

HEARINGS COMMITTEE AGENDA

FRIDAY, 17 NOVEMBER 2023, 10.00 AM
Council Chamber, Dunedin Public Art Gallery,
30 The Octagon, Dunedin

MEMBERSHIP: Commissioner Louise Taylor and Councillors Christine Garey and Steve Walker

IN ATTENDANCE: Campbell Thomson (Senior Planner/Committee Advisor), Phil Petersen (Planner), Luke McKinlay (Landscape Architect) and Wendy Collard (Governance Support Officer)

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

1 RESOURCE CONSENT APPLICATION – SUB-2023-103 & LUC-2023-322, 36 Donalds Hill Road, Waitati

Introduction

Applicant to introduce themselves and their team.

Procedural Issues

Any procedural matters to be raised.

Presentation of the Planner's Report

Report from Phil Peterson

Refer to pages 1 - 26

The Applicant's Presentation

Application

Refer to pages 27 – 63

Draft Conditions

Refer to pages 64 – 68

Council Officer's Evidence

- Memorandum from Landscape Architect
Refer to page 69 - 75
- Memorandum from Building Services
Refer to page 76
- Email from MWH Hazards Team
Refer to page 77
- Memorandum from Transport Planner
Refer to pages 78 – 81

Site Visit Photos

Refer to pages 82 – 86

Section 95 Assessment

Refer to pages 87 – 93

HAIL Search Report

Refer to pages 94 – 213

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 – 36 Donald Hills Road, Waitati	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: Phil Petersen, Planner

DATE: 1 November 2023

SUBJECT: **RESOURCE CONSENT APPLICATION**
SUB-2023-103 & LUC-2023-322
36 Donalds Hill Road, Waitati
T L Gear and R J Gear

INTRODUCTION

- [1] This report has been prepared based on information available on 1 November 2023. 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 this report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

SUMMARY OF RECOMMENDATION

- [2] In the assessment that follows, this report concludes that the environmental effects of the proposed activity will be no more than minor.
- [3] However, the subject site is located in a rural zone and the proposed activity conflicts with relevant policy provisions for the zone. In particular, Policy 16.2.1.7 of the Proposed 2GP provides a very specific directive to avoid residential activity on a site that does not comply with the density provisions of the zone. This report considers that this is a clear policy directive that does not support the granting of consent to this proposal.
- [4] Furthermore, this report finds that the proposal is at least inconsistent with several relevant provisions in the Rural Zone, and is considered to be contrary to the overall objective and policy direction in the Proposed 2GP.
- [5] While there might be specific scenarios in which a consent could be granted for residential land use activity contravening density standards, and creation of undersized rural sites, the Proposed 2GP only provides for this in a limited set of circumstances. This report finds no evidence of such circumstances in the current application in relation to the proposal, or any mitigating factors that would alleviate concerns that the granting of consent will result in an undesirable precedent.
- [6] As a result, this report recommends that the application be **declined**.

DESCRIPTION OF PROPOSAL

- [7] Resource consent is sought to subdivide an existing site of approximately 6ha into three resultant sites of approximately 2ha, to establish a new residential activity on proposed Lot 2, and continue an existing residential activity on proposed Lot 1:

- Proposed Lot 1 – 2ha (site containing existing dwelling, with existing standard residential activity to continue on this lot)
 - Proposed Lot 2 – 2ha (vacant site with new standard residential activity to be established on this lot)
 - Proposed Lot 3 – 2ha (vacant site to be used as a forestry block with no residential activity)
- [8] Proposed Lot 1 will continue to be accessed by the existing driveway from Deans Valley Road and legal ROW through the adjoining property to the west (34 Donalds Hill Road). Proposed Lot 2 will be accessed via the same driveway/ROW as Lot 1, and a new ROW across proposed Lot 1.
- [9] The applicant has offered a condition that:
- “for the first five years after subdivision, the people residing on Lots 1 and 2 are to be related to each other¹”*
- [10] Further, the application AEE states:
- The idea of separating the existing forestry onto a separate lot is purely to provide the opportunity to sell that land, with the trees, to assist financially.²*
- [11] The application has not provided an indicative building platform on proposed lot 2. This report assumes this would be relatively central to the proposed lot.
- [12] A copy of the application, including plans of the proposed subdivision, is contained in Appendix 1 of this report. The plans of the proposed subdivision do not include any proposed ROW easement, and the plans are not considered to resemble a typical scheme plan in terms of layout presentation.

DESCRIPTION OF SITE AND LOCATION

- [13] The application AEE provides descriptions of the site and location in Paragraphs 13-14, and 16. This report generally agrees with and adopts these descriptions.
- [14] This report adds that the site is a roughly a pentagon shape. Most of the land comprising proposed Lots 1 and 2 is elevated in the immediate landscape, being located on the top of a broad ridge. The site is relatively gently sloping downwards in a southwestern direction, before sloping more steeply downwards in that direction within the area of proposed Lot 3. The southern portion of the site, which is to form proposed Lot 3 comprises rougher pasture areas, and a network of farm/forestry tracks cut into the south-facing hillside, with the lower slopes of this area being planted in pine forestry. The existing tree cover currently comprises young trees planted four years ago³.
- [15] This report also adds that the site is predominantly in pasture, almost entirely so within the areas of proposed Lots 1 and 2, except for an area of attractive landscaped curtilage surrounding the existing dwelling, and the vehicle turnaround areas at the terminus of the site driveway. This area contains two main farm shed buildings, three large water tanks, smaller ancillary outbuildings/animal shelters, and a small stock yard in the adjoining paddock on site. The only shelter belt currently bordering the boundaries is

¹ Application AEE, para. 21.

² Para. 22.

³ Para. 7.

that occupying approximately half of the boundary⁴ with 779 Mount Cargill Road, Waitati.

- [16] The site is legally described as Lot 1 Deposited Plan 346208, held within Record of Title 189859.

HISTORY OF THE SITE/BACKGROUND TO THE APPLICATION

- [17] The subject site was created by subdivision RMA-2004-367921 (historic reference RMA20040497) which subdivided a 22.52ha title into a 10.5ha lot, and two 6ha lots, with the subject site being one of the smaller 6ha lots. The subdivision resulted in the present properties situated at 34, 36, and 38 Donalds Hill Road.
- [18] At the time of issuing the above subdivision consent to create the subject site, DCC also issued a land use consent RMA-2004-367922 (historic ref RMA20040498) to authorise residential activity on each of the resultant lots. This included the continuation of existing residential activity on the 10.5ha lot (what is now 38 Donalds Hill Road). Residential activity on the two 6ha lots, being 34 and 26 Donalds Hill Road was subsequently established in 2005 and 2009. The house on the subject site was constructed pursuant to the land use consent and Building Consent ABA-2005-310751. The house at 34 Donalds Hill Road was constructed pursuant to a variation of the land use consent and Building Consent ABA-2009-823. Page 2 of RMA-2004-367922 states that (under the Proposed District Plan 1999) *“the construction of a residential dwelling on each of Lots 1 and 2 are therefore permitted activities in accordance with Rule 6.5.2(iii) (subject to compliance of dwelling with the performance standards of Rule 6.5.3).”* However, the RMA-2004-0498 decision also found on page 2 that the proposed residential land use on the 6ha subject site was a non-complying activity at the time of the application, pursuant to the provisions of the Transitional District Plan, the Titterton vs Dunedin City Council C75/94 Environment Court decision deeming provisions relating to residential activity invalid, and s374(3)(c) of the Act. Accordingly, the currently existing residential activity on the subject site is authorised by resource consent RMA-2004-367922 as varied by RMA-2004-367922/A. A Section 125 consent was issued in conjunction with the variation being RMA-2004-367922/B.
- [19] The application AEE states that the purpose of the current application is to allow family members of the current owners to build a home on proposed lot two, and to allow the sale of the proposed Lot 3 as a forestry block.⁵

ACTIVITY STATUS

- [20] Dunedin currently has two district plans: the operative Dunedin City District Plan, and the Proposed Second Generation Dunedin City District Plan (the “Proposed 2GP”). Until the Proposed 2GP is made fully operative, both district plans need to be considered in determining the activity status and deciding what aspects of the activity require resource consent.
- [21] 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.

⁴ Also being the zone boundary with the Rural Residential 1 Zone.

⁵ Application AEE paragraphs 8 – 10.

Dunedin City District Plan

- [22] The proposal is located in the Rural Zone within the Operative District Plan. The relevant rules of the Operative Plan have been superseded by those of the proposed 2GP and are now deemed inoperative under Section 86F of the Resource Management Act 1991. Accordingly, the activity status of the proposal is not relevant to the rules of the Operative Plan.

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

- [23] The site is within the Coastal (Rural) Zone. No proposed 2GP zone overlays or mapped areas apply to the site.
- [24] Deans Valley Road (metalled) is not classified in the Proposed 2GP Road Classification Hierarchy so is considered to be a 'local road'.

City-Wide Activities

- [25] Earthworks will be likely to be required for the dwelling construction, trenching for the installation of reticulated services such as power and telecommunications, and installation of onsite water services, on proposed Lot 2 and installation of the driveway into proposed Lot 2 via an unknown route through proposed Lot 1. This report considers it unlikely that those activities would exceed any of the relevant permitted activity earthwork standards in Rule 8A.5.1 Earthworks – Small Scale Thresholds, given the size and general slope of the property. Should this not be the case, however, when the details of site works are determined, the consent holder would be required to apply for an additional land use consent. The application AEE makes similar assessments (para. 44).

Subdivision

- [26] In the Rural (Coastal) Zone subdivision proposals are a **restricted discretionary** activity pursuant to Rule 16.3.5.(1). This activity status is subject to compliance with performance standards set out in Rule 16.7. The relevant matters for discretion are listed in Rule 16.10.4(1) and include:
- a. Effects on long term maintenance of rural land for productive rural activities*
 - b. Effects on rural character and visual amenity*
 - c. Effects on biodiversity values and natural character values of riparian margins and coast*
 - d. Effects on public access*
 - e. Risk from natural hazards*
 - f. Effects on the safety and efficiency of the transport network*
- [27] The relevant Rural Zone subdivision performance standards and assessments which are applicable to this proposal are:
- Rule 16.7.1 Access – The application AEE assesses that the proposal will comply. Access will comply with Rule 6.6.3.9. provided that legal ROW is created.
 - Rule 16.7.3 Firefighting – The application AEE states that the proposal will comply with various matters within this rule.
 - Rule 16.7.4 Minimum Site Size – The minimum site size for new resultant sites is 40ha in the Rural Coastal Zone. All resultant sites will be well below this standard by 38ha as they are to be 2ha. This is a **non-complying** activity pursuant to Rule 16.7.4.(3).

- Rule 16.7.5. Shape – proposal does comply in regard to proposed Lot 1, and compliance can be achieved on proposed Lot 2. Assuming that proposed Lot 3 is to remain as a site that is not intended for development, then it could be considered this performance standard (16.7.5.1 – 16.7.5.3) does not apply to Lot 3. However, the creation of a forestry lot does not fall within any of the exemptions from the shape rule set out in Rule 16.7.5.4.

Land use

[28] The site is within a Rural Zone. The applicant has applied for standard residential activities on proposed Lots 1 and 2. The residential activity which will be within proposed Lot 1 is existing on the current 6ha subject site (pursuant to the 2004 resource consent). Standard residential land use activities are permitted on sites in the Rural Zones subject to Rule 16.3.3(26), and subject to the following performance standards:

- Rule 16.5.2(1)(a)(i) Density – This performance standard sets maximum density in the Rural (coastal) Zone at 15ha for the first standard residential land use activity. The proposal will contravene this standard on both proposed Lots 1 and 2, with these proposed 2ha lots being 13ha below the required 15ha minimum site size standard. The existing residential land use activity on proposed Lot 1 has up until this point been authorised by RMA-2004-367922, and would remain authorised by that consent in the event this application is declined. However, this application is to continue this existing residential land use activity in the existing dwelling on a new resultant lot of 2ha. The existing consent RMA-2004-367922 authorised the residential activity in the context of the 6ha subject site being created in 2004. This report considers that after subdivision, the existing consent will no longer apply to the residential land use on the proposed Lot 1 and would require a new resource consent. Each of the residential land use proposal on proposed lots 1 and 2 are therefore assessed to be **non-complying** activities pursuant to Rule 16.5.2(3).
- Rule 16.5.10 Separation Distances – Can comply.
- Rule 16.5.14 Ancillary residential units – Not relevant to this proposal.

[29] This report notes that the application for a residential activity within proposed Lot 2 does not include any detail regarding a dwelling location, or any design details. Accordingly, this report considers that in the case that the application for residential land use was approved, the applicant would seek to establish a residential activity when the details of the building development are determined. This building development would either be designed by the applicant so that it did not contravene any district plan rules standards, or the applicant would seek to authorise the dwelling, and any ancillary elements with a subsequent resource consent to contravene district plan development standards. These matters would be assessed at building consent stage.

[30] The land use status in regard to the development of the proposed Lot 3 is unclear. Although the proposed land use for forestry is a permitted land use activity on this site, the small size of the lot raises questions as to how realistic and credible expectations are of this land usage remaining the use of the land. The limited land area available, setback restrictions on planting in Rule 16.6.10.2, and any physical constraints for planting, would allow at best a small woodlot can be established and maintained. The Council has no ability to compel owners to continue this activity, and once separated from the residential activity on Lot 1 (or Lot 2) as a result of the subdivision, it is highly likely that future owners will reasonably expect that at some point they should be able to develop their property in a similar manner to adjoining 2ha lots each with a dwelling.

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

- [31] 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.
- [32] A search of the Otago Regional Council database and Dunedin City Council property information has not revealed any activities that have been identified on the HAIL activities list. However, this report notes that there is no complete record of all HAIL activities, and requirements of the NES are assessed where there is evidence of a history of known HAIL activity.
- [33] HAIL property search report HAIL-2023-77 finds no explicit information to suggest that HAIL activities have occurred at the site.
- [34] On the basis of current information about the site, it is considered, more likely than not, that no activities have been undertaken on the site that appear on the HAIL. As such, the National Environmental Standard is not applicable to the proposal.

Overall Status

- [35] Overall, the application is considered to be a **non-complying activity**.

NOTIFICATION

- [36] A section 95 notification assessment was completed on 14 September 2023. This assessment is that full notification or limited notification was not required as the adverse effects of the proposal on the environment are considered no more than minor, and the adverse effects of the proposal on any other party are considered less than minor.
- [37] No written approvals were submitted with the application.

Effects on the Environment

- [38] Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity. ‘Effect’ is defined in Section 3 of the Act as including-
- a) *Any positive or adverse effect; and*
 - b) *Any temporary or permanent effect; and*
 - c) *Any past, present, or future effect; and*
 - d) *Any cumulative effect which arises over time or in combination with other effects—*
regardless of the scale, intensity, duration or frequency of the effect, and also includes –
 - e) *Any potential effect of high probability; and*
 - f) *Any potential effect of low probability which has a high potential impact.*

Permitted Baseline

- [39] 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.
- [40] In terms of residential activity, the permitted baseline for development of this subject site, or any proposed lot to be subdivided does not involve any new residential activity, or continuing the existing residential activity on proposed Lot 1. There is no permitted provision for the application's residential activities without a resource consent. However, it is useful to consider that the performance standard for density in the Coastal rural zone is 15ha for the first residential activity on any site and the proposal seeks to authorise a residential activity on each of two lots that would each be 13ha short of achieving this performance standard.
- [41] In terms of subdivision, this is always at least a restricted discretionary activity under the proposed 2GP so there is no permitted baseline. However, it is useful to consider that the subdivision performance standard for minimum site size for resultant sites in this rural zone is 40ha and the proposal is for three resultant sites that would each be 38ha short of achieving this performance standard.
- [42] Regarding development standards, these are not useful for assessing the permitted baseline for the current proposal, as the residential development on Lot 1 is already established and the application does not provide details of the future residential dwelling on proposed Lot 2, or apply to contravene any of the development standards.
- [43] The existing residential activity on the existing subject site would fail to meet the relevant permitted baseline for residential land use activity if applied for today, but is legally established pursuant to a resource consent in 2004 and forms part of the existing environment. However, the permitted baseline is considered useful as it demonstrates how far the proposal for residential activities will be beyond the permitted baseline on each of proposed Lots 1 and 2 after subdivision (13ha short of the permitted baseline for density in each case).

Receiving Environment

- [44] 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.
- [45] For the subject site, the existing receiving environment comprises an undersized 6ha block of rural land situated in a rural setting, in the coastal hills north of Dunedin. The site is not of a sufficient size and physical character to envisage any particularly serious productive activities taking place, although this should not be considered impossible.
- [46] For adjacent land, the existing and reasonably foreseeable receiving environment comprises rural-zoned, mostly pastoral farmland to the west, south and north. There is Rural Residential 1 Zone (RR1) land adjoining the site to the east at 779 Mount Cargill Road. This adjoining RR1 site is 39.2ha. The adjoining rural zone sites are 6.1ha

(northwest), 35.1ha (south), and 10.3ha (north) with two of these (34 and 38 Donalds Hill Road) being the other sites created pursuant to subdivision consent RMA-2004-367921. The rural zone site to the south appears to have been utilised mostly for forestry activities, or left as scrub/gorse.

- [47] It is against the receiving environment that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment of Effects

Proposed 2GP

- [48] In this case the Council's discretion is unlimited when assessing the effects of the proposal as the activity is non-complying under the rules of the Proposed 2GP.
- [49] Consideration is also required of the relevant assessment rules in the Proposed 2GP, along with the matters in any relevant national environmental standard. Accordingly, the assessment of effects is structured to address the relevant Proposed 2GP assessment rules, and any other matter considered relevant in this case. In carrying out this assessment, no regard has been given to any trade competition or any effects of trade competition.
- [50] The land use density non-compliance via rule Rule 16.5.2(1)(a)(i) requires assessment in accordance with the guidance within Rule 16.12.5(1):

Relevant objectives and policies (priority considerations):

- a. Objectives 16.2.1, 16.2.3, 16.2.4.
- b. Policies 16.2.3.2, 16.2.4.4.

X. The residential activity is the result of a surplus dwelling subdivision (Policy 16.2.1.7.X); or will be associated with long term land management or capital investment that will result in:

- i) significant positive effects for rural productivity; or
- ii) a significant contribution to the enhancement or protection of biodiversity values (Policy 16.2.1.7.Y).

Related strategic directions:

- 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.

Relevant guidance from other sections (priority considerations):

- 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.
- 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.

General assessment guidance:

- 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).

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.

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.

Conditions that may be imposed include, but are not limited to:

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.

AD. Conditions to ensure that existing areas of indigenous vegetation and/or the habitats of indigenous fauna are legally protected in perpetuity.

[51] This report considers that the adverse environmental effects of the activity are best assessed under the following headings:

- *Effects on rural character and visual amenity*
- *Effects on long term maintenance of rural land for productive rural activities*
- *Effects on biodiversity values*
- *Risk from natural hazards*
- *Effects on the safety and efficiency of the transport network*
- *Cumulative effects*
- *Positive effects*

Effects on long term maintenance of rural land for productive rural activities

[52] This report has considered the effects of the proposal on long term maintenance of rural land for productive rural activities. The proposal is for a 3-lot subdivision of an existing undersized site of 6ha. Land use consent is sought for the establishment of a new residential activity on one resultant site being proposed Lot 2 , and for the existing residential activity to continue on another resultant site (proposed Lot 1). It is proposed that the third resultant site (proposed Lot 3) will be a forestry block with no residential activity.

[53] The existing site was authorised under the subdivision RMA 2004-367921 during a brief period when the then Proposed District Plan (now the Operative District Plan) reduced the minimum site size in the rural zone in this location to 6ha. The outcome of the Plan variation introducing the rules was appealed to the Environment Court which upheld the appeals, ruling that the 6ha minimum site size proposed in the plan at the time was too small, and could not effectively maintain productive rural activities. A minimum site area of 15ha was reinstated for proposed lots in rural subdivisions, and for residential activity on all rural zoned sites.

[54] This report considers that as the existing site is small and located within an area of coastal hill slopes, it has limited potential to maintain rural productivity in the typical Dunedin agricultural context, particularly when the current permitted baseline of 40ha in this zone is used as a guide for the minimum site size to achieve rural productivity. The proposal will reduce what is left of any productivity values for the present site by further breaking up the undersized rural site into 2ha parcels, each being an order of

magnitude less than the area required to meet the permitted baseline. However, the existing site does not contribute in a significant way to the productivity of the wider rural zone because of its already well undersized nature. The proposed further reduction to 2ha is not considered to create more-than-minor adverse effects on long term maintenance of rural land for productive rural activities in the context of the existing environment.

Effects on rural character and visual amenity

[55] Section 16.1 of the 2GP succinctly explains that *“the spread of non-rural uses including rural residential activities into rural areas can have adverse effects on landscape values, rural character and amenity values; and natural environment functions and values;”*

[56] The Councils Landscape Architect, Mr. Luke McKinlay, has reviewed the application. Mr. McKinlay’s comments include a thorough description of the characteristics and values of the Rural – Coastal zone and the more immediate context surrounding the subject site. With specific reference to the proposal, Mr McKinlay made the following comments:

The northern parts of the site are gently sloping and contain the existing dwelling and small paddocks. The southern part of the site slopes steeply down to the southwest. This sloping part of the site has previously been used as a forestry block and it is understood that it is the intention of the applicants for this to be the ongoing landuse.

To the east of the site are hillslopes zoned RR1, which overlook Waitati and Blueskin Bay. The western extent of this existing residential development is largely accessed from Mount Cargill Road. Rural residential development here appears to be characterised primarily by single storey dwellings, typically clad in recessive colours, sympathetic to the surrounding rural/rural residential landscape. Shelter and or establishing curtilage amenity vegetation is common around dwellings and or property boundaries. The large block immediately to the east of the subject site (779 Mount Cargill Road) does not appear to have been developed for residential use.

Land use to the south and east of the site is more clearly rural, reflective of the underlying zoning. Landcover consists of a mix of pasture, typically on the flatter to gently sloping areas, and patches of gorse and native bush remnants, often confined to steeper areas and gullies. A branch of the Waitati Valley runs south to north immediately to the west of the site.

At a broader scale, the site is enclosed by bush clad hills within the Flagstaff – Mount Cargill Significant Natural Landscape overlay area, local high points to the west and south include Hightop, Swampy Summit, Pigeon Hill and Mt Cargill.

The site is visible from parts of SH1 traveling in a northerly direction. In places, large embankments such as on the northern side of the highpoint, past the Pigeon Flat Road bridge, block views to the site. Where visible, the site is seen obliquely to the direction of travel. As shown in the streetview image in Appendix 1, the existing dwelling on the subject site is visible on the crest of the hill. Nearby dwellings at 34 and 38 Donalds Hill Road are screened from view by surrounding vegetation. It is noted that these dwellings are also located on the lower slopes of the hill, northwest of the site, where they are unobtrusive. Rural residential development to the east of the site is visible, but not prominent due to the aspect of the hills facing predominantly towards the north. Screening is

also provided by a combination of shelter and amenity planting in this rural residential area.

As approached from the south on SH1, the site is visible on the crest of a hill in the middle distance (refer figure 5, Appendix 1). The screening effect of embankments and the alignment of SH1 away from the site, means that it is not prominent as one passes in a southerly direction.

Views from SH1 appear to be the most relevant public views overlooking the site. Glimpsed views are possible from other nearby roads and tracks.

The identified rural character and visual amenity values of the broader Rural Coastal zone are attached in Appendix 2. It is considered that first two items listed are relevant to this site and the surrounding area. It is considered that there is a general visual dominance of natural elements over human made elements in the surrounding landscape. While highly modified, a mosaic of rural land uses and landcover, including pasture, patches of native bush, woodlots and shelterbelts are visually dominant over built structures. It is noted that some relatively large exotic pine forestry patches in the wider surrounding area diminish the impact of the natural landscape forms and features and the coherence of adjacent areas of indigenous vegetation to some extent. Exotic weed species, such as gorse, also diminish visual amenity values. Overall, however, there is generally a limited visual influence of built forms and natural features predominate.

As noted above, the site is not highly prominent from nearby public locations, particularly SH1. Views towards the site, where not screened by intervening landform, are generally oblique to the direction of travel. As also noted, however, other nearby residential development is unobtrusive. As noted above, dwellings at 34 and 38 Donalds Hill Road are largely screened from surrounding locations. The wider Rural Residential 1 area to the east of the site is visible, but not highly prominent from the west (ie not in the same visual catchment as the site, when viewed from SH1 locations). On balance, it is considered that a suite of mitigation measures would be required to avoid adverse visual amenity effects of an additional dwelling on proposed lot 2.

As outlined at Objective 16.2.3 of the 2GP, rural character values and amenity elements include:

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

Clearly, the proposed lot sizes of this subdivision are far from compliant with the requirements of the 2GP. Inevitably, the ratio of open space to built structures is altered somewhat when undersized lots, such as those proposed, are created. It may be possible to mitigate the adverse effects on rural character of one

additional dwelling in this area, which is not highly prominent and located adjacent to a RR1 zoned land, without having a notable effect on the character of the wider surrounding area. However, there is the risk that it sets an undesirable precedent for further rural residential creep into neighbouring rural areas. Cumulatively, multiple undersized subdivisions of this type have the potential to erode existing rural character values.

Recommended Conditions

Should it be considered that (on balance) the application can be consented, it is recommended that the following conditions (or similar wording) should be imposed on development within Proposed Lot 2, to ensure adverse effects of the proposed development on the landscape and visual amenity of the rural landscape are less than minor:

- 1. The consent holder must avoid the use of highly reflective materials, such as unpainted metallic surfaces, mirrored glazing, and metallic finishes (such as Silver Zincolume) on all building cladding, window, and roofing surfaces. Non-painted natural cladding materials (including timber) that are not likely to result in reflective glare, are acceptable. Metallic chimneys are not covered by this condition*
- 2. The exterior colour(s)/materials of the proposed dwelling and any ancillary buildings must not exceed a 20% light reflectance value (LRV). Colours must be visually recessive to ensure a low level of contrast with the surrounding rural landscape.*
- 3. Note Metallic chimneys, and non-mirrored glazing are not covered by conditions 1 or 2.*
- 4. The dwelling shall be no higher than 5m and any other ancillary buildings shall be no higher than 4m above existing or modified ground level.*
- 5. Water tanks are to be coloured, buried and /or screened (by planting) to have minimal visual impact from beyond the site.*
- 6. All fencing is to be confined to rural post and wire fencing.*
- 7. A mitigation planting plan shall be prepared by a suitably qualified professional to screen views of a dwelling and any other structures within Proposed Lot 2 from SH1. Planting shall comprise locally appropriate native species, which are suited to this coastal hill slope environment. The plan should include the botanical name, common name, numbers, size at planting, plant spacings and mature height of all proposed planting. Planting shall take place within the first growing season following the construction of the dwelling. The planting plan must be submitted to rcmonitoring@dcc.govt.nz for approval by the Resource Consents Manager.*

- [57] After considering the above expert comments on the matter, this report considers that the adverse effects of the proposal on rural character and visual amenity could be mitigated to be no more than minor if carried out in accordance with the recommended consent conditions provided above by Mr McKinlay.

Effects on biodiversity values

- [58] Ms Zoe Luniss (DCC Biodiversity Advisor) was consulted with regarding the biodiversity values of the site. Ms Luniss was given a description of the site layout and vegetation, including the limited examples of manuka/kanuka scrub, individual shrubs observed at the site in the upper periphery of the proposed forestry block. Ms Luniss stated that with the exception of the limited examples of manuka/kanuka there is no current evidence or signs of any existing biodiversity on the site to warrant an assessment from the DCC

Biodiversity Advisor. This was stated on the understanding that the application did not seek to rely upon any evidence of biodiversity enhancement as a basis for consent.

- [59] It was also communicated by Ms Luniss (pers. comm) that should the application be granted a consent by a hearings committee, that conditions to control effects on biodiversity values should be developed and placed on the resource consent prior to granting. On this understanding, this report considers that any adverse effects on biodiversity could be mitigated to be no more than minor.

Risk from natural hazards

- [60] Expert advice has been obtained from Mr Edward Guerreiro (Stantec Limited) Civil/Geotechnical Engineer, regarding this proposal to subdivide, and establish residential activity on proposed Lot 2 in terms of risk from natural hazards.

- [61] Mr Guerreiro provided the following advice:

Discussion

The proposed subdivision will create one new residential lot on relatively flat ground and separate the existing dwelling and leave the remaining forestry lot on steeply sloping ground. The land stability hazard listed for the site is at the base of the forestry lot and is not likely to affect the proposal. The risk of erosion is not likely to affect the feasibility of the proposed subdivision and new residential activity. This is a stability issue that will need to be controlled through temporary stability measures and appropriate stormwater discharge design. We recommend that the application not be declined on the ground of known natural hazards. The proposal will not create or exacerbate instabilities on this or adjacent properties.

Advice

The proposed activity is likely to include significant earthworks:

- *Temporary stability may be a concern on this project, and remains the responsibility of the developer.*
- *Prior to undertaking the work, a professional must assess the potential for instability on adjacent properties, as a result of the works.*
- *All temporary slopes shall be inspected and signed off by a suitably qualified individual.*
- *The excavations slopes shall be supported within 1 month of commencing the earthworks.*

Conditions

We recommend that the following conditions be required for future development on the new residential lot:-

- *All walls retaining over 1.5m, or supporting a surcharge / slope, or neighbouring land, including terracing, require design, specification and supervision by appropriately qualified person/s*
- *Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431:2022 Engineered fill construction for lightweight structures*
- *Slopes may not be cut steeper than 1:1 (45°) or two metres high without specific engineering design and certification*
- *Slopes may not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and certification*
- *As-built records of the final extent and thickness of any un-engineered fill should be recorded*

- *Any modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding or concentrated runoff during storm rainfall events.*

- [62] This report considers that the advice provided by Mr Guerreiro indicates that the proposal to subdivide will have no more than minor adverse effects on risk from natural hazards.
- [63] The advice from Mr Guerreiro also indicates that future residential land use on proposed Lot 2 would require earthworks engineering controls to manage risks of land instability. These can be required as conditions of any additional land use consent for earthworks. As no details of any future development of proposed Lot 2 have been applied for at this time, this report considers that these matters would be most appropriately addressed in the event that consent for earthworks consent be required at the time of future development.

Effects on the safety and efficiency of the transport network

- [64] The Council's transportation department has reviewed the application. Mr Reese Martin (Transportation Planner) has reviewed the application and provided the following comments:

Access:

Vehicle access to the site is currently accommodated via an existing Right of Way easement over the existing driveway to 34 Donalds Hill Road which is formed as a metalled driveway from the metalled Deans Valley Road formation. This driveway formation appears to have a formed width of at least 3.5m in accordance with Rule 6.6.3.9.iv and no changes to this existing access provision are proposed noting that Lot 1 will continue to gain access via the existing easement while Lot 2 will also gain access to this driveway formation via a new Right of Way easement over Lot 1. Lot 3 will also continue to be accessed via the existing forestry track. Therefore overall, the existing and proposed vehicle access provision is considered to be acceptable. It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

Parking and manoeuvring:

The site currently accommodates existing compliant on-site parking and manoeuvring provision and no changes to this existing parking and manoeuvring on proposed Lot 1 are proposed and is therefore considered acceptable.

No further development on Lots 2 and 3 is proposed as part of this proposal, although future residential development within Lot 2 is likely anticipated. As proposed Lot 2 will be a rear site, compliant on-site manoeuvring space must be provided if the applicant seeks to provide on-site car parking space on Lot 2 as part of future development of the site. Given the area of the site this can likely be achieved. It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.

Generated Traffic:

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

CONCLUSION

Transport considers the effects of the proposed development on the transportation network to be less than minor, subject to the following advice notes:

ADVICE NOTES:

(i) It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.

(ii) Compliant on-site manoeuvring space must be provided if the applicant seeks to provide on-site car parking space on Lot 2 as part of future development of the site.

(iii) It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

- [65] After considering the above expert comments on the effects on the safety and efficiency of the transport network, this report considers that the adverse effects of the proposal on safety and efficiency of the transport network will be no more than minor, and that no conditions regarding transport matters are required to mitigate adverse effects.

Cumulative Effects (Assessment Matter)

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

“... one of a gradual build up of consequences. The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite effect D. All of these are effects which are going to happen as a result of the activity which is under consideration”.

- [67] Similarly, some effects may not presently seem an issue, but after having continued over time those effects may have significant impact on the environment. In both of these scenarios, the effects can be considered to be ‘cumulative’.

- [68] This report has considered the existing effects resulting from the previous subdivision which created the site (RMA-2004-367921), the related land use consent allowing the current residential activity (RMA-2004-367922), and the actual and likely effects of this current subdivision in terms of their cumulative effects on maintenance of long-term rural production, and rural character and visual amenity. This report considers that the existing site and its undersize nature forms part of the existing environment, so any loss of rural production, and adverse effects on rural character and visual amenity caused when the 2004 consents were granted, and the effects of this current application should not be considered cumulatively for the purposes of s104(1)(a) assessments.

- [69] This report considers that cumulative effects of the proposal are no more than minor.

Effects Assessment Conclusion

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

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

[71] Section 104(1)(ab) of the Resource Management Act 1991 requires that the Council have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

[72] In this case, the applicant has offered the following condition and described this as compensation/ offsetting:

For the first five years after subdivision, the people residing on Lots 1 and 2 are to be related to each other.⁶

[73] The above offer of compensation / offsetting is assessed in this report below under paragraphs 117-119.

[74] OBJECTIVES AND POLICIES ASSESSMENT

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

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

Operative Dunedin City District Plan

[76] This report considers that given the provisions of the proposed 2GP are mostly beyond appeal, the Operative Dunedin City District Plan has little remaining weight alongside the provisions of the Proposed 2GP when considering a resource consent application of this type. As the relevant rules of the Operative Plan have been deemed inoperative pursuant to Section 86F of the RMA, a full assessment of the Operative Dunedin City District Plan is not considered to provide value in terms of assessing the application. Nonetheless, the following objectives and policies of the Operative Dunedin City District Plan are considered to be most relevant to this application and are assessed in turn:

Objective 6.2.2 (Rural Zones) *Maintain and enhance the amenity values associated with the character of the rural area.*

[77] This report considers that the proposal will be contrary to this objective. This is because the proposal will not maintain or enhance the rural character values and amenity of the rural zones, as it will result in additional residential development at a scale incompatible with the rural zone values, and the expectations of the operative district plan regarding development scale in the rural zones (i.e. 15ha per lot or residential activity).

Policy 6.3.3 (Rural Zones) *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.*

[78] This report considers that the proposal will not be consistent with this objective, and will also be contrary to this objective. This is because the proposal will further fragment an existing undersized rural lot by subdivision, and will establish residential land use activities on two of the three resultant sites at a density that is inconsistent with the

⁶ Application AEE, Para. 72.

Rural Zone. This proposal will not limit the density of residential development in the rural zone and will worsen a current situation already considered to be overly dense when assessed against the applicable current plan provisions.

Policy 6.3.5 (Rural Zones) *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,*
- d. noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes,*
- e. low population densities relative to urban areas,*
- f. generally unsealed roads,*
- g. absence of urban infrastructure.*

[79] The proposal seeks to:

- a. Establish a new residential activity within a new resultant site of 2ha,
- b. To continue an existing residential activity within a new resultant site of 2ha, and
- c. To create a 2ha new resultant site for forestry

[80] This report considers that the proposal will not maintain the character of the rural area. The DCC landscape architect considers that the proposal will have no more than minor effects on rural character when carried out in accordance with recommended mitigation condition. It will result in additional residential development at a scale both incompatible with the listed elements of Policy 6.3.5(a)-(b), and the Operative District Plan expectations of development scale in the rural zones. This report considers that the proposal will not be consistent with this objective.

[81] This report considers that overall, the most relevant objectives and policies of the Operative District Plan do not support the proposal for the reasons stated above. The relevant Operative District Plan provisions assessed above are less prescriptive than the Proposed 2GP provisions assessed below.

Proposed 2GP

[82] The objectives and policies of the 2GP must be considered alongside the objectives and policies of the Operative District Plan.

[83] This report considers that the following 2GP objectives and policies are most relevant to this application, and the proposal is assessed against these provisions in turn below.

Objective 16.2.1 (Rural Zones) *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.*

- [84] The proposal will not result in a productive rural activity, or the protection and enhancement of the natural environment on proposed lots 1 and 2, and is for activities that this report considers are most resemble rural residential style development. Proposed Lot 3 is for a rural production activity in terms of forestry, but not at a scale which this report understands would normally be considered productive. This report considers that none of the activities on the proposed lots, except possibly the forestry on proposed Lot 3 would be activities that would support the well-being of a rural community, except in so far as it could provide residence to persons in the rural zone. This report considers that residences/dwellings on undersized sites are not activities that are most appropriately located in a rural rather than an urban environment. The proposal is not considered to be contrary to this Objective, however it is not consistent as it appears to mostly be for activities and of a scale most associated with the rural residential zones, and not the activities for which the rural zone is intended to be reserved.

Policy 16.2.1.7 (Rural Zones) *Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless:*

X. it is the result of a surplus dwelling subdivision; or

Y. the residential activity will be associated with long term land management and/or capital investment that will result in:

i. significant positive effects for rural productivity; and/or

ii. a significant contribution to the enhancement or protection of biodiversity values.

- [85] The proposal is for a new residential activity on a new undersized lot, and to continue an existing residential activity currently on an existing undersized lot, on a new undersized lot that will be smaller than the existing undersized lot. The proposal is not a surplus dwelling subdivision, and the application does not include any long-term land management and/or capital investment that will result in significant positive effects for rural productivity, and/or a significant contribution to the enhancement or protection of biodiversity values. The end result of the proposal would be two lots of 2 ha, each with its own residential land use activity, and a third lot of 2 ha likely to continue to be used for forestry.

- [86] In order to be consistent with Policy 16.2.1.7 via subclause Y, a proposal for residential activity contravening density standards is required to demonstrate that it provides significant positive effects for rural productivity, and or a significant contribution to the enhancement or protection of biodiversity values. This application has not provided any information to demonstrate that it meets subclause Y. A meeting with the applicant agent on 19 September 2023 at the DCC offices communicated that an application that does not demonstrate this is not likely to be recommended for approval, and that this information requirement only applies to assisting the application case for the land use aspect, not the subdivision.

- [87] This report therefore considers that the proposal is clearly contrary to Policy 16.2.1.7, which requires that new residential activities on undersized lots are to be avoided, except in listed circumstances. The proposal does not seek to meet any of these circumstances. This report notes that the proposal is to leave the 2ha forestry block part of the site as a forestry block. This report considers that this does not constitute positive effects for rural productivity, as it is existing, and is not at a scale considered to be productive.

Objective 16.2.3 (Rural Zones) *The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:*

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

[88] The proposal seeks to:

- a. Establish a new residential activity at an unknown location within a resultant site of 2ha,
- b. To continue an existing residential activity within a new resultant site of 2ha, and;
- c. To create a 2ha resultant site for forestry

[89] This report considers that the proposal will not maintain or enhance the rural character values and amenity of the rural zones as it will result in additional residential development at a scale both incompatible with the listed elements of Objective 16.2.3, and the proposed 2GP expectations of development scale, and residential density in the rural zones. This report therefore considers that the proposal will be contrary to this objective.

Policy 16.2.3.2 (Rural Zones) Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.

[90] The proposal seeks to establish a residential activity on each of two of the proposed three lots which will each be 2ha (13ha short of the 15ha performance standard for density). This report considers that the proposal will result in a residential density that maintains the rural character and visual amenity of the rural residential zones rather than the rural zone it is located in. This is due to it resulting in two residential activities in an area of 4ha across proposed lots 1 and 2. The Council landscape architect Mr Luke McKinlay considers that the adverse effects of the proposal on rural character values and visual amenity of the rural zones may be mitigated to be no more than minor using planting. However, the policy wording refers to density as the measure that determines whether this policy is met or not, and the proposal is well short of the density standard in this zone which was set to give effect to this provision. Accordingly, the proposal is assessed to be contrary to Policy 16.2.3.2.

[91] The proposal will not maintain or enhance the rural character values and amenity of the rural zones for the reasons set out in the landscape architect assessments. However, the landscape architect notes that:

It may be possible to mitigate the adverse effects on rural character of one additional dwelling in this area, which is not highly prominent and located adjacent to a RR1 zoned land, without having a notable effect on the character of the wider surrounding area.

- [92] This report considers that the proposal should be considered contrary to Objective 16.2.3.2 as the density itself will remain well over the intended density for the zone and the policy is directive in terms of density. Even though visual effects could be mitigated to be no more than minor, the proposal would still result in adverse effects, and therefore would not maintain or enhance rural character and visual amenity.

Objective 16.2.4 (Rural Zones) *The productivity of rural activities in the rural zones is maintained or enhanced.*

- [93] This report considers that the proposal should be considered contrary to Objective 16.2.4 because the proposal will likely do nothing to maintain or enhance the productivity of rural activities in the rural zone. While the adverse effects of the proposal on these matters are considered to be no more than minor, this is solely due to the existing environment having compromised rural productivity due to the size of the existing lot. This proposal can only make the existing productivity situation worse by increasing residential density further, and by further dividing the already undersized subject site into smaller lots.

- [94] This report notes that there is no exception within the above objective that allows for existing undersized lots to be considered not relevant or applicable.

Policy 16.2.4.3 (Rural Zones) *Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will:*

- a. *maintain or enhance the productivity of rural activities;*
- b. *maintain highly productive land for farming activity, or ensure the effects of any change in land use are:*
 - i. *insignificant on any high class soils mapped area; and*
 - ii. *no more than minor on other areas of highly productive land;*
- c. *maintain land in a rural rather than rural residential land use; and*
- d. *not increase the potential for reverse sensitivity.*

- [95] This report considers that the subdivision proposal as designed will not maintain or enhance the productivity of rural activities for the same reasons as outlined above. This report considers that subclause b is not relevant as the site is not highly productive land. This report considers that the subdivision proposal will not maintain land in a rural rather than a rural residential use as the scale of the proposal does not allow for rural use and will contravene this direction by making the land areas of all the proposed lots resemble rural residential zone land. The subdivision proposal should therefore be considered contrary to Policy 16.2.4.3 subclause c. The subdivision proposal is not considered particularly relevant to potential for reverse sensitivity any more than a typical subdivision in a rural zone located away from current intensive farming activities. This report considers that the proposed subdivision activity will be contrary to the above relevant parts of this policy.

Policy 16.2.4.4 (Rural Zones) *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.*

- [96] This report considers that the proposal for residential land use on proposed lots 1 and 2 will be at a density that will reduce rural productivity by displacing or reducing the potential for future rural activities. If the proposal was granted consent this would reduce the potential for rural activities from re-establishing at the site through amalgamation with adjoining rural sites in the future as there would be a relatively new residential dwelling and ancillary activities on each of proposed lots 1 and 2, and these sites may not be at a large enough scale which is economic for future purchase for rural

production activities. The existing residential activity/density was established lawfully on the site in 2004, but when considered with the existing proposal could be considered to comprise a cumulative reduction in rural productivity over time if the current proposal was granted. Accordingly, the proposal is considered to be contrary to this policy.

- [97] In terms of objective and policies for strategic direction, the assessment guidance regarding density non-compliance in Rule 16.12.5(1) directs assessors of resource consent applications to the following: Objectives 2.2.2, 2.3.1, 2.4.6, and Policies 2.2.2.1, 2.3.1.2, 2.3.1.3, 2.4.6.2. Accordingly, these are assessed below where considered relevant to this proposal:

Objective 2.3.1 (Strategic Direction)

Land, facilities and infrastructure that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities, and productive rural land:

- a. *are protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and*

...

- [98] The land in question is productive rural land, albeit rural land in an existing undersized site. This proposal will further allow for competing uses, in this case being 'rural residential style development' in the form of a residential land use on each one of two proposed resultant sites of 2ha. This proposed land use will be less productive on the productive rural land in the site for reasons of scale and density, and will be a competing or incompatible use for rural activities in that it would occupy the zone in which the (rural) economic activities are intended to locate. Accordingly, the proposal could be considered contrary to this objective.

Policy 2.2.2.1 (Strategic Direction) *Identify areas important for food production and protect them from activities or subdivision (such as conversion to residential use) that may diminish food production capacity through:*

- a. *use of zoning and rules that limit subdivision and residential activity, based on the nature and scale of productive rural activities in different parts of the rural environment;*
- b. ...

- [99] This report considers that the relevant rural zonings, and the rules dictating minimum site size and density are intended to be the mechanisms that identify and protect areas for food production. The proposal contravenes both the relevant zone site size and density by considerable margins so is considered to be inconsistent with this policy.

Objective 6.2.3 and Policies 6.2.3.3, 6.2.3.4 and 6.2.3.9 (Transportation Section), *which seek to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.*

- [100] The DCC transportation department has assessed this application, finding that the proposal would maintain the safety and efficiency of the transport network. This report therefore considers that the proposal is consistent with these provisions.

- [101] **Objective 11.2.1 and Policies 11.2.1.3, 11.2.1.5 and 11.2.1.12 (Natural Hazards Section),** *which seek to ensure the risk from natural hazards, including climate change, is minimised, in the short to long term.*

- [102] Stantec Limited has assessed this application, finding that the subdivision proposal would not cause any notable risk from natural hazards. Stantec did identify some potential risks with site development for a dwelling on Lot 2, but these risks can be managed through controls on earthworks. This report therefore considers that the proposal is consistent with these provisions.

Overall Objectives and Policies Assessment

- [103] The proposal is to create three new undersized sites from an existing undersized site, and to establish residential activities on two of these sites, in the form of an existing dwelling (proposed lot 1), and a new residential activity (proposed lot 2).
- [104] When viewed against the most relevant provisions above, this proposal is not considered to give effect to the intent of the district plans, and is considered in an overall sense to be contrary to the Proposed 2GP as outlined above in the detailed objective and policy assessments.
- [105] The proposal is also considered in an overall sense to be contrary to the Operative District Plan, to a lesser degree than the Proposed 2GP.
- [106] In terms of a weighting assessment between the plans, the Proposed 2GP is now advanced in terms of its resolution of appeals so it is considered to have more weight out of the two plans. The proposal is not considered to have a different granting recommendation under each plan so no detailed weighting exercise is necessary in this case.

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

- [107] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements.
- [108] The Partially Operative Otago Regional Policy Statement 2019 (POORPS19) was approved and made partially operative on 15 March 2021.
- [109] 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 POORPS19. While the proposal may be assessed to be not consistent with the POORPS19 as given effect through the Proposed 2GP provisions, the POORPS19 is not considered to contain provisions directly relevant to this proposal.
- [110] The Proposed Regional Policy Statement (PRPS21) was notified on 26 June 2021
- [111] The relevant land provisions of the land and water chapter of the PRPS21 have been considered and do not relate to this proposal as they principally relate to highly productive land, soil, and public access to lakes and rivers.
- [112] Accordingly, the proposal is generally considered not directly relevant to the provisions within the PRPS21.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [113] 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

- [114] Section 104D of the Act specifies that a resource consent for a non-complying activity must not be granted unless the proposal can meet one of two limbs. The limbs of Section 104D require either that the adverse effects on the environment will be no more than minor, or that the application is for an activity which will not be contrary to the objectives and policies of either the relevant plan or the relevant proposed plan.
- [115] This report considers that the actual and potential effects associated with the proposal will be no more than minor and therefore the first 'gateway' test of Section 104D is met. Only one of the two tests outlined by Section 104D need be met in order for the Council to be able to assess the application under the broader considerations of Section 104 of the Act. It is therefore appropriate for the Committee to undertake a full assessment of the application in accordance with Section 104 of the Act. In turn, consideration can also be given to granting the consent.

Section 104

- [116] Section 104(1)(a) states that the Council must have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposed development overall will be minor, or can be adequately avoided remedied or mitigated, provided recommended conditions of consent were adhered to.
- [117] Section 104(1)(ab) requires the Council to have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects.
- [118] The applicant has proposed a condition as compensation requiring that *"for the first five years after subdivision, the people residing on Lots 1 and 2 are to be related to each other."*⁷
- [119] This has been given regard to by this report. The condition would temporarily make the proposed residential activity partially meet the requirements for a rural zone family flat, in that the residents would be related. However, this report considers that the proposed condition will be largely ineffective in providing for offsetting, or compensation as it does not provide any obvious positive environmental effect, and the restriction on occupation is only temporary.
- [120] Section 104(1)(b)(vi) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concludes that the application would be contrary to several key objectives and policies relating to both the Dunedin City District Plan and the Proposed 2GP.
- [121] Section 104(1)(b)(v) requires the Council to have regard to any relevant regional policy statement. In this report it is concluded that the application is indirectly not consistent with the relevant objectives and policies of (POORPS19) in that the proposal is contrary to the proposed 2GP, which is deemed to give effect to this RPS.
- [122] Section 104(1)(c) requires the Council to have regard to any relevant provisions of a plan or proposed plan. The detailed assessment above illustrates that the proposal is contrary to several key objectives and policies.

⁷Application AEE, Para 72

Other Matters

- [123] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.
- [124] Case law indicates that for the Council to grant consent to a non-complying activity, the application needs to be a 'true exception', otherwise an undesirable precedent may be set and the integrity of the District Plan may be undermined.
- [125] The matters of precedence and plan integrity are considered relevant here. These issues have been addressed by the Environment Court (starting with *Russell v Dunedin City Council* C092/03) and case law now directs the Council to consider whether approval of a non-complying activity will create an undesirable precedent. Where a plan's integrity is at risk by virtue of such a precedent, the Council is required to apply the 'true exception test'. This is particularly relevant where the proposed activity is contrary to objectives and policies of the district plan and/or the proposed district plan.
- [126] In this regard, this report considers that the proposal represents a challenge to the integrity of the Dunedin City District Plans in that it contravenes several key provisions, including provisions requiring that proposals like the current application for undersized lots, and residential activity in the rural zone contravening density are avoided, except in certain circumstances. None of these circumstances are met by the proposal.
- [127] It is not a unique proposal in terms of the subject site, and there are many other similar undersized lots in the district created either before, or during the time period when the Operative District Plan 2006 had a 6ha minimum site size standard. There are many historic titles in rural zones that are well below the minimum site size of the current plan rules, and neither District Plan allows development of these for residential activity as of right. Proposals to create new undersized lots, and establish residential activities in the rural zone on these lots are not common. This report considers that the potential approval of this application would be likely to set an undesirable precedent and undermine public confidence in the plan's provisions.
- [128] For the above reasons, this report considers that approval of the proposal will undermine the integrity of the Plan. The activity will produce only localised and minor effects. However, this report also considers that the Committee needs to be concerned about the potential for an undesirable precedent to be set if granting consent for a proposal such as this which is contrary to, or inconsistent with many provisions.
- [129] This report provides draft consent conditions for use as a starting point if the committee sees it fit to grant consent for the proposal. A decision is considered to be unlikely in the current circumstances, and in this event, would need to require that the proposal results in a significant increase in rural productivity, and/or protection or improvement in indigenous biodiversity.
- [130] The above precedence matters, and the Council's adverse assessment against objectives and policies have been raised with the applicant agent, with the Council's reasoning for not requesting information to date demonstrating that the proposal provides a significant increase in rural productivity, and/or protection or improvement in indigenous biodiversity under a section 92 request being that:
 - a. This information is somewhat peripheral to the main problems which this application faces, being proposed density and minimum site size contraventions that would result in development intensity contrary to the intent of the plan in the Rural Zone.

- b. This report considers that a significant increase in rural productivity, and/or protection or improvement in indigenous biodiversity could potentially facilitate the land use consent, but still not address the issues associated with the proposed subdivision, or provide a pathway through the plan provisions where granting of the subdivision could likely be recommended.
- c. This information would likely cost the applicant significant funds to collate, and to carry out, and may significantly shape how activities can be carried out on the site, so should be led by the applicant in the first instance if this application is to be pursued.
- d. In light of the applicant's reasons for seeking to carry out the proposal, and what is viewed to be a small chance of success in gaining resource consent, the Council did not wish to put the applicant in a position where they might expend significant funds meeting further information request(s) to no avail.

[131] Finally, it is noted that the recommended conditions set out in Appendix 2 are not comprehensive, as there are additional matters that would require development and consideration in light of further expert opinion to achieving significant biodiversity, and/or rural productivity benefits. This report considers that the recommended conditions would not currently adequately, or fully address the matters which currently lead to my recommendation that the consent application is declined, and that these matters would not be adequately addressed without significant commitment on the part of the applicant, and/or alteration of the proposal to alleviate objective and policy contraventions.

RECOMMENDATION

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

- [132] Pursuant to Part 2 and Sections 34A(1), 104, 104B and 104D of the Resource Management Act 1991, the Dunedin City Council declines the proposal for a non-complying activity being the authorisation of a subdivision creating three 2-ha sites, and continuation of a residential activity in an existing dwelling on a new under-sized Rural-zoned site, and a new residential activity on a new undersized site at 36 Donalds Hill Road Waitati and;
- [133] Should the Panel exercise its discretion under section 104 to grant consent, that the draft conditions included in Appendix 2 should be used as a starting point for developing a more comprehensive set of conditions with the participation of the applicant, and additional oversight of relevant technical experts.

REASONS FOR RECOMMENDATION

- [134] Effects of the proposal associated with the loss of rural productive land, rural character and amenity will not have a direct more than minor effect on the wider environment when considered in terms of the definition of 'effects' provided under the RMA.
- [135] However, the 2GP has a clear overall policy direction that does not support granting of consent for residential activities on under-sized rural sites except in a limited set of circumstances, which this proposal does not attempt to meet. Nor does the 2GP support the creation of undersized rural zone sites that are well below the minimum site size. In other words, the development is deemed to be contrary to the key objective and policies of the Rural Section of the 2GP as the proposal resultant site diverges significantly from

minimum site size, and the minimum density requirement for residential activity within the Rural Zone.

- [136] While there might be certain circumstances in which a consent would be granted for creation of undersized rural lots, or residential activity on an undersized site, there are no sufficient distinguishing factors in the application that would allay concerns about setting an undesirable precedent. Therefore, to grant consent for this proposal could undermine the integrity of the District Plan, as any perceived precedence set by the granting of this consent may significantly detract from the overall Proposed 2GP outcomes sought in the context of the Rural Zones.
- [137] Should consent for undersized subdivision, and residential activity be granted I would be concerned that as result, similar application(s) may be lodged in the future on the understanding that they may be granted.

Report prepared by:

Report checked by:




Phil Petersen
Planner

Campbell Thomson
Senior Planner

1 November 2023

1 November 2023

Date

Date

APPENDIX 1: THE APPLICATION



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We: Trevor and Rhonda Gear

(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:

3 lot sub, residential activity on 2 of the resulting lots.

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: 36 Donalds Hill Road, Waitati

Legal description: LOT 1 DP 346208

Certificate of Title: OT189859

Contact details

Name: Conrad Anderson (☐ applicant ☒ agent (tick one))

Address: PO Box 5933, Dunedin

Postcode: 9058

Phone (daytime): 027 252 0141

Email: conrad_a@xtra.co.nz

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

I wish the following to be used as the address for service (tick one): ☒ Email ☐ Post ☐ Other:

Ownership of the site

Who is the current owner of the site? The Applicant

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

Address:

Postcode:

Phone (daytime): tba

Email:



DUNEDIN | kaupūhara
CITY COUNCIL | ōtēpoti

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): Trevor and Rhonda Gear

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

c/- PO Box 5933 Dunedin 9058

Email Address of Deposit Payee: conrad_a@xtra.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

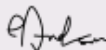
Declaration

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: 22/8/2023

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 Aurora - consideration pending
- ☒ 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
(Subdivision and residential activity)

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

Application
by
Trevor and Rhonda Gear
at
36 Donalds Hill Road, Waitati

Anderson & Co Resource Management
Advising on Planning and Resource Management
www.RMApro.co.nz *your RMA professionals*
P O Box 5933
Dunedin 9058

Ref13024

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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 10 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.

SUMMARY:

6. The subject site was created in 2004 as a small lifestyle block, and now forms a small residential hamlet of three small lifestyle blocks wedged between Donalds Hill Road (to the north), Deans Valley Road (to the west) and the RR1 zoning to the east. To the south are larger rural blocks, most of which are associated with the landscape overlay.
7. The subject site has no connection to the wider rural zone (for the reasons described above), along with the fact there is a steep bank on the southern part of the site, forming a physical separation from the rural zoning to the south. The bank was replanted in pine trees about four years ago.
8. This application seek to subdivide the site to provide for the following:
 - Reduce the size of the land around the existing dwelling, which will allow the current owners to remain on site for the foreseeable future.
 - To create a separate title for residential activity. This will allow a family member (an adult child of the Applicants) to build a residential dwelling.
 - To provide for the pine trees to be on a separate block, and ultimately to be in third party ownership.
9. The Applicants, who live onsite, are husband and wife. The proposal is the result of a terminal illness of one of the Applicants, with the intended outcome being that the surviving Applicant will be able to continue to remain in her home of the past two decades, while allowing family members to live next door. The ability to sell the small forestry block is also sought as a practical way of reducing the Applicants financial commitment to the site.
10. The alternative of a family flat has been discounted due a combination of the need to raise a mortgage for the new dwelling, along with the medium/long terms practicalities of having multiple dwellings on a single site.
11. Resource consent is required due to:
 - Land Use Activities:
 - i. Density
 - Development Activities:
 - i. -
 - Subdivision Activities:
 - i. Subdivision
 - ii. Minimum site size
 - Hazards:
 - i. -
 - Earthworks
 - i. -

- HAIL
- i. -

12. The proposal has a **non-complying** activity status.

DESCRIPTION OF THE SITE AND LOCATION

13. The site is located at 36 Donalds Hill Road Waitati and is legally described as LOT 1 DP 346208, held in OT189859.
14. The northern part of the site is relatively flat and contains an existing dwelling and a limited number of paddocks. The dwelling is accessed via a ROW over 34 Donalds Hill. The southern part of the site slopes down to a valley, and is associated with a small forestry block.
15. The Applicant is the owner and occupier of the site, and for the purposes of this resource consent application, the Applicants address is c/- Anderson & Co, PO Box 5833, Dunedin 9058.
16. To the north of the site are two additional small lifestyle blocks, beyond which is a road (Deans Valley Road). To the west is a road (un-named), to the east is RR1 zoning, and to the south are larger rural blocks.
17. The subject site is somewhat unique, due to a combination of the following:
- Limited size (approx. 8ha)
 - The limited rural potential of the site (due to quantum of sloping, south facing land and limited farmable area).
 - The subject site is adjacent to RR1 land.
 - The subject site is effectively land locked from the wider rural zone due to a combination of roading and physical form.
 - There is limited visibility from the public domain to the site.
18. Ultimately the proposal seeks an efficient use of land that has limited rural use.

DESCRIPTION OF THE PROPOSAL:

19. This proposal seeks:
- To provide for a three lot subdivision.
 - To provide for residential activity on two of the resulting lots (i.e. one additional residential activity, as the existing site is already associated with one dwelling).
 - The two residential lots will be accessed via the existing ROW, while the forestry block will be accessed via the road to the south (that road has no name).
20. The resulting subdivision¹ will be:
- Lot 1: 2ha, contain the existing dwelling, accessed via the existing ROW.
 - Lot 2: 2ha vacant residential lot, accessed via the existing ROW, with a further ROW over Lot 1. It is considered a building platform does not need to be identified, due to the limited options available.
 - Lot 3: 2ha, forestry lot, accessed from the road to the south.
21. The Applicant will continue to live on Lot 1 within the existing dwelling. The proposed dwelling on Lot 2 will be for a family member of those living on Lot 1. To provide additional comfort in terms of the intention of the Applicant, if required, the Applicant can offer a condition of consent that for the first five years after subdivision, the people residing on Lots 1 and 2 are to be related to each other².

¹ Lot sizes are approximates.

² A 5 year term does not align with any predetermined date, but is considered sufficient to provide comfort in terms of the Applicants intent.

22. The idea of separating the existing forestry onto a separate lot is purely to provide the opportunity to sell that land, with the trees, to assist financially. The trees are approximately 4 years old, and the land is sloping and south facing, hence the future use (short, medium and long term) is anticipated to remain as a small forestry block.

RELEVANT SITE HISTORY / BACKGROUND TO THE APPLICATION

23. A subdivision in 2004 created the subject site (along with 34 and 38 Donald Hills Road), resulting in a small rural residential hamlet.
24. The dwelling on the subject site has reduced setbacks, and the current application does not change that matter.
25. The residential hamlet has sat landlocked from the wider rural area since the operative District Plan, as that plan resulted in the adjacent rural residential zoning (on 779 Mount Cargill Road, Waitati).
26. A pre-application discussion by the Applicant with Council staff has encouraged this application.

ACTIVITY STATUS

27. 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.
28. 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.
29. 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).
30. 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")

31. The 2GP maps shows the site is zoned Rural Coastal, with no overlays.
32. The road adjacent to the site is a local road.
33. The Land Use Activity Status Table has been reviewed. Rule 16.3.3.26.a provides for residential activity as a Permitted Activity, subject to Performance Standards. The only relevant Performance Standard is Rule 16.3.3.26.1.a.i Density, Which links to Rule 16.5.2.
34. The relevant part of Rule 16.5.2 is Rule 16.5.2.1.a.i which requires a minimum site area for residential activity of 15ha. Post subdivision, the proposal results in two lots of residential activity on 2ha sites (i.e. Lots 1 and 2). In keeping with Rule 16.5.2.3 the proposal is **non-complying**.
35. The Development Activity Status Table has been reviewed. While the proposal does not include a dwelling design or location for Lot 2, compliance with matters such as setbacks, firefighting, and maximum height is anticipated.
36. The Subdivision Activity Status Table has been reviewed. All subdivisions are a **restricted discretionary** activity (Rule 16.3.5.1.a), with six Performance Standards, as follows:

37. Rule 16.3.5.1.a.i Access links to Rule 16.7.1, which links to Rule 6.8.1, which requires every resultant site must have a legal accessway. The proposal complies.
38. Rule 16.3.5.1.a.ii Esplanade reserves and strips is not relevant.
39. Rule 16.3.5.1.a.iii Firefighting links to Rule 16.7.3, which links to Rule 9.3.3 which is relevant in terms of subdivision and the future new residential buildings. It is anticipated the proposal will comply with the various matters.
40. Rule 16.3.5.1.a.iv Minimum site size links to Rule 16.7.4 which requires a minimum site size of 40ha. In keeping with Rule 16.7.4.3 this results in the proposal being a **non-complying** activity.
41. Rule 16.3.5.1.a.v Shape links Rule 16.7.5 which requires matters such as building platform size and slope. While no platform is defined, the proposed Lot 2 has land that meets the relevant requirements.
42. Rule 16.3.5.1.a.vi Setback from National Grid (subdivision activities) is not relevant.
43. In terms of the Hazard Activity Status Table, the 2GP maps do not identify any hazards with the site.
44. In terms of earthworks, none are anticipated as part of this application. It is noted that earthworks will be required for the extension of the access and for the future dwelling on Lot 2 (and associated services). These are all anticipated and subject to design work. If the required earthworks exceed the limits in the 2GP, then a further resource consent will be required, which can be considered on its merits.

Operative Dunedin City District Plan

45. As there are no relevant 2GP rules that are subject to appeal there is no reason to refer back to the operative District Plan.

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

46. The proposal is not seeking to disturb soil nor introduce a new activity to the site, however the proposal does include subdivision.
47. The DCC HAIL report (HAIL-2022-77) concludes that no explicit information has been found regarding HAIL activity.
48. It is concluded that the HAIL regulations are not applicable.

National Policy Statement for Highly Productive Land (the "NPS-HPL")

49. The NPS-HPL relates to Highly Productive Land rural land. The NPS-HPL took effect on 17 October 2022 and requires Highly Productive Land to be identified and mapped within 3 years. As a transitional step, the NPS-HPL applies to land zoned "General Rural or Rural Production and classed as Land Use Capability (LUC) 1, 2 or 3", a map of which is available at: <https://ourenvironment.scinfo.org.nz/>.
50. The above map does not identify the subject site as being LUC 1, 2 or 3, therefore the NPS-HPL does not apply.

Overall Activity Status

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

NOTIFICATION

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

Public Notification (s95A)

53. 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.

54. 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.

55. 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.

56. 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)

57. 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.

58. 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.

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

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

Therefore, Step 4 is to be considered.

60. 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

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

Permitted Baseline

62. 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.

63. For the subject site, the use of the site for rural purposes is anticipated, including farm buildings. As the site is not within a landscape overlay, the permitted built environment is relatively relaxed.

Receiving Environment

64. 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.

65. The receiving environment includes:

- The existing residential activity on the site.
- The small lifestyle blocks to the north, along with the road network and the gully effectively land locking the site from the adjoining rural zone.

Assessment of Effects

66. The key matters are: Density, Subdivision and Minimum site size.

67. The non-complying matters (density and minimum site size) are considered first. The assessment matters for non-complying activities are in Rule 16.12:

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.	Residential activity is anticipated in the zone, albeit on larger sites.

	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.	The subject site is not atypical of the rural zone, due to site size, the quantum of 'farmable' land, being landlocked from the wider rural zone, and the adjacent RR1 Zoning. As the site is not within a landscape overlay, the permitted built environment is relatively relaxed. The proposal will seem like a logical extension of the RR1 zone. The proposal will not material change the productivity of rural activities.
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. 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,	A reason for this application is that the proposal does not meet the required density rules of the 2GP. However, it is noted that: - The subject site is not atypical of the rural zone. - The visibility to the site from the public domain is limited. - The neighbouring land is zoned RR1. As a result, the character and visual amenity of the immediate area is not solely rural. The subject site will be seen in that context. The proposal will maintain the existing character, without raising and visual amenity matters of concern. The proposal is well aligned with this Policy, as the subject site is too small for productive rural activity, and is physically separated from

	reduce rural productivity by displacing rural activities.	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	Objective 2.2.2 Dunedin reduces its environmental costs and reliance on nonrenewable energy sources as much as practicable, including energy consumption, water use, and the quality and quantity of stormwater discharge, and is well equipped to manage and adapt to changing or disrupted energy supply by having: a) increased local renewable energy generation; b) reduced reliance on private motor cars for transportation; c) increased capacity for local food production; and d) housing that is energy efficient. Objective 2.3.1 Land, facilities and infrastructure that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities, and productive rural land: a) are protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and b) in the case of facilities and infrastructure, are able to be operated, maintained, upgraded and, where appropriate, developed efficiently and effectively. Objective 2.4.6 The character and visual amenity of Dunedin's rural environment is maintained or enhanced. Policy 2.2.2.1 Identify areas important for food production and protect them from activities or subdivision (such as conversion to residential use) that may diminish food production	The proposal is somewhat aligned with this objective, as the resulting sites will need to be self sufficient in terms of some services, and provide ample area for domestic food production. n/a as the site is too small to be considered productive rural land, and the site contains no High Class Soils Mapped Area. As noted above: • The site is difficult to view from the public domain, and • As the site is not within a landscape overlay, the permitted built environment is relatively relaxed. n/a as the site is too small to be considered productive rural land, and the site contains no High Class Soils Mapped Area.

	capacity through: a) use of zoning and rules that limit subdivision and residential activity, based on the nature and scale of productive rural activities in different parts of the rural environment; b) consideration of rural productive values, including the location of highly productive land, in identifying appropriate areas for urban expansion; and c) identification of areas where high class soils are present (high class soils mapped area) and use rules that require these soils to be retained on site. Policy 2.3.1.2 Maintain or enhance the productivity of farming and other activities that support the rural economy through: a) rules that enable productive rural activities; b) rules that provide for rural industry and other activities that support the rural economy; c) zoning and rules that limit subdivision, residential activity and other land use activities based on: - i the nature and scale of productive rural activities in different parts of the rural environment; - ii the location of highly productive land; - iii potential conflict with rural water resource requirements; and X. in the case of residential activity: • recognition of the existing pattern of subdivision in different parts of the rural environment; and • provisions for papakāika; Policy 2.3.1.3 In order to avoid cumulative effects on rural productivity and rural character values set and strictly enforce a minimum site size standard for subdivision in the rural zones.	n/a as the site is too small to be considered productive rural land, and the site contains no High Class Soils Mapped Area. In terms of this policy, it could be argued that rural zoning of this small lifestyle hamlet does not reflect the existing pattern of settlement nor its character and
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	Determine the minimum site size standard considering: a) the median size land holding associated with and necessary to support farming activity in each rural zone; b) the existing pattern of settlement and land use in each rural zone; and c) the character and amenity values that exist in each rural zone. Policy 2.4.8.2 Maintain the identified values within different rural environments through mapping rural zones and using: a) rules that limit the density of residential activities; b) rules that manage the bulk and location of buildings; c) policies and assessment rules that require or encourage the consideration of effects on rural character and visual amenity associated with land use and development activities; and d) rules that manage the pattern, scale and design of subdivision.	amenity values. As above.
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 a paddock with a small pine forestry block.
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,	n/a

	rather than requiring the contribution to be significant at an ecological district or citywide level.	
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

Rule 16.12.5.6 Minimum Site Size

Standard	Details	Comment
16.12.5 Assessment of non-complying performance standard contravention		
16.12.5.6 Minimum Site Size		
Relevant objectives and policies (priority considerations):		
16.12.5.6.a	n/a	
16.12.5.6.b	Objectives 16.2.1, 16.2.3, 16.2.4. See above	See above
16.12.5.6.c	n/a	
16.12.5.6.d	n/a	
16.12.5.6.e	n/a	
16.12.5.6.f	n/a	
16.12.5.6.X	The subdivision, considered as a whole: i. will not result in an increase in the number of sites that contravene the minimum site size (Policy 16.2.1.X.b.i); and ii. will not result in an increase in the residential development potential of the subject land, beyond that provided for by the density land use performance standard and the minimum site size subdivision standard (Policy 16.2.1.X.b.ii); and iii. will meet policies 16.2.3.8 and 16.2.4.3 (Policy 16.2.1.X.b.iii).	No. No. Policy 16.2.3.8 is associated with maintaining or enhancing the rural character and visual amenity of the rural zones. Due to the unique setting, the proposal is likely to maintain such matters. Policy 16.2.4.3 is associated with maintaining or enhancing rural productivity and rural land use. Due to the site size etc, the site has limited rural productivity/use, and the proposal will at least maintain

		what limited rural productive/use there currently is.
16.12.5.6.g	Subdivisions are designed to ensure any associated future land use and development maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8).	As above.
16.12.5.6.h	Subdivisions are designed to ensure any future land use and development will: i. maintain or enhance the productivity of rural activities; ii. maintain highly productive land for farming activity, or ensure any loss is insignificant on any high class soils mapped area and no more than minor on other areas of highly productive land; iii. maintain land in a rural rather than rural residential use; and iv. not increase the potential for reverse sensitivity (Policy 16.2.4.3).	As above.
Related strategic directions:		
16.12.5.6.y	Objectives 2.2.2, 2.2.4, 2.3.1, 2.4.6, policies 2.2.2.1, 2.2.4.4, 2.3.1.2, 2.4.6.2. Objective 2.2.4 Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations. Policy 2.2.4.4 Avoid subdivision that provides for residential activity of a fundamentally different type than provided for in the various zones...	Objectives 2.2.2, 2.3.1, 2.4.6 Policies 2.2.2.1, 2.3.1.2, 2.4.6.2. All discussed above. Objective 2.2.4 The proposal is not for urban expansion, as it provides for one additional lifestyle block, in a wider area that is identified for such development. Policy 2.2.4.4 The proposal is contrary to this Policy.
Potential circumstances that may support a consent application include:		
16.12.5.6.i	Where necessary, a legal mechanism is proposed that will ensure compliance with Policy 16.2.1.X.b.ii.	n/a
General assessment guidance:		
16.12.5.6.z	With respect to Policy 16.2.4.3.c, Council will generally consider that a subdivision that creates a new undersized site intended for rural residential use meets this policy, provided that the subdivision meets Policy 16.2.1.X.b.i & b.ii – for example in the case of a subdivision	n/a

	involving an existing undersized site and a site that exceeds the MSS, which transfers land from the smaller site to the larger site, and transfers a residential development right from the larger site to the smaller site.	
16.12.5.6.j	In determining whether land is 'highly productive land'...	n/a
Relevant guidance from other sections (priority considerations):		
16.12.5.6.k	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.

68. The restricted discretionary matter is Subdivision, the assessment matters for restricted discretionary activities are in Rule 16.10:

Standard	Details	Comment
16.10.4 Assessment of restricted discretionary subdivision activities		
16.10.4.1 General subdivision		
<i>Matters of discretion 16.10.4.1.a Effects on long term maintenance of rural land for productive rural activities</i>		
16.10.4.1.a.i	Objective 16.2.4 See above	See above
16.10.4.1.a.ii	Policy 16.2.4.3 See above	See above
General assessment guidance:		
16.10.4.1.a.iii	In determining whether land is 'highly productive land'...	n/a
<i>Matters of discretion 16.10.4.1.b Effects on rural character and visual amenity</i>		
16.10.4.1.b.i	Objective 16.2.3 See above	See above
16.10.4.1.b.ii	Policy 16.2.3.8 See above	See above
Potential circumstances that may support a consent application include:		
16.10.4.1.b.iii	Sites are designed to respond to the topography and characteristics of the land and surrounding environment.	Yes, the layout has been designed around such matters.
16.10.4.1.b.iv	Building platforms are located to respond to landform and avoid significant visual effects.	A building platform on Lot 2 is considered unnecessary due to anticipated compliance with setbacks etc.
16.10.4.1.b.v	Driveways, vehicle tracks, utilities and services are designed and located to minimise the need for significant earthworks.	Yes, Lot 2 will only require a short extension to the existing driveway.
General assessment guidance:		
16.10.4.1.b.vi	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.	Appendix A7 is in regards to Rural Character Values. A review of Appendix A7 is considered unnecessary, as the 2004 subdivision that created the subject site (and the adjacent 2 sites, resulting in the current hamlet) means the subject site is not atypical of the rural zone.

Matters of discretion:		
16.10.4.1.c Effects on biodiversity values and natural character values of riparian margins and coast		
16.10.4.1.d Effects on public access		
	See Rule 10.6	n/a due to these matters not being associated with the site.
Matters of discretion 16.10.4.1.e Risk from natural hazards		
	See Rule 11.5	n/a as the site is not associated with natural hazards.
Matters of discretion 16.10.4.1.f Effects on the safety and efficiency of the transport network		
	See Rule 6.11	n/a as the proposal is only for one additional dwelling.
Matters of discretion 16.10.4.1.g n/a		

69. 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.

70. However it is acknowledged that the 2GP does not seek to encourage subdivision and residential activity on undersized rural lots.

71. Due to the unique setting of the subject site, in terms of effects, overall the effects of the proposal are assessed as being less than minor.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

72. The Applicant is willing to offer conditions of consent, such as:

- For the first five years after subdivision, the people residing on Lots 1 and 2 are to be related to each other.

OBJECTIVES AND POLICIES ASSESSMENT

73. 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:

74. It is considered not necessary to assess the proposal against the objectives and policies of the Operative District Plan 2006 because the relevant rule provisions are no longer considered to be in force in relation to this application.

2GP:

75. 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:

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.X Avoid subdivision activities	Residential activity is anticipated in the zone, albeit on larger sites. The proposal does not adhere to the exception within this

	that create one or more resultant sites that contravene the minimum site size standard for the zone, unless...	policy, therefore the proposal in contrary to this directive policy.
	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 ...	The proposal does not adhere to the exception within this policy, therefore the proposal in 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...		The potential for reverse sensitivity is minimised due to the anticipated setbacks on Lot 2.
Objective 16.2.3 The rural character values and amenity of the rural zones are maintained or enhanced...	Policy 16.2.3.2 Refer above. Policy 16.2.3.8 Refer above.	Discussed above.
Objective 16.2.4 The productivity of rural activities in the rural zones is maintained or enhanced.	Policy 16.2.4.3 Refer above. Policy 16.2.4.3 Refer above.	Discussed above.

76. In terms of the Rural zone policy direction, it seeks to avoid subdivisions that results in undersized lots. That direction is via a number of directive policies/objectives. Therefore the proposal cannot be in alignment with all the relevant Objectives and Policy.

Operative and Proposed Regional Policy Statement for Otago

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

DECISION MAKING FRAMEWORK

Part 2 Matters

78. 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

79. 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

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

The Gateway Test

81. 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.
82. 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

83. 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'.
84. In terms of effects, overall these are assessed as being less than minor. Therefore, any precedent is unlikely to be 'undesirable'.
85. 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

86. Details of any permitted activity that is part of the proposal: Not applicable
87. S124 / S185ZH91(e): Not applicable
88. S85 of the Marine and Coastal Area: Not applicable
89. Subdivision Consent – Additional Information: With regards to the plan attached to this application, the following is noted:
- The plan adequately defines the position of all new boundaries.
 - The plan adequately defines the areas of all new allotments.
 - No new reserves are proposed.
 - The proposal is not associated with any existing esplanade reserves, esplanade strips, and access strips.
 - The proposal is not located near any part of the bed of a river or lake.
 - The site is not located within the coastal marine area.
 - The proposal does not anticipate land being set aside as new roads.
90. Additional Information: Not applicable
91. Reclamation Consent – Additional Information: Not applicable

Written Approvals

92. Due to a combination of the effects being assessed as less than minor, and the location of a dwelling on lot 2 (assuming compliance with setbacks), this application does not include any written approvals.

AEE CONCLUSION

93. This application has a combination of features that assist with the conclusion that the application is relatively unique, including:
- While the site is zoned rural, the outcome of the 2004 subdivision was the creation of a small residential hamlet that is not atypical of the rural zone.
 - The site is cut off from the wider rural zone.

- The land to the east of the small residential hamlet is now zoned Rural Residential 1, which provides for 2ha lots. This proposal is aligned with that outcome.
- The proposed Lot 2 and its residential use is anticipated to be implemented by a family member of Lot 1. Thus, the Applicant is offering a condition of consent that for the first five years after subdivision, the people residing on Lots 1 and 2 are to be related to each other.
- There is limited visibility from the public domain to the site.

94. The proposed residential activity represents a more efficient use of the land in Lot 2.

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

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

97. 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

Dunedin City Council Rates



7/14/2023, 12:07:57 PM

Rate Assessment	DCC Boundary	Land Parcel Boundaries	Strata	Railway Centreline
Property	Cadastral	Parcel	Roading Information	+++ Track
Land Parcels	Natural	Road / Rail	Road Names	--- Tunnel
	Hydro			Addresses

1:2,000

0 0.03 0.05 0.1 mi

0 0.04 0.07 0.15 km

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ORC, CC BY 4.0 NZ

Approved by Registrar-General of Land under No. 2002/6055

Easement instrument to grant easement or *profit à prendre*, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952**EI 6344969.4 Easement I**

Cpy - 01/03, Pgs - 006, 11/03/06, 16:19



Doc ID: 110520403

Land registration district

Otago

Grantor

Surname(s) must be underlined.Russell John Skill and Suzanne Lesley Skill

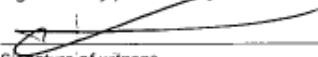
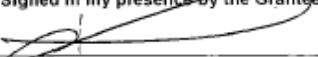
Grantee

Surname(s) must be underlined.Russell John Skill and Suzanne Lesley SkillGrant* of easement or *profit à prendre* or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 7 day of March 20 05

Attestation

 	Signed in my presence by the Grantor  Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name ANTHONY BRENDAN DEVEREUX Occupation SOLICITOR DUNEDIN
Signature [common seal] of Grantor	Address
 	Signed in my presence by the Grantee  Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name ANTHONY BRENDAN DEVEREUX Occupation SOLICITOR DUNEDIN
Signature [common seal] of Grantee	Address

Certified correct for the purposes of the Land Transfer Act 1952.

[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2002/6055

Annexure Schedule 1

Easement instrument

Dated

7-3-05

Page

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of

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pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
See attached schedule			

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are ~~[varied]~~ ~~[negated]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~[Memorandum number registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

[Handwritten signatures]

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule

Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

Easement Instrument

Dated

7-3-05

Page

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of

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pages

(Continue in additional Annexure Schedule, if required.)

Annexure Schedule 1

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way	A on DP346208	Lot 2, DP346208 CT 189860	Lot 1, DP346208 CT 189859
Right to transmit Electricity	C, E & F on DP346208	Lot 3, DP346208 CT189861	Lot 1, DP346208 CT 189859
	G on DP346208	Lot 2, DP346208 CT 189860	Lot 1, DP346208 CT 189859
Right to transmit Telecommunications and Computer Media	B, C, D & E on DP346208	Lot 3, DP346208 CT189861	Lot 1, DP346208 CT 189859

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

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REF: 7025 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule

Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

Easement Instrument

Dated

7-3-05

Page

4

of

4

pages

(Continue in additional Annexure Schedule, if required.)

Annexure Schedule 2

The provisions set out in Schedule 4 of the Land Transfer Regulations 2002 are implied in respect of the easements specified in the within document, the provisions set out in Clauses 3 to 9 of Schedule 4 being implied in each class of easements to the extent indicated in those provisions.

But varied as follows:

If the Registered Proprietor of Lot 2, Deposited Plan 346208 ("Lot 2") uses a maximum length of 130 metres of the Right of Way as indicated on Deposited Plan 346208, Lot 2 shall be liable for 30% of the maintenance, repair or replacement costs of the Right of Way.

In the event that the Registered Proprietor of Lot 2 uses more than the said 130 metres in length of the Right of Way referred to in this clause, Lot 2 shall be liable for 30% of the maintenance, repair or replacement costs of the balance of the Right of Way over and above 130 metres in length to be calculated in proportion to the length of the Right of Way actually used by Lot 2.

Any maintenance, repair or replacement of the easement facility on the servient or dominant land that is necessary because of any act or omission by the owner of the servient land or the owner of the dominant land (which includes agents, employees, contractors, sub-contractors and invitees of that owner) must be carried out promptly by that owner and at that owner's sole costs. Where the act or omission is the partial cause of the maintenance, repair or replacement the costs payable by that owner responsible must be in proportion to the amount attributable to that act or omission (with the balance payable in accordance with clause 11 of Schedule 4).

When there is a conflict between the provisions of the Fourth Schedule to the Land Transfer Regulations 2002 and the Ninth Schedule to the Property Law Act 1952, the provisions of the Ninth Schedule must prevail.

Where there is a conflict between the provisions of the Fourth Schedule and/or the Ninth Schedule, and the modifications in this Easement Instrument, the modifications must prevail.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

[Handwritten signatures and initials]

REF: 7025 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2002/5032

Annexure ScheduleInsert type of instrument
"Mortgage", "Transfer", "Lease" etcEasement instrument

Dated

7-3-05

Page

of

pages

(Continue in additional Annexure Schedule, if required.)

WESTPAC BANKING CORPORATION as Mortgagee under Mortgage
5117711.3 hereby consents to the within Instrument

BELINDA GOUGH

WESTPAC BANKING CORPORATION
by its Attorneys



Witness:

~~Brett Lindsay~~

BANK OFFICER
WESTPAC
CHRISTCHURCH

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, Belinda Gough, of Christchurch in New Zealand, Bank Officer

HEREBY