

HEARINGS COMMITTEE AGENDA

THURSDAY, 26 MAY 2022, 1.30 PM
Edinburgh Room, Municipal Chambers

MEMBERSHIP: Councillors David Benson-Pope, Mike Lord and Steve Walker

IN ATTENDANCE: Phil Marshall (Senior Planner/Committee Advisor), Nicola Petrie (Processing Planner) and Wendy Collard (Governance Support Officer)

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

1 RESOURCE CONSENT APPLICATION – LUC-2022-121, 8D TOMKINS STREET, GREEN ISLAND

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 - 20

The Applicant's Presentation

Application

Refer to pages 21 – 70

Council Officer's Evidence

Memorandum from 3 Water.

Refer to pages 71 - 72

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 – 8D Tomkins Street, Green Island	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: 13 May 2022

SUBJECT: **RESOURCE CONSENT APPLICATION**
LUC -2022-121
8D Tomkins Street, Dunedin
Stephen Francis Rogan

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 29 April 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.
- [2] This consent has been nominated for hearing due to being contrary to the objectives and policies of the 2GP not due to effects on the environment.

SUMMARY OF RECOMMENDATION

- [3] In the assessment that follows, I have concluded that environmental effects of the proposed activity will be no more than minor.
- [4] However, Policy 16.2.1.7 of the Proposed 2GP provides a very specific directive about avoiding residential activity on sites that do not comply with the density provisions of the zone, and accordingly there is a clear policy direction that would not support the granting of this type of proposal unless a very limited set of circumstances can be met. In this case the application mentions that the residential activity was the intended use for the site, when the site was created, and is the most effective way of using the site.
- [5] As a result, I have concluded that the proposal to establish residential activity on the site, with General Residential 1 setbacks should be **approved** subject to conditions.

DESCRIPTION OF PROPOSAL

- [6] Resource consent is sought to establish a residential unit on the property at 8D Tomkins Street, Abbotsford. The applicant has a sales and purchase agreement for the land and the current owner is D R Pullar.
- [7] The subject site is legally described as Lot 1 DP 19781, held in Record of Title OT11A/510, and has an area of 502m².
- [8] The site was created in 1986 by a subdivision and the application states it was most likely created in anticipation of a residential unit being built. The site has remained vacant since that subdivision other than some casual storage of clean gravel.

- [9] The site is not currently serviced by council water infrastructure and as it is in the rural zone it most likely will require self-management although it is noted there is water, foul sewer and stormwater infrastructure in District Road.
- [10] The title has no restrictions registered on it.
- [11] A copy of the application, including plans is contained in Appendix 1 of this report.

DESCRIPTION OF SITE AND LOCATION

- [12] The site is sloping and located in the **Rural Coastal Zone**. There is a gully on the east of the site. The site has an informal vehicle crossing fronting on to District Road.
- [13] The application is also seeking to have reduced boundary setbacks as the constraints of the site would make it too difficult to comply with the setbacks of the Rural zone.

ACTIVITY STATUS

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

Dunedin City District Plan

- [16] The subject site is zoned **Rural** in the Dunedin City District Plan.
- [17] Site is subject to a number of on-site hazards:
- Hazard ID: 10562 Class: Land Stability - Land Movement;
 - Hazard ID: 11407 Class: Seismic – Liquefaction – Subclass Domain A;
 - Hazard ID 12094 Class: Seismic – Fault Proximity – Subclass: Kaikorai;
- [18] For the purposes of this proposal, the Dunedin City District Plan is considered inoperative.

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

- [19] The 2GP zoning maps indicate that it is proposed that the subject site be zoned as **Coastal - Rural**.
- [20] The Proposed 2GP was notified on 26 September 2015, and some 2GP rules have immediate legal effect.
- [21] The zoning is subject to appeal ENV-2018-CHC-254, however no changes are sought which would directly affect this proposal.

Land use

- [22] Under the 2GP, Residential Activity is permitted subject to being able to comply with density. In the **Coastal Rural** zone this is set at a minimum site size of 15ha. Therefore,

due to the undersized site, the activity is assessed as **non-complying** pursuant to Rule 16.5.2.3.

Development

- [23] The applicant advises they seek to have reduced boundary setbacks to General Residential 1 zone rules as the Rural zone boundary setbacks are too onerous for a site of 500m².

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

- [24] 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.
- [25] A HAIL report has been completed for the site and concluded that there is no explicit information found regarding HAIL activity but strongly recommends further investigation is conducted on the site before full-time residential activity commences on the site.

Overall Activity Status

- [26] The application was lodged on 29 March 2022, after the release of the decisions for the Proposed Plan and following the resolution of relevant appeals. The activity status of the proposed land use is therefore determined to be a **non-complying** activity.
- [27] The 2GP rules are taken as operative for this assessment. The outstanding appeal relates to rules which are not relevant to this proposal. (hazardous substances storage, intensive farming and subdivision)

Affected Persons

- [28] The written approval of the persons detailed in the table below have been obtained. In accordance with sections 95D and 104(3)(a)(ii) of the Resource Management Act 1991, the Council cannot have regard to the effects of the activity on these persons.

Person	Owner	Occupier	Address	Obtained
Timothy Coates & Jessica Coulston	✓	✓	131 District Road	22.03.22
Nicholas Macintosh	✓	✓	133 District Road	21.03.22
Stacey Joy McDonald & Matthew John Semple	✓	✓	135 District Road	22.03.22

- [29] No other persons are considered to be adversely affected by this proposal. This is because the effects of the activity largely relate to wider matters such as density of residential activity in the rural zone and loss of productive rural land.

EFFECTS ON THE ENVIRONMENT

Permitted Baseline

- [30] 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.
- [31] In terms of residential activity, the permitted baseline for development of this property comprises residential activity at a density of 15 hectares for the first residential activity on a site.
- [32] The rule provisions for development of farm buildings in Rural zones (where, as in this case the land is not subject to any overlay) are reasonably permissive. Any number of sheds and other structures for farming purposes may be erected on a site, subject to compliance with the performance standards for development activities, and the relevant citywide rules such as the provisions for small scale earthworks. Due to the small size of the site, the erection of a farm shed that complies with boundary setbacks is fanciful. Therefore, the site is limited to activities such as grazing at a scale that would be not very productive.
- [33] The site could be amalgamated with a neighbouring block and utilised as a part of a larger block for rural activity.

Receiving Environment

- [34] 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 consent s granted and likely to be implemented; and
 - The environment as likely to be modified by activities permitted in the district plan.
- [35] For the subject site, the existing receiving environment comprises of a small block of rural land undersized rural block utilised for storage of gravel. The site is not a sufficient size to undertake any serious productive rural activities.
- [36] The wider receiving environment consists of predominantly residential activities and undersized rural blocks enjoying existing use rights for their residential activity. Slightly west of the site is a Council owned cemetery.
- [37] It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment Matters / Rules

- [38] Consideration is required of 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

- [39] Section 16.1 of the 2GP succinctly explains that *'the spread of non-rural uses including rural residential activities into rural area can have adverse effects on landscape values, rural character and amenity values; and natural environment functions and values'*.
- [40] The site is a natural extension of the General Residential 1 zone. Whilst it may have been deliberate to keep this site rural, it seems more likely that the zone boundary has been rolled over from previous district plans.. Should the site have been one more paddock removed from the General Residential 1 zone, I would have deemed it appropriate to seek expert advice about rural character and amenity values. But as it is adjoining General Residential 1 it is more akin to a residential sized property therefore the effects on rural character are less than minor.
- [41] Advice has been sought from policy as to whether this is a site they would consider for re-zoning. They acknowledge that the small size means it could be one they reassess but have not considered it for Variation 3 due to the constraint scope.

Reverse Sensitivity

- [42] Section 16.1 of the Proposed 2GP, seeks to manage the following issue: *'potential conflicts between activities in the rural environment, which often arises from new activities in rural area complaining about established productive rural activities and is known as 'reverse sensitivity.'*
- [43] The site is unique in that its size is akin to a residential zoned property and adjoins the General Residential 1 zone. The rural land surrounding this site is steep and does not outwardly appear to have rural activity established on it that would generate noise, odour and the like. In terms of rural activities undertaken in the vicinity of the site there do not currently appear to be any particularly sensitive operations such as intensive farming (e.g. pig and poultry farming), mining or landfills in close proximity to the site.
- [44] The applicant is aware the site constraints mean the site can not physically comply with the large setbacks of the rural zone and have requested that General Residential 1 setbacks be conditioned as an outcome of this decision.
- [45] I therefore consider that the potential for conflict between the proposed dwelling and surrounding rural uses to be less than minor.

Effects on Rural Productivity

- [46] Section 16.1 of the Proposed 2GP identifies *non-productive land uses or activities that would ordinarily be expected to locate in the urban parts of Dunedin seeking to locate in rural areas as a key issued facing the rural environment. This has the potential to diminish the productive capacity of the rural environment through the loss of the land to less productive residential or lifestyle purposes.* This is to curb further fragmentation of the rural zoned land.
- [47] The site is just 502m² in area and irregularly shaped. The site is not identified as containing high-class soils and is currently being utilised to store gravel.. Apart from its small size, there are no obvious impediments to the continued use of the site for productive rural purposes. The site is adjoined by larger rural blocks - they appear to be more lifestyle blocks than working farms.
- [48] It seems likely the zone has been a rollover from previous plans with no consideration of the effectiveness of such a small rural block to contribute to rural productivity.

Transportation

- [49] District Road is hard surfaced and is a local road in the roading hierarchy. It has a sharp corner where Quarry Road meets District Road.
- [50] There is an existing gate with an informal gravelled driveway giving access to the site. A partial dropped curb and channel crossing is more akin to an overlapped access with the neighbouring driveway.
- [51] The Transport Planner advised that the vehicle access must be at least 3.5m width and hard surfaced from the edge of the road for a distance of not less than 5m and be adequately drained.
- [52] If any aspect of the new vehicle access breaches Rule 6.6.3 of the Proposed 2GP then further resource consent will be required. It is not considered necessary to seek comment on the application from the Council's Transportation department.
- [53] Permission from DCC Transport will be required to undertake work in the road corridor.

Wastewater disposal and water supply

- [54] As a rural site, the new dwelling will not be able to connect to reticulated water, wastewater or stormwater services in the road reserve. 3 Waters advise there is an option of applying for an extraordinary connection.
- [55] The author of this report had a discussion with the agent about the viability of the build should the extraordinary connection application be unsuccessful. He advised that the applicant has a modest dwelling (1-2 bedroom) and large garage planned for the site and he did not see an issue with land area to service an on-site treatment of wastewater.
- [56] The advice from the Subdivision Support Officer, Ms Little, was based on no connection to council services. Ms Little advised wastewater will need a secondary treatment system and dispersal field. The precise details and location of these will be supplied and assessed at the time of application for building consent. Ms Little advised stormwater may be collected via the roof surfaces and utilised for a potable water supply, with a minimum of 25,000L storage.
- [57] Ms. Little notes that all aspects of firefighting requirements will need to be complied with. If they are unsuccessful with the extraordinary application then firefighting water supply, over and above tanks used for potable water, will also be required as detailed in the 2GP Rule 9.3.3.
- [58] Based on the above analysis it is concluded that the impact on the city's reticulated services will be less than minor and firefighting arrangements will be made at the time of development.

Hazards

[59] Section 6(h) of the Resource Management Act 1991 requires the council recognise and provide for the management of significant risks from natural hazards, as a matter of national importance. The application contains a Geotech report which has been peer reviewed by Stantec.

[60] 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).*

[61] The site is annotated in the Hazard Register as being subject to the following hazards:

- Hazard 10562 – Class: Land instability – land movement;
- Hazard 11407 – Class: Liquefaction – Domain A;
- Hazard 12094 – Class: Seismic – Fault Proximity – Kaikorai;

The application was consequently considered by Council's consultant engineer, Stantec New Zealand. Stantec advised as follows:

There is no earthworks plan provided, however the land is relatively mellow and unlikely to have large earthworks quantities. The Terra MDC report investigated the underlying ground conditions and found that there is not likely to be any land stability concerns. Fill was recorded up to 1.3m depth on the site and overlying old topsoil and with low density. This indicates that it is uncontrolled and will need to be removed or piled through for house construction. Terra has also recommended a minimum 5m offset from the southeast boundary.

The fault proximity hazard relates to a recent GNS science report which identifies the Kaikorai Fault. This fault location is "mostly uncertain, and it is drawn in the best estimated position from sparse geological outcrop information". This fault is classed as a "potentially active fault" with a recurrence interval of 22,000 years (class VI). The cases for seismic loading are normally addressed at building control stage.

