

HEARINGS COMMITTEE AGENDA

THURSDAY, 8 DECEMBER 2022, 1.00 PM
Council Chamber, Dunedin Public Art Gallery,
30 The Octagon, Dunedin

MEMBERSHIP:

Commissioner Colin Weatherall, Councillors Sophie Barker and Andrew Whiley

IN ATTENDANCE:

Campbell Thomson (Senior Planner/Committee Advisor),
Nicola Petrie (Planner), Luke McKinlay (Urban Designer) and
Wendy Collard (Governance Support Officer)

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

1 RESOURCE CONSENT APPLICATION – LUC-2022-445, 332 Pūrākaunui Road, Pūrākaunui

Introduction

Applicant to introduce themselves and their team.

Procedural Issues

Any procedural matters to be raised.

Presentation of the Planner's Report

Report from Nicola Petrie

Refer to pages 1 – 21

Draft Conditions

Refer to pages 22 – 24

Map Depicting Area of Bush to be Protected

Refer to pages 25 – 26

Planes of Dwelling

Refer to pages 27 - 29

The Applicant's Presentation

Application

Refer to pages 30 - 81

Council Officer's Evidence

- Email from Senior Landscape Architect
Refer to page 83 - 90
- Memorandum from Graduate Planner, Transport
Refer to pages 91 – 92

Site Visit Photographs

Refer to pages 93 - 96

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 – 332 Pūrākaunui Road, Pūrākaunui	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: Nicola Petrie, Planner

DATE: 22 November 2022

SUBJECT: **RESOURCE CONSENT APPLICATION**
LUC-2022-445
332 Pūrākaunui Road
MARTIN ALFORD

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 18 November 2022. 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.

SUMMARY OF RECOMMENDATION

- [2] In the assessment that follows, I have concluded that the environmental effects of the proposed activity will be no more than minor.
- [3] However, Policy 16.2.1.7 of the Proposed 2GP provides a very specific directive to avoid residential activity on a site that does not comply with the density provisions of the zone. I consider that there is a clear policy directive that does not support the granting of consent to this proposal.
- [4] While there might specific scenarios in which a consent can be granted residential activity on an undersized rural site, I have found little evidence in the facts of the current application that would alleviate concerns regarding the risk on unwanted precedence.
- [5] As a result, I have concluded that the request to authorise the existing residential activity, in its current form, be **declined**.

DESCRIPTION OF SITE AND ACTIVITY

- [6] Resource consent is sought to retrospectively authorise a dwelling on the subject site . The subject site is a land parcel of 1.1682ha (or approximately 11,700m²) as described in the application form. The Location of this land parcel is depicted on the image below with a red star.
- [7] This parcel has been on its own title and separate rates account previously, but was merged with the applicants' parents land 30-40 years ago. The combined land area of the larger parcel and the subject site is 26.2345 ha.

- [8] The subject land parcels are located just south of the Pūrākaunui Township. The land parcels are not contiguous and therefore the combined area does not meet the definition of site under the 2GP. The larger parcel is home to the Old Presbyterian Church and associated Manse of the area.

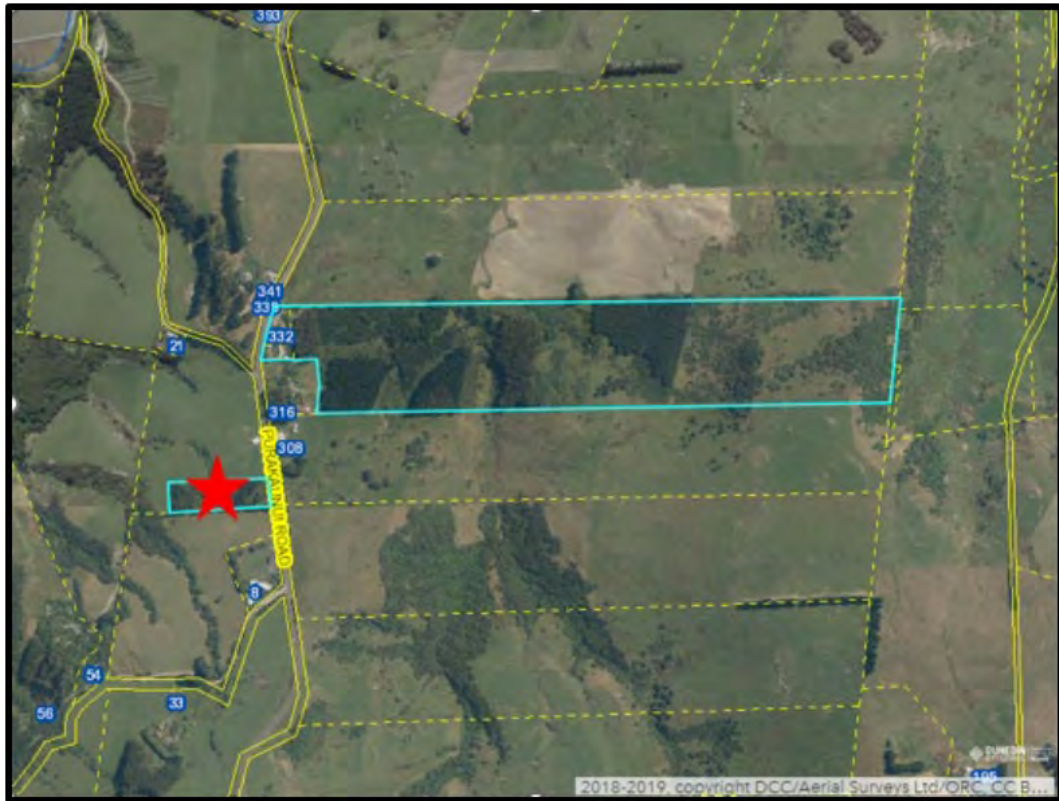


Image from page 16 of the application

- [9] The house is sited in the western portion of the smaller land parcel and 14m above the southern boundary. The dwelling is made up of one larger building with a modest bedroom and lounge. An adjoining deck provides these spaces with a natural extension. The roof line spans out the front of the unit to form a space for carparking underneath. A smaller building of 13m² has been positioned beside the larger building and accommodates the kitchen and bathroom block.
- [10] The floor plan shows the two buildings separate, however, a small connection permits internal access to the bathroom and kitchen
- [11] The subject parcel is legally described as Pt Sec 1 of Sec 25 Blk IV North Harbour & Blueskin SD. The larger parcel is legally described as Pt Sec 34 Blk IV North Harbour & Blueskin SD. This land is held together in Record of Title OT15B/1145. The applicant's parents own the title and live on the primary land parcel. A small portion of the overall landholding (1012m²) is held in a separate title – Record of Title OT291/192.

REASONS FOR APPLICATION

- [12] Dunedin currently has two district plans: the Operative Dunedin City District Plan 2006 (the "Operative 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.

- [13] 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.

Operative District Plan

- [14] The subject site is zoned Rural in the Operative District Plan. Pūrākaunui Road is classified as a Local Road in the Plan's Roading Hierarchy.
- [15] The relevant rules of the Operative Plan for this proposal have been superseded by those of the proposed 2GP and are deemed inoperative under Section 86F of the Resource Management Act 1991. Accordingly, the activity status of the proposal has not been assessed any further under the rules of the Operative Plan.

Proposed 2GP

- [16] The subject site is zoned as **Rural Coastal** and is subject to the following two landscape overlays: **Outstanding Natural Landscape** (Mihiwaka to Heyward Coast) and **Significant Natural Landscape** (Pūrākaunui and Orokonui).

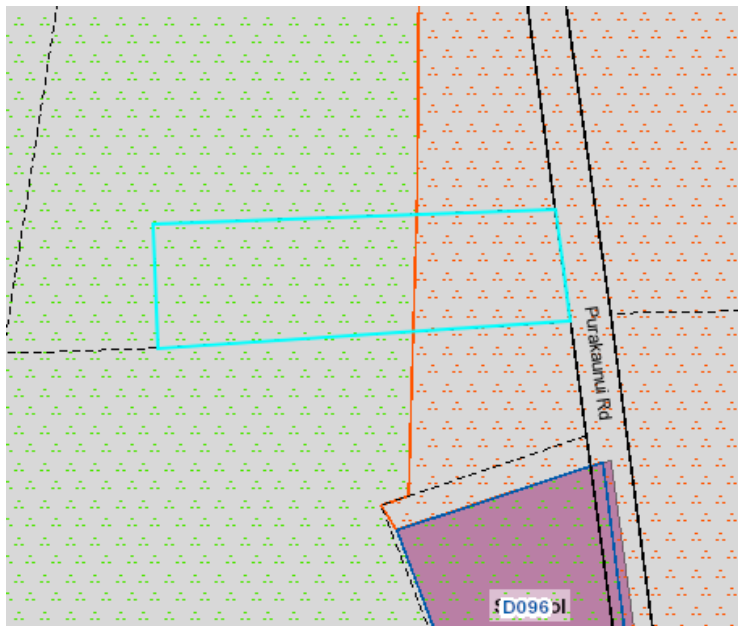


Image showing the two landscape overlays.

- [17] The Proposed 2GP was notified on 26 September 2015, and some Proposed 2GP rules had immediate legal effect from this date. Some rules became fully operative following the close of submissions, where no submissions were received. Additional rules came into legal effect upon the release of decisions. Those additional rules become fully operative if no appeals are lodged or once any appeals have been resolved.
- [18] At the time of writing there are no outstanding appeals on the 2GP rules relating to the proposed activity. The 2GP rules are therefore considered to be fully operative insofar as they relate to the application.
- [19] The proposal falls under the definition of 'standard residential' activity. Under the Proposed 2GP, activities have both a land use and a development activity component.

Land use activity

- [20] The proposed land use requires consent as a non-complying activity pursuant to Rule 16.5.2.3 because the site size is smaller than the 15 hectares required for the first residential activity on a site in the Rural – Coastal zone, and none of the exceptions to the density requirement as outlined in the rule apply in this case.
- [21] As the dwelling subject of this consent application currently has some association with residential activity on the larger land parcel in the same title, I have considered the provisions in the 2GP for residential units that are ancillary to a principal unit. However, the dwelling cannot be considered a family flat due to being unable to meet design performance standards prescribed in the 2GP.
- [22] Even though it is located on the same title as another dwelling, I have not assessed the dwelling subject of this application as a second residential unit on the overall landholding, as the smaller land parcel is not contiguous with, and is physically located too far away to be considered part of one site, as per the definition in the 2GP.

National Environmental Standards

- [23] 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.
- [24] A search of the Otago Regional Council database and Dunedin City Council property information has not revealed any activities that have been identified on the HAIL activities list. However, I note that there is no complete record of all HAIL activities, and requirements of the NES are assessed where there is evidence of a history of known HAIL activity.
- [25] On the basis of current information about the site, 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.
- [26] Given the application involves a change of use to residential activity, it is recommended that the applicant commissions a HAIL search report from the Dunedin City Council to identify any previous activities on the site that could have resulted in soil contamination, particularly in the vicinity of the existing dwelling. It can then be more clearly determined with more certainty whether the NESCS is applicable to the site development.
- [27] There are no other relevant National Policy Statement and Regulations in relation to this proposal. In particular, the site does not contain any land identified as Highly Productive Land, therefore the National Policy Statement for Highly Productive Land 2022 is not considered to be applicable to the assessment of this application.

Overall Status

- [28] Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different

components should be bundled and the most restrictive activity classification applied to the whole proposal.

- [29] In this case, there is more than one rule involved and two components of the application – the land use activity (being the use of the property for residential purposes) and the residential building not being setback the required amount from side boundary. The residential activity is considered to be a non-complying activity, and the building breaching the side yard setback is considered to be a restricted discretionary activity. As both aspects are part of the one land use consent sought, and are interdependent, these components should be bundled and the application assessed as a **non-complying activity**.

WRITTEN APPROVALS AND EFFECTS ASSESSMENT

Affected Persons

- [30] The written approval of the persons detailed in the table below has been obtained. In accordance with sections 95D and 103(3)(a)(ii) of the Resource Management Act 1991, the Council cannot have regard to the effects on the activity of these persons.

Person	Owner	Occupier	Address	Obtained
Nicki Bell on behalf of Pūrākaunui School	MOE	✓	8 Mihiwaka Station Road	08-09-2022
Annette Isabel Currie	✓		311 Pūrākaunui Road	03-09-2022
John and Shona Chapman	✓ (Lessee of DCC)		308 Pūrākaunui and 33 Mihiwaka Road	07-09-2022

- [31] These parties were identified in the application as potentially affected and include the adjacent properties, and those located across the road from the site. I have not identified any parties as affected as part of the assessment of this consent.
- [32] No other persons are considered to be adversely affected by this proposal. This is because the effects of the activity largely relate to the wider matters such as density of residential activity in the rural zone and loss of productive rural land.

Effects on the Environment

Permitted Baseline

- [33] 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. This is the permitted baseline.
- [34] In terms of residential activity, the permitted baseline for development of this property does not involve any further residential activity. The subject site (being the small land parcel within OT15B/1145) is under 15 hectares. Even if the overall landholding is taken into consideration, there is no provision for the dwelling subject of the application to be established without a resource consent. 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 generally permissive.
- [35] Additional sheds and other structures for farming purposes, not exceeding 60m² in footprint and 5m in height, may be erected on the site. These buildings are subject to compliance with the performance standards for development activity, and the relevant citywide rules such as the provisions for small scale earthworks. Structures could

potentially be built at almost any location within the site, subject to the setback requirement in Rule 16.6.10.

- [36] Nevertheless, 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 application refers to a family flat as being a reasonable baseline to compare this activity too. Had the same development been established on the larger of the two parcels and been able to meet all the design performance standards it could have been established without the need for resource consent. The performance standards include distance from primary unit, shared driveway, shared water and wastewater infrastructure, maximum floor area.
- [38] Using the family flat as a baseline is an incorrect application of the 2GP rules for this activity. Rule 16.10.1.6, expressly directs that:

“Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones”.

Receiving Environment

- [39] 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.
- [40] For the subject site, the existing receiving environment comprises a small block of rural land situated in a mature bush setting. The site is not of a sufficient size or appropriate topography to envisage any particularly serious or intensive productive activities taking place, although it is always possible.
- [41] For adjacent land, the existing and reasonably foreseeable receiving environment comprises pastoral farmland and the local primary school is within proximity. There are a cluster of dwellings close to the intersection of Pūrākaunui Road and Pūrākaunui School Road.
- [42] It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment Matters/Rules

- [43] Consideration is required of the relevant assessment matters in the Operative District Plan and the relevant assessment rules in the Proposed 2GP, along with the matters in any relevant national environmental standard. In carrying out this assessment, no regard has been given to any trade competition or any effects of trade competition.

