered.

Question	Yes	No	N/A	Assessment Notes
Does a rule or national environmental standard require public notification of the activity or any of the activities? (s95A(8)(a))	–	✓	–	
Will the activity have, or be likely to have, adverse effects on the environment that are more than minor? (s95A(8)(b) and s95D)	✓	–	–	See below assessment

The Proposal

The applicant wishes to create an undersized rural lot comprising 3.130ha to ensure the ongoing protection of a homestead and associated curtilage on the site. The residual land being 28.821ha will be retained as a working farm. A new dwelling will be established on the higher elevations of the farm to maximise the views of Waikouaiti township and the Otago coastline.

The property is zoned Rural Coastal under the Proposed 2GP and Rural under the Operative District Plan.

The issue for the landowner relates to the historic homestead. The application indicates that whilst it is currently in poor condition, it is not beyond repair. As it was built pre-1880, and is believed to have some significance in terms of local history, the landowner is reluctant to seek authority to demolish the homestead, but at the same time, the presence of an existing residential unit on the site negates the ability for the landowner to develop the wider farm with a new residence on site.

Proposed Lot 1 will comprise 3.130ha and include the historic homestead, existing farm sheds, forested driveway, wastewater treatment field and curtilage associated with the domestic area of the homestead. It will have formed and legal frontage to Quarry Road.

Proposed Lot 2 will comprise the 28.821ha and include the balance of the property. It will have formed and legal frontage to Quarry and Ramrock Road. A new dwelling will be established on the site in the future which will either comply with the performance standards for the zone, or a further resource consent will be required. No building platform was indicated on the original scheme plan provided. However, a building platform has been defined on the revised scheme received by Council on 12 February 2021. Lot 2 will require amalgamation with the part section to the nor-west, as shown in the scheme plan.

Permitted Baseline

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect. In this instance, there is no subdivision permitted as of right and there is no permitted baseline for non-complying subdivision activities. However, the permitted baseline remains relevant in terms of the permitted land use and development of the existing property.

From a contextual perspective, the site overall prior to subdivision comprises 35.7691ha (limited as to parcels) and therefore only one residential unit is permitted on the single site (given 80ha is the minimum for two units on a single site in the 2GP). If consent is granted to the subdivision, then following subdivision, each resulting site comprising 15ha or more can accommodate a dwelling, but this will not apply to proposed Lot 1 being undersized. Therefore, in terms of residential activity, the permitted baseline for development of this property involves one dwelling only. However, by contrast, the rule provisions for development of farm buildings in Rural zones (where the land is not subject of any overlay zone) are permissive. Any number of sheds and other structures for farming purposes may be erected on the site, subject to compliance with the performance standards for development activity, and the relevant citywide rules such as the provisions for small scale earthworks. These structures could potentially be built at almost any location within the site, subject to the setback requirement in Rule 16.6.10. While such buildings could be up to 10m high it is hard to make any meaningful determination of the scale and effects of such development, as it relies upon a judgement of what may be fanciful for farming activity on a property of this size.

The permitted baseline does allow for the removal or demolition of the homestead as it is not a scheduled heritage building. While an Archaeological Authority is required prior to demolition this is not an RMA consent process and is not considered to be a relevant

consideration in this instance. The Council's Heritage Advisor does note there could be some support to schedule the homestead to meet this standard, but indicates there is a process to work through before this status could be achieved, with a variation to the 2GP being required. It is noted that the applicant seeks to construct a new residential dwelling on the property. The establishment of a new residential unit on an undersized lot currently containing an existing dwelling is not permitted. This approach conflicts with the provisions around protecting and avoiding heritage buildings, and is not consistent with the applicant's desire to retain the villa in the wider Waikouaiti area.

The 2GP does provide some guidance in terms of creating undersized sites in some situations, such as:

- Rule 16.7.4.2 sets out an exemption for the minimum site size for protected heritage features or those with a heritage covenant; or
- Rule 16.7.4.3 also sets out exemptions for surplus dwellings and whilst the subject site only contains the single residential unit the circumstance of this historic villa is that of a surplus dwelling.