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

There are no general potential instabilities of concern, provided the recommendations in Terra's report are followed.

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

[62] Stantec recommended conditions of consent to manage earthworks that could conceivably occur during the construction of the dwelling. The proposed conditions are outlined in Appendix 1.

[63] Having regard to this assessment, it is considered that any natural hazards can be appropriately mitigated through the imposition of appropriate conditions as recommended by Stantec.

Biodiversity and conservation values

- [64] The 2GP prescribes that residential activity is to be avoided unless *“the residential activity will be associated with long term land management and/or capital investment that will result in: a) significant positive effects for rural productivity; and/or b) significant contribution to the enhancement or protection of biodiversity values.* No investment is proposed for conservation or biodiversity and given the size of the site.

Positive effects

- [65] Rule 16.12.2.1 provides assessment guidance for non-complying activities. These guide the assessment to take into consideration the significant effects both in the short and the long term. Additionally, consideration of the cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.
- [66] In terms of positive effects, there is a unprecedented demand on the current housing supply and residentially zoned land to build. The use of this site for residential purposes would allow a new residential unit without sacrificing valuable rural blocks elsewhere.
- [67] It seems most likely that the site was subdivided for residential purposes back in 1986 and the current Rural zoning is probably an anomaly.
- [68] The site is not in pasture. Establishing it as a residential site is a good use of the land,

Cumulative effects

- [69] The concept of cumulative effects, as defined by *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 impacts on the environment. In both of these scenarios, the effects can be considered to be ‘cumulative’.
- [71] The question of whether this additional house in a rural area represents a tipping point where other undersized rural sites might be able to use this decision as a case to allow further undersized rural sites is an important consideration. Taking into consideration the surrounding residential activity, the undersized nature of 8D Tomkins Street and its lack of overall contribution to the rural productivity of Dunedin, I consider this site to be a true exception.
- [72] In terms of loss of productive land to residential activity it is the author’s view that any cumulative effects of the proposal would be no more than minor given its uniquely small size and being adjacent to residential land.

Effect’s assessment conclusion

- [73] On balance, it is my view, that any adverse effects arising from the proposal will be no more than minor. Should consent be granted, conditions to manage matters such as the following are recommended:

- Firefighting water supply;

- Boundary setbacks;
- Further investigation into what, if any, contaminants are in the soil before soil disturbance;

[74] A list of recommended conditions is contained in Appendix 1.

NOTIFICATION ASSESSMENT

[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; a restricted discretionary or discretionary subdivision; a restricted discretionary or discretionary residential activity; a boundary activity; nor, an activity prescribed in regulations as being precluded from public notification. 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

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; nor an activity prescribed in regulations as being precluded from limited notification.

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

- The application does not involve: a boundary activity; nor an activity prescribed in regulations that prescribe who is an affected person.
- There are no persons where the activity's adverse effects on the person are minor or more 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.

Objectives and Policies

[76] In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Operative District Plan and the Proposed 2GP were taken into account when assessing the application.

Operative District Plan

[77] Due to the advanced stage of the Proposed 2GP, wherein the rules of relevance to this proposal, and the majority of the objectives and policies are now fully operative, a full assessment of the Operative Plan objectives and policies has not been undertaken. However given the 2GP Rural zone Objective 6.2.1 and Policy 6.2.2.1 are under appeal, a brief assessment of the proposal against those Operative Plan Rural zone provisions that could be considered to correspond with provisions under appeal is provided 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 provision given that it involves the establishment of a non-productive use which is to be discouraged in order to sustain the productive capacity of the rural zone. It is however worth noting that although the proposal would not comply with the required density for the zone, it would not result in land fragmentation given that the site is an existing under-sized site.

Proposed 2GP

[78] 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
Objectives 6.2.3 and Policies 6.2.3.3, 6.2.3.9 and 6.3.3.10	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 this provision. There is provision to accommodate parking and manoeuvring associated with the proposed activity and it is expected that a complying vehicle access to the site can be created.

Public Health and Safety

Provision reference	Summary of provisions	Assessment
Objectives 9.2.1, and Policy 9.2.1.1	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 of unplanned expansion of infrastructure.	The proposal is considered to be consistent with these provision
Rule 9.2.2 and Policies 9.2.2.1, 9.2.2.4, 9.2.2.7, 9.2.2.9 and 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 need to be self-serviced with regard to wastewater and stormwater. Appropriate management of stormwater and wastewater will be overseen via any building consent process. Given the size of the site it will be challenging but the agent has informed 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.
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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 encouraging conservation in all zones and limiting indigenous vegetation clearance.	The proposal is considered to be inconsistent with these provisions. As outlined in the assessment of effects, the site is limited in size and unable to accommodate such conservation or biodiversity efforts to adequately mitigate the residential unit.

Natural Hazards

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 exempt 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 significant positive effects for rural productivity and/or significant contribution to the enhancement or protection of biodiversity values.	The proposal is considered to be contrary with these provisions. As outlined in the assessment of effects, the site is limited in size and unable to accommodate such conservation or biodiversity efforts to adequately mitigate the residential unit.

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 building 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 contrary to this policy. Once a dwelling, shed, tanks and onsite wastewater treatment system is established on the site there will not be room for any feasible rural activity. Although even without the residential activity the site is too small to be considered productive for rural purposes. The site size also grossly constrains any ability to meet permitted site boundary setbacks. There does not appear to be any noisy, odorous activities established on the neighbouring rural land.
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 inconsistent with these provisions. The site was created as a residential site and cannot maintain or enhance rural character amenity without being amalgamated with another site.
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 density requirement of the zone, the site involves an existing, significantly under-sized site rather than the creation of a new undersized site. Furthermore, I consider that the level of displacement of rural activities is relatively low. It could be argued that the site was created for residential occupation and has managed to fly under radar for subsequent plan changes which could have rectified the zoning for the site. Therefore, it is considered that the proposal is overall mostly consistent with policies and objectives as in this case the dwelling will not be displacing a rural activity from a productive site.

Conclusion with regards to Objectives and Policies

- [79] As the relevant rules in the Proposed District Plan (2GP) are deemed operative and the relevant rules of the Operative District Plan are deemed inoperative, significantly more weight is given to the objectives and policies of the 2GP. However, some weight is given to the Operative Plan because 2GP Objective 16.2.1 and Policy 16.2.2.1 are subject to appeal.
- [80] The application is contrary to the objectives and policies of the 2GP but given the specific characteristics of the site and the proposed nature of the residential activity it is the most sensible use of the land as outlined in the assessment of effects above.
- [81] Policy 16.2.1.7 directs that residential activity on a site that does not comply with density standards of the zone shall be 'avoided'. The 2GP therefore provides a very specific directive about the intensity of residential activity that is to be avoided in rural zones and accordingly there is a clear policy direction that would not support the granting of this type of proposal unless it met a limited scope of circumstances. Because of the strongly directive wording, I consider that this policy must influence the objectives and policies assessment.
- [82] Assessing the site as a whole, it is too small and the quality of the soil marginal for any rural production activities.
- [83] Amalgamation with an adjoining rural block is a possibility but the site is separated from the rest of the rural zone by a small gully and watercourse.
- [84] Precedent is not an issue, should this application be granted, because of the unique circumstances described above.

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

- [85] 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.
- [86] 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 with the key objectives and policies of the 2GP, however these are more directive than the objectives and policies of the RPS. As such I consider that the proposal could be said to be **consistent** with the relevant objectives and policies of the RPS

DECISION MAKING FRAMEWORK

Part 2 Matters

- [80] 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

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 district plan. It is considered that the proposal meets the first limb as any

adverse effects arising from this proposed activity will be no more than minor. This conclusion is reached based on the assessment above. **Section 104(1)(c)**

- [87] Section 104(1)(c) of the Resource Management Act 1991 requires the council to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matters of precedent and plan integrity are considered relevant here. These issues have been addressed by the Environment Court (starting with *Russell v Dunedin City Council* C092/03) and caselaw 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 the objectives and policies of the district plan and/or the proposed district plan.
- [88] The 2GP sets a clear policy direction in terms of circumstances where a 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 the application, or policy support that can be considered to outweigh the 'avoid' provision of the Rural Section of the 2GP.
- [89] By allowing the activity, I do not consider that a general precedent would be set that would undermine the integrity of the District Plan given the arguments of site size and location set out earlier in this report.

RECOMMENDATION

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

- [90] ***Pursuant to Part 2 and Sections 34A(1), 104, 104B and 104D of the Resource Management Act 1991, the Dunedin City Council grants consent to the proposal for a non-complying activity being the establishment of residential activity on an under-sized Rural-zoned site at 8D Tomkins Street, Green Island, and;***
- [91] ***That should the Panel exercise its discretion under section 104D to grant consent, that the draft conditions included in Appendix 1 should be imposed.***

Report prepared by:



Nicola Petrie
Planner

Date 9 May 2022

Report checked by:



Phil Marshall
Senior Planner

Date 9 May 2022

Appendix 1: Proposed draft conditions LUC-2022-121

Earthworks for dwelling

- 1) All walls retaining over 1.5m, or supporting a surcharge / slope, including terracing, require design, specification and supervision by appropriately qualified person/s
- 2) Where the long-term stability of other's land or structures may rely upon the continued stability of retaining works, the designer must confirm that the retaining structure can be safely demolished following a complete design life without creating hazards for neighbouring properties.
- 3) Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development
- 4) Slopes may not be cut steeper than 1:1 (45°) or two metres high without specific engineering design and certification
- 5) Slopes may not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and certification
- 6) As-built records of the final extent and thickness of any un-engineered fill should be recorded
- 7) Any modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events.
- 8) Any earthworks or development on this site shall be in accordance with Terra MDC's report (ref. 202202358). Specifically, regarding offsets from potentially unstable features and further geotechnical design requirements.

Advice notes:

1. Temporary stability may be a concern on this project, and remains the responsibility of the developer.
2. No earthworks may be undertaken until building consent has been granted.
3. All temporary slopes shall be inspected and signed off by a suitably qualified individual.

Inside gate of neighbouring property looking over 8D Tomkins:



Looking over site, towards gully:



Properties across road with well-established mature vegetation:



Looking up over towards 8C Tomkins, illustrates site not being utilised for rural production, mostly course, uneven terrain with brick and storage. Dense overgrown bush toward sharp corner of Quarry Road:



Close up of eucalyptus and dense bush:



Towards corner of Quarry Road, looking back towards 8D Tomkins:



Site rocky and full of weeds so not conducive to growing or grazing:



APPLICATION NUMBER:	LUC-2022-121
RELATED APPLICATIONS/LICENCES:	

PLANNING APPLICATION DETAILS FORM

Property Address		8D Tomkins Street Green Island	
Property Description:		Property No: 5136756 Legal Description: LOT 1 DP 19781	
First Contact: (Applicant)	Name:	S F Rogan	
	Mail Address:	C/O Anderson & Co (Otago) Ltd, PO Box 5933, Dunedin 9054	
	Contact Email:	conrad_a@xtra.co.nz	
	Phone Number:	027 252 0141	
	Method of Service	Preferred Method - Email	
Second Contact: (Agent)	Name:		
	Mail Address:		
	Phone Number:		
	Contact Person:		
Description of Application:		residential activity on an undersize rural zoned site	
Application Type:		Land Use Consent	
Fast Track?			
Consent Type:	Residential Activity	Consent Nature	New Dwelling Breaching Density
Major Category		Land Use Category C	
Minor Category		Non-Notified - Non Complying	
Senior Planner or Responsible Officer:		Nicola Petrie	
Lodgement Date:		29 March 2022	Lodgement Officer: Tracey Diack
Deposit Amount:	\$1,700.00	Invoice Number:	915279
Waived: ☐			
Application Requirements	Signed Application Form		Copy of Title
	Locality Plan		Site Plan
	Plans and Elevations		AEE
	Affected Persons Consent		
Counter Comments:			



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We

(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:

Residential activity, with reduced setbacks

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): Steve Rogan

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

c/- PO Box 5933 Dunedin 9058

Email Address of Deposit Payee: steve@dunedinprint.co.nz

Daytime contact phone number: tba

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:

See attached AEE

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).

tba

(month and year)

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

Detailed description of proposed activity

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

See attached AEE

Description of site and existing activity

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

See attached AEE

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? See attached AEE

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.