Rural Character and Amenity Values

- [44] Section 16.1 of the 2GP succinctly explains that *‘the spread of non-rural uses including rural residential activities into rural areas can have adverse effects on landscape values, rural character and amenity values; and natural environment functions and values;’*
- [45] A greater level of residential density therefore has the potential to adversely affect the sustainability of the Rural Zone and the amenity values and rural character of the surrounding area.
- [46] Whilst the site exists and therefore is not directly attributing to the fragmentation of the rural land. The allowance of residential activity on undersized sites could add further pressures on the rural land to be utilised for purposes other than rural activities.
- [47] The Councils Landscape Architect, Mr. Luke McKinlay, has reviewed the application. Mr. McKinlay’s comments include a thorough description of the characteristics and values of the Rural – Coastal zone and the more immediate context surrounding the site. With specific reference to the proposal, Mr McKinlay made the following comments:

The dwelling is located on the slopes west of Pūrākaunui Road, which slope down towards Pūrākaunui Creek. The site and surrounding area form part of the enclosing rural hillslopes that frame the inland extent of Pūrākaunui Inlet

The dwelling is located within part of the Pūrākaunui and Ōrokonui SNL overlay area with strong rural character attributes that include broad areas in pasture, patches of native vegetation, which are largely restricted to gully locations and some areas of taller shelter vegetation on property and/or paddock boundaries.

Built development is generally visually subservient to the more natural, albeit modified, surrounding rural landscape features. Buildings and structures in the immediate surrounding area are largely restricted to farm dwellings, sheds, and water tanks. Pūrākaunui School is located nearby to the south. There is also a cell phone tower at 457 Pūrākaunui Road. In general, the surrounding area displays high rural amenity values, characterised by a mosaic of rural land uses. There are clear naturalness attributes in the surrounding rural coastal landscape, which contribute to the Pūrākaunui Inlet setting.

The site itself is characterised by a relatively dense cover of vegetation. Kanuka dominant native forest covers most of the site within the SNL, except for the clearing within which the dwelling is located. Trees within the ONL part of the site, nearest Pūrākaunui Road, comprise a mix of native and exotic species. The driveway to the dwelling curves through the site from near the northern boundary of the site on Pūrākaunui Road.

It is considered that effects of the dwelling on the values of the SNL (refer Appendix 2) are low. The dwelling is largely surrounded by native trees. From surrounding areas, the dwelling is largely screened from view and has a low visual impact on views across the landscape (refer photographs in Appendix 1). This small dwelling, surrounded by trees, does not detract from the relative dominance of natural landscape elements in the surrounding area or adversely affect the extent and quality of views across the landscape from nearby public roads.

The design of the dwelling is consistent with the key design elements to be required or encouraged in this overlay area (A3.3.3.4). This guidance encourages buildings and structures to be designed with the intention of preserving or enhancing existing landscape values. To achieve this, it is recommended that they are located as far as reasonably practicable away from prominent public viewing points and utilise

materials and colours which are in sympathy with surrounding natural features. This guidance also recommends locating a dwelling in association with a stronger natural feature, such as a group of trees. It is considered that the design and siting of the dwelling is consistent with this guidance.

It is noted that written approval has been provided by neighbours. As such, effects from these immediately adjoining properties has been disregarded

In terms of rural character, it is considered that effects of the dwelling are low. The subject site maintains a predominance of natural features over human made features. The dwelling is small and clad in colours that readily integrate with the colours of the surrounding rural landscape. It is noted that in the immediate surrounding area there is a network of native vegetation patches which line nearby gully systems. The native vegetation on the site, whilst not within a gully, is consistent with this mosaic pattern of patches of native vegetation alongside pastoral paddocks. It is considered that the existing native vegetation on the site plays an important role in visually integrating the dwelling in this rural landscape.

Recommended Condition

The following, or similarly worded, condition is recommended if consent is granted for this application.

- *Ongoing protection is provided for all native trees contained within the area of bush surrounding the dwelling location, identified in Appendix 3.*

[48] In regard to the assessment above it is noted that some of the adjacent land is owned by DCC - 33 Mihiwaka Station Road (Record of Title OT B2/690). The affected party approvals in relation to this land are from the lessees of the land.

Reverse Sensitivity

[49] The applicant has sought affected party approval from owners/occupiers of properties in the area. The encroachment of the dwelling into the side yard setback is on a shared boundary with Dunedin City Council land, which is leased to one of the parties who have given written approval.

[50] The application identifies the separation distances as a breach, however, correspondence with the agent advises this is an error¹. There are no known activities, as identified in Rule 16.5.10, that the residential building would be required to be setback from.

[51] There is also dense mature vegetation surrounding the dwelling and the application advises that the native bush will be maintained and enhanced.²

[52] In consideration of the above factors I am satisfied that the potential for conflicts between the existing residential activity and permitted rural activities in the surrounding environment is low. Any adverse effects in terms of reverse sensitivity are likely to be no more than minor.

Effects on Rural Productivity

¹ Email from the 03 November 2022

² Page 15 of the application form

- [53] Section 16.1 of the 2GP identifies *non-productive land uses or those activities that would ordinarily be expected to locate in the urban parts of Dunedin seeking to locate in rural areas as a key issue facing the rural environment. This has the potential to diminish the productive capacity of the rural environment through the loss of land to less productive residential or lifestyle purposes.*
- [54] The site is 11 700m² in area and, as described in the application, *'will not result in the fragmentation of the landscape nor with the development encroach into open pastoral land.'*³
- [55] As the site falls within the Landscape Overlays (ONL and SNL) there is a restriction on the indigenous vegetation clearance of no more than 500m² in a three-year period. This means that to clear the site for rural productivity would be restricted.
- [56] On balance, I consider that any productive capacity that the site does have is very limited, and has not been overly compromised by the construction of the dwelling. Allowing the residential unit may in fact encourage better long-term management of the bush on the site.

Effects on the Transportation Network

- [57] The Council's Transportation Planner, Mr. Reese Martin, has reviewed the application. Mr. Martin's comments are included below:

Access

From reviewing Google street view, aerial photos and site photos provided by the applicant as part of this application, it appears that the site was previously accessed via an informal farm gate which appears to have since been formed into a formed but unsealed (metalled) vehicle crossing serving as physical access to a metalled driveway that extends into the site. It is further noted that approval of the construction of this metalled vehicle crossing/access does not appear to have been sought or granted by DCC Transport and is therefore not considered to be lawfully established.

Rule 6.6.3.6 requires that driveways that adjoin a legal road that is hard surfaced, must be constructed with a hard surface for a minimum distance of 5.0m from the edge of the road towards the property boundary. Therefore, noting that as Pūrākaunui Road is a hard surfaced/sealed local road, this aspect of the proposal does not comply with this rule. It is noted that as part of this application, the applicant has offered as a condition of consent that this access surfacing will be brought up to the required standard to meet this requirement.

Noting that this access location provides excellent sight distance visibility in either direction, compliant with Rule 6.6.3.2.b and otherwise appears to be compliant with the access provisions set out by 6.6.3 of the District Plan, subject to achieving compliance with Rule 6.6.3.6, Transport is amenable to this request. Transport therefore recommends that the vehicle access must be upgraded and formed to a minimum 3.0m wide, be hard surfaced from the edge of the Pūrākaunui Road carriageway toward the property boundary for a distance of not less than 5.0m and be adequately drained for its full duration in accordance with DCC's Vehicle Entrance Specification.

³ Page 14 of the application form

It is also advised that 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).

Overall, and subject to the above, Transport considers the proposed access provisions to be acceptable.

Parking and manoeuvring

One car parking space is shown on the application plans / site photos as being provided within the site in the form of a car port attached to the side of the existing dwelling located on the subject site. As the existing dwelling on the site is accessed from the rear of the site, it is considered reasonable that sufficient on-site manoeuvring is provided so that vehicles are not required to reverse directly from the site onto Pūrākaunui Road in accordance with 6.6.1.2.a of the District Plan. From the site plans provided by the applicant, it appears that sufficient on-site manoeuvring space is provided on the site, further noting that in consideration of the long driveway into the site that accesses the dwelling, it is unlikely that users would choose to reverse down the driveway. Therefore, this is acceptable to Transport.

Overall, Transport considers the proposed parking and manoeuvring provisions to be acceptable.

Generated Traffic

Transport considers that the effects of the traffic generated as a result of this proposal on transport network will be less than minor.

- [58] Mr Martin recommended a condition and advice note in the event of the consent being granted. These are set out in Appendices 1-3.
- [59] Based on Mr. Martin's assessment, as well as my personal observations of the site and its context, I consider that the effects on the proposal on the transportation network will be less than minor subject to compliance with the consent condition and advice note.

Water disposal and water supply

- [60] The application was not forwarded to the Council's 3 Waters Department. The site is already set up with on-site provisions for water supply, wastewater and stormwater disposal system. Further it is located in a rural area where there is no likelihood of reticulated services being available in the foreseeable future. The application advises that roof water will be utilised for potable water ⁴
- [61] These matters will be dealt with at building consent stage⁵. There will therefore be no effects on the efficiency or affordability of the Council infrastructure.

⁴ Page 15 of the application.

⁵ Page 16 of the application

- [62] The application has included a Fire and Emergency New Zealand assessment. The assessment agrees that the 30 000L firefighting water tank will suffice the single bedroom dwelling subject to it being reserved solely for that purpose.
- [63] For the avoidance of doubt, it is recommended that should consent be granted, conditions are included in the decision certificate to require that adequate provisions for fire-fighting are implemented. Compliance with these conditions will ensure that effects on health and safety are appropriately managed. FENZ recommended the tank be installed on the upslope from and beside the hardstand.
- [64] I am satisfied that the proposal will have no effects on the City's reticulated services and that adequate firefighting arrangements will be able to be made at the time of development.

Hazards

- [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.
- [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 subject parcel is not annotated with any hazards in the Council GIS information. The parent site has two hazards registered.
- Hazard ID 10106 Class: Land Stability - Land Movement, Subclass: Alluvial Fans;
 - Hazard 11407 Class: Seismic – Liquefaction, Subclass: Domain A;

The mapped areas for these hazards are more than 200m away, and there are no steep slopes in the vicinity of the dwelling to give cause for concern about potential stability risks. In the absence of any evidence of risks of natural hazards affecting the site I am satisfied that any effects from hazards for this application are no more than minor effect.

Positive effects

- [68] The subject parcel is not currently utilised for rural productivity, it lacks the size to make a viable rural economic return. Additionally, having an occupier who can be a guardian for the bush area is potentially a positive outcome from authorising the dwelling on the site of this size. The bush protection should be formalised as a conservation effort.

Cumulative Effects (Assessment Matter)

- [69] The concept of cumulative effects, as defined in *Dye v Auckland Regional Council & Rodney District Council* [2001] NZRMA 513, is:

"... one of a gradual build up of consequences. The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite

effect D. All of these are effects which are going to happen as a result of the activity which is under consideration”.

- [70] Similarly, some effects may not presently seem an issue, but after having continued over time those effects may have significant impact on the environment. In both of these scenarios, the effects can be considered to be ‘cumulative’.
- [71] In this case a relevant question is whether the legalising of the existing house and associated domestic activities in a rural area represents a tipping point where the character of the locality changes from rural to more of a rural residential character. In this situation, I do not consider that the granting consent to the existing unauthorised residential activity will lead to this tipping point given the comments from the Council’s Landscape Architect.
- [72] I further note that the dwelling would not be visible from a distance in the context of these rural landscape, which has a scattering of dwellings on undersized lots, I do not consider that the existing dwelling appears incongruous in this setting. It is even noted that the visibility of this existing dwelling is diminutive compared with that of the other surrounding dwellings in the area. This is largely due to the dense kanuka bush setting and the topography which sees it camouflaged into its environment.
- [73] Provided that conditions of consent are imposed concerning landscaping and a bush covenant, I consider that any cumulative effects on the rural character and amenity would likely be more than minor.
- [74] In terms of the loss of productive rural land to residential activity it is my view that any cumulative effects of the proposal would be no more than minor given the small size of the site and the proposed conservation efforts, which are considered to be legitimate rural activity.

NOTIFICATION ASSESSMENT

Public Notification

- [75] Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification. Each step is considered in turn below.

Step 1: Mandatory public notification in certain circumstances

- Public notification has not been requested.
- There has been no failure or refusal to provide further information.
- There has been no failure to respond or refusal to a report commissioning request.
- The application does not involve the exchange of recreation reserve land.

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

- There are no rules or national environmental standards precluding public notification.
- The application does not involve: a controlled activity, nor a boundary activity. As a result, public notification is not precluded under Step 2.

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

- There are no rules or national environmental standards requiring public notification.

- The activity will not have, or be likely to have, adverse effects on the environment that are more than minor.

Step 4: Public notification in special circumstances

- There are no special circumstances that warrant the application being publicly notified. There is nothing exceptional or unusual about the application that makes public notification desirable.

Limited Notification

[76] Section 95B of the Resource Management Act 1991 sets out a step-by-step process for determining limited notification. Each step is considered in turn below.

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

- The activity is not in a protected customary rights area; the activity is not an accommodated activity in a customary marine title area; and, the activity is not on or adjacent to, or might affect, land that is the subject of a statutory acknowledgement.

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

- There are no rules or national environmental standards precluding limited notification.
- The application does not involve a controlled activity that is not a subdivision.

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

- The application does not involve a boundary activity.
- There are no persons where the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

Step 4: Further notification in special circumstances

- There are no special circumstances that warrant the application being limited notified. There is nothing exceptional or unusual about the application that makes limited notification to any other persons desirable.

SUBSTANTIVE DECISION ASSESSMENT

Effects

[77] In accordance with section 104(1)(a) of a Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. It is considered that the adverse effects on the environment arising from the proposal are no more than minor.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

[78] The applicant has not offered any off-setting or compensation measure that can be considered in accordance with section 104(1)(ab) of the Resource Management Act 1991. However, if a bush protection covenant is required as a condition of consent this may be considered a compensatory matter.

OBJECTIVES AND POLICIES

- [79] 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.

Operative District Plan

- [80] Due to the advanced stage of the Proposed 2GP, wherein the rules of relevance to this proposal, and the majority of the objectives are now fully operative, a full assessment of the Operative Plan objectives and policies has not been undertaken. However, given that 2GP Rural Zone Policy 16.2.2.1 is still under appeal, a brief assessment of the proposal against these Operative Plan Rural Zone provisions that could be considered to correspond with provisions under appeal is provided below for context.

Provision reference	Summary of provisions	Assessment
Objectives 6.2.1 and Policies 6.3.1, 6.3.2, 6.3.3 & 6.3.11	These seek to maintain the ability of the land resource to meet the needs of future generations by: • sustaining the productive capacity of the rural zone; • providing for activities based on the productive use of rural land and other appropriate activities whose adverse effects can be avoided, remedied or mitigated; • discouraging the establishment of non-productive uses.	The proposal is considered to be inconsistent with these provisions given that it involves the authorising of a non-productive use which are to be discouraged in order to sustain the productive capacity of the rural zone.

Proposed 2GP

- [81] Below is an assessment of the relevant objectives and policies of the 2GP, and the proposal's compliance with these provisions.

Transportation

Provision reference	Summary of provisions	Assessment
Objective 6.2.3 and Policies 6.2.3.3, 6.2.3.9 and 6.2.3.10	These seek to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods, including by providing sufficient on-site manoeuvring.	The proposal is considered to be consistent with these provisions. There are no changes proposed to the roading network or site access. There is ample space on site to accommodate parking and manoeuvring associated with the proposed activity. The applicant has proposed to hard surface the first 5m from the edge of the seal of the road.