However, the provisions for this activity are contingent on the balance lot resulting from the subdivision at least complying with the minimum lot size. Further, given that the building is not listed on the district plan, nor is it classified as a heritage building by Heritage New Zealand, the proposal does not meet these exemptions. Given the age of building pre-dates 1900s, there is nevertheless some evidence that the homestead may meet the requirements to become a scheduled building at a later date.

It is accepted the 2GP framework does not expressly set out a baseline for the specific situation faced by the landowner, however, it is accepted that the existing environment could potentially be modified by erection of new farm sheds, or the replacement of the existing homestead with a new dwelling, with few restrictions on where within the site this development could be located. Further, the above exemptions for minimum site area do provide some intent of when an undersized site may be considered acceptable in the rural zone.

Assessment of Effects on Environment

Effects on Rural Amenity

The development of land at a density significantly over and above that expected for the Rural Zone can adversely affect the rural amenity and character of the rural landscape. The amenity values of rural areas are widely described as including the spaciousness and separation of activities in the rural area. In this locality, it is the open space and limited visibility of residential development that contributes to the rural amenity of the surrounding environment.

The applicant does note that the existing rural amenity will be retained by the proposal. I would agree in part to this given that proposed Lot 2 will still be utilised for rural production activities, and may still be of sufficient size to cater to these activities in a manner that maintains the rural character of the surrounding environment. It is considered that the proposal will still have some effects on the amenity of the surrounding environment. 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 are partially existing in regards to the establishment of the homestead and associated farm buildings (barns and farm sheds) that support rural activity occurring on the property. The homestead is considered to be visually prominent and highly visible from Quarry Road, Ramrock Road and SH1. Nevertheless, the homestead does have substantial curtilage along the driveway to reduce the visual effects of the homestead.

However, the key concern of the proposal for rural amenity relates to the establishment of a new lot, and the consequential construction of an additional residential dwelling at a higher elevation on proposed Lot 2. The applicant initially did not provide an indicative building platform to outline the location of this new dwelling, or any details of the intended site development. However, an amended scheme plan was provided on Friday 12th February that shows a 20m x 20m building platform in the north western corner of the property. While it is noted that the subject site is not subject to any landscape overlays, given the extent of the density breach, it is possible that the establishment of an additional residential dwelling alongside the existing homestead could result in cumulative visual dominance effects. As such, the proposal was referred to the Council's Landscape Architect for comment and he advised as follows:

The site is located to the west of Waikouaiti, on the south-eastern, lower slopes of Pahatea/Durdan Hill. The upper slopes and summit of Pahatea (440m-260masl) have high rural amenity values. As outlined at A3.3.1 of the 2GP, this Significant Natural Landscape has a coherent and memorable volcanic form. It has an uncluttered appearance and a sense of remoteness due to the absence of buildings and other structures (refer figure 2). The mid slopes, as viewed from the primary visual catchment to the south and west of the site, on Waikouaiti-Waitati Road and within western parts of Waikouaiti, are characterised by a band of exotic forestry, pastoral paddocks and low levels of built development. The lower slopes, which includes the subject site, are characterised by more gently sloping topography, a scattering of residential dwellings and ancillary structures. Landcover is more mixed than on the higher slopes and includes pasture, shelterbelts, patches of exotic weed species and some, limited, areas of remnant native vegetation (refer figures 1-4 in appendix 2).

Objective 16.2.3 of the 2GP requires that rural character values and amenity of the rural zones are maintained or enhanced, elements of which include the following:

- 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 (Appendix A7).*

The subject site is contained within the northern part of the Coastal Rural Zone (A7.6 of 2GP):

Description

The northern section of the zone stretches from the inner harbour area of Deborah Bay and continues north to Aramoana, along the coast to include Heyward Point, Long Beach, Potato Point, Warrington, Seacliff and Kāritane. It extends inland incorporating a considerable part of the coastal slopes above Whareakeake, areas south of Blueskin Bay, Porteus Hill, Round Hill and land adjacent to Waikouaiti towards the northern boundary of Dunedin city.

The north (Waikouaiti) coast is rich in Māori and European history and exudes a strong sense of place, reflecting an environment that has always been important for human habitation. The area is drained by two major river systems. On the north side of the Kilmog the twin branches of the Waikouaiti River join to flow as one through the Waikouaiti-Kāritane estuary system and south of the Kilmog, the Waitati River and Carey's Creek flow into Blueskin Bay. The smaller Pūrākaunui estuary is the other outlet of significance.