See attached AEE

Breaches of district plan rules

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

See attached AEE

Affected persons' approvals

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

Name:

Address:

Name:

Address:

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

Assessment of Effects on Environment (AEE)

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

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

See attached AEE

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have been applied for: ☐ Yes ☒ No
☐ Water Permit ☐ Discharge Permit ☐ Coastal Permit ☐ Land Use Consent for certain uses of lake beds and rivers ☒ Not applicable

Assessment of Objectives and Policies

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

See attached AEE

Declaration

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

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

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

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

Date: 24/3/2022

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:

RESOURCE CONSENT APPLICATION

(residential activity & boundary setback)

Assessment of Environmental Effects Including Commentary of the Relevant Provisions of the Dunedin City District Plan

Application
by
Steve Rogan
at
8D Tomkins Street, Green Island, Dunedin

Anderson & Co Resource Management

Advising on Planning and Resource Management

www.RMApro.co.nz *your RMA professionals*

P O Box 5933

Dunedin 9058

Ref:\2977/AEE20220329

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AUTHOR:

1. My name is Conrad Anderson, and I am a director of Anderson & Co (Otago) Limited.
2. I hold a Masters in Planning from the University of Otago. I have over 9 years of professional experience in planning, and I am a member of the New Zealand Planning Institute.
3. I completed this Assessment of Environmental Effects (AEE).
4. While this AEE is not for an Environment Court hearing, I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it.
5. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express. The following covers both planning matters and other matters. With regards to the planning matters, these are within my area of expertise, however, it is important to note that I am not a qualified in non-planning matters, such as landscape. Therefore, any comments regarding non-planning matters are to be read as lay comments.

SUMMARY:

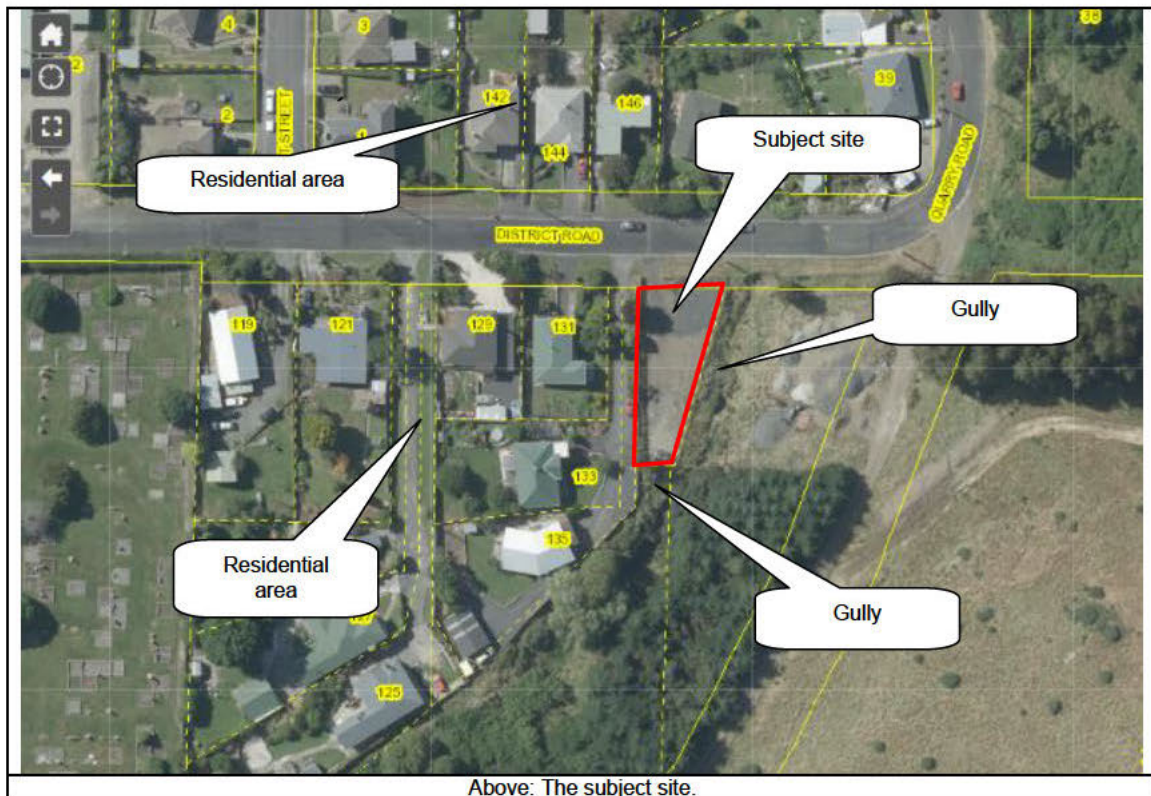
6. A 1985 subdivision created the subject site, which is 'residentially' sized and adjacent to and opposite residential areas.
7. Since 1985 the site has been vacant, and the site is now zoned Rural Coastal.
8. This application is in two parts:
 - To provide for residential activity on the site.
 - To provide setback parameters for a future dwelling/garage.
9. Prior to lodging this application, the Applicants Agent (TL Survey) has undertaken pre-application meetings with Council staff, and the comments received have encouraged this application.
10. Resource consent is required due to:
 - Land Use Activities:
 - i. Density
 - Development Activities:
 - i. Boundary setbacks
 - Subdivision Activities:
 - i. -
 - Hazards:
 - i. -
 - Earthworks
 - i. -
 - HAIL
 - i. -
11. The proposal has a **non-complying** activity status.

DESCRIPTION OF THE SITE AND LOCATION

12. The site is located at 8D Tomkins Street, Green Island and is legally described as Lot 1 DP 19781, held in OT11A/510.
13. The Applicant has a sales and purchase agreement for the site, and the Applicants address is c/- Anderson & Co, PO Box 5933, Dunedin 9058. The current owner is D R Pullar, and their address is 11 Trudi Place Green Island Dunedin 9018.

14. The site is located on the southern edge of the Green Island residential area, with the hill slope generally providing a northerly aspect.
15. The following is adjacent to the site:
- To the west is residential activity.
 - To the north is the road, then residential activity.
 - To the west is a gully, then rural land.
 - To the south is rural land – the southern boundary is limited to just over 8m wide, after which there is a sizable gully.

All as shown below:



Above: The subject site.

16. The subject site is somewhat unique, due to a combination of the following:
- Created by a subdivision.
 - Site size.
 - Adjacent to and opposite residential activity.
 - Effectively land locked from the wider rural area due to the gully on the eastern and southern boundaries.
17. Ultimately the proposal seeks an efficient use of land that has no practical rural use.
18. The site is outside the water supply boundary area.

DESCRIPTION OF THE PROPOSAL:

19. This proposal seeks:
- To provide for residential activity on the site.
 - To provide setback parameters for a future dwelling/garage.

To provide for residential activity on the site.

20. Due to the site size and zoning, residential activity on the subject site is not permitted as of right.

21. This application seeks the ability to use the site for residential activity within one residential dwelling.

To provide the parameters for a future dwelling/garage.

22. Due to the site size and dimensions, any future residential dwelling/garage (and, if applicable, outbuildings) will encroach the performance standards associated with setbacks.
23. While the design/location of the future dwelling/garaging/outbuildings are not available, this application seeks to provide for reduced boundary setbacks.
24. This is purely a practical request in anticipation of a more efficient consenting path for the ultimate outcome.
25. This application is supported by written approval from the three western residential neighbours.

RELEVANT SITE HISTORY / BACKGROUND TO THE APPLICATION

26. The site has a rural history, however, the 1986 subdivision (which created the 502m2 site) more than likely anticipated the residential use for the site.
27. The recent pre-application discussions with Council staff which have encouraged this application.

ACTIVITY STATUS

28. Dunedin currently has two district plans: the operative Dunedin City District Plan, and the Proposed Second Generation Dunedin City District Plan (the "2GP"). Until the 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.
29. In situation where rules and/or zoning/overlays that apply to a site are subject to appeal, both the 2GP and operative District Plan rules apply.
30. In situations where there are no appeals on the rules and/or zoning/overlays that apply to a site, then only the required 2GP to be considered (in terms of determining the activity status).
31. To follow is consideration of the activity status under the operative District Plan and/or the 2GP, the activity status applied by the National Environmental Standard is considered.

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

32. The 2GP maps shows the site is zoned Rural Coastal, with no overlays.
33. The road adjacent to the site is a local road.
34. In terms of the Land Use Activity Performance Standards that apply to all land uses, none are relevant to this application.
35. Residential activity is a permitted activity (Rule 16.3.3.26.a), subject to Performance Standards. The relevant standards are discussed below:
36. Rule 16.3.3.26.a.i Density links to Rule 16.5.2. The relevant part is Rule 16.5.2.1.a which provides for: minimum site size of 15ha for residential activity.
37. Due to the existing lot size, the proposal will not comply with the required density.
38. In accordance with Rule 16.5.2.3 the reduced site size results in the proposal being a **non-complying** activity.

39. Rule 16.3.3.26.a.ii Separation distances links to Rule 16.5.10. However, none of the matters in Rule 16.5.10 are applicable to this application.
40. Overall, in terms of Land Use Performance Standards the proposal is **non-complying**.
41. In terms of the Development Activity Performance Standards, the relevant standards are discussed below:
42. Rule 16.3.4.a Boundary Setbacks links to Rule 16.6.10 which requires:
- A 20m road setback for a dwelling/garages/outbuilding.
 - A side/rear setback for a dwelling of 20m (or 40m separation from a residential building on an adjoining site).
 - A side/rear setback for a garage/outbuilding (under 7m tall) of 6m.
43. Due to the site size/dimensions and the adjacent residential setting, the above parameters largely cannot be met.
44. While the design/location of the future dwelling/garaging/outbuildings are not available, this application seeks to provide for boundary setbacks that comply with the GR1 zone.
45. Note, the Applicant is willing to offer a condition of consent that any dwelling/garage/outbuilding is limited to a single level structure.
46. In accordance with Rule 16.6.10.1.b the above is a **restricted discretionary** activity
47. Rule 16.3.4.b Firefighting links to Rule 16.6.1 which requires compliance with Rule 9.3.3 i.e. a new residential buildings must either be connected to the public water supply (where it is provided); or suitable fire engine access and water storage. Compliance with this requirement is anticipated.
48. In terms of the Subdivision Activity Status, these are not relevant.
49. In terms of the Hazard Activity Status Table, the 2GP maps do not identify any hazards with the site.
50. In terms of earthworks, none are anticipated as part of this application.

Operative Dunedin City District Plan

51. As the relevant 2GP zoning is not subject to appeal, there is limited need to refer back to the operative District Plan in terms of activity status.
52. Within the operative District Plan, the site is zoned Rural. In terms of the proposed Residential Activity, the operative District Plan requires a minimum site of 15ha (Rule 6.5.2.iii). The proposed density is a **non-complying** activity (Rule 6.5.7).

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

53. The proposal is not seeking to disturb soil nor subdivision, however the proposal will introduce a new activity (residential activity) to the site.
54. The DCC HAIL report (HAIL-2021-299) concludes that no explicit information has been found regarding HAIL activity.
55. However, the HAIL report does note that fill has been placed on the site and the site was part of a larger area involved in farming. Enquires with the neighbours, ORC (database)

and the current owner has not raised any information that would suggest the site is a HAIL site.

56. Overall, it is concluded that the HAIL regulations are not applicable.

Overall Activity Status

57. Overall, the proposal is a **non-complying** activity.

NOTIFICATION

58. The matter of both public and limited notification are discussed below:

Public Notification (s95A)

59. In terms of 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.

Therefore Step 2 is to be considered.

60. In terms of 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.

Therefore Step 3 is to be considered.

61. In terms of 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.

Therefore, Step 4 is to be considered.

62. In terms of Step 4: Public notification in special circumstances

- Council have previously considered the need to publically notify application for residential activity on undersized rural lots, and concluded this is generally not required.
- 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 (s95B)

63. In terms of 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.

Therefore, Step 2 is to be considered.

64. In terms of 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.

Therefore, Step 3 is to be considered.

65. In terms of Step 3: If not precluded by Step 2, certain other affected persons must be notified

- The application does involve a boundary activity, however due to the reduced scope of the application (i.e. residential activity associated with a single level dwelling), and due to the fact the adjacent area of the property to the west is a driveway, the effects are assessed as being less than minor. Notwithstanding this, the application is supported by written approval from the three western residential neighbours.
- 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).

Therefore, Step 4 is to be considered.

66. In terms of 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.

EFFECTS ON THE ENVIRONMENT

67. To follow is a review of both the permitted baseline and the receiving environment. That review informs the assessment of effects.

Permitted Baseline

68. 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 called the permitted baseline.

69. For the subject site, the use of the site for rural purposes is anticipated, however the 'residential' dimensions of the site along with the required setbacks significantly reduces the practical rural use of the site.

Receiving Environment

70. 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.