Public Health and Safety

Provision reference	Summary of provisions	Assessment
Objective 9.2.1 and Policy 9.2.1.1 and Policy 9.2.1.1A, Policy 9.2.1.	These seek to ensure that land use activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure, and will not lead to future pressure for unplanned expansion of infrastructure.	The proposal is considered to be consistent with this objective and policy. The proposal would be self-reliant with respect to services and is not expected to lead to future pressure for expansion of infrastructure.
Objective 9.2.2 and Policies 9.2.2.1, 9.2.2.4, 9.2.2.9 & 9.2.2.X	These seek to ensure that land use and development activities maintain or enhance people's health and safety, including by ensuring the following: • That activities are designed to properly manage noise and light spill; • that wastewater and stormwater are properly disposed of; • that new residential buildings have access to adequate firefighting water supply; • and that potential contaminants in soil are identified and properly managed.	The proposal is considered to be consistent with this objective and policies. The proposal does not present any particular concern in relation to noise or light spill from this or adjoining properties. As noted previously, the proposed dwelling will be self-serviced with regard to wastewater and stormwater. Appropriate management of stormwater and wastewater will be overseen via any building consent process. Any on-site wastewater disposal system will need to be designed by an appropriately qualified person. Given the size of the site and location of proposed dwelling, it is expected that appropriate management can be achieved. Adequate water supply will also need to be available at all times for fire-fighting purposes. There is scope for this to be provided on-site. No potential sources of soil contamination have been identified at the time of writing.

Natural Environment

Provision reference	Summary of provisions	Assessment
Objective 10.2.1 and Policies 10.2.1.1 and 10.2.1.5	These seek to maintain or enhance biodiversity values by ensuring that activities are only allowed where biodiversity values would be maintained or enhanced, including by	The proposal is considered to be neutral with these provisions. No indigenous vegetation has or will be cleared. The application silent

	encouraging conservation activities in all zones and limiting indigenous vegetation clearance.	on future conservation efforts other than to continue to protect the biodiversity values of the existing vegetation should the consent be granted for residential activity on the site.
Objective 10.2.5 and Policies 10.2.5.9, 10.2.5.11, 10.2.5.12, 10.2.5.13	Outstanding Natural Features, Outstanding Natural Landscapes (ONL) and Significant Natural Landscapes (SNL) are protected from inappropriate development; and their values, as identified in Appendix A3 (of the 2GP), are maintained or enhanced. Require buildings and structures in ONL and SNL to be in colours and materials that avoid or minimise adverse effects. AND provide for small buildings in landscapes were clustered together.	The proposal is considered to be consistent with these provisions. This is because the dwelling is of a small scale in natural colours which are sympathetic to the surroundings.

Natural Hazards

Provision reference	Summary of provisions	Assessment
Objective 11.2.1	This objective seeks to develop and locate land use activities in such a way as to ensure that only risk from natural hazards is no more than low in the short to long term.	The council record identifies no natural hazards on site, nor does the regional council system. As such the proposal is considered to be consistent with this objective.

Rural Zones

Provision reference	Summary of provisions	Assessment
Objective 16.2.1 and Policy 16.2.1.7	These seek to reserve rural zones for productive rural activities and the protection and enhancement of the natural environment, including by avoiding residential activity on sites that do not comply with the density provisions for the zone except in the following circumstances: where the residential activity is associated with a surplus dwelling subdivision, or associated with long term management and/or capital investment that will result in	The proposal is considered to be contrary to these provisions which rely on the avoidance of residential activities on under-sized rural sites in order to reserve the rural zones for productive rural activities and enhancement of the natural environment. The site is just 11 700m ² in size whereas the minimum site size for a residential activity is 15 hectares. The proposal is not considered to meet any of the circumstances set out in the policy in which residential activity not meeting the zone density provisions might be acceptable.

	significant positive effects for rural productivity and/or a significant contribution to the enhancement or protection of biodiversity values.	
Policy 16.2.1.1	This policy seeks to enable farming, grazing and conservation in the rural zones.	The proposal is considered to be generally consistent with this policy given the small size of the site which somewhat limits its potential for farming. The bush on site has been there for a sustained amount of time and further, it is considered that granting consent for residential activity on the site would promote on-going small-scale conservation efforts.
Objective 16.2.2 and Policy 16.2.2.1	These seek to minimise conflict between activities in rural zones by ensuring the potential for reverse sensitivity issues is minimised and a reasonable level of amenity for residential activities is maintained, including by requiring residential buildings to be setback an adequate distance from site boundaries and activities such as intensive farming and mining which have the potential to cause noise, odour and other such effects that have the potential to adversely effect residential amenity.	The proposal is considered to be consistent with these provisions. As outlined in the assessment of effects, any risk of reverse sensitivity is well established. Further, the proposed dwelling will comfortably satisfy the required boundary setbacks, with the exception of one boundary, thereby minimising any potential reverse sensitivity issues.
Objective 16.2.3 and Policies 16.2.3.1 and 16.2.3.2.	These seek to maintain and enhance rural character and amenity	The proposal is considered to be consistent with these provisions. The dwelling is set behind dense vegetation and is not visible from the road. The roof of the dwelling is partially visible from viewpoints in Osborne. Continued maintenance and conservation of this bush area will continue to overcome any adverse effects on rural character and amenity arising from the density breach.
Objective 16.2.4 and Policy 16.2.4.4	These seek to maintain or enhance the productivity of rural activities in rural zones including by ensuring that residential activity will not displace rural activities over time.	The objective seeks to maintain or enhance productivity in the rural zone. Policy 16.2.4.4 seeks to ensure that residential activity in the rural zones is at a density that will not, over time and cumulatively, reduce rural productivity by displacing rural activities. Although the proposal will not comply with the density requirement for the zone, the site is an existing, significantly under-

		sized site and accordingly I consider that the level of displacement of rural activities is relatively low. In fact, as noted earlier in this report, a more established residential activity may encourage better long-term management and utilisation of the site for conservation and productive purposes, although not necessarily in a commercial sense. Therefore, it is considered that the proposal is consistent with this objective and Policy.
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Conclusion with regards to Objectives and Policies

- [82] As the relevant rules in the proposed District Plan (2GP) are deemed operative and the relevant rules in the operative District Plan are deemed inoperative, significantly more weight is given to the objectives and policies of the 2GP. However, some weight has been assigned to the operative Plan because 2GP Policy 16.2.2.1 is subject to an appeal.
- [83] When looked at on the whole, the application could be said to be generally consistent with many objectives and policies of the 2GP, given the specific characteristics of the site and the proposed nature of the residential activity, all as outlined in the assessment of effects above.
- [84] However, Policy 16.2.1.7 prescribes that residential activity on a site that does not comply with density standards of the zone shall be 'avoided.' The 2GP provides specific and directive instructions for the intensity of residential activity in rural zones. It dictates that it is to be avoided in Rural Zones where that density cannot be met. Consequently, this clear policy direction dissuades the granting of this type of activity unless a limited scope of circumstances can be met. This existing dwelling and the informal conservation efforts do not meet these prescribed circumstances in the policy framework of the 2GP. Accordingly, the strongly directive wording of Policy 16.2.1.7 cannot be overlooked or downplayed in the assessment of the objectives and policies.
- [85] It is with this in mind, I consider that when focusing on the key objectives and policies, without considering the magnitude of the effects on the environment, the objectives and policies of the Proposed Plan do not support the granting of this consent.
- [86] The Operative Plan objectives and policies are considered to be less directive than those of the Proposed 2GP. I consider that given the specific characteristic of the site and the proposed nature of the residential activity that the application could be said to be inconsistent with, but not contrary to the relevant objectives and policies of Operative Plan.

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

- [87] The objectives and policies of the Partially Operative Otago Regional Policy Statement ("RPS") were taken into account in assessing the application. The RPS was made partially operative in January 2019.

- [88] The 2GP provisions of central importance to the application are generally beyond appeal, and as such are deemed to give effect to the relevant objectives and policies of the RPS. The policy assessment above has found that the proposal is contrary to a key objective and policy of the 2GP in relation to residential activity and development in rural zones. The nature of an 'avoid' policy makes this particularly important. The 2GP objectives and policies for the rural zone are more directive when compared with equivalent objectives and policies contained in the RPS. This reflects the fact they are more specific to the function of the District Plan to manage land use effects at the site level. For example, objective 4.5 and policy 4.5.1, and objective 5.3 and policy 5.3.1 contain similar themes to the provisions of the 2GP, but are more broader in nature. As such I consider that the proposal could be said to be inconsistent with some aspects of these policy provisions, but not contrary to the relevant objectives and policies of the RPS.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [89] 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

- [90] 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.
- [91] It is considered that the development meets the first limb as in any adverse effect is already well established and this established effect is considered to be no more than minor. Given the assessment above of the application against the objectives and policies of the 2GP, I do not consider that the second limb can be met. Notwithstanding, the Council may exercise its discretion under section 104D to grant consent.

Section 104(1)(c)

- [92] 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 precedence and plan integrity are considered relevant here. These issues have been addressed by the Environment Court (starting with *Russell v Dunedin City Council* C092/03) and case law now directs the Council to consider whether approval of a non-complying activity will create an undesirable precedent. Where a plan's integrity is at risk by virtue of such a precedent, the Council is required to apply the 'true exception test'. This is particularly relevant where the proposed activity is contrary to objectives and policies of the district plan and/or the proposed district plan.
- [93] The 2GP sets a clear policy direction in terms of circumstances wherein residential activity is anticipated in rural zones. As such, I consider that there is a risk of an undesirable precedent being established in the absence of clear evidence to distinguish this application, or policy support that can be considered to outweigh the 'avoid' provision in the Rural Section of the 2GP.

- [94] In this case, the proposal is non-complying because it involves an existing, but not lawfully established, residential activity on a rural site of this size. In other words, it does not comply with the anticipated density for residential activity in the Rural zone.
- [95] I do not consider the fact that the site is an existing smaller site within the Rural zone to constitute a true exception. I note that the 2GP does include exemptions for the minimum site size criteria for existing under-sized site, in some areas, meeting certain circumstances. It is therefore evident, that the policy direction to avoid residential activity was a deliberate intention to dissuade residential activity on all undersized sites including the subject site.
- [96] The 2GP identifies that Dunedin already has a large number of small rural sites as a result of historic subdivision patterns but intentionally makes no provision for residential activity to be permitted unless certain criteria are met. Included in these criteria is a significant contribution to the protection or enhancement of biodiversity values.
- [97] Furthermore, the applicant's conservation efforts to date, while commendable and undoubtedly producing positive effects for the environment, are not considered to make the application a true exception. Given that these efforts are not necessarily contingent on a residential activity being approved and that the applicant has not formalised the scope of the conservation efforts it is concluded that this case does not constitute a true exception. This conclusion is based on the modest scale of the works to date and absence of formal commitments to expanding the conservation efforts on site.
- [98] Based on the above, and notwithstanding the effects of the proposal, which I consider to be no more than minor, it is my opinion that approval of the application could set an undesirable precedence and undermine the integrity of the 2GP.

RECOMMENDATION

After having regard to the above planning assessment, I recommend that:

- [99] ***Pursuant to Part 2 and Sections 34A(1), 104, 104B and 104D of the Resource Management Act 1991, the Dunedin City Council declines the proposal for a non-complying activity being the lawful authorisation of residential activity on an under-sized Rural-zoned site at 332 Pūrākaunui Road, Pūrākaunui, and;***
- [100] ***That should the Panel exercise its discretion under section 104D to grant consent, that the draft conditions included in Appendix 1 should be imposed.***

REASONS FOR RECOMMENDATION

- [101] Effects of the proposal associated with the loss of rural productive land, rural character and amenity 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.
- [102] However, the 2GP has a clear policy direction that would not support granting of consent for residential activity on under-sized rural sites, apart from in limited set of circumstances which I do not consider this existing dwelling meets.
- [103] The development is deemed to be contrary to the key objective and policies of the Rural Section of the 2GP as the proposal diverges significantly from the minimum density requirement for residential activity within the Rural Zone.

- [104] While there might be certain circumstances in which a consent would be granted for residential activity on an undersized site, I do not consider that there are sufficient distinguishing factors about the application that would allay concerns regarding the risk of setting an undesirable precedent. I therefore consider that to grant consent could undermine the integrity of the District Plan, as any perceived precedence set by the granting of this consent may significantly detract from the outcomes sought for the Rural Zone.
- [105] Should consent for residential activity be granted I would be concerned that further application could be made in the future for residential activity on undersized sites.

Report prepared by:

Report checked by:



Nicola Petrie
Planner

22 November 2022
Date



Campbell Thomson
Senior Planner

22 November 2022
Date

Appendix 1: Draft Conditions and Advice Notes for LUC-2022-445

Draft Only

Conditions

1. *The residential land use and site development must be in general accordance with the approved plans attached to this certificate as Appendix 4, and the information provided with the resource consent application received by the Council on 12 October 2022 except where modified by the following conditions.*
2. *The occupation of the residential unit on Pt Sec 1 Sec 25 BLK IV North Harbour & Blueskin SD must not continue until the consent holder has provided confirmation that all building work on the property has been undertaken in accordance with the Building Act and a Code of Compliance or Certificate of Acceptance for the residential unit is obtained.*
3. *On-going protection is to be provided for all native trees contained within the area of bush surrounding the dwelling location, as identified in Appendix 3 below. To be clear, this means any clearance of any native bush in this area shall be replaced with regenerative native planting that is of the Kanuka species or an approved species by the Landscape Architect. The removal of weed species does not require authorisation.*
4. *The vehicle access must be upgraded and formed to a minimum 3.0m in width, be hard surfaced from the edge of the Pūrākaunui Road carriageway toward the property boundary, for a distance of not less than 5.0m and be adequately drained for its full duration in accordance with DCC's Vehicle Entrance Specification.*

Advice Notes

1. Any further development of the site, in the way of earthworks, new buildings, additions and alterations to the existing building may require further resource consent.
2. It is noted that the building is subject to a Notice to Fix under the Building Act 2004 (Council ref: NTF-2022-95). It is anticipated that a Certificate of Acceptance process will assess the servicing of this residential unit, and this servicing suitability for the site and dwelling.

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.