Values

1. The general visual dominance of natural elements such as natural landforms, streams and remnant indigenous vegetation over human landscape elements e.g. buildings or shelter plantings.
2. The generally limited visual influence of any large-scale structures or exotic plantings to diminish the impact of the natural landscape forms and features.
3. The extent and quality of the dramatic coastal landforms and views, with visual interest focused on the coastal edge.
4. The remote wilderness character of the beach landscapes and the visual separation of these areas from adjacent developed areas by dunes or other landforms.
5. The human-made features which are relics of the past, e.g. remnant shelter plantings and drystone walls.
6. Transient wildlife of interest, e.g. seals.
7. Areas which have significant habitat value, e.g. Aramoana salt marsh and Pūrākaunui Estuary.
8. The landscape and cultural values of the historically and culturally significant Quarantine Island/ Kamau-taurua and Goat Island/ Rakiriri, pā sites at Huriawa (Karitāne) and Māpoutahi (Pūrākaunui Bay) and site of early European settlement at Matainaka (Matanaka).

There is a general consistency with some of the above relevant values of the wider zone present in the area surrounding the subject site. Natural elements, in the form of paddocks in pasture, shelterbelts, wood lots and areas of remnant indigenous vegetation visually dominate built elements. However, there is a loose cluster of residential dwellings and ancillary structures on the lower-mid slopes in the vicinity of the site (refer figure 2), which means that a dwelling within the proposed building platform area would not intrude on a highly natural or undeveloped pastoral environment. Further, one additional dwelling within proposed Lot 2 would not notably alter the existing ratio of open space to buildings in the surrounding area. It is considered that if some controls are placed on the appearance of a dwelling within proposed Lot 2, effects on existing rural amenity values could be managed.

Effects on perceptions of the nearby Pahatea/Durdan Hill summit SNL would be limited. The proposed site is on the lower, more gently sloping foot-slopes, which do not have the remote, undeveloped character of the upper slopes and summit. A dwelling on lot 2 would not notably intrude or obstruct views towards the SNL from surrounding locations.

The visual catchment of the site is predominantly located to the south and west of the site and from dwellings in the immediate surrounding area. Whilst views are available towards the site from SH1 (Waikouaiti-Waitati Road), partial or complete screening is provided in many places on both the northern and southern approached by roadside shelter vegetation or intervening topography. The most open, unobstructed views towards the site are available from near the intersection of SH1 and Ramrock Road (refer figures 1 & 2). These views are representative of motorists and a limited number of nearby residents. As described above, from these locations a dwelling within proposed Lot 2 would be seen in the context of the other, scattered dwellings on the lower-mid slopes, and would not become a focal feature, if controls were imposed on the height and appearance of the dwelling.

From nearby residential dwellings, a new dwelling on proposed Lot 2 would not intrude on existing views to the rural landscape. Screening of the proposed dwelling site from locations on the eastern side of Quarry Road is provided by existing topography (parts of Quarry Road follow the alignment of a minor ridge). The dwelling location within proposed Lot 2 is at a considerably lower elevation than the neighbouring dwelling to the north (129 Quarry Road). As such, it would not intrude or obstruct views to the broader landscape from 129 Quarry Road.

In order to limit the visual influence of a dwelling within proposed Lot 2 and avoid adverse effects on existing the natural landscape forms and features it is recommended that the dwelling is restricted to a single storey structure and controls are imposed on cladding types/colours to ensure they have a low level of contrast with the colours of the surrounding rural landscape

As such, given the above assessment, it is accepted there is sufficient evidence that any adverse effects arising from a new residential dwelling can be mitigated appropriately with conditions on any decision, should the consent be granted. Therefore, it is considered that the proposal is not likely to have either a minor or more than minor effect on the rural amenity of the surrounding environment, subject to conditions.

Effects on Land Fragmentation

The proposed subdivision will result in land fragmentation effects within the rural environment. The subject site in its present size does not meet the minimum site size under the Proposed 2GP and the subdivision of this site would ultimately result in further fragmentation to a greater extent than its existing state. In terms of the environmental effects arising from fragmentation of rural land, in this instance much of the surrounding land holdings are held in similar sized land parcels to the existing subject site.

The purpose of establishing Lot 1 as only 3.130ha would enable the protection of an historic homestead and the surrounding buildings while still allowing the remaining 28.821ha of land to be used for rural activities. The fragmentation of the land to facilitate the smaller lot with the homestead may have some positive effects. The creation of the smaller lot could allow for greater protection of the homestead and associated farm buildings and manage the site better long-term rather than this being held in a larger lot. However, it is noted in the application that the purpose of the subdivision is to ultimately enable the construction of a new residential dwelling on Lot 2 at a higher elevation. Given the circumstances, creating two equal sized sites would be more likely to compromise the rural productive capacity of the land. Retaining one larger lot is logical for the intended land usage. Considering an averaging across both sites would find the potential density for residential land use activity that can be achieved under the 2GP is met, although this is not the correct method set out in the 2GP. It is contingent on the prior approval of the subdivision to create two lots from the subject site, neither of which meet the minimum site size for lots in the Coastal Rural zone.

The Proposed 2GP provides a clear policy direction that would not support the granting of this type of proposal unless it met the limited scope of circumstances, of which the proposal in its current state does not meet given that the homestead is not listed as a scheduled building, nor is likely to be added to the Proposed 2GP within the foreseeable future that would enable this to be carried out as a reasonable condition prior to s224(c) certification. It is noted that, under the Operative District Plan a subdivision could occur that would enable two new lots to be established at 15ha or more and comply with the provisions under this plan. The applicant notes that this approach was not desirable as in practice this would result in a greater loss of productive potential, where neither landholding would be able to be operated economically from a rural productive point of view. However, as the rules of the 2GP make no similar provision for subdivision of the site, the argument is somewhat academic.

The 2GP is under appeal for both density and minimum site size and the 2006 Operative Plan provides some guidance in respect to undersize sites provided they comply with Rules 18.5.3 – 18.5.5, 18.5.9 and 18.5.10 of the Operative District Plan and:

- Each resultant site is not less than 11.25ha; and
- A minimum of 50% of the sites created by the subdivision are not less than 15ha; and
- The average area of the sites created by the subdivision is not less than 15ha

However, while this does provide some guidance, it is noted that the proposal will not comply with these provisions and that the Proposed 2GP provisions offer more stringent guidance in regards to rural density.

In terms of the environmental effects arising from fragmentation, in this instance I consider these to be overall minor. However, outside of the wider environmental then land fragmentation effects will be sharply in focus and particularly in terms of the Policy Framework of the 2GP, which would provide such a subdivision limited support. However, this is considered to be a matter that will be dealt with under s104 of the Act.

Effects on Rural Productivity

The site does not contain any high-class soils and is currently being utilised for lifestyle pastoral farming and is predominately open field with a mixture of trees dispersed throughout the property. The topography of the site is a mixture of gentle sloping land towards Ramrock Road and steeper topography near the northern end of the property. In my opinion, the site would be considered an acceptable economic unit within the Rural Zone.

An historic homestead and associated farm buildings are already established on the property which benefits from the undersized allotment. The proposal seeks to establish a new residential dwelling on the property near the upper slopes of the subject site contained within a 20m x 20m building platform. Given that any additional residential building will be contained within this area, is it unlikely that this would result in a significant loss to the productive potential of the wider site.

As such, it is considered that the proposal is will not likely result in adverse effects from the fragmentation of the rural land into smaller allotments and the removal of rural productive land and will be no more than minor.

Suitability for Subdivision – Effects on Lot Size and Dimensions and Subdivision Access Layout

The applicant has made provision for all necessary access, infrastructure and services to every allotment to meet the reasonably foreseeable needs of future development. The subdivision layout does not impinge on the potential subdivision use or development of any adjoining land. The hazards and earthworks section of this report provides more detail on the land suitability, however, the council officers and consultants believe the land is suitable for the proposed use in terms of natural hazards and servicing. The potential for stormwater runoff and effluent discharge to adversely affect neighbouring land has been assessed and adverse effects can be mitigated appropriately, subject to implementation of the conditions recommended

While the applicant has made provision for all necessary access, infrastructure and services to proposed Lot 1 and 2 for future development, it is likely that the amenity values of the rural zone will continue to be maintained as a result of the subdivision and associated land-use development. While the purpose of a significantly undersized Lot 1 will be for the purpose of protecting the historic homestead, the building is neither scheduled in the District Plan nor protected by Heritage New Zealand. The Proposed 2GP does provide for this type of subdivision to occur, however this is limited to scheduled heritage buildings. As the building is not scheduled, it is my opinion that the establishment of a rural lot size of 3.130ha is not suitable for the purpose of the underlying zone and unlikely to facilitate the anticipated rural activities within the lot. However, in terms of effects on the environment as a result of the creation of the lot, it is considered that each of the lots are still practical and able to provide for anticipated rural activities to occur such as lifestyle farming and residential activity

Under the 2006 Operative Plan, the site could have been subdivided into two 15ha or more sites under a restricted discretionary process. The additional residential unit on

proposed Lot 2 would (provided yard setbacks were respected) be a permitted activity under the Operative District Plan. In this case, proposed Lot 1 will be undersized to allow the farm to continue productively as part of Lot 2.

As such, it is considered that the proposed lot sizes to be created by the subdivision are somewhat suitable for rural activities in the context of the site and would result in no more than minor effects on the surrounding rural environment.

Natural Hazards

The application was referred to Council's Consultant Engineer for comment on the suitability of the subdivision from a natural hazards perspective. They advise:

"From the Hazard Register, street files, and previously sent emails; for both this title and nearby properties

- Hazard ID 11965: Land Stability – Land Movement
- Hazard ID 10108: Land Stability – Expansive Clays 8

The underlying geology consists of Abbotsford mudstone and is typically sloping by less than 12 degrees, though up to 20 degrees locally.

The application proposed no new earthworks or development that would adversely affect the stability of the land.

We recommend that the application not be declined on the ground of known natural hazards.

There are no general potential instabilities of concern.

The proposal will not create or exacerbate instabilities on this or adjacent properties".

The Consultant Engineer recommended a series of standard conditions to form part of the decision, should the proposal be granted.

As such, it is considered that the proposal will have a no more than minor effect on the surrounding environment in regards to natural hazards.

Infrastructure – Services and Easements

The application was referred to the 3 Waters Subdivision Support Officer to provide comments on the proposed two-lot subdivision. They advise as follows:

"Water services

The proposed subdivision will be located within the Coastal Rural zone and located outside the Rural Water Supply Areas as shown in Appendix B of the Dunedin City Council Water Bylaw 2011. Consequently, no reticulated water supply will be available to either proposed lots.

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

The applicant notes that proposed Lot 1 is not compliant with the fire-fighting requirements and will require the addition of a new static supply. The proposal seeks that the firefighting requirements are deferred until such time the dwelling is either sold, or a new building consent is lodged with Council. With respect to any new dwelling on proposed Lot 2, the proposal also seeks to defer this to be addressed at the time of building consent for a residential dwelling.

The deferral of the fire-fighting requirements will need to be approved by the New Zealand Fire Service prior to further development on any additional lots. In general accordance with the Dunedin City Council Water Bylaw 2011, 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 Firefighting Water Supplies. Provided the applicant is able to comply with the requirements from the New Zealand Fire Service, 3 Waters will not object to the proposal.

Wastewater Services

The proposed subdivision will not have reticulated wastewater services available for connection. Any effluent disposal will 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

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. It is considered that the area provided for both Lots 1 and 2 will still provide adequate permeable surfaces to allow stormwater discharge to ground.

Summary

The 3 Waters Subdivision Support Officer did not recommend any conditions to form part of the decision for this application, however, they did recommend several advice notes should an additional dwelling be built on the lot at a later date.

Effects on the Heritage Values of Historic Homestead

As noted above, the homestead is not a listed scheduled building under the Operative District Plan and the Proposed 2GP, nor is the building listed by Heritage New Zealand. However, given the age of the homestead (constructed pre 1900s), the application was referred to Council's Heritage Advisor Dr. Andrea Farminer and made the following comments about the proposed protection of the homestead:

"The size and quality of the villa and its associated farm buildings (a woolshed and double barn) are likely to worthy of entry on to the district plan heritage schedule, if they were assessed formally. There is few farmsteads included on the schedule in the Waikouaiti area, that it would probably be a good example to add pending the recommendation of an independent and formal assessment of the building."

The Proposed 2GP seeks to protect historic buildings and avoid demolition, provided it is a scheduled building. It is noted that the applicant is able to demolish the homestead in order to construct a new residential dwelling elsewhere on the property as a permitted activity which appears to contradict the provisions and direction of the District Plan. In contrast to this, the Proposed 2GP does provide provisions that enable subdivision to occur to protect historic buildings. However, a meeting with Dr. Andrea Farminer noted that adding the homestead as a scheduled heritage building would need to be carried out as part of Variation 3 to the Proposed 2GP process that would likely take a considerable amount of time before it is able to be protected under this method.

Nonetheless, Dr. Andrea Farminer expressed support for the subdivision in principle as the site does have good potential for heritage values that may be worthy of scheduling in future (and if it protects the villa and associated buildings). The applicant notes the establishment of the undersized lot would likely facilitate the sale of the homestead to

a person or organization seeking to restore the building to its original condition. However, any prospective buyer of the house could not be required to undertake the restoration of the building. A consent notice could require that the building not be demolished, but given the building is currently not scheduled by the Council or listed by Heritage New Zealand, and there is no certainty this status will change, the rationale for such a restriction on development could be open to challenge as unreasonable. Future owners of Lot 1 may seek to demolish the building and construct a new dwelling with a similar footprint, should the subdivision be granted.

It was advised to the applicant that a succinct heritage assessment undertaken of the site history and buildings should be carried out by a suitably qualified professional to provide further support to this application. However, no formal heritage assessment has been provided with the application to validate this assessment, although further information has been provided that establishes the dwelling was constructed prior to 1860.

Conclusion

Given the above assessment I do not consider there are any effects on the environment that are more than minor. Noting that in reaching this conclusion I am required to disregard any effects on persons who own or occupy land adjacent to the site (s95D(a)(ii)).

Step 4: Public notification in special circumstances

- If the answer is yes to this question, then the application must be publicly notified.
- If the answer is no, then the application needs to be considered for limited notification.

Question	Yes	No	N/A	Assessment Notes
Do special circumstances exist that warrant the public notification of the application? (s95A(9))	—	✓	—	There is nothing unusual or exceptional about the application to the extent public notification is warranted due to special circumstances.

Limited Notification

Section 95B of the Resource Management Act 1991 sets out a step-by-step process for determining limited notification. The Council must decide whether there is any affected person, affected protected customary rights group, or affected customary marine title group in relation to the activity.

Step 1: Certain affected groups and affected persons must be notified

- If there is any affected protected customary rights group or affected customary marine title group, or any person to whom a statutory acknowledgement has been made that is affected in a minor or more than minor way, then the application must be limited notified to these parties unless their written approval has been obtained.
- Irrespective of the above, Step 2 must then be considered.

Question	Yes	No	N/A	Assessment Notes
Is the activity in a protected customary rights area?	—	✓	—	

Will the activity have adverse effects on the protected customary right?	–	–	✓	n/a, the activity is not in a protected customary rights area.
Has the protected customary rights group given written approval for the activity and it has not been withdrawn?	–	–	✓	n/a, the activity is not in a protected customary rights area.
Is the activity an accommodated activity in a customary marine title area?	–	✓	–	
Does the activity have adverse effects on the exercise of the rights applying to a customary marine title group?	–	–	✓	n/a, the activity is not an accommodated activity in a customary marine title area.
Has the customary marine title group given written approval for the activity and it has not been withdrawn?	–	–	✓	n/a, the activity is not an accommodated activity in a customary marine title area.
Is the activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement? (s95B(3) and s95E(2)(c))	–	✓	–	
Is the person to whom the statutory acknowledgement made affected in a minor or more than minor way and has their written approval been obtained? (s95B(3) and s95E(2)(c))	–	–	✓	n/a, the activity is not on or adjacent to, or might affect, land that is subject of a statutory acknowledgement.

Step 2: If not required by Step 1, limited notification precluded in certain circumstances

- If the answer is yes to any of these questions, then Step 3 must be skipped and Step 4 considered.
- If the answer is no to all of these questions, then Step 3 must be considered.

Question	Yes	No	N/A	Assessment Notes
Does a rule or national environmental standard preclude limited notification of each activity in the application? (s95B(6)(a))	–	✓	–	
Is the application for a controlled activity (and no other activities) under the district plan(s) and is not a subdivision? (s95B(6)(b)(i))	–	✓	–	
Are there any regulations precluding limited notification of the activity/activities? (s95B(6)(b)(ii) and s360H(1)(a)(ii))	–	✓	–	No regulations have been made under Section 360H(1)(a)(ii) precluding limited notification for the activity.
Is the application for either or both of the following, but no other, activities:				

▪ A controlled activity under the district plan(s) and it is not a subdivision? (s95B(6)(b)(i))	—	✓	—	
▪ An activity prescribed in regulations as being precluded from limited notification? (s95B(6)(b)(ii) and s360H(1)(a)(ii))	—	✓	—	No regulations have been made under Section 360H(1)(a)(ii) precluding limited notification for the activity.

Step 3: If not precluded by Step 2, certain other affected persons must be notified

- If there are any persons who might be adversely affected, then the application must be limited notified to these parties unless their written approval has been obtained.
- Irrespective of the above, Step 4 must then be considered.

Question	Yes	No	N/A	Assessment Notes
Is the application for a 'boundary activity', and have all owners of an allotment with an 'infringed boundary', where the activity's adverse effects on the owner are minor or more than minor (but are not less than minor), given written approval? (s95B(7)(a))	—	✓	—	
Is the activity prescribed in regulations, with those regulations prescribing who is an affected person, and have those persons, where the activity's adverse effects on the person are minor or more than minor (but are not less than minor), given written approval? (s95B(7)(b))	—	✓	—	No regulations have been made under Section 360H(1)(b) prescribing the activity and who is eligible to be considered an affected person.
In all other cases, will the activity have adverse effects on any person that is minor or more than minor (but not less than minor), and have these persons given their written approval? (s95B(8) and s95E)	—	✓	—	No written approvals were provided by the applicant. It is considered that the activity will have adverse effects on the surrounding environment in terms of the fragmentation of rural land and rural amenity, however the effects on any person are likely to be less than minor as a result of the proposal.

Step 4: Further notification in special circumstances

- If the answer is yes to the below question, then the application must be limited notified to these other persons.

Question	Yes	No	N/A	Assessment Notes
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Are there special circumstances that warrant the application being limited notified to any other persons not already determined to be eligible for limited notification (excluding persons assessed under Section 95E as not being affected persons)? (s95B(10))	—	✓	—	There are no special circumstances that would warrant the application being limited notified to any other persons not already determined to be eligible for limited notification.
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Conclusion

Having regard to the step-by-step process for considering public notification and limited notification, it is determined that:

- The application can be processed on a non-notified basis

Substantive Decision Making

The key issues with respect to this application are the following:

- The homestead on the site is considered to have been constructed prior to 1860s and is noted that the Proposed 2GP has provisions in place to protect scheduled heritage buildings, however the building is not currently listed under the 2GP. There is the possibility that the building could be included in the schedule at a later date, given the few examples of rural heritage in the wider Dunedin district, but further investigation is required before the heritage value of the homestead can be established.
- Effects of the proposal associated with the loss of rural productive land and land fragmentation will not have a direct effect on the wider environment that is more than minor when considered in terms of the definition of 'effects' provided under the RMA, but these matters remain relevant to questions of plan integrity and whether the granting of consent will result in an undesirable precedent.
- The 2GP has a clear policy direction that would not support granting of consent for undersize rural lots apart from in a limited set of circumstances. The 2GP does provide some circumstances for this type of proposal for scheduled heritage buildings but the homestead is not currently classified as a heritage building.
- Should the building become a listed scheduled building, the subsequent subdivision would find more favourable support from the policy framework of the plan.

On this basis, I recommend that any decision making on the substantive proposal is made by Council's Hearings Panel.

Notification Recommendation

That, for the reasons concluded above, this application be processed as a publicly notified consent, pursuant to Sections 95A and 95B of the Resource Management Act 1991.

Chiddle

4/03/2021

Callum Riddle
Planner

Date

Notification Decision

That the recommendation above be adopted under delegated authority.



Campbell Thomson
Senior Planner

4/3/2021

Date

APPENDIX 5: DRAFT CONDITIONS

Consent Type: Subdivision Consent

Consent Number: SUB-2020-210

Purpose: A two lot subdivision.

Location of Activity: 37 Quarry Road, Waikouaiti.

Legal Description: Part Sections 57-58 Block V Hawksbury SD, (Record of Title OT350/70)

Lapse Date: XXXXX 2025, 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 18 December 2020, and further information received on 12 February 2021, 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) *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.*
 - b) *That the following amalgamation covenant must be imposed pursuant to section 220 of the Resource Management Act 1991:*

"That Lot 2 hereon must not without prior consent of Council be transferred, leased or otherwise disposed of except in conjunction with the land contained in the residue title OT350/70 being Part Section 56 Hawksbury Survey District."

The following will appear in the Section 223 approval:

"...and certifying that the owner(s) be held in the same Record of Title (see CSN Request ...)."

3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*

Historic Heritage

- a) *That a Heritage Conservation Management Plan for the heritage features on Lot 1 must be prepared by a suitably qualified and experienced conservation architect and must be submitted to the [Dunedin City Council] for certification as being effective to achieve the following purpose:*

"The protection and enhancement of the heritage values on Lot 1"

The plan must satisfactorily document:

- *The current condition of the buildings and structures on site;*
- *Proposed restoration activities, methodologies and timing of these;*
- *Proposed methodology for the monitoring of the condition of the buildings and structures onsite;*
- *Identification of a means to comply with the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice that will not compromise the heritage values of the site*
- *Process for review of the management plan*

Wastewater

- b) Confirmation that the existing onsite wastewater system on Lot 1 is fully contained within the boundaries of Lot 1 must be supplied to Council.*

Consent Notice Documentation

- c) That a plan must be prepared for Lot 2 clearly identifying the proposed building platform.*

Consent Notices

- d) A consent notice must be prepared and registered on the records of title for Lot 2 hereon, for the following ongoing conditions:*
- (i) Any residential unit erected on Lot 2 must be fully contained within the identified on the plan attached to this notice.*
 - (ii) Any residential unit on Lot 2 must 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.*
 - (iii) Any residential unit on Lot 2 must not exceed 6m in height, measured from existing ground level.*
 - (iv) Any residential Unit on Lot 2 must comply with the following:*
 - *Exterior colours (including roofing materials) that are visually recessive and do not contrast with surrounding natural colours must be used (Greens, Browns and Greys).*
 - *Non-painted natural cladding materials (including, but not limited to, bricks or timber) that are not likely to result in reflective glare, are acceptable.*

- *The use of highly reflective exterior materials, such as unpainted metallic surfaces, mirrored glazing and metallic finishes (such as Silver Zinalume), must be avoided.*
 - *All external cladding and roofing must not exceed a light reflectance value of 30%.*
- (v) *Any fencing shall be confined to rural post and wire construction only.*
- (vi) *Any water tanks associated with the proposed dwelling on Lot 2 that are located above ground must be coloured to ensure a low level of contrast with the colours of the surrounding rural landscape.*
- e) *A consent notice must be prepared and registered on the record of title for Lot 1 hereon, for the following ongoing condition:*
- (i) *Protection and enhancement of the heritage values on Lot 1 must be undertaken in accordance with the approved Heritage Conservation Management Plan for Lot 1.*

Advice Notes:

Transportation

1. Any vehicle access from the carriageway to the property boundary will be over road reserve and is to be constructed in accordance 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 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-2020-683

Purpose: Land use consent for a density breach.

Location of Activity: 37 Quarry Road, Waikouaiti.

Legal Description: Part Sections 57-58 Block V Hawksbury SD, (Record of Title OT350/70

Lapse Date: LUC-2020-683 shall lapse 5 years from the date that the s223 certificate for SUB-2020-210 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 18 December 2020, and further information received on 12 February 2021.*

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-2020-210 & LUC-2020-683 (scanned image(s), not to scale)