71. The receiving environment includes:

- Residential activity to the west and north.
- A gully on the east and south effectively land locking the site from the adjoining rural zone.

Assessment of Effects

72. The relevant matters are: density and reduced setbacks. Each are considered below:

73. The non-complying matter is density, and this is considered first. The assessment matters for non-complying activities are in Rule 16.12, and the relevant matters are:

- Rule 16.12.5.1 Density

Rule 16.12.5.1 Density

Standard	Details	Comment
16.12.5 Assessment of non-complying performance standard contravention		
16.12.5.1 Density		
Relevant objectives and policies (priority considerations):		
16.12.5.1.a	Objective 16.2.1 Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment. Objective 16.2.3 The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include: - a predominance of natural features over human made features; - a high ratio of open space, low levels of artificial light, and a low density of buildings and structures; - buildings that are rural in nature, scale, and design, such as barns and sheds; - a low density of residential activity, which is associated with rural activities; - a high proportion of land containing farmed animals, pasture, crops, and forestry; - extensive areas of indigenous vegetation and habitats for indigenous fauna; and - other elements as described in the character descriptions of each rural zone located in Appendix A7. Objective 16.2.4 The productivity of rural activities in the rural zones is maintained or enhanced.	Residential activity is anticipated in the zone, albeit on larger sites. The subject site is not atypical of the rural zone. The proposal will not materially alter the existing situation which is a cluster of residential dwellings on 500m² to 1,000m² sites, with a rural backdrop. The subject site is too small for productive rural activity, and physically separated from the adjoining rural zone. Therefore, the productivity of rural activities are at least maintained.
16.12.5.1.b	Policy 16.2.3.2 Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.	The immediate area includes residential development and rural lands. As a result the character and visual amenity of the immediate area is mixed between established residential development

	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.	and rural. The proposal will not substantially alter that mix. The proposal is well aligned with this Policy, as the subject site is too small for productive rural activity, and physically separated from the adjoining rural zone.
16.12.5.1.c	n/a	
16.12.5.1.x	The residential activity is the result of a surplus dwelling subdivision...	n/a
Related strategic directions:		
16.12.5.1.y	Objectives 2.2.2, 2.3.1, 2.4.6, policies 2.2.2.1, 2.3.1.2, 2.3.1.3, 2.4.6.2.	In keeping with the Environment Court direction within decision NZEnvC 250 (ENV-2017-CHC-038), strategic directions are not intended to be applied directly to applications for resource consents. Therefore, Section 2 of the 2GP does not materially assist the required assessment.
Relevant guidance from other sections (priority considerations):		
16.12.5.1.d	See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.	n/a – as the proposal is only associated with one dwelling.
16.12.5.1.AE	See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related biodiversity values.	n/a – as the site is essentially an empty site.
General assessment guidance:		
16.12.5.1.Z	In assessing whether a proposal for land management or investment meets Policy 16.2.1.7.Y.i and/or 16.2.1.7.Y.ii, Council will consider the information provided with the consent application (see Special Information Requirements – Rule 16.13.X).	n/a
16.12.5.1.AA	Types of land management or capital investment that may meet Policy 16.2.1.7.Y.i, depending on the specific circumstances of the site and proposal, include substantial investment in farm buildings or other farm assets required for commercial-scale horticulture or other commercial-scale farming.	n/a
16.12.5.1.AB	In assessing whether a proposal may meet Policy 16.2.1.7.Y.ii, Council will consider the ecological context of the site and proposal at a local level, rather than requiring the contribution to be significant at an ecological district or citywide level.	n/a

Conditions that may be imposed include, but are not limited to:		
16.12.5.1.AC	Conditions to ensure that the land management or capital investment will be completed or substantially underway (and thereafter staged), prior to the establishment of residential activity, or, where this is not possible, a bond is taken to ensure the actions required to meet Policy 16.2.1.7.Y are undertaken.	n/a
16.12.5.1.AD	Conditions to ensure that existing areas of indigenous vegetation and/or the habitats of indigenous fauna are legally protected in perpetuity.	n/a

74. The restricted discretionary matter is the proposed reduced yards. The assessment matters for restricted discretionary activities are in Rule 16.19. The relevant rules are 16.9.2.1, 16.9.4.1 and 16.9.4.2 – each are discussed below:

Rule 19.6.2.1 All performance standard contraventions

Standard	Details	Comment
16.9.2 Assessment of all performance standard contraventions		
16.9.2.1 All performance standard contraventions		
Potential circumstances that may support a consent application include:		
16.9.2.1.a	The degree of non-compliance with the performance standard is minor.	The degree in the reduction of the setback would not be considered minor.
16.9.2.1.b	The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable.	Due to the site size/dimensions, complying setbacks are largely impossible.
16.9.2.1.c	The nature of activities on surrounding sites, topography of the site and/or surrounding sites, or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.	The proposed western and northern setbacks align with the adjoining residential neighbourhood. The proposed eastern and southern setbacks, to the rural zone, will make limited material impact, due the proximity of the existing residential development to the bulk of the rural lands.
16.9.2.1.d	Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.	Non-compliance with a development performance standard is required for the efficient use of the land resource.
General assessment guidance:		
16.9.2.1.e	Where more than one standard is contravened, the combined effects of the contraventions should be considered.	Noted.

Rule 19.6.4.1 All development performance standard contraventions (listed in 16.9.4)

Standard	Details	Comment
16.9.4 Assessment of development performance standard contraventions 16.9.4.1 All development performance standard contraventions listed below Matters of discretion 16.9.4.1.a Positive effects in terms of supporting farming or conservation activity		
Relevant objectives and policies:		
16.9.4.1.a.i	Objective 16.2.1 Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment.	In terms of the reduced boundary setbacks, due to the proximity of the adjacent residential areas, the proposal will not impact on the wider rural area.

75. In terms of the assessment matters within Rule 16.9.4.2 there are three separate matters of discretion, hence the following table has three parts:

Standard	Details	Comment
16.9.4 Assessment of development performance standard contraventions 16.9.4.2 Boundary setbacks		
Matter of discretion 16.9.4.2.a Effects on amenity of surrounding properties		
Relevant objectives and policies:		
16.9.4.2.a.i	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: - the potential for reverse sensitivity in the rural zones is minimised; - the residential character and amenity of adjoining residential zones is maintained; and - a reasonable level of amenity for residential activities in the rural zones.	In term of the surrounding/adjacent residential properties, the application is supported by written approval from the three western residential neighbours. In term of the surrounding/adjacent rural properties, the proposal does not materially change the existing situation.
16.9.4.2.a.ii	Buildings that house animals are set back...	n/a
16.9.4.2.a.iii	New buildings are located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites (Policy 16.2.2.3).	The subject site is similar to the adjoining residential development, hence residential setbacks are sought. The outcome of a residential setback to the wider rural zone is essentially unchanged.
Potential circumstances that may support a consent application include:		
16.9.4.2.a.iv	Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites.	The residential activity to the west is at a higher elevation, hence screening is considered unnecessary. The residential activity to the north faces away from the subject site,

		hence screening is considered unnecessary.
16.9.4.2.a.v	Where a building used to house animals ...	n/a
Matter of discretion 16.9.4.2.b Reverse sensitivity effects		
	Relevant objectives and policies:	
16.9.4.2.b.i	Objective 16.2.2 As above.	As above.
16.9.4.2.b.ii	Residential buildings minimise as far as practicable the potential for reverse sensitivity by being set back an adequate distance from site boundaries (Policy 16.2.2.1.a).	Activities on the the adjacent rural land has an increased setback due to the adjacent gully. However, the proposed outcome will be similar to the existing situation in terms of the potential for reverse sensitivity matters.
	Potential circumstances that may support a consent application include:	
16.9.4.2.b.iii	Screening or landscaping will ensure potential for reverse sensitivity is minimised as far as practicable.	Not considered necessary.
Matter of discretion: 16.9.4.2.c Effects on rural character and visual amenity		
	Relevant objectives and policies:	
16.9.4.2.c.i	Objective 16.2.3 The rural character values and amenity of the rural zones are maintained or enhanced...	While the site is zoned rural, the character and amenity of the immediate area is mixed. The proposal will maintain that mix, without significant detracting from the rural character and amenity matters.
16.9.4.2.c.ii	Buildings and structures are set back from site boundaries to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).	Reduced setbacks are part of this application. However, see the comments above.
	Potential circumstances that may support a consent application include:	
16.9.4.2.c.iii	Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures.	Due to the site being adjacent to a residential cluster, screening is not considered to be required.
16.9.4.2.c.iv	Colours and materials used in the development will blend in with the character of the surrounding rural environment, with natural finishes and low levels of reflectivity.	Due to the site specific factors, and the lack of a landscape overlay, these matters have limited relevance. However, if required, they could be managed by a condition of consent.
16.9.4.2.c.v	The proposed building or structure will not obstruct any important views from public viewpoints, or cause significant obstruction of views from dwellings on surrounding sites.	n/a
16.9.4.2.c.vi	The proposed building platform is low lying in relation to surrounding sites and roads and the proposed building will not be easily viewed from outside the site.	The site is low lying compared to the adjacent residential dwellings. Any future building will be visible from the road, but due to site shape more than likely the 'narrow end' of the building will directly face the road, while the eastern boundary will more than likely be associated with amenity planting.

16.9.4.2.c.vii	There are already existing buildings on the site in breach of the same setback.	n/a
16.9.4.2.c.viii	There would be positive effects from maintaining open space through the clustering of buildings on the site.	n/a
	General assessment guidance:	
16.9.4.2.c.ix	As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7.	Objective 16.2.3 discussed above. In terms of Appendix A7, the site is within the Rural Coastal zone, with a residential zone to the west and north. The site is approximately 2km from the coast, on the inland side of the adjacent hill and some 120m below the height of the ridgeline. The relevant part of Appendix A7 is A7.6. The Value in A7.6 have been reviewed, but are of limited relevance.

76. In terms of effects, due to a combination of the mix of activities in the immediate area (residential and rural), the reduced site size and the gully separating the site from the adjacent rural lands, the proposal will result in positive effects via the efficient use of the land resource.

77. In terms of effects, overall the effects of the proposal are assessed as being less than minor.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

78. None.

OBJECTIVES AND POLICIES ASSESSMENT

79. In accordance with Section 104(1)(b) of the RMA, the objectives and policies of the operative District Plan and the 2GP were assessed below:

Operative District Plan:

80. Within the Operative District Plan there are a number of sections that have relevance in terms of the Objectives and Policies. The relevant items are included below:

Section 4 (Sustainability)

Objective	Supporting Policy	Comment
Objective 4.2.5 Provide a comprehensive planning framework to manage the effects of use and development of resources.	Policy 4.3.8 Avoid the indiscriminate mixing of incompatible uses and developments.	The receiving environment is a mixed environment, and the outcome proposed by this application continues that mix. Therefore, the proposal is not considered to be the the indiscriminate mixing of incompatible uses.

Section 6 (Rural)

Objective	Supporting Policy	Comment
Objective 6.2.2 Maintain and enhance the amenity values associated with the character of the rural area.	Policy 6.3.5 Require rural subdivision and activities to be of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner that avoids, remedies or mitigates adverse effects on rural character. Elements of the rural character of the district include, but are not limited to: (a) a predominance of natural features over human made features, (b) high ratio of open space relative to the built environment, (c) significant areas of vegetation in pasture, crops, forestry and indigenous vegetation, (d) presence of large numbers of farmed animals, (e) noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes, (f) low population densities relative to urban areas, (g) generally unsealed roads, (h) absence of urban infrastructure.	The receiving environment is a mixed environment, and the outcome proposed by this application will not materially alter the existing amenity/character of the the immediate area.
	Policy 6.3.6 Avoid, remedy or mitigate the adverse effects of buildings, structures and vegetation on the amenity of adjoining properties.	The application is supported by written approval from the three western residential neighbours.
	Policy 6.3.11 Provide for the establishment of activities that are appropriate in the Rural Zone if their adverse effects can be avoided, remedied or mitigated.	The zone provides for residential activity, albeit on larger sites. This AEE concludes the adverse effects are less than minor, while the outcome is an efficient use of the land resource.
	Policy 6.3.14 Subdivision or land use activities should not occur where this may	As the effects of the proposal are assessed as being less than minor, cumulative adverse effects are not

	result in cumulative adverse effects in relation to: (a) amenity values, (b) rural character, (c) natural hazards, (d) the provision of infrastructure, roading, traffic and safety, or (e) landscape Management Areas or Areas of Significant Conservation Values. Irrespective of the ability of a site to mitigate adverse effects on the immediately surrounding environment. □	anticipated to raise any significant concern.
Objective 6.2.4 Ensure that development in the rural area takes place in a way which provides for the sustainable management of roading and other public infrastructure.	Policy 6.3.8 Ensure development in the Rural and Rural Residential zones promotes the sustainable management of public services and infrastructure and the safety and efficiency of the roading network. Policy 6.3.14 Refer above.	The proposal has complying access to the roading network, and will not result in exacerbating any known infrastructure matters.
Objective 6.2.5 Avoid or minimise conflict between different land use activities in rural areas.	Policy 6.3.3 To discourage land fragmentation and the establishment of nonproductive uses of rural land and to avoid potential conflict between incompatible and sensitive land uses by limiting the density of residential development in the Rural Zone. Policy 6.3.12 Avoid or minimise conflict between differing land uses which may adversely affect rural amenity, the ability of rural land to be used for productive purposes, or the viability of productive rural activities.	Subdivision is not part of this application. The subject land is not productive rural land. However, residential activity would not be considered a productive use. Therefore the proposal is not well aligned with this policy. The matter of the potential for conflict is discussed earlier in this AEE. The matter of the potential for conflict is discussed earlier in this AEE.

81. Overall, it is assessed that the proposal is generally consistent with the relevant objectives and policies of the operative District Plan.

2GP:

82. Within the 2GP there are a number of sections that have relevance in terms of the Objectives and Policies. The relevant items are included below:

83. Note – matter that are subject to appeal are shaded below.

Strategic Directions (Section 2):

109. In keeping with the Environment Court direction within decision NZEnvC 250 (ENV-2017-CHC-038) strategic directions are not intended to be applied directly to applications for resource consents. Therefore, Section 2 of the 2GP is not required to be assessed as part of this resource consent application.

Rural (Section 16):

Objective	Supporting Policy	Comment
Objective 16.2.1 Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment...	Policy 16.2.1.7 Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless ...	Residential activity is anticipated in the zone, albeit on larger sites. The proposal does not adhere to the exception within this policy, therefore the proposal is contrary to this directive policy.
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...	Policy 16.2.2.1.a Refer above Policy 16.2.2.3 Refer above	Discussed above.
Objective 16.2.3 The rural character values and amenity of the rural zones are maintained or enhanced...	Policy 16.2.3.1 Refer above. Policy 16.2.3.2 Refer above.	Discussed above.
Objective 16.2.4 The productivity of rural activities in the rural zones is maintained or enhanced.	Policy 16.2.4.4 Refer above.	Discussed above.

84. In terms of the objectives and policies in the 2GP that are subject to appeal, lesser weight can be applied to the provisions under appeal during the decision making process.

85. Overall the proposal has good alignment with the policy direction, with the exception of Policy 16.2.1.7, which seeks to avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone.

86. Due to the directive nature of Policy 16.2.1.7 the proposal cannot be in alignment with that Policy.

Operative and Proposed Regional Policy Statement for Otago

87. The Operative and Proposed Regional Policy Statement for Otago raises no matter of concern.

DECISION MAKING FRAMEWORK

Part 2 Matters

88. It is considered that there is sufficient assessment guidance within both the operative District Plan and in the 2GP. As a result, there is no need for an assessment in terms of Part 2 RMA.

Actual and Potential Effects

89. As noted above, the effects of the proposal are limited, and assessed as being less than minor, with the anticipated use resulting in an enhanced use of the land resource.

Any Relevant Provision

90. The only relevant provisions relate to the district plans, and it is concluded the proposal is contrary to a directive policy.

The Gateway Test

91. S104D RMA requires an application for a non-complying activity to pass at least one of the s104D 'gateways': either the effects will be no more than minor, or the proposal is not contrary to the relevant objectives and policies.
92. As detailed above, the proposal does not pass the policy gateway, but does pass the effects gateways. Therefore, consideration to granting consent can be given under s104D.

Other Matters

93. S104(1)(c) RMA requires regard to be given to any other matters considered relevant and reasonably necessary to determine the application, such as precedent and Plan integrity. Case law now directs consideration of whether approving a non-complying activity will create an undesirable precedent. If a plan's integrity is at risk by such a precedent, then the 'true exception test is to be applied'.
94. In terms of effects, overall these are assessed as being less than minor. Therefore, any precedent is unlikely to be 'undesirable'.
95. However, to ensure there is no risk that granting consent will result in the setting of an undesirable precedent, the 'true exception test' is required. The proposal has a number of features that assist to differentiate the application. Therefore, there is limited risk of any precedent being set.

Specific Considerations

96. Details of any permitted activity that is part of the proposal: Not applicable
97. S124 / S165ZH91(e): Not applicable
98. S85 of the Marine and Coastal Area: Not applicable
99. Subdivision Consent – Additional Information: Not applicable
100. Reclamation Consent – Additional Information: Not applicable

Written Approvals

101. This application is supported by written approval from the three western residential neighbours.

AEE CONCLUSION

102. This application has a combination of features that assist with the conclusion that the application is relatively unique, including:

- The 502m² site was created by a subdivision in 1985, which more than likely anticipated the residential use of the site.
- The site has limited, if any, real rural potential.
- There is adjacent residential activity on the west and north.
- The site is cut off from the wider rural zone via a gully.

103. The proposed residential activity represents a more efficient use of that land.

104. While the proposal does not find full alignment with the policy direction, due to one directive policy, there is general alignment.

105. As detailed earlier in this AEE the effects are assessed as being less than minor.

106. Notwithstanding the application includes a non-complying activity, the unique situation assists with the overall conclusion that this application is suitable for consent to be granted.

Anderson & Co (Otago) Ltd

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): Nicholas Macintosh

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

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

133 District Road, Green Island, Dunedin

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)): Steve Rogan

to (description of proposed activity): To establish and maintain residential activity on site, including a dwelling and garaging.

All building setbacks are to be as per the GR1 zone rules.

on the following property (address of application site): 137 District Road, Green Island (also known as 8D Tomkins Street)

☒ 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]

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

Date: 21/03/22

Telephone: [Redacted]

Contact person (name, and designation if applicable): Nicholas Macintosh

Postal address: 133 District Road, Green Island, Dunedin

Email address: [Redacted]

Method of service: ☒ Email ☐ Post ☐ Other

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

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



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

Introduction

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

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

Why is your written approval required?

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

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

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

What should you do?

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

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

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

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

Please note that:

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

Important information

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

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

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

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

For further information

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

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

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

Initial:

**Attachment to Resource Consent Affected Person(s) Written Approval Form
regarding the proposal to establish and maintain residential activity on site, including a
dwelling and garaging, with all building setbacks as per the GR1 zone rules.**

Proposal location:



Proposal summary:

To establish and maintain residential activity on site, including a dwelling and garaging, with all building setbacks as per the GR1 zone rules.

Name of person signing Affected Person(s) Written Approval Form: Nicholas Macintosh

Signature of person signing Affected Person(s) Written Approval Form: [Signature]

As owner / occupier of: 133 District Road, Green Island, Dunedin

Date: 21/03/22

can plot

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): Stacey Joy McDonald & Matthew John Semple

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

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

135 District Road, Green Island

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)): Steve Rogan

to (description of proposed activity): to establish and maintain residential activity on site, including a dwelling and garaging. All building setbacks are to be as per the GR3 zone rules

on the following property (address of application site): 137 District Road, Green Island (also known as 80 Tomkins Street)

☒ 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]

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

Date: 22 March 2022

Telephone: [Redacted]

Contact person (name, and designation if applicable): Stacey McDonald or Matt Semple

Postal address: 135 District Road, Green Island

Email address: [Redacted]

Telephone: [Redacted]

Method of service: ☒ Email ☐ Post ☐ Other

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

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



Written Approval of Affected Person⁵²(s) in Relation to an Application for Resource Consent under the Resource Management Act 1991

Introduction

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

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

Why is your written approval required?

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

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

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

What should you do?

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

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

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

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

Please note that:

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

Important information

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

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

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

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

For further information

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

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

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

Sm MS

**Attachment to Resource Consent Affected Person(s) Written Approval Form
regarding the proposal to establish and maintain residential activity on site, including a
dwelling and garaging, with all building setbacks as per the GR1 zone rules.**

Proposal location:



Proposal summary:

To establish and maintain residential activity on site, including a dwelling and garaging, with all building setbacks as per the GR1 zone rules.

Name of person signing Affected Person(s) Written Approval Form: Stacey McDonald, Matt Semple

Signature of person signing Affected Person(s) Written Approval Form: [Signature] [Signature]

As owner / occupier of: 135 District Road, Green Island.

Date: 22/3/2022

complete

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): Timothy Coates & Jessica Coulston

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

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

131 District Road, Green Island.

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)): Steve Rogan

to (description of proposed activity): To establish and maintain residential activity on site, including a dwelling and garaging.

All building setbacks are to be as per the GR1 zone rules.

on the following property (address of application site): 137 District Road, Green Island (also known as 8D Tomkins Street)

☒ 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:

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

Signed: [Signature]

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

Date: 22.3.2022

Telephone: [Redacted]

Contact person (name, and designation if applicable): Jessica Coulston

Postal address: 131 District Road, Green Island

Email address: [Redacted]

Telephone: [Redacted]

Method of service: ☒ Email ☐ Post ☐ Other

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Initial: *TC*

Attachment to Resource Consent Affected Person(s) Written Approval Form
regarding the proposal to establish and maintain residential activity on site, including a
dwelling and garaging, with all building setbacks as per the GR1 zone rules.

Proposal location:



Proposal summary:

To establish and maintain residential activity on site, including a dwelling and garaging, with all building setbacks as per the GR1 zone rules.

Name of person signing Affected Person(s) Written Approval Form: Jessica Coulston & Timothy Coates

Signature of person signing Affected Person(s) Written Approval Form: [Signatures]

As owner / occupier of: 131 District Road, Green Island.

Date: 22.3.22

complete



4 March 2022

Terra MDC Limited

82 Bond Street,
Central City
Dunedin 9016
New Zealand

Ph/Fax: +64 (0) 3 477 0090

Mob: +64 (0) 220 737 480

E-mail: james.molloy@terramdc.co.nz

Web: www.TerraMDC.co.nz

For attention: Steve Rogan

(by email only)

Project Reference: 202202358

Dear Steve,

RE: Geotechnical Assessment of Land for Proposed New House at 8C Tomkins St, Green Island, Dunedin

This report has been prepared as a preliminary geotechnical assessment of the above property and provides a summary of the likely ground conditions, review of the potential geotechnical hazards at the site and foundation recommendations. It is understood the intention is to construct a new lightweight house upon a sub-divided section of the above property fronting off District Road. No proposed house layout plans have been provided.

The data provided and the findings of this report are based upon a site walkover and shallow ground investigation completed on the 23rd of February 2022 by Terra MDC. Reference is also made to the databases from Otago Regional Council (ORC) for hazards and Dunedin City Council (DCC) for land information and the Geological and Nuclear Sciences (GNS) for information on geology and active faults in the region.

It is considered that the ground investigation and design assumptions will require to be verified by a suitably experienced engineer during the finalising of the house foundation design and then during the construction to confirm the observations and conclusions made in this initial assessment.

Observations around the Property and Immediate Environs

The site which is proposed for sub-dividing comprises an approximate 500m² block of land located in the northwest corner of the property which is accessed off District Rd. The site has fences formed along each boundary and is bounded by District Rd to the north, by residential properties to the west and by sloping rural land to the south and southeast. The site is currently zoned as *Coastal Rural*¹.

The site is situated on a northeast facing hill slope an approximate natural gradient of 8° to 15°. The natural slope beneath the site has been modified by excavations and filling which has levelled the site to approximately flat to 5°. There is a steep >45° excavated bank along the west boundary which is approximately 1.5m high in the southwest corner and tapers to 0.2m high in the northwest corner. The ground surface has been predominantly covered with gravel. There is long grass growing around the perimeter of the site and gorse growing in the southern end of the site.

There is a creek running outside the southeast boundary of the site and flows in a northeast direction to a culvert under District Rd. The creek is confined within steep banks which have suffered shallow instability and erosion on the northeast side. There was steady flow of water in the creek at the time of investigation.

A Hazardous Activities and Industries List (HAIL) search of the property has been undertaken by the DCC (HAIL-2021-299). No HAIL activities were reported within the site. The review of historic aerial imagery identified the

¹ DCC District Plan Map: <http://apps.dunedin.govt.nz/WebMaps/RatesMap/>

site to have previously been used as farmland with a small building situated on site from the 1960s to the 1970s. Recent Google Earth aerial and street view imagery show uncontrolled filling was placed between 2017 to 2018.

There are overhead power and telecom cables running outside the northern boundary. There are no further underground or overhead services reported within the vicinity of the site.

Review of Geology, Land Hazards and Liquefaction Assessment

The underlying bedrock geology comprises of Otakou Group sedimentary rock formed during the Neogene period which is overlying the Onekakara Group sedimentary rock formed during the Paleogene period. The Otakou Group sedimentary rock is described as calcareous sandstone, sandy limestone and minor tuff. The Onekakara Group sedimentary rock is described as sandstone comprising quartz and glauconite minerals, siltstone, shell-beds and limestone. The underlying bedrock geology is anticipated to be overlain by a thin mantle of loessial soils. The natural ground is also anticipated to be overlain by man-made uncontrolled fills.

The nearest active fault to the site is the Titri Fault which is approximately 6km northwest of the site. The site lies within an area where seismic shaking ² from an Alpine Fault Magnitude 8.0 (1:100 year) event can expect damage representative of Modified Mercalli Intensity (MMI) of 5. The site lies in what is determined as being Class 'B', 'Shallow rock' as per NZS1170. The requirements of NZSL 1170 'Structural Design Actions' would prevail in any structural design.

The ORC Hazards database³ notes that the site lies on an area with little to no susceptibility to liquefaction during seismic shaking with intensity comparable to that of a 1:100year earthquake. The site is categorised as Domain 'A', which are described as ground underlain by rock or firm sediments.

There are several ORC mapped landslide hazards on the surrounding hill slopes with the nearest approximately 50m to the southwest of the site. The mapped landslide areas are based on a high level review of topographical features such as steep and hummocky terrain. The landslides are reported to be a translational type of landslide which occurs within the shallow sandstone bedrock and may have groundwater seepages associated with them in the more porous sandstones. These landslides have a low to medium sensitivity to movement when undercut or induced by heavy rainfall and seismic events. There is no recent information or monitoring undertaken on these nearby landslides, however all the mapped areas are all noted to lie within steeper slopes or gullies.

The site lies upon a natural low to moderate gradient slope with developed residential properties above. It is considered the site has a low to nil susceptibility to any translational landslide movement. Shallow erosion and slope instability was observed on the steeper creek bank outside the site. It is noted that loessial soils and fills on slopes >20° will be susceptible to shallow land instability when saturated following heavy rain events or when surcharged or undermined from earthworks and building development. The creek bank on the southeast boundary and the excavated slope along the western boundary of the site are susceptible to shallow instability.

There are no reported alluvial fan or flooding hazards within the vicinity of the site however this does not preclude the watercourse from flooding, especially if it breaches further upslope and creates a new flood path.

Ground investigation

The ground investigation, comprising four Scala Penetrometers (SP01 – SP04) and four machine excavated test pits (TP01 – TP04) were undertaken. The investigation information along with a number of photos taken during the site visit are attached for your reference. The Test Pit and Scala Penetrometer results determined the ground conditions to be typically of;

TP01

- 0.0m to 0.25m = Grey brown silty gravel. (Fill)
- 0.25m to 0.6m = Mottled yellow brown and grey silty clay (Fill)

TP02

- 0.0m to 0.25m = Grey brown silty gravel. (Fill)
- 0.25m to 0.8m = Mottled dark brown and grey silty clay. (Fill)

² Opus – Seismic Risk in Otago Region, May 2005

³ ORC Web-Hazard Maps <http://hazards.orc.govt.nz/IntraMaps80>

- 0.6m to 0.85m = Dark brown organic silt. (Original topsoil)
- 0.85m to 1.85m = Yellow brown and grey silty clay.
- 1.85m to 2.1m = Mottled orange brown and grey sandstone.
- 0.8m to 1.2m = Dark brown organic silt. (Original topsoil)
- 1.2m to 2.25m = Blue grey silty with minor sand (Alluvium).
- 2.25m to 2.5m = Mottled brown and grey silty clay.

TP03

- 0.0m to 0.25m = Grey brown silty gravel. (Fill)
- 0.25m to 0.5m = Mottled dark brown and grey silty clay. (Fill)
- 0.5m to 1.3m = Mottled yellow brown and grey silty clay. (Fill)
- 1.3m to 1.8m = Dark brown organic silt. (Original topsoil)
- 1.8m to 2.5m = Blue grey silty with minor sand (Alluvium).
- 2.5m to 2.7m = Pale brown and grey sandstone.
- 0.0m to 0.2m = Grey brown silty gravel. (Fill)
- 0.2m to 1.3m = Mottled dark brown and grey silty clay. (Fill)
- 1.3m to 1.6m = Dark brown organic silt. (Original topsoil)
- 1.6m to 2.7m = Blue grey silty with minor sand (Alluvium).
- 2.7m = Pale brown and grey sandstone.

TP04

The test pits encountered discrete layers of fills overlying the site which typically comprised of a thin layer of silty gravels underlain by silty clays with occasional coarse gravel. The fills were recorded to 0.6m depth at TP01 and up to 1.3m depth at TP03 and TP04. The steep excavated bank on the western boundary appears to comprise clayey fills which form the neighbouring driveway. All fills are noted to be loose / soft and were encountered to be overlying the original topsoil. A layer of soft alluvium lies under the original topsoil likely from the historical meander of the watercourse prior to land development in the area.

The natural ground at TP01 was encountered as a thin layer of clayey loess with a high plasticity overlying the highly weathered sandstone bedrock at 1.85m depth. The natural ground at TP02 to TP04 was encountered as soft silty alluvial soils overlying the highly weathered sandstone bedrock at 2.5m and 2.7m depth. The Scala Penetrometer results typically determined results of a soft upper stratum to 1.2m depth. The results below the 1.2m depth varied from a soft to firm stratum. It is noted that the Scala Penetrometer results can become skewed at depths >2.0m depth due to addition friction from the protruding collar joints. The Scala Penetrometer tests were therefore completed in the base of the test pits and typically determined results of firm / medium dense to stiff / dense stratum at >3.1m depth.

Groundwater was encountered in the form of a slow seepage at 2.0m depth in TP02. Soils at depths >1.5m were typically encountered in a wet condition. However, a persistent groundwater table was not encountered, and deeper borehole drilling would be required to determine this. It is not considered necessary for the purpose of this assessment and an assumed groundwater table >2.0m depth which approximately aligns with the creek bed shall be adopted. The groundwater table will likely fluctuate with seasonally and during prolonged rain events.

Discussion and Recommendations:

The site has undergone shallow cut to fill earthworks to form the existing ground profile with thicker fills up to 1.3m depth in the northern area of the site. The fills are noted to be loose / soft and are overlying the original topsoil as well as soft natural alluvial soils in the northern area of the site. The fills and buried topsoil along with the deeper layer of soft alluvial soils are not suitable to supporting house foundations.

The steep >20° creek bank adjacent to the southeast boundary of the site is noted to be susceptible to shallow instability from ongoing erosion and when saturated during heavy rain events. It is recommended the new house is constructed a minimum 5.0m offset from the southeast boundary with erosion control measures may be necessary and floor levels designed to mitigate potential flooding levels, as defined per DCC requirements.

The site is underlain by a firm to stiff highly weathered sandstone at typically 2.5m to 2.7m depth below ground level. It is recommended the new house is founded upon a piled foundation which is embedded into the highly weathered sandstone. The piles may comprise of either a composite timber post / concreted pile or a fully reinforced concrete pile cast in a bored pile hole. These shall be designed per the requirements of NZS3604

'Timber Frames Buildings'. Standard bearing piles shall be embedded a minimum 0.5m into the firm to stiff weathered sandstone with anchor piles embedded deeper. 'Soft spots' may be encountered in bored pile holes and these shall be bored deeper until the minimum embedment depth with a firm to stiff soils is achieved.

Alternatively, the house may be founded upon driven timber piles embedded into the highly weathered sandstone. The piles shall be a 200mm diameter H5 treated SED timber pile which shall be constructed as per NZS3604 Section 6.6 – *Driven timber piles*. The final pile depth shall be determined on site with an initial trial using 4.0m long piles driven to refusal (<5mm per blow subject to the pile driving equipment). Soft spots may be encountered throughout the site and an allowance shall be made for an additional length.

The piles may locally encounter obstructions within the fills and either pre-driving or mandrelling may be necessary, or alternatively additional piles accounted for in the design. If a consistent pile driving set cannot be achieved at the proposed depth, then piling will need to target a greater depth. It will be necessary to first complete a pile driving trial at the four corners of the house in order to establish final pile lengths. Consideration should be given to the effects of the pile driving vibrations on the adjacent residential structures.

It is recommended the steep excavated slope on the western boundary of the site is retained or regraded with landscape fills to prevent any shallow slope instability. The retaining wall may be designed as cantilever timber pole wall with poles embedded deeply into a natural the firm to a stiff soils stratum. The retaining wall shall be designed to an appropriate height with consideration for surcharging loads from the neighbouring driveway. The retaining wall shall also be designed be a suitably qualified engineer and as per the MBIE Module 6 Guidelines – *'Earthquake Resistant Retaining Wall Design'*.

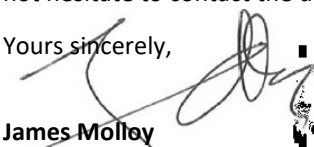
As minimum shallow interception drainage shall be constructed in the upslope area of the building platforms, at the back of any retaining walls and where localised seepages may be encountered during the earthworks. The subsoil drainage shall either comprise of slotted PE drainpipe backfilled in clean drainage aggregate and wrapped in Bidim A19 geofabric or if suitable a shallow 'V' ditch can be formed. All drainage shall outfall into the existing DCC stormwater system or watercourse as per is reached with DCC's agreement.

A detailed house foundation design shall be based on the recommendations made in this report and reviewed by a geotechnical engineer prior to Building Consent application. The piled foundation options will require to be inspected at the time of construction by a suitably qualified engineer to verify the investigation and assumptions made in this report. The site inspections are to be made at following key times during construction:

- Following bulk earthworks and bored pile hole excavations. (If bored piles selected)
- During the initial trial of the driven timber piles, including driven pile sets during the works.
- Following the completed pile driving or foundation works including verification test sets.
- Following retaining wall foundation excavations and backfilling.

I trust this report covers sufficient detail for you to continue with the envisaged house development, please do not hesitate to contact the undersigned if you need further clarification.

Yours sincerely,



James Molloy
For Terra MDC Ltd

Enclosures:

- *Plates 1 to 3 from Site Reconnaissance*
- *Site Investigation Location Plan*
- *Test Pit and Scala Penetrometer logs*



Plate 1: Overview of the site looking southwest from the northeast corner.



Plate 2: View of the steep excavated slope in the southwest corner of the site.



Plate 3: Google Street View 2009 – Original ground profile and creek bank slippage.

PROJECT: 8C Tomkins St, Green Island

CLIENT: Steve Rogan

SHEET 1 OF 1

PROJECT No: 202202358

SKETCH BY: Regan Lord

DATE: 23/02/2022

SUBJECT: Site Investigation Location Plan



Key

Scala Penetrometer

Test Pit

Refer to test pit and scala logs for ground information

TPLOG.PUB

Contract Title: 8C Tomkins St, Green Island
 Contract No.: 202202358
 Date: 23/02/2022

Logged By: Regan Lord

Client: Steve Rogan
 Weather: Sunny
 Excavator: 3T excavator (Komatsu PC30mr)

Water @	Depth	Soils Description	TRIAL PIT No. TP01
Dry	0.0m—0.25m 0.25m—0.6m	Grey brown silty GRAVEL. Fine to coarse and angular grain size. Loose and in damp condition. (Fill) Mottled yellow brown and grey silty CLAY. Soft and in damp condition. Occasional coarse gravel. (Fill)	
	— 0.5m 0.6m—0.85m	Dark brown organic SILT. Soft and in damp to wet condition. (Original topsoil)	
	— 0.85m—1.85m — 1.0m	Yellow brown and grey silty CLAY. Soft becoming firm with high plasticity and in damp condition.	
	— 1.5m		
	— 1.85m—2.1m — 2.0m	Mottled orange brown and grey SANDSTONE. Highly weathered and in damp condition.	
	— 2.5m	End of Test Pit at 2.1m.	
	— 3.0m		
		Note: Hole stable and dry. Backfilled with arisings. 5 photos.	



TPLOG.PUB

Contract Title: 8C Tomkins St, Green Island
 Contract No.: 202202358
 Date: 23/02/2022

Logged By: Regan Lord

Client: Steve Rogan
 Weather: Sunny
 Excavator: 3T excavator (Komatsu PC30mr)

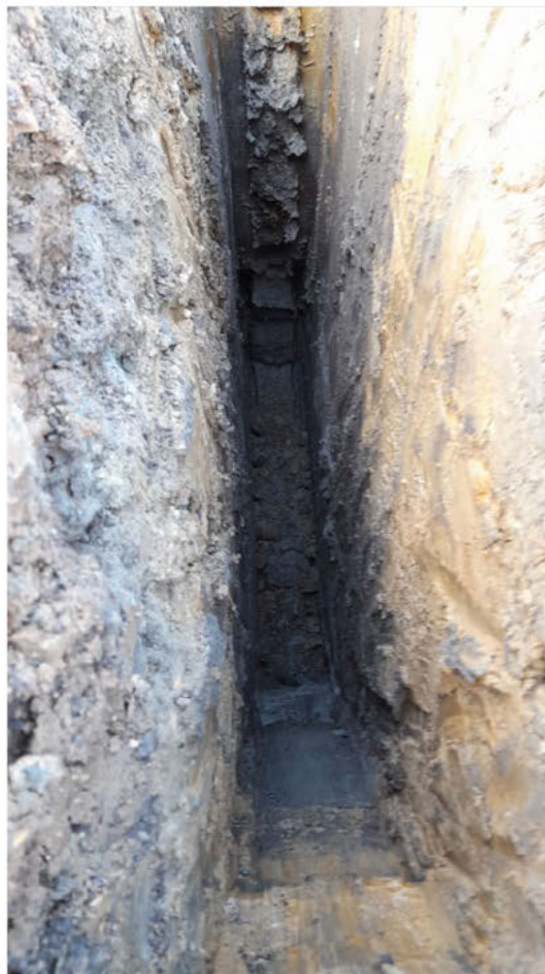
Water @	Depth	Soils Description	TRIAL PIT No. TP02
Seepage at 2.0m	0.0m—0.25m 0.25m—0.8m	Grey brown silty GRAVEL. Fine to coarse and angular grain size. Loose and in damp condition. (Fill) Mottled dark brown and grey silty CLAY. Soft and in damp condition. Occasional coarse gravel. (Fill)	
	0.5m		
	0.8m—1.2m 1.0m	Dark brown organic SILT. Soft and in damp to wet condition. (Original topsoil)	
	1.2m—2.25m 1.5m	Blue grey SILT with minor sand. Soft and in damp to wet condition. (Alluvium)	
	2.0m		
	2.25m—2.5m 2.5m	Mottled brown and grey silty CLAY. Firm with moderate plasticity and in damp condition. End of Test Pit at 2.5m.	
	3.0m		
	Note: Hole stable and dry. Backfilled with arisings. 5 photos.		



TPLOG.PUB

Contract Title: 8C Tomkins St, Green Island	Client: Steve Rogan
Contract No.: 202202358	Weather: Sunny
Date: 23/02/2022	Excavator: 3T excavator (Komatsu PC30mr)
Logged By: Regan Lord	

Water @	Depth	Soils Description	TRIAL PIT No. TP03
Dry	0.0m—0.25m 0.25m—0.5m	Grey brown silty GRAVEL. Fine to coarse and angular grain size. Loose and in damp condition. (Fill) Mottled dark brown and grey silty CLAY. Soft and in damp condition. Occasional coarse gravel. (Fill)	
	0.5m 0.5m—1.3m	Mottled yellow brown and grey silty CLAY. Soft and in damp condition. Occasional coarse gravel. (Fill)	
	1.0m 1.3m—1.8m	Dark brown organic SILT. Soft and in damp to wet condition. (Original topsoil)	
	1.5m 1.8m—2.5m	Blue grey SILT with minor sand. Soft and in damp to wet condition. (Alluvium)	
	2.0m 2.5m—2.7m 2.5m	Pale brown and grey SANDSTONE. Highly to completely weathered and in damp condition.	
		End of Test Pit at 2.7m.	
	3.0m	Note: Hole stable and dry. Backfilled with arisings. 4 photos.	



TPLOG.PUB

Contract Title: 8C Tomkins St, Green Island		Client: Steve Rogan	
Contract No.: 202202358		Weather: Sunny	
Date: 23/02/2022		Excavator: 3T excavator (Komatsu PC30mr)	
Logged By: Regan Lord			
Water @	Depth	Soils Description	TRIAL PIT No. TP04
Dry	0.0m—0.2m	Grey brown silty GRAVEL. Fine to coarse and angular grain size. Loose and in damp condition. (Fill) Mottled yellow brown and grey silty CLAY. Soft and in damp condition. Occasional coarse gravel. (Fill)	
	0.2m—1.3m		
	0.5m	Dark brown organic SILT. Soft and in damp to wet condition. (Original topsoil)	
	1.0m		
	1.3m—1.6m		
	1.5m	Blue grey SILT with minor sand. Soft and in damp to wet condition. (Alluvium)	
	1.6m—2.7m		
	2.0m	Pale brown and grey SANDSTONE. Highly to completely weathered and in damp condition. End of Test Pit at 2.7m.	
	2.5m		
	2.7m		
	3.0m	Note: Hole stable and dry. Backfilled with arisings. 4 photos.	



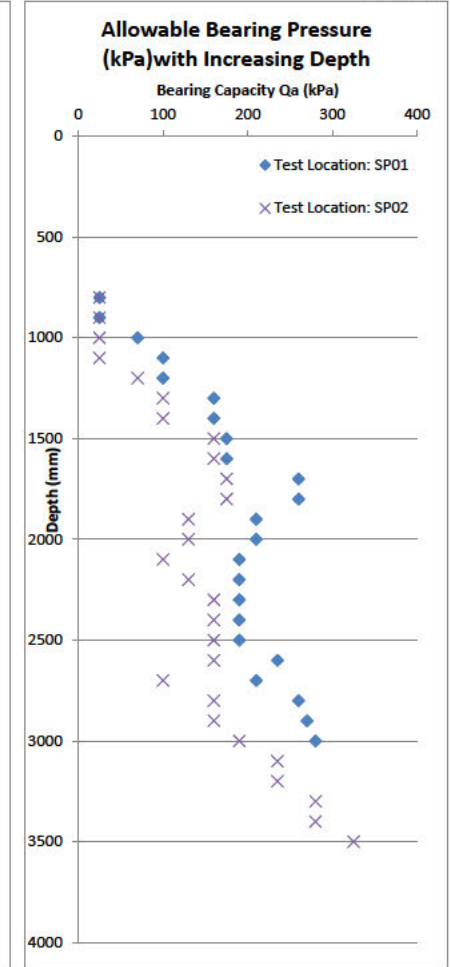
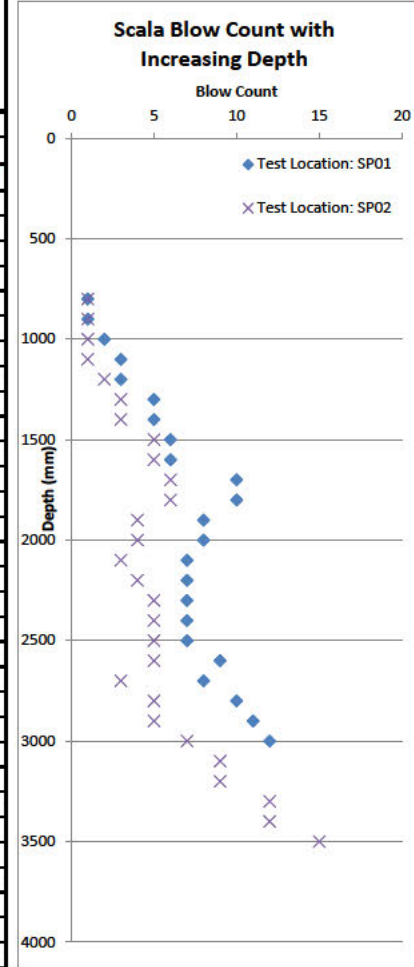
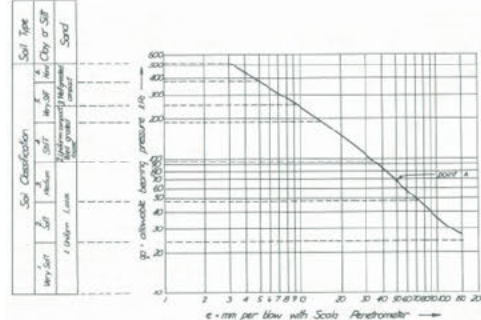
Project: 8C Tomkins St, Green Island
Job Number: 202202358
As per Site Investigation Location
Location : Plan
Client : Steve Rogan

Tested: R.L.
Checked: J.M.
Date: 23/02/2022
Refusal = 12 > 10 or 1 > 50

Test Location: SP01				Test Location: SP01				Test Location: SP02				Test Location: SP02			
Depth	No.	Equiv.	Q _a	Depth	No.	Equiv.	Q _a	Depth	No.	Equiv.	Q _a	Depth	No.	Equiv.	Q _a
(mm)	Blows	CBR%	(kPa)	(mm)	Blows	CBR%	(kPa)	(mm)	Blows	CBR%	(kPa)	(mm)	Blows	CBR%	(kPa)
0			#N/A	3100			#N/A	0			#N/A	3100	9	20	235
100			#N/A	3200			#N/A	100			#N/A	3200	9	20	235
200			#N/A	3300			#N/A	200			#N/A	3300	12	28	280
300			#N/A	3400			#N/A	300			#N/A	3400	12	28	280
400			#N/A	3500			#N/A	400			#N/A	3500	15	36	325
500			#N/A	3600			#N/A	500			#N/A	3600			#N/A
600			#N/A	3700			#N/A	600			#N/A	3700			#N/A
700			#N/A	3800			#N/A	700			#N/A	3800			#N/A
800	1	2	25	3900			#N/A	800	1	2	25	3900			#N/A
900	1	2	25	4000			#N/A	900	1	2	25	4000			#N/A
1000	2	4	70	4100			#N/A	1000	1	2	25	4100			#N/A
1100	3	6	100	4200			#N/A	1100	1	2	25	4200			#N/A
1200	3	6	100	4300			#N/A	1200	2	4	70	4300			#N/A
1300	5	10	160	4400			#N/A	1300	3	6	100	4400			#N/A
1400	5	10	160	4500			#N/A	1400	3	6	100	4500			#N/A
1500	6	13	175	4600			#N/A	1500	5	10	160	4600			#N/A
1600	6	13	175	4700			#N/A	1600	5	10	160	4700			#N/A
1700	10	23	260	4800			#N/A	1700	6	13	175	4800			#N/A
1800	10	23	260	4900			#N/A	1800	6	13	175	4900			#N/A
1900	8	18	210	5000			#N/A	1900	4	8	130	5000			#N/A
2000	8	18	210	5100			#N/A	2000	4	8	130	5100			#N/A
2100	7	15	190	5200			#N/A	2100	3	6	100	5200			#N/A
2200	7	15	190	5300			#N/A	2200	4	8	130	5300			#N/A
2300	7	15	190	5400			#N/A	2300	5	10	160	5400			#N/A
2400	7	15	190	5500			#N/A	2400	5	10	160	5500			#N/A
2500	7	15	190	5600			#N/A	2500	5	10	160	5600			#N/A
2600	9	20	235	5700			#N/A	2600	5	10	160	5700			#N/A
2700	8	18	210	5800			#N/A	2700	3	6	100	5800			#N/A
2800	10	23	260	5900			#N/A	2800	5	10	160	5900			#N/A
2900	11	25	270	6000			#N/A	2900	5	10	160	6000			#N/A
3000	12	28	280	6100			#N/A	3000	7	15	190	6100			#N/A

Note: CBR % and Allowable Bearing Capacity are a correlation taken from M.J. STOCKWELL (1977), 'Determination of allowable bearing pressure under small structures'

Recorded Blows / 100mm	Q _a (kPa) - from chart	Recorded Blows / 100mm	Q _a (kPa) - from chart
1	100.00	11	9.09
2	50.00	12	8.33
3	33.33	13	7.69
4	25.00	14	7.14
5	20.00	15	6.67
6	16.67	16	6.25
7	14.29	17	5.88
8	12.50	18	5.56
9	11.11	19	5.26
10	10.00	20	5.00



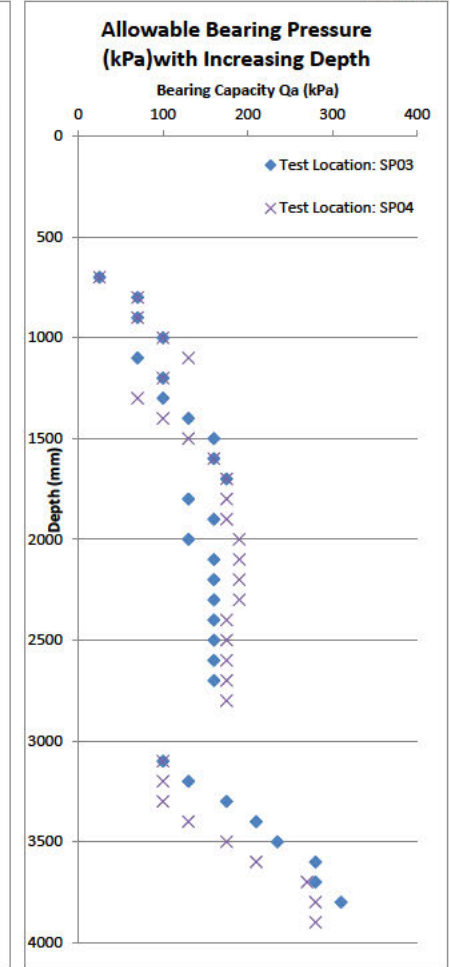
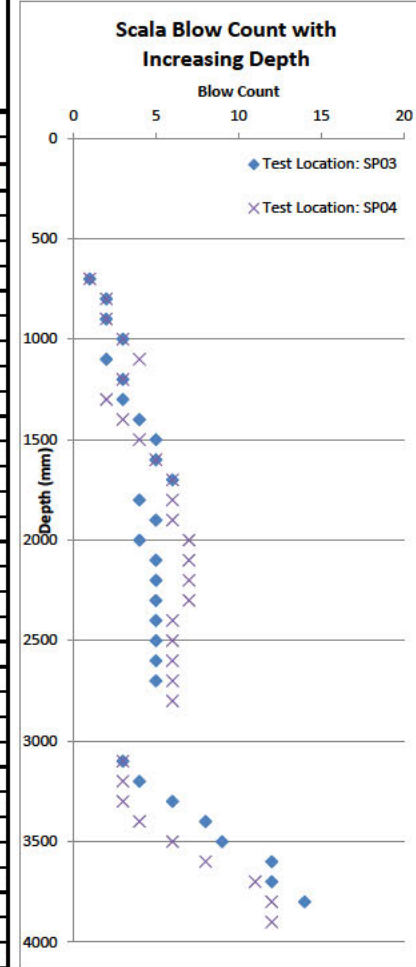
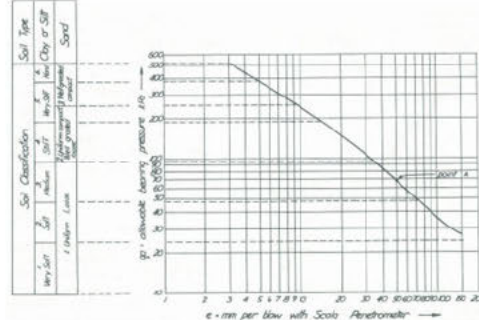
Project: 8C Tomkins St, Green Island
Job Number: 202202358
As per Site Investigation Location
Location : Plan
Client : Steve Rogan

Tested: R.L.
Checked: J.M.
Date: 23/02/2022
Refusal = 12 > 10 or 1 > 50

Test Location: SP03				Test Location: SP03				Test Location: SP04				Test Location: SP04			
Depth	No.	Equiv.	Q _a	Depth	No.	Equiv.	Q _a	Depth	No.	Equiv.	Q _a	Depth	No.	Equiv.	Q _a
(mm)	Blows	CBR%	(kPa)	(mm)	Blows	CBR%	(kPa)	(mm)	Blows	CBR%	(kPa)	(mm)	Blows	CBR%	(kPa)
0			#N/A	3100	3	6	100	0			#N/A	3100	3	6	100
100			#N/A	3200	4	8	130	100			#N/A	3200	3	6	100
200	Excavated to 0.4m		#N/A	3300	6	13	175	200			#N/A	3300	3	6	100
300			#N/A	3400	8	18	210	300			#N/A	3400	4	8	130
400			#N/A	3500	9	20	235	400			#N/A	3500	6	13	175
500	Pushed to 0.6m		#N/A	3600	12	28	280	500			#N/A	3600	8	18	210
600			#N/A	3700	12	28	280	600			#N/A	3700	11	25	270
700	1	2	25	3800	14	33	310	700	1	2	25	3800	12	28	280
800	2	4	70	3900			#N/A	800	2	4	70	3900	12	28	280
900	2	4	70	4000			#N/A	900	2	4	70	4000			#N/A
1000	3	6	100	4100			#N/A	1000	3	6	100	4100			#N/A
1100	2	4	70	4200			#N/A	1100	4	8	130	4200			#N/A
1200	3	6	100	4300			#N/A	1200	3	6	100	4300			#N/A
1300	3	6	100	4400			#N/A	1300	2	4	70	4400			#N/A
1400	4	8	130	4500			#N/A	1400	3	6	100	4500			#N/A
1500	5	10	160	4600			#N/A	1500	4	8	130	4600			#N/A
1600	5	10	160	4700			#N/A	1600	5	10	160	4700			#N/A
1700	6	13	175	4800			#N/A	1700	6	13	175	4800			#N/A
1800	4	8	130	4900			#N/A	1800	6	13	175	4900			#N/A
1900	5	10	160	5000			#N/A	1900	6	13	175	5000			#N/A
2000	4	8	130	5100			#N/A	2000	7	15	190	5100			#N/A
2100	5	10	160	5200			#N/A	2100	7	15	190	5200			#N/A
2200	5	10	160	5300			#N/A	2200	7	15	190	5300			#N/A
2300	5	10	160	5400			#N/A	2300	7	15	190	5400			#N/A
2400	5	10	160	5500			#N/A	2400	6	13	175	5500			#N/A
2500	5	10	160	5600			#N/A	2500	6	13	175	5600			#N/A
2600	5	10	160	5700			#N/A	2600	6	13	175	5700			#N/A
2700	5	10	160	5800			#N/A	2700	6	13	175	5800			#N/A
2800			#N/A	5900			#N/A	2800	6	13	175	5900			#N/A
2900			#N/A	6000			#N/A	2900			#N/A	6000			#N/A
3000			#N/A	6100			#N/A	3000			#N/A	6100			#N/A

Note: CBR % and Allowable Bearing Capacity are a correlation taken from M.J. STOCKWELL (1977), 'Determination of allowable bearing pressure under small structures'

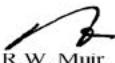
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7	14.29	17	5.88
8	12.50	18	5.56
9	11.11	19	5.26
10	10.00	20	5.00





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



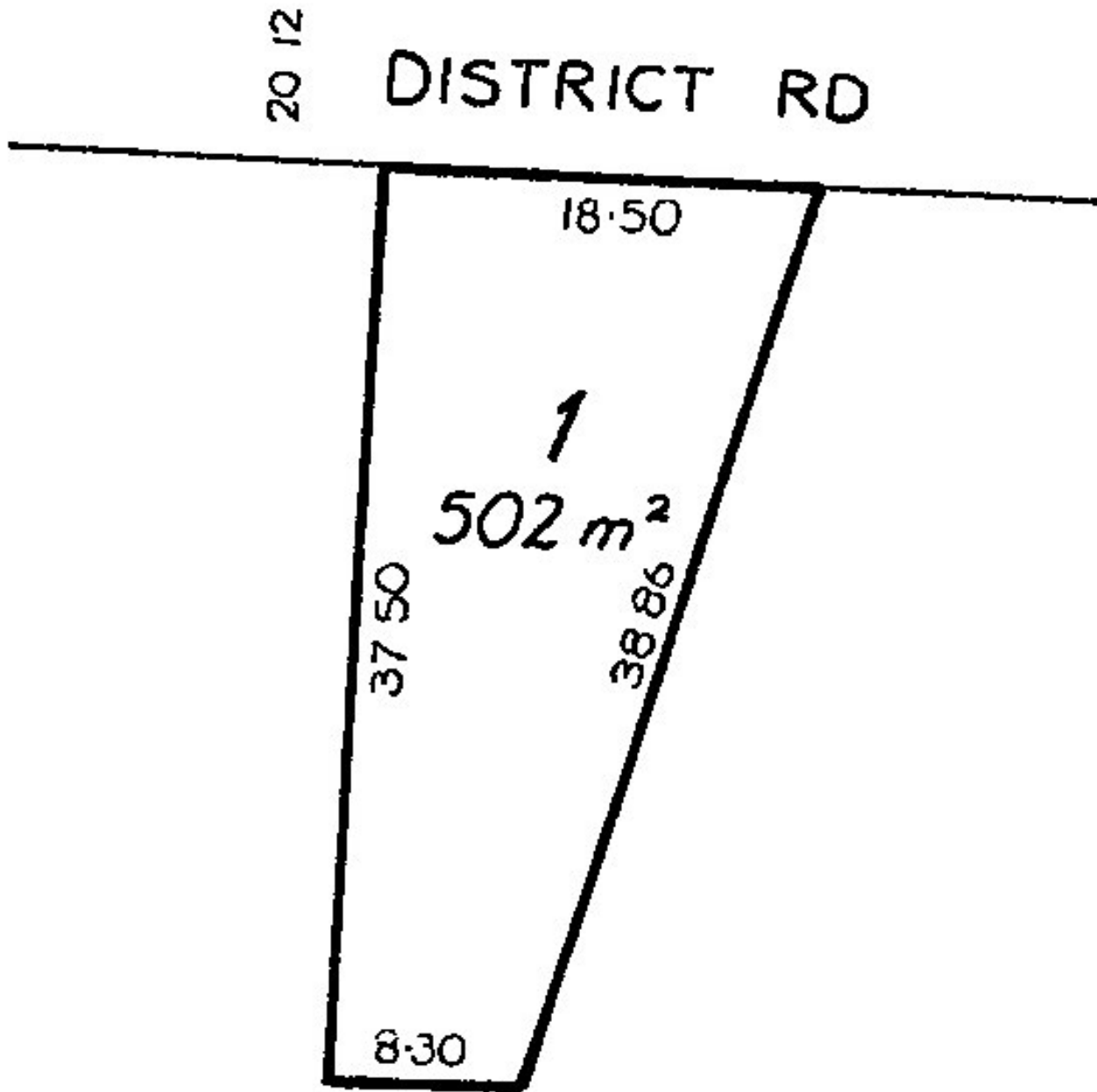

 R.W. Muir
 Registrar-General
 of Land

Identifier **OT11A/510**
Land Registration District **Otago**
Date Issued 05 September 1986

Prior References
 OT422/37

Estate Fee Simple
Area 502 square metres more or less
Legal Description Lot 1 Deposited Plan 19781
Registered Owners
 Debra Christine Pullar

Interests



TO: City Planning

FROM: Subdivision Support Officer, 3 Waters

DATE: 22 April 2022

SUBJECT: **LUC-2022-121** **ADD A RESIDENTIAL DWELLING TO**
8D TOMKINS STREET, GREEN ISLAND
3 WATERS COMMENTS

1. The proposed activity

Land use consent is sought from DCC to add a residential dwelling at 8D Tomkins Street, Green Island, Dunedin. The site is within the Coastal Rural zone in the Second-Generation District Plan (2GP).

Land use consent description

Add a residential dwelling to land that is zoned Coastal Rural but is adjacent to General Residential 1 land. The site is outside of the water boundary.

The size of the land and the position of the gully reduces its use for rural activity. The site is undersized for the development of a Rural residential property, minimum site size 15ha, however it is the result of a subdivision in 1986 resulting in a lot size of 502m².

2. Infrastructure requirements

Dunedin Code of Subdivision and Development 2010.

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

Water services

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

Stormwater collected from roof surfaces may be used for domestic water supply and stored in suitably sized tank(s), with a minimum of 25,000L storage per lot.

Firefighting requirements

All aspects relating to the availability of the water for firefighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies.

Wastewater services

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

Stormwater services

As the proposed activity is located within the Coastal Rural zone, there is no stormwater infrastructure or kerb and channel discharge points. Disposal of stormwater is to water tables and/or

watercourses onsite, or to suitably designed onsite soak-away infiltration system or rainwater harvesting system. Stormwater is not to cause a nuisance to neighbouring properties or cause any downstream effects.

To allow adequate pervious area for natural stormwater drainage, the maximum site coverage specified in the District Plan must be complied with.

3. Consent conditions

The following conditions should be imposed on any resource consent granted

No conditions of consent are recommended.

4. Advice notes

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

Code of Subdivision & Development

- All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.

Helen Little
Subdivision Support Officer
3 Waters
Dunedin City Council