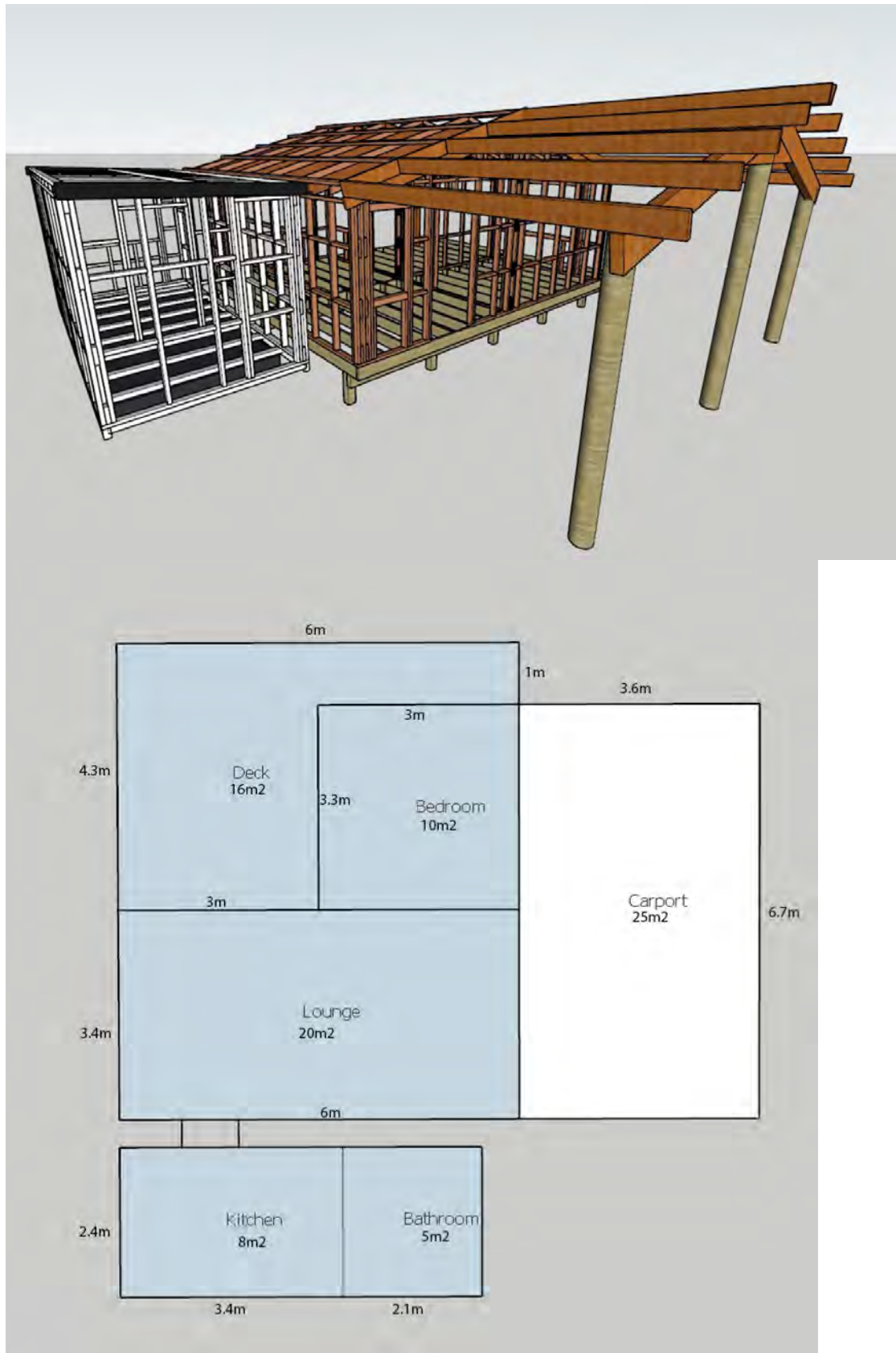
Appendix 2: Map depicting area of bush to be protected

Appendix 3: Recommended area of trees to be protected.



Note: image is from landscape comments report where Appendix 3 is referenced by Mr. McKinlay

Appendix 3: Plans of Dwelling





Appendix 4: Application

APPLICATION NUMBER:	LUC-2022-445
RELATED APPLICATIONS/LICENCES:	NTF-2022-95COM-2022-64

PLANNING APPLICATION DETAILS FORM

Property Address	332 Purakaunui Road Purakaunui
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Property Description:	Property No: 5116646. Legal Description: PT SEC 34 BLK IV SO 1270 NORTH HARBOUR & BLUESKIN SD, PT SEC 1 of SEC 25 BLK IV SO 1270 NORTH HARBOUR & BLUESKIN SD, PT SEC 34 BLK IV SO 1270 NORTH HARBOUR & BLUESKIN SD, PT SEC 34 BLK IV SO 1270 NORTH HARBOUR & BLUESKIN SD
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First Contact: (Applicant)	Name:	Martin Alford
	Mail Address:	332 Purakaunui Road, RD 1, Port Chalmers 9081
	Contact Email:	kirstyn@planningsouth.nz
	Phone Number:	0273088950
	Method of Service	Preferred Method - Email
Second Contact: (Agent)	Name:	
	Mail Address:	
	Phone Number:	
	Contact Person:	

Description of Application:	Retrospective consent for a dwelling on undersized rural lot in ONL
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Application Type:	Land Use Consent
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Fast Track?	
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Consent Type:	Residential Activity Landscape/ULCA	Consent Nature	New Dwelling Breaching Density New Dwelling in Landscape Management Area
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Major Category	Land Use Category C
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Minor Category	Non-Notified - Non Complying
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Senior Planner or Responsible Officer:	Nicola Petrie
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Lodgement Date:	12 October 2022	Lodgement Officer:	Kerry Hamilton
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Deposit Amount:	\$1,700.00	Invoice Number:	946252
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Waived: ☐	
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Application Requirements	Signed Application Form		Copy of Title	
	Locality Plan		Site Plan	
	Plans and Elevations		AEE	
	Affected Persons Consent			

Counter Comments:	
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APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We

(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:

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:

Legal description:

Certificate of Title:

Contact details

Name: (applicant agent (tick one))

Address:

Postcode:

Phone (daytime):

Email:

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?

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. ALL FIELDS ARE MANDATORY.

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

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 will automatically be invoiced for the deposit and/or any additional costs. Should a portion of the deposit be unspent, it will be refunded to the payee.

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:

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.

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.

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site?

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.

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.

Affected persons' approvals

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

Name:

Address:

Name:

Address:

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

Assessment of Effects on Environment (AEE)

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

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

(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.

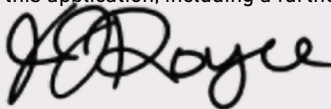
Declaration

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):



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
- Payee details
- Application fee (cash, eftpos, direct credit or credit card (surcharge may apply))
- 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:



Kirstyn Royce <kirstyn@planningsouth.nz>

Fwd: RE: Firefighting exemption/alternative approval - 332 Purakaunui Road

1 message

Martin <martin.alford@zoho.com>
To: kirstyn <kirstyn@planningsouth.nz>

Tue, Oct 11, 2022 at 8:44 PM

Hi Kirstyn,

Please see message below.

Thanks,
Martin

===== Forwarded message =====

From: Knapp, James <James.Knapp@fireandemergency.nz>
To: "Martin" <martin.alford@zoho.com>
Date: Tue, 11 Oct 2022 09:02:23 +1300
Subject: RE: Firefighting exemption/alternative approval - [332 Purakaunui Road](#)
===== Forwarded message =====

Hi Martin,

Yes we have discussed it here. Given that your single bedroom dwelling has an exceptionally small floor area, that you have a separate tank for domestic supply, and that another supply beside your property entrance that we understand you have access to, we are prepared to accept a single 30,000L firefighting water tank, so long as the tank is reserved solely for that purpose. As we discussed the tank needs a 100mm suction fire hose coupling, to be readily identifiable and accessible from the hard standing (turning and parking area), and should be more than 6m from your dwelling. We recommend the tank is installed upslope from and beside the hardstand, rather than below it surrounded by kanuka.

Please let us know when the tank is in place so we can inspect and provide you a letter of acceptance.

Ngā mihi

James Knapp

Kaiwhakahaere Mōrea Hapori Community Risk Manager
Otago



M: 027 236 6092
james.knapp@fireandemergency.nz
www.fireandemergency.nz
85 Castle Street, PO Box 341, Dunedin 9054

Apologies if this email reaches you outside business hours - no response or action is expected outside of your own working hours.

From: Martin <martin.alford@zoho.com>
Sent: Monday, 10 October 2022 7:06 pm
To: Knapp, James <James.Knapp@fireandemergency.nz>
Subject: RE: Firefighting exemption/alternative approval - [332 Purakaunui Road](#)

Hi James,

40

Did you get a chance to find out whether my build would require less than the 45,000L based on the small size?

Cheers,
Martin



0273088950

kirstyn@planningsouth.nz

**RESOURCE CONSENT APPLICATION FOR LAND USE CONSENT
TO ESTABLISH A RURAL DWELLING**

LOCATION: 332 PŪRĀKANUI ROAD

APPLICANT: MARTIN ALFORD

**ADDRESS FOR SERVICE: KIRSTYN ROYCE
30 KERRY STREET
ALEXANDRA 9320**

DATE: 12 OCTOBER 2022

**THIS APPLICATION IS PREPARED IN ACCORDANCE WITH SCHEDULE 4 OF
THE RESOURCE MANAGEMENT ACT 1991**



INTRODUCTION

The applicant, Martin Alford, seeks retrospective consent to establish a residential dwelling on the rural zoned site located at 332 Pūrākanui Road, Pūrākanui. Consent is sought to resolve a compliance matter. Peter Woods is the compliance officer managing this matter. Mr Alford has been encouraged by Council to apply for consent.

PROPOSAL

The applicant seeks to retrospectively authorise a residential dwelling on the subject site (see Figures 1-4 and the Plans at Appendix 1). Construction of the dwelling commenced in September 2020 and was occupied from March 2022. The proposal is the subject of a compliance investigation and the applicant seeks to make right the existing non-compliances.

The proposal seeks to authorise a small unit comprising bedroom and lounge, with deck and carport in one structure and kitchen and bathroom in separate semi-connected structure. The 14m² kitchen and bathroom is built on top of an old truck deck and is currently mobile (See Figures 1 & 2).

The footprint of the dwelling is less than 60m². As shown in Figures 3 and 4 below, the structure is clad in natural timber cladding and recessively coloured roofing and joinery.

Fire and Emergency New Zealand (FENZ) have agreed that:

“Given that your single bedroom dwelling has an exceptionally small floor area, that you have a separate tank for domestic supply, and that another supply beside your property entrance that we understand you have access to, we are prepared to accept a single 30,000L firefighting water tank, so long as the tank is reserved solely for that purpose. As we discussed the tank needs a 100mm suction fire hose coupling, to be readily identifiable and accessible from the hard standing (turning and parking area), and should be more than 6m from your dwelling. We recommend the tank is installed upslope from and beside the hardstand, rather than below it surrounded by kanuka.”

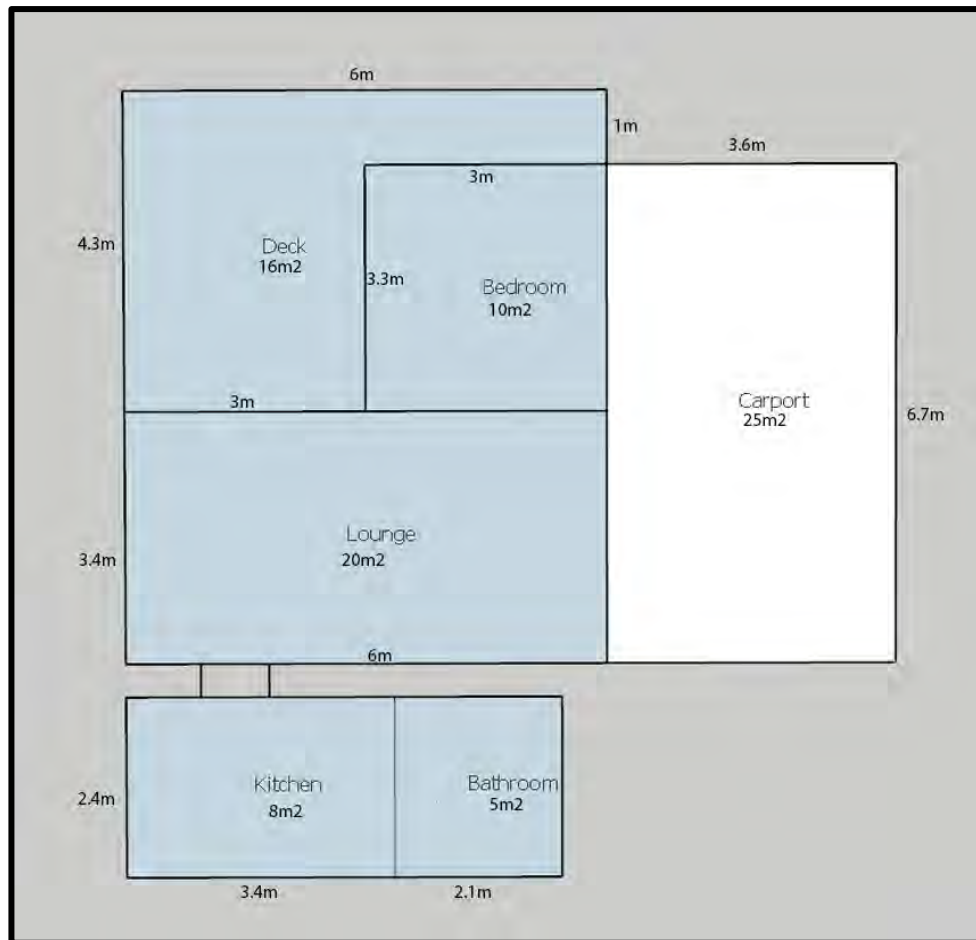


Figure 1: Floor Plan

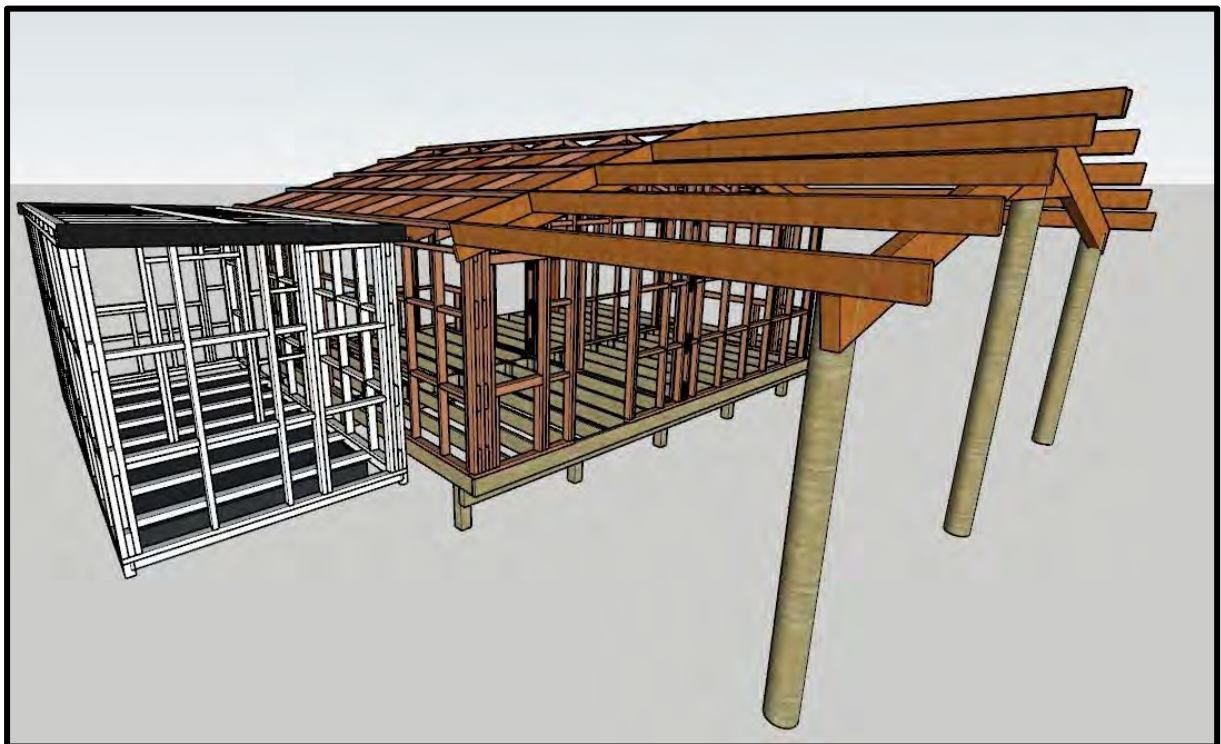


Figure 2: Design Plan



Figure 3: Structure as built



Figure 4: Structure as built

BACKGROUND

The applicant sought advice from DCC approximately 2 years ago prior to any construction and was advised that he could place a sleep-out on the parcel. He was advised that the sleepout could be positioned 10 metres from the side and rear boundaries. The applicant obeyed this advice. The applicant subsequently positioned a mobile kitchen and bathroom unit adjacent to the main structure.

SITE DESCRIPTION

The subject site is located within the Purakaunui area north of Dunedin (see Figure 5).



Figure 5: Subject site in context (source: DCC WebMaps)

The subject site is legally described as Part Section 1 of 25 Block IV and Part Section 34 Block IV North Harbour and Blueskin Survey District, held in a single Record of Title OT15B/1145 and comprising an area of 26.1333ha more or less (see Appendix 2). The site is held in two parcels which are not contiguous (see Figures 6 and 7) and therefore does not meet the definition of site under the 2GP. The applicant's parents hold the record of title and live on the primary title. A portion of their property is also held in OT291/192 as shown in Figure 8.

The subject site was historically a standalone property with separate rating. It was merged with the rest of the property when the applicant's parents bought the farmland from the neighbour (316 Purakaunui road) 30-40 years ago and a boundary adjustment was carried out.

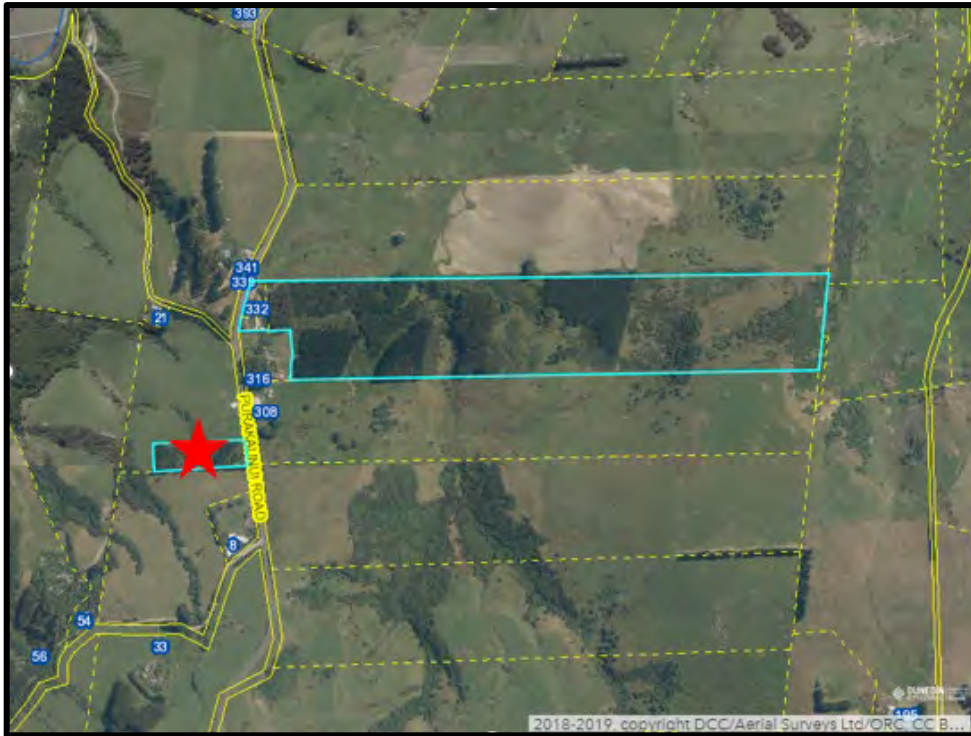


Figure 6: Subject site (source: DCC WebMaps)



Figure 7: Location of the parcels making OT15B/1145 (source: DCC WebMaps)



Figure 8: Titles which make up the subject site (source: DCC WebMaps)

PLANNING FRAMEWORK

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 site where the family flat is located is zoned Coastal Rural. The following annotations are identified for this portion of the site:

- Landscape Overlay Zone- ONL - Mihiwaka to Heyward Coast

There do not appear to be any live appeals for this site that are relevant to this proposal and in accordance with section 86F the 2GP rules are treated as operative and the 2006 District Plan as inoperative.

2GP

City Wide Activities

There are no city-wide activities relevant to this application.

Land Use Activities

The parcels held within the same title are not contiguous and are treated as separate sites under the 2GP definition. In this regard, the land is treated as three separate sites being; the two land parcels contained in Record of Title being OT15B1145 and the land contained in Record of Title OT291/192. The subject land held within Part Section 1 of 25 Block IV has a land area of approximately 11,700m².

Residential activities are permitted activities within the Coastal Rural zone, pursuant to Rule 16.3.3.26, providing the following performance standards are met:

(i) *Density (Rule 16.5.2.1.a)*

In this instance, standard residential activity is not permitted as the subject site is less than 15ha. Breaches of Rule 16.5.2.1.a are noncomplying activities, pursuant to Rule 16.5.2.2.

(ii) *Separation distances (Rule 16.5.10)*

The dwelling is located within the setbacks to the activities identified in Rule 16.5.10.

(iii) *Family flats - Tenancy (Rule 16.5.14)*

While the dwelling takes the form of a family flat and will be occupied by a person or persons related to the household that lives in the primary residential unit on the same record of title and is not on a different tenancy agreement to the primary residential unit, the parcels within the title are not treated as a single site under the 2GP because they are not contiguous. As such, the dwelling is not technically a family flat although its scale and inhabitation is similar.

If it provided comfort to the Council, the applicant would offer conditions which would restrict its use to be used as a family flat in conjunction with the primary dwelling located within the primary site.

Development Activities

Rule 16.3.4.5 – Number of buildings in ONL

Rule 16.3.4.5 states that new buildings are permitted in the ONL subject to Rule 16.6.6.X.a and Rule 10.3.5.

- Rule 10.3.5.X.a states that in ONL overlay zones, new buildings must not result in a building or structure that is greater than 60m² footprint. The dwelling has a footprint of less than 60m².
- Rule 10.3.5.Y states that in ONL overlay zones a maximum of three new buildings less than or equal to 60m² footprint may be erected per site. In this instance, only one new building is proposed and this rule is not triggered.

Development performance standards

Rule 16.6.1 – Firefighting

Rule 16.6.1 requires that new residential buildings provide an area of minimum dimensions of 4.5m x 11m with suitable fire engine access, water storage of 45,000 litres (45m³) or equivalent firefighting capacity, and have the water supply located within 90m of the fire risk or otherwise provide for water supply and access to water supplies for firefighting purposes consistent with the SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. In this instance, FENZ have confirmed that an alternative fire system is acceptable.

Rule 16.6.5.1- Height

Rule 16.6.5.1 states that new buildings must not exceed a maximum height above ground level of 5.0m within a landscape overlay zone. In this instance, the new building will not exceed 5.0m in height.

Rule 16.6.6 Area, Number and Location of Buildings and Structures

See assessment under Rule 16.3.4.5

Rule 16.6.8 – Parking, Loading and Access

Rule 16.6.8 requires compliance with Rule 6.6

It is considered that there is ample space on the site to provide manoeuvring and parking space as per Rule 6.6.1. Loading is not relevant to this proposal and no rules under 6.6.2 are triggered. The access width complies with Rule 6.6.3.9.iv.

The applicant offers as a condition of consent that access surfacing will be brought up to standard to meet Rule 6.6.3.6

Furthermore, the applicant confirms that:

- The site will have one access for the frontage (6.6.3.1),
- The access will comply with the required sightlines (6.6.3.2.b)
- The access to the site is less than 6.0m (6.6.3.3.a.i)
- The site access is approximately 200m from the intersection with Pūrākanui School Road and from unformed Mihiwaka Station Road (6.6.3.4)
- The gradient of the driveway is compliant (6.3.7)

- The driveway does not serve more than one dwelling (6.6.3.8)
- The access is not affected by a level crossing (6.6.3.10)

Rule 16.6.9 – Reflectivity

Rule 16.6.9 states that new buildings in any landscape overlay zone must comply with Rule 10.3.6.

- Rule 10.3.6 states that additions and alterations, must have exterior surfaces, including roofs, that have a light reflectance value (LRV) of 30% or less, except that this rule does not apply to:
 - a) natural wood finishes;
 - b) glass;
 - c) clear plastic;
 - d) soffits; or
 - e) flues.

In this instance, the dwelling is clad in a timber finish and the roof and joinery has a LRV of 10%.

Rule 16.6.10.1 - Setbacks

Residential buildings are required to be setback 20 metres from any side boundary. In this instance, the flat will be located 14 metres from the boundary shared with 33 Mihiwaka Station Road. Breaches of Rule 16.6.10.1 are restricted discretionary activities and assessed under Rule 16.9.4.2

Rule 16.6.11 – Vegetation Clearance standards

Rule 16.6.11 directs the plan user to Rule 10.3.

- Rule 10.3.2.1.c.i provides for maximum indigenous vegetation clearance area of 500m² over a 3 year period. The applicant will comply with this rule.
- The site is not located in a protected area defined by Rule 10.3.2.2 nor were any plant species identified in Appendix 10.A.1 or 10.A.2.

All other development standards are not considered to be relevant to this proposal.

Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.

In this case, the proposal is assessed as **non-complying** activity.

STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the Act. Subject to Part 2 of the Act, 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:*
- (i) *A national environmental standards;*
 - (ii) *Other regulations;*
 - (iii) *a national policy statement*
 - (iv) *a New Zealand coastal policy statement*
 - (v) *a 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. In assessing this application, regard must be given to section 104 and 104C of the Act.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

Section 104 of the Act requires that an assessment of environmental effects be made for this application.

Permitted Baseline

Under sections 95D(b) and 104(2) of the Act, an adverse effect of the activity on the environment may be disregarded if the district plan or a national environmental standard permits an activity with that effect.

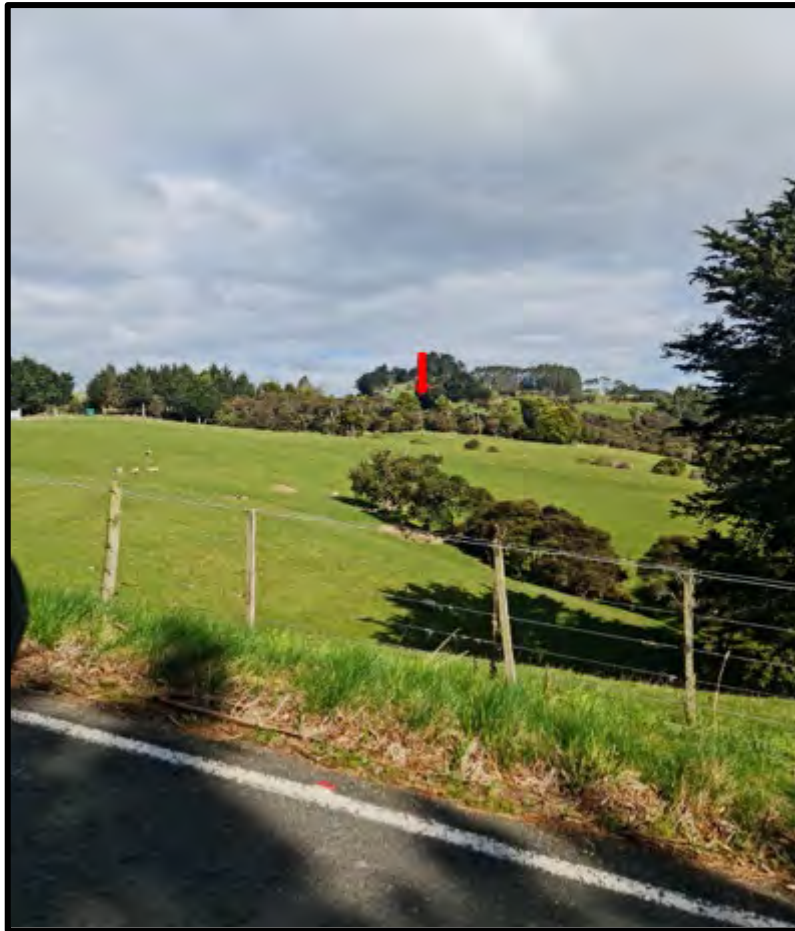
In this situation, a family flat is permitted on the underlying title which complies with the performance standards. In addition, up to three rural buildings which do not exceed 60m² are permitted and vegetation clearance of 500m² which does not involve species listed in Appendix 10.A or 10.B. It is considered that this is the appropriate baseline against which the activity should be considered. As a result, it is the effects arising from the proposal, beyond the permitted baseline, that are the crucial elements for consideration.

Receiving Environment

The site is located in a rural environment and is situated on a relatively densely bush clad site. The subject site is adjacent pastoral farming area and in close vicinity to the local primary school. It is considered that this is the appropriate baseline and receiving environment against which the activity should be considered.

Effects on rural character, visual amenity and landscape values

The dwelling is currently established within the site. The dwelling comprises a relatively small footprint and is well set back within the site. The dwelling is well screened such that it cannot be viewed from the outside site, except from fleeting and partial views along Purakanui School Road and views from Mihiwaka School Road which is a very low volume, no exit road. The adjacent neighbours have provided written approval and all effects on them are to be disregarded.



Figures 9 and 9A: View from Purakanui School Road



Figures 10 and 10A: View from Mihiwaka School Road:

The site is located within the Mihiwaka to Heyward Coast Outstanding Natural Landscape overlay. While proposed structures within such a landscape would normally be accompanied by a landscape assessment from a suitably qualified person, in this instance, there is no uncertainty regarding the effects of the proposal as the dwelling exists within the landscape. In this regard, the effects of the proposal from outside of the site will be immediately obvious to Council officers.

Appendix A3.2.2.2 sets out the landscape values for the Mihiwaka to Heyward Coast Outstanding Natural Landscape. The principal threats are set out in A3.2.2.3. Relevant to this proposal are:

- a) Incremental change within this rural environment could result in the proliferation of smaller rural farm blocks and as a consequence, the loss of viable operations.
 - (i) Houses and associated roading infrastructure would significantly alter the rural character of the area, downgrading the natural character and amenity values with the fragmented landscape that results.
 - (ii) A multitude of land uses, each requiring its own system of management and servicing, contrasts strongly with the open pastoral character that is maintained under a traditional farming system.
 - (iii) Such continuing encroachment into pastoral areas is a threat to this area. The greatest pressure for change is now likely to be on higher elevated land with good views towards the coast.
- b) Reduction of values related to significant habitats, wildlife, landforms and geological features as a result of a lack of maintenance and management of these areas.
- c) Buildings and structures can become visually dominant from public viewpoints if they are inappropriately sited, or if the design, scale and finish of structures conflict with established values.
- d) Removal of protective vegetation, steep slopes and sometimes harsh weather conditions can promote accelerated erosion
- e) Roads and tracks can have an adverse effect on visual quality if they are poorly sited.

In this instance the subject site is existing so will not result in the fragmentation of the landscape nor with the development encroach into open pastoral land. The dwelling is located such that it cannot be readily seen from outside of the subject site. The dwelling does not appear to have altered the character of the area or reduced the rural amenity.

The applicant will act as an on-site caretaker of the bush on the site and, in this regard, no reduction in significant habitats, wildlife, landforms and geological features will occur and protection of the remnant vegetation stands on this site will be undertaken as part of on-going land management practices.

The building has been designed and finished to ensure that it is not dominant in the landscape. The dwelling is designed with the intention of preserving or enhancing existing values and is as far as reasonably practical away from prominent public viewing points and utilises materials and colours which are in sympathy with surrounding natural features. The building elevation and size are not dominant and screened by existing bush.

The building was located within an area of the site which was already cleared (see Figure 11). No protective vegetation has been or will be removed which result in erosion within the site. The access track is well screened within the site and utilises an existing gate to the site.



Figure 11: Building area for the dwelling prior to development.

Overall, the design of the minor dwelling is considered to maintain the values associated with the Mihiwaka to Heyward Coast Outstanding Natural Landscape

Effects on amenity of surrounding properties

The dwelling cannot be seen from outside of the site, except for fleeting and partial views. All adjacent neighbours have provided written approval to the proposal and all effects on the rural amenity of these parties is to be disregarded.

Overall, no adverse effects on the amenity of surrounding properties arising from this minor dwelling are able to be considered.

Reverse sensitivity and productive land use effects

Potential conflicts between activities in the rural environment, which often arises from new activities in rural areas complaining about established productive rural activities and is known as 'reverse sensitivity'. In this instance, the applicants are well aware of the rural environment effects at this location. In addition, the dwelling is located adjacent to a school which is an atypical rural activity. All adjacent neighbours have provided written approval to the activity and, in this regard, all reverse sensitivity effects are to be disregarded.

The site is heavily bush clad and the large scale removal of the bush is not provided for in the 2GP. In this regard, the native bush will be maintained and enhanced and no adverse effects on the existing productive use of the site are identified.

Servicing and access effects.

The access to the dwelling is formed within the road reserve (see Figures 112 and 13) and the applicant offers as a condition of consent to hard surface this for the first five metres to ensure that material is not tracked onto Council's asset.

As this is a rural property, on-site provisions will be used for both potable water, wastewater and stormwater disposal. In respect of stormwater Infrastructure, the applicant proposes that the majority of the roof water will be used as potable water, with the overflow draining in a

manner which will be managed within the site. The specifics of this servicing will be confirmed as part of the Building Consent process.

With respect to firefighting, the applicant has confirmed that an appropriate alternative for firefighting water supply will be provided as agreed with FENZ. Evidence of this agreement is attached as Appendix 4 and the applicant confirms that he will provide the letter of acceptance within 30 days of consent being granted.



Figure 12 - Vehicle crossing from Pūrākanui Road (Google Earth)



Figure 13: Access track into the site

OBJECTIVES AND POLICIES ASSESSMENT

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

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

Rural Zone

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 16.2.3.1	Require buildings and structures to be set back from <u>site</u> boundaries and of a height that maintains the rural character values and visual amenity of the rural zones.
Policy 16.2.3.2	Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.
Commentary	The proposal seeks to retrospectively authorise a minor dwelling on a parcel held separately within a record of title. The proposal would likely be treated as a family flat (albeit with restricted discretionary design rule breaches) if the parcels were able to be considered as a single site per the record of title. The dwelling is small in scale and cannot be seen from outside of the site. The land is not productive and the indigenous vegetation coverage on the site precludes any agricultural activities. While the yard setback is not achieved, dwelling was positioned in accordance with previous DCC advice and the approval of neighbours has been

	obtained. Overall, the proposal will maintain the rural character values and amenity of the rural zones. The application is assessed as being consistent with this objective and policy suite.
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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.
Policy 16.2.2.1 (under appeal)	Require residential buildings and cemeteries to minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from: a) site boundaries; and b) intensive farming, domestic animal boarding and breeding (including dogs), mining, landfills, wind generators - large scale, and the Waitati Rifle Range.
Policy 16.2.2.3	Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.
Commentary	The minor dwelling is established on the site. The dwelling is located approximately 185 metres from Pūrākanui School to the south east and 200m to the adjacent residential dwelling to the south west. The next closest dwelling is 277m to the north east. The building is well screened by indigenous vegetation. The written approval of the affected neighbours has been obtained and all effects on these parties must be disregarded. Overall, the application is assessed as being consistent with this objective and policy suite.

Objective 16.2.4	The productivity of rural activities in the rural zones is maintained or enhanced.
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.
Commentary	The subject site is an existing site and the 2GP further reduces the land area to be considered under this application by preventing this land from being assessed with the primary parcel because the parcels are not contiguous. In this regard, the proposal does not result in land fragmentation. The site is predominantly covered in indigenous vegetation which precludes rural productive land uses on the site. The establishment of a dwelling at this location will not displace any rural activity. Overall, the application is assessed as being consistent with this objective and policy.

Objective 10.2.5	Outstanding Natural Features (ONFs), Outstanding Natural Landscapes (ONLs) and Significant Natural Landscapes (SNLs) are protected from inappropriate development; and their values, as identified in Appendix A3, are maintained or enhanced.
Policy 10.2.5.9	Only allow forestry, mining, landfills, crematoriums, large buildings and structures, earthworks - large scale, public amenities, substations, network utility poles and masts - small scale, hydro generators – small scale, solar panels – small scale, wind generators – small scale, network utility structures - large scale, natural hazard mitigation activities and transportation activities in the Significant Natural Landscape Overlay Zone (SNL) where adverse effects on the landscape values of the SNL, as identified in Appendix A3, are avoided or, if avoidance is not practicable: a) no more than minor or; b) where there are no practicable alternative locations, adequately mitigated.
Policy 10.2.5.11	Require large buildings on landscape building platforms in Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones to be of a size, design and appearance that ensures that adverse effects on the

	landscape values identified in Appendix A3 are avoided or, if avoidance is not practicable, adequately mitigated.
Policy 10.2.5.12	Require buildings and structures in Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones to have exterior colours and materials that avoid or minimise, as far as practicable, adverse visual effects caused by reflectivity.
Commentary	The proposal presents as a minor dwelling within a bush clad site. The dwelling is of small scale and clad in natural and recessive colours. Overall, the dwelling complies with the performance standards of the ONL and will not have an adverse effect on the rural character, visual amenity and landscape values of the surrounding area. The application is assessed as being consistent with this objective and policy suite.

Overall Objectives and Policies Assessment

Having regard at the relevant objectives and policies individually, the above assessment indicates that the application is consistent with the key provisions of the 2GP.

OFFSETTING OR COMPENSATION MEASURES

In accordance with Section 104(1)(ab) of the Resource Management Act 1991, the applicant does not consider that any offsetting or compensation measures are necessary.

OTHER MATTERS

Section 104(1)(c) of the Resource Management Act 1991 requires that regard be given to any other matters considered relevant and reasonably necessary to determine the application. Plan integrity and precedence are considered relevant here.

The proposal presents in a relatively confined set of circumstances, in that, under the 2GP the site must be assessed as stand-alone but cannot be disposed of separately without the parent parcel. The dwelling will operate for all intents and purposes as a family flat, with the applicants' parents living on the other parcel contained within the title. If not for the definition of site within the 2GP which precludes this parcel being assessed as within the same site as the parent parcel, the dwelling would meet the definition of a family flat (noting that there would be restricted discretionary breaches associated with the location of the flat which would need to be overcome).

Given the unusual situation of the title structure and the definition of site within the 2GP, it is considered that there are elements which set this proposal apart from other applications for rural dwellings on undersized sites in the rural zone. Overall, this proposal is not considered to set an undesirable precedent or undermine the integrity of the plan.

There are no other matters considered relevant to the determination of this application.

PART 2 OF THE ACT

Section 104(1) of the Act states that resource consent applications are subject to Part 2 of the Act.

Section 6 requires that particular regard is given to:

- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

For this proposal, the structure meets the rules imposed by the 2GP which relate specifically to the protection and preservation of ONL's. In this regard, it is assessed that the proposal will not give rise to in appropriate land use or development to the detriment of the ONL values in this area.

With regard to Section 7, particular regard has been given to:

- Section 7(a) - kaitiakitanga:
- Section (aa) - the ethic of stewardship
- Section 7(b) - the efficient use and development of natural and physical resources, and
- Section 7(c) - the maintenance and enhancement of amenity values, and
- Section 7(f) - maintenance and enhancement of the quality of the environment, and
- Section 7(g) - any finite characteristics of natural and physical resources.

In terms of Section 8, the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) have been taken into account in preparing this application.

Based on the findings of the lower order planning instruments, it is assessed that the proposal satisfies Part 2 of the Act.

NOTIFICATION AND AFFECTED PARTIES

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.
- There are no rules in the 2GP or NES which require notification.
- It is considered that there are no special circumstances relating to the application.
- It is assessed below that the effects of the proposal on the wider environment are less than minor.

In respect of affected parties, the written approval of the following parties has been obtained as shown in Table 1 and Figure 14:

Table 1: Affected parties from whom approval is obtained.

Name	Address	Date obtained
Nicki Bell on behalf of Pūrākanui School	8 Mihiwaka Station Road	8 September 2022
Annette Isabel Currie	311 Pūrākanui Road	3 September 2022

John and Shona Chapman	308 Pūrākanui Road and 33 Mihiwaka Road	7 September 2022
------------------------	---	------------------

It is considered that the proposal will not detract from the character of the area as it is compatible with the surrounding land use and is consistent with the existing development pattern. No reverse sensitivity effects have been identified. The dwelling will be setback from all boundaries except to that of 33 Mihiwaka Station Road and all effects on that party are to be disregarded.

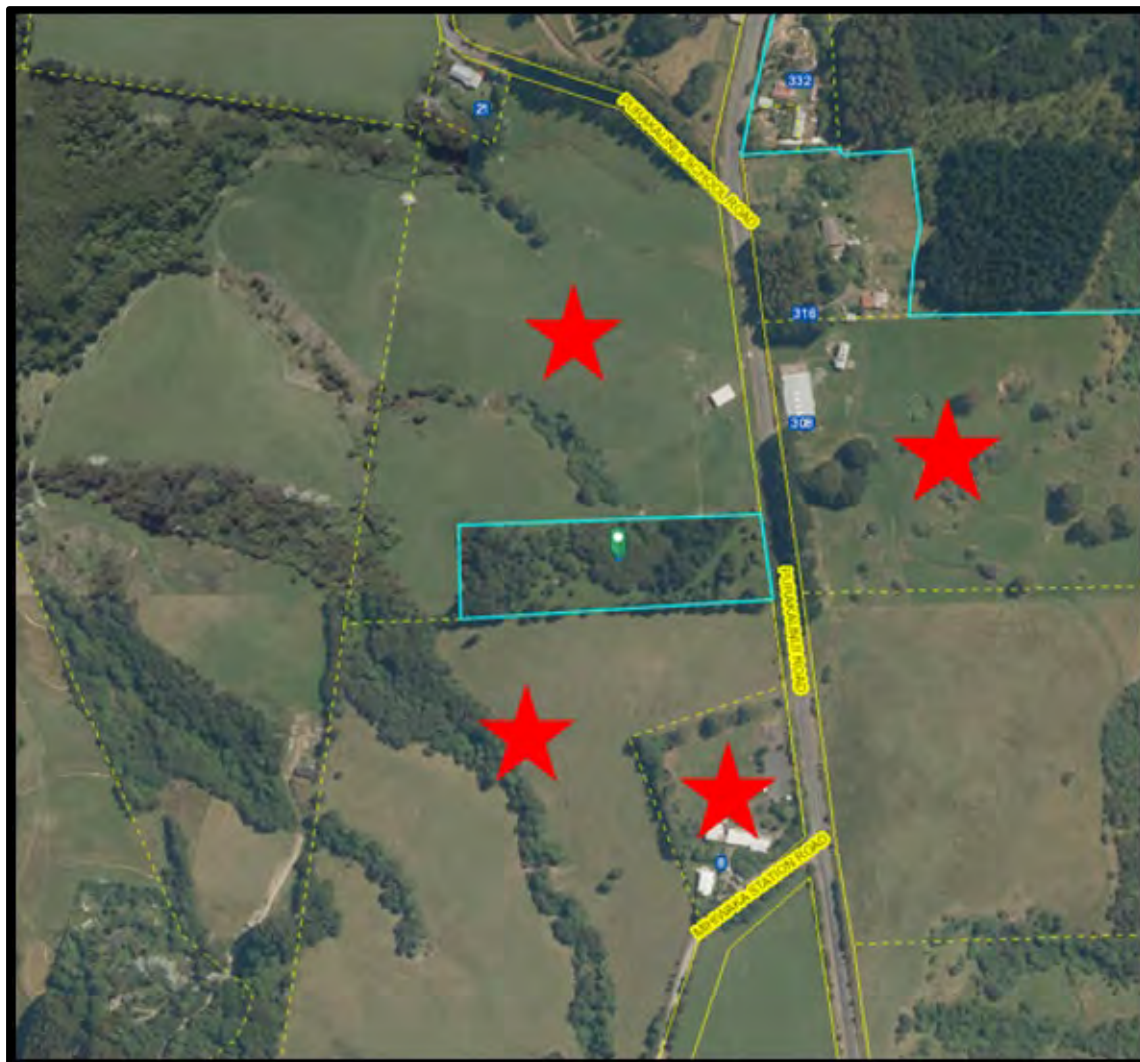


Figure 14: Affected party locations

Overall, any effects on adjacent parties are to be disregarded and there are no parties who will be adversely affected by this proposal to the extent that the effects will be minor or more than minor (but not less than minor) beyond those who have provided written approval.

CONCLUSION

The proposal is for a retrospective non-complying activity for a minor residential dwelling on an existing rural zoned site. The density falls below the density levels intended for the underlying

zoning. The written approvals of all neighbours have been provided (see Appendix 3) and all effects on these parties are to be disregarded, in particular the effects on the neighbour where the yard breach occurs.

The dwelling meets the additional development requirements of the ONL overlay and is well screened from public viewing places. The indigenous vegetation precludes the site from being placed into a productive land use and the applicant intends to care take the existing bush on the site. Overall, it is assessed that the proposal will not have an adverse effect on the rural character, visual amenity and landscape values of the surrounding area.

The proposal will not result in land fragmentation and given the written approvals noted above, no reverse sensitivity effects are identified. No additional infrastructure demand is generated by the proposal as the site will be self-sufficient (including firefighting capacity). Overall, it is assessed that the adverse effects of the proposal on the environment are no more than minor.

The proposal is considered to be consistent with the objectives and policies of the 2GP and the other relevant higher order planning documents.

It is respectfully requested that consent be granted to this proposal on a non-notified basis, however, noting the peculiarities of this application, it is anticipated that the application will go to a non-notified hearing.



Kirstyn Royce

Resource Management Planner

Southern Planning Solutions Limited

MNZPI, MPLAN

Phone: 0273088950

Email: kirstyn@planningsouth.nz



Appendix 1

Plans



Appendix 2
Records of Title



Appendix 3

Affected Party Approval



Appendix 4

FENZ Correspondence





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
Search Copy**




 R.W. Muir
 Registrar-General
 of Land

Identifier **OT15B/1145**
Land Registration District **Otago**
Date Issued 20 December 1993

Prior References

OT263/122 OT291/190

Estate	Fee Simple
Area	26.1333 hectares more or less
Legal Description	Part Section 1 of 25 Block IV and Part Section 34 Block IV North Harbour & Blueskin Survey District

Registered Owners

Norman Peter Alford and Marion Carla Wassenaar

Interests

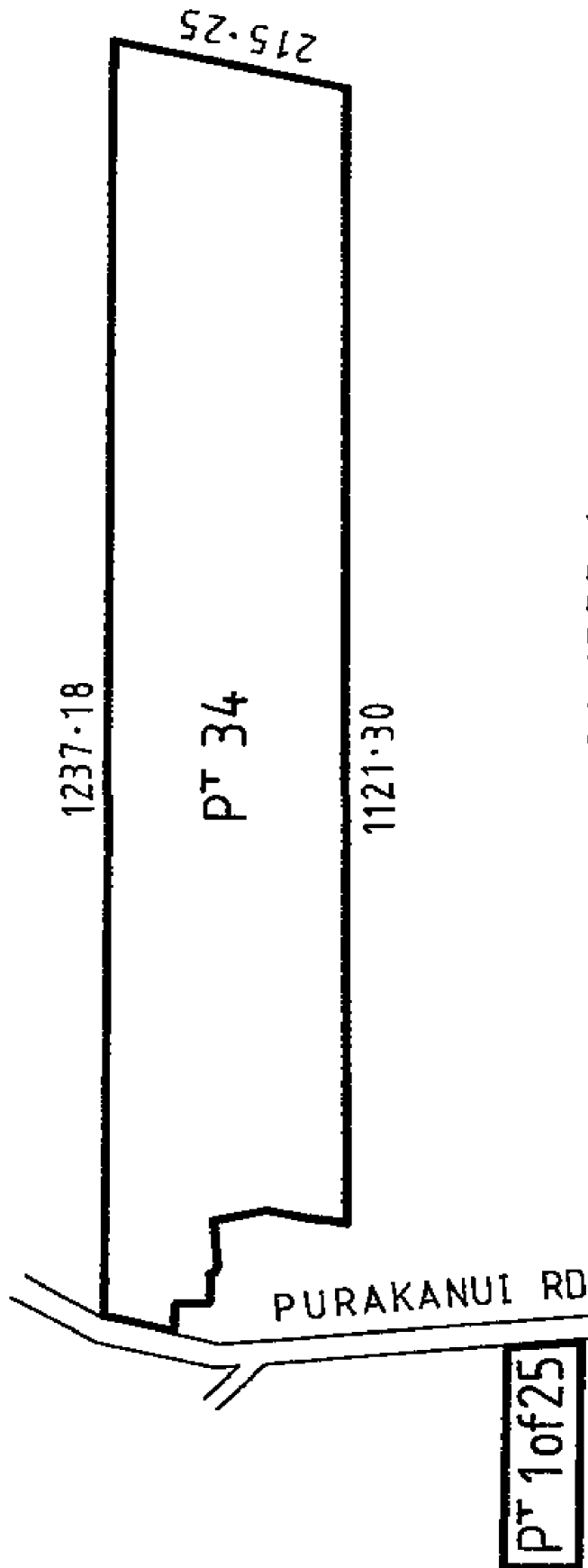
Subject to Section 241 (2) Resource Management Act 1991- see DP 23386

Subject to Section 242 (1) Resource Management Act 1991

656009 Mortgage to Bank of New Zealand - 12.5.1986 at 9.29 am (Affects part formerly in CT OT291/190)

Identifier

OT15B/1145





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **OT291/192**
Land Registration District **Otago**
Date Issued 27 July 1938

Prior References

OT263/120

Estate	Fee Simple
Area	1012 square metres more or less
Legal Description	Part Section 34 Block IV North Harbour & Blueskin Survey District

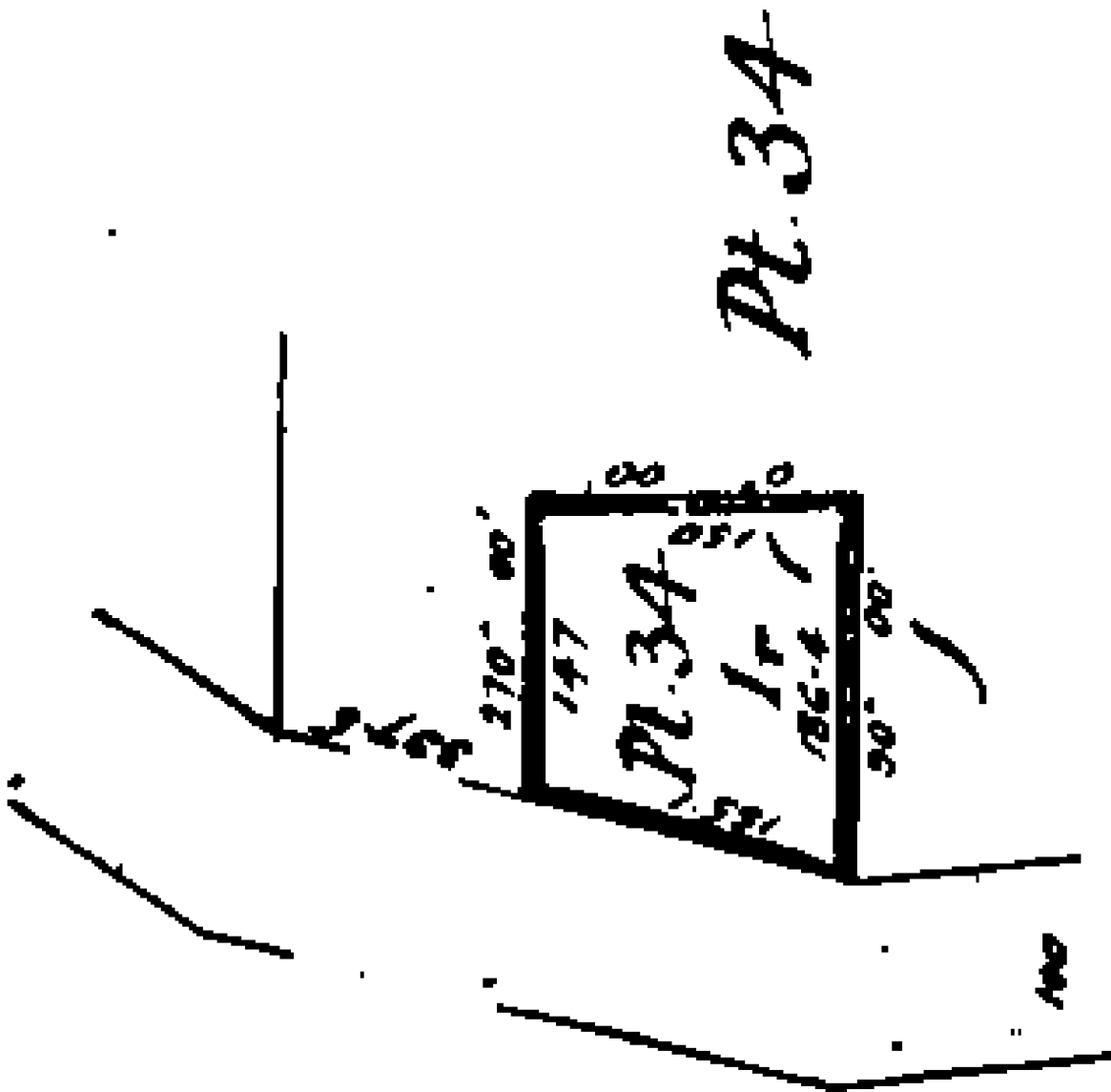
Registered Owners

Norman Peter Alford and Marion Carla Wassenaar

Interests

Identifier

OT291/192



Resource Consent Affected Person(s) Written Approval Form

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

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

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

I/We (full names): Nicky Bell, Purakauuni School

Being the: ☐ Owner and Occupier ☐ Owner ☒ Occupier

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

8 Mhiwaka Station Road

have read and understand the information on the reverse side of this page and give written approval to the proposal by (name of applicant(s)): Martin Alford

to (description of proposed activity): Construct sleepout with kitchen and bathroom

on the following property (address of application site): 332 Purakauuni Road

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

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

☒ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site. If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Signed: N. Bell, (Principal Purakauuni School)
A signature is not required if you give your written approval by electronic means

Date: 8/9/2022 Telephone: 022 414 6351

Contact person (name, and designation if applicable): Nicky Principal

Postal address: 8 Mhiwaka St. Rd

Email address: Principal@purakauuni.school.nz Telephone: 022 414 6351

Method of service: ☒ Email ☐ Post ☐ Other

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

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





Resource Consent Affected Person(s) Written Approval Form

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

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

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

I/We (full names): ANNETTE ISABEL CURRIE

Being the: ☐ Owner and Occupier ☒ Owner ☐ Occupier

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

311 Pyrakannui Road

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

proposal by (name of applicant(s)): Martin Alford

to (description of proposed activity):

Construct sleepout with kitchen and bathroom

on the following property (address of application site): 332 Pyrakannui Road

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

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

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

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

Signed: Murrie

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

Date: 3.9.22

Telephone: 0273327103

Contact person (name, and designation if applicable):

Postal address: 31 VICTORY PLACE PORT CHALMERS

Email address: annette.isabel.c@xtra.co.nz Telephone: 4728650

Method of service: ☐ Email ☐ Post ☐ Other

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

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





Resource Consent Affected Person(s) Written Approval Form

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

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

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

I/We (full names): John & Sharon Chapman

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

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

308 Purakauuni Road
33 Mihinaka Station Road

have read and understand the information on the reverse side of this page and give written approval to the proposal by (name of applicant(s)): Martin Alford

to (description of proposed activity): Construct sleepout with kitchen and bathroom that breaches side yard requirements

on the following property (address of application site): 332 Purakauuni Road

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

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

☐ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site. If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Signed: [Signature] S.D. Chapman
A signature is not required if you give your written approval by electronic means

Date: 7-9-22 Telephone: 027 509 4369

Contact person (name, and designation if applicable): John Chapman

Postal address: 33 Mihinaka Station Rd.

Email address: 1.R.D. Port Chalmers Telephone: _____

Method of service: ☐ Email ☐ Post ☐ Other _____

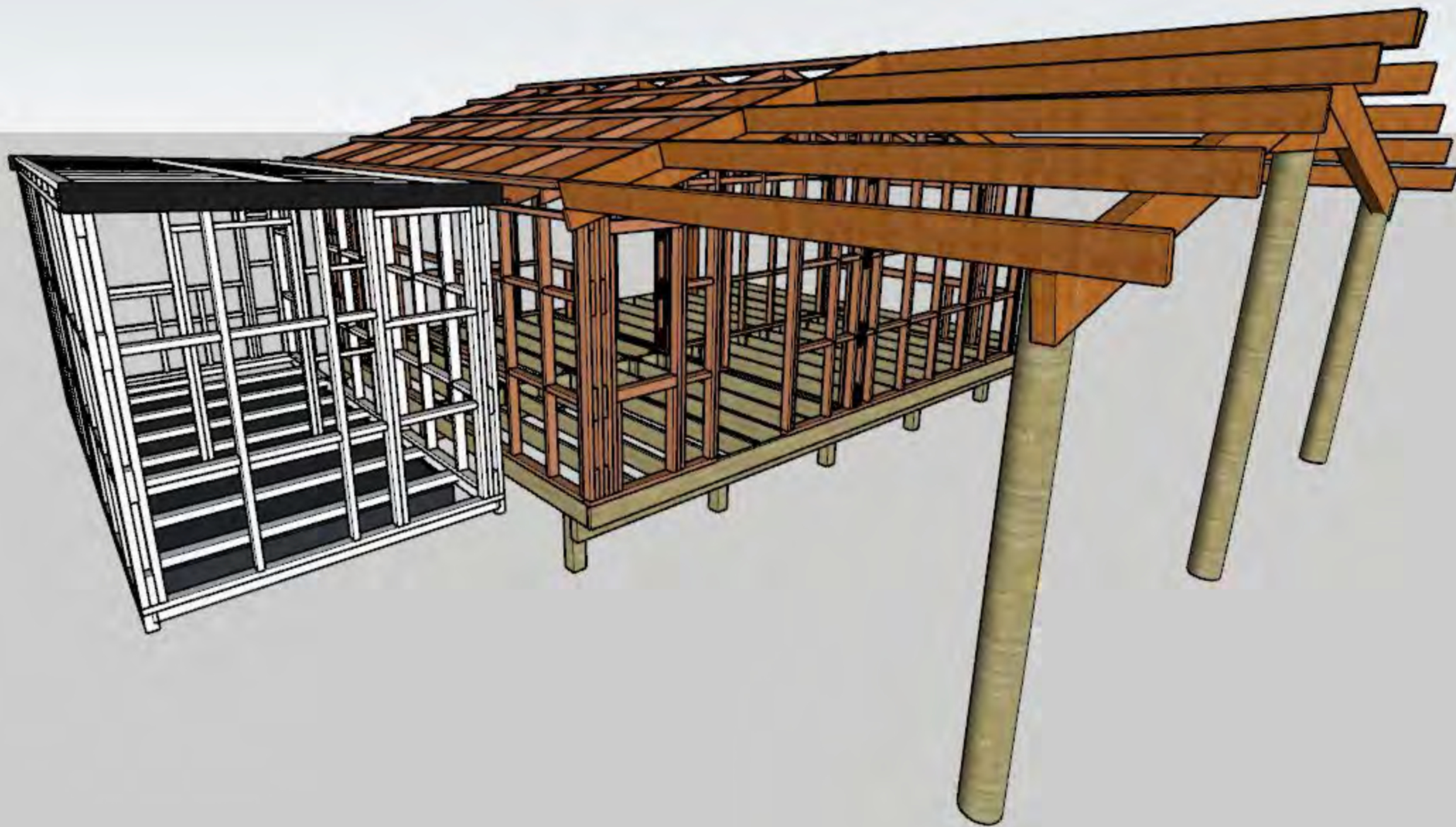
If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

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





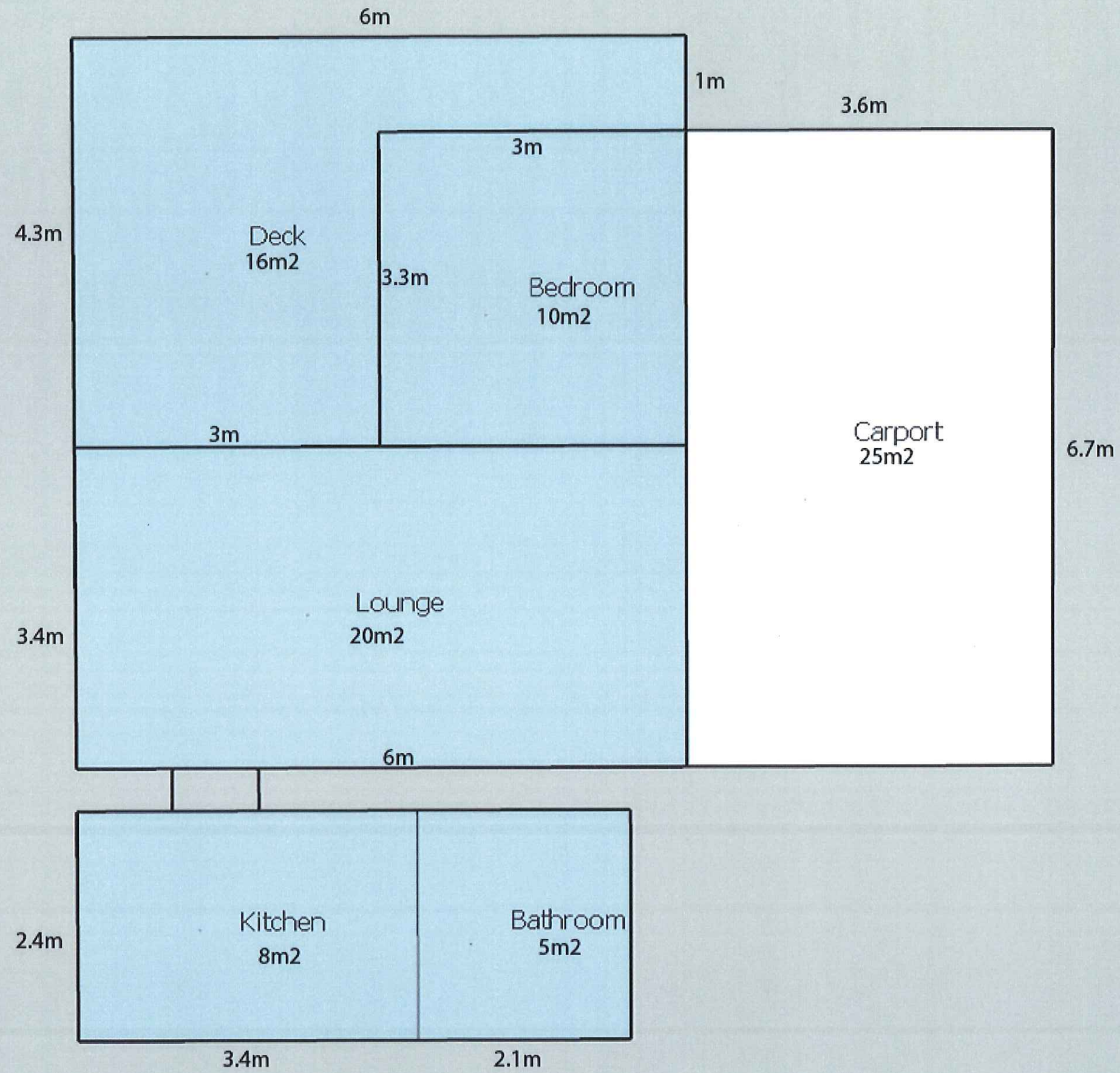
Full RDC.







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Appendix 5: Technical comments

Memorandum

TO: Nicola Petrie, Planner

FROM: Luke McKinlay, Landscape Architect

DATE: 17 November 2022

SUBJECT: **LUC-2022-445 332 PŪRĀKAUNUI ROAD, PŪRĀKAUNUI**
Retrospective consent for dwelling on undersized site in Landscape overlay
LA Comments

Hi Nicola,

The following is in response to your request for comment on the above retrospective resource consent application to authorise a residential dwelling at 332 Pūrākaunui Road. The site is part of the Rural Coastal zone. Parts of the site are contained within an Outstanding Natural landscape (ONL) and Significant Natural Landscape (SNL) overlay. The dwelling is situated wholly within the Pūrākaunui and Ōrokonui SNL.

Application

The application is a **non-complying activity** under Rule 16.5.2.3 where the minimum site size for residential activity is 15 hectares in the Rural, the site is 1.1682ha. This applicant is also seeking dispensation from a side boundary infringement for which they have sought written approvals from affected parties.

Proposal

Construction of the dwelling commenced in September 2020. The dwelling has been occupied since March 2022. The proposal seeks to authorise a small unit comprising a bedroom and lounge, with deck and carport in one structure and kitchen and bathroom in separate semi-connected structure. The 14m² kitchen and bathroom is built on top of an old truck deck. The footprint of the dwelling is less than 60m². It is clad in timber cladding, which has been stained a mid-brown colour. Roofing and window joinery is coloured dark grey.

I undertook a site visit on 14/11/22. Photographs taken at this time are attached to this memo at Appendix 1.

Comments

The dwelling is located on the slopes west of Pūrākaunui Road, which slope down towards Pūrākaunui Creek. The site and surrounding area form part of the enclosing rural hillslopes that frame the inland extent of Pūrākaunui Inlet.

The dwelling is located within part of the Pūrākaunui and Ōrokonui SNL overlay area with strong rural character attributes that include broad areas in pasture, patches of native vegetation, which are largely restricted to gully locations and some areas of taller shelter vegetation on property and/or paddock boundaries.

Built development is generally visually subservient to the more natural, albeit modified, surrounding rural landscape features. Buildings and structures in the immediate surrounding area are largely restricted to farm dwellings, sheds, and water tanks. Pūrākaunui School is located nearby to the south. There is also a

cell phone tower at 457 Pūrākaunui Road. In general, the surrounding area displays high rural amenity values, characterised by a mosaic of rural land uses. There are clear naturalness attributes in the surrounding rural coastal landscape, which contribute to the Pūrākaunui Inlet setting.

The site itself is characterised by a relatively dense cover of vegetation. Kanuka dominant native forest covers most of the site within the SNL, except for the clearing within which the dwelling is located. Trees within the ONL part of the site, nearest Pūrākaunui Road, comprise a mix of native and exotic species. The driveway to the dwelling curves through the site from near the northern boundary of the site on Pūrākaunui Road.

It is considered that effects of the dwelling on the values of the SNL (refer Appendix 2) are low. The dwelling is largely surrounded by native trees. From surrounding areas, the dwelling is largely screened from view and has a low visual impact on views across the landscape (refer photographs in Appendix 1). This small dwelling, surrounded by trees, does not detract from the relative dominance of natural landscape elements in the surrounding area or adversely affect the extent and quality of views across the landscape from nearby public roads.

The design of the dwelling is consistent with the key design elements to be required or encouraged in this overlay area (A3.3.3.4). This guidance encourages buildings and structures to be designed with the intention of preserving or enhancing existing landscape values. To achieve this, it is recommended that they are located as far as reasonably practicable away from prominent public viewing points and utilise materials and colours which are in sympathy with surrounding natural features. This guidance also recommends locating a dwelling in association with a stronger natural feature, such as a group of trees. It is considered that the design and siting of the dwelling is consistent with this guidance.

It is noted that written approval has been provided by neighbours. As such, effects from these immediately adjoining properties has been disregarded.

In terms of rural character, it is considered that effects of the dwelling are low. The subject site maintains a predominance of natural features over human made features. The dwelling is small and clad in colours that readily integrate with the colours of the surrounding rural landscape. It is noted that in the immediate surrounding area there is a network of native vegetation patches which line nearby gully systems. The native vegetation on the site, whilst not within a gully, is consistent with this mosaic pattern of patches of native vegetation alongside pastoral paddocks. It is considered that the existing native vegetation on the site plays an important role in visually integrating the dwelling in this rural landscape.

Regards,

Luke McKinlay
Landscape Architect

Recommended Condition

The following, or similarly worded, condition is recommended if consent is granted for this application.

- Ongoing protection is provided for all native trees contained within the area of bush surrounding the dwelling location, identified in Appendix 3.

Appendix 1: Site Photographs



Figure 1: Dwelling at 332 Pūrākaunui Road.



Figure 2: View towards the site on Pūrākaunui Road (dwelling not visible from this location)..



Figure 3: Native trees surrounding dwelling.



Figure 4: View from dwelling towards Pūrākaunui.



Figure 5: View towards site from Osbourne (Rowland Street).

Appendix 2: Pūrākaunui and Ōrokonui Significant Natural Landscape (A3.3.3) – Values, Principal Threats to Values and Key Design Elements to be Required or Encouraged.

A3.3.3.2 Values to be protected

The following values have been identified as important to protect:

a. *Biophysical values:*

- i. Intact drowned valley and intertidal estuary.
- ii. Pūrākaunui Inlet is a regionally significant geopreservation site considered an easily accessible, almost pristine example of a small drowned valley forming an intertidal estuary with a sand dune barrier across the entrance.
- iii. The coastal edge of Doctors Point is part of the Blueskin Bay Geopreservation Inventory.
- iv. Areas of Significant Biodiversity Value along the edge of the Pūrākaunui Inlet including natural coastal-estuarine habitats.
- v. Presence of native scrub, duneland and regenerating native forest.
- vi. Ōrokonui Ecosanctuary – predator proof habitat for native flora and fauna.

b. *Sensory values:*

- i. High rural amenity value expressing a mosaic of rural land use.
- ii. The landscape is remote from major urban centres or main roads but is the landscape context for the settlements of Pūrākaunui and Osborne.
- iii. Coherent and memorable volcanic landform and high naturalness based on the presence of areas of native vegetation and the vegetation pattern that generally reflects the landform.
- iv. Sense of remoteness in places due to the limited impact of buildings and other structures, and the open ocean facing aspect.
- v. Part of a broader legible volcanic landform.
- vi. Low impact of built elements, earthworks, and exotic tree plantings, and the significant relative dominance of natural landscape elements.
- vii. Naturalness of the Inlet slopes, the ridgeline and the coastal landforms.
- viii. The extent and quality of views across the landscape from public roads and tracks.
- ix. Naturalness attributes of the rural coastal landscape which contributes to the Inlet setting.
- x. Transient values include a birdlife in the inlet and coastal cloud cap.
- xi. For Manawhenua, the outer lands including the forest blanketed sand barrier and the ocean coast from Pūrākaunui Bay and Māpoutahi around Blueskin Cliff to Doctors Point, contribute high pupuri/memorability.

c. *Associative values:*

- i. Māpoutahi is an ancient Pā site and the site of a battle.
- ii. Pūrākaunui Bay is an important mahika kai area, the site of a former kāika, and also contains urupā.
- iii. Forms the setting of the popular recreational destinations/lifestyle settlements of Pūrākaunui and Osborne.

- iv. Returning servicemen settled in this area and established dairy farms.
- v. Pūrākaunui Inlet was the site of whaling activity.

A3.3.3.3 Principal threats to values

Threat:

Buildings and structures.

Description:

Inappropriate siting, design, scale, density and finish of buildings and structures such that they become visually dominant from public viewpoints.

Threat:

Roads and tracks.

Description:

Inappropriate siting, scale and design of roads and tracks such that they cut across the landform rather than follow it and become visually dominant features.

A3.3.3.4 Key design elements to be required or encouraged

Threat:

Buildings and structures.

Key design elements:

- a. Buildings and structures should be designed with the intention of preserving or enhancing existing values. They should be located as far as reasonably practicable away from prominent public viewing points and utilise materials and colours which are in sympathy with surrounding natural features. Good design should relate to the specific character and location of each site, but general principles include ensuring building elevation and overall size are not too dominant and rural planting schemes need to be of a scale and character appropriate to the landscape.
- b. See Appendix A11 for design guidelines for buildings and structures.

Threat:

Roads and tracks.

Key design elements:

- a. If roads or tracks are required they should be carefully designed to be located in the least visually prominent areas; they should wherever possible follow contours rather than cut across them; and construction activity should minimise the amount of cut and ensure this is not disposed of over downslopes in visually sensitive areas.

Appendix 3: Recommended area of trees to be protected.



TO: Nicola Petrie, Planner

FROM: Reese Martin, Graduate Planner – Transport

DATE: 2 November 2022

SUBJECT: **LUC-2022-445**
332 PURAKAUNUI ROAD, PURAKAUNUI

APPLICATION:

Land Use Consent is sought retrospectively to authorise a one-bedroom residential dwelling on the property at 332 Purakaunui Road. It is noted that the land parcels of 332 Purakaunui Road are physically separated from each other with the primary site currently appearing to contain an existing dwelling and several associated outbuildings. The subject site of this application located south of the primary section of land is significantly smaller with an overall area of approximately 11,700m², and is largely vacant except for the existing residential dwelling and car port.

The site is zoned Rural-Coastal. Purakaunui Road is classified as a Local Road under the 2GP Road Classification Hierarchy. The proposal is assessed as a non-complying activity.

ACCESS:

From reviewing Google street view, DCC aerial photos and site photos provided by the applicant as part of this application, it appears that the site was previously accessed via an informal farm gate which appears to have since been formed into a formed but unsealed (metalled) vehicle crossing serving as physical access to a metalled driveway that extends into the site. It is further noted that approval of the construction of this metalled vehicle crossing/access does not appear to have been sought or granted by DCC Transport and is therefore not considered to be lawfully established.

Rule 6.6.3.6 requires that driveways that adjoin a legal road that is hard surfaced, must be constructed with a hard surface for a minimum distance of 5.0m from the edge of the road towards the property boundary. Therefore, noting that as Purakaunui Road is a hard surfaced/sealed local road, this aspect of the proposal does not comply with this rule. It is noted that as part of this application, the applicant has offered as a condition of consent that this access surfacing will be brought up to the required standard to meet this requirement.

Noting that this access location provides excellent sight distance visibility in either direction, compliant with Rule 6.6.3.2.b and otherwise appears to be compliant with the access provisions set out by 6.6.3 of the District Plan, subject to achieving compliance with Rule 6.6.3.6, Transport is amenable to this request. Transport therefore recommends that the vehicle access must be upgraded and formed to a minimum 3.0m wide, be hard surfaced from the edge of the Purakaunui Road carriageway toward the property boundary for a distance of not less than 5.0m and be adequately drained for its full duration in accordance with DCC's Vehicle Entrance Specification.

It is also advised that 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).

Overall, and subject to the above, Transport considers the proposed access provisions to be acceptable.

PARKING AND MANOEUVRING:

One car parking space is shown on the application plans / site photos as being provided within the site in the form of a car port attached to the side of the existing dwelling located on the subject site. As the existing dwelling on the site is accessed from the rear of the site, it is considered reasonable that sufficient on-site manoeuvring is provided so that vehicles are not required to reverse directly from the site onto Purakaunui Road in accordance with 6.6.1.2.a of the District Plan. From the site plans provided by the applicant, it appears that sufficient on-site manoeuvring space is provided on the site, further noting that in consideration of the long driveway into the site that accesses the dwelling, it is unlikely that users would choose to reverse down the driveway. Therefore, this is acceptable to Transport.

Overall, Transport considers the proposed parking and manoeuvring provisions to be acceptable.

GENERATED TRAFFIC:

Transport considers that the effects of the traffic generated as a result of this proposal on the transport network will be less than minor.

CONCLUSION

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

CONDITIONS:

- (i) The vehicle access must be upgraded and formed to a minimum 3.0m wide, be hard surfaced from the edge of the Purakaunui Road carriageway toward the property boundary for a distance of not less than 5.0m and be adequately drained for its full duration in accordance with DCC's Vehicle Entrance Specification.

ADVICE NOTES:

- (i) It is advised that 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).

Appendix 6: Photographs of Site Visit – Taken by Planner

Site visit on 14/11/22

At the fence line looking up to nearest visible neighbour:



Same spot looking down towards dwelling:



Further East along fence looking towards dwelling:



Pictures taken from Osborne Reserve looking back towards dwelling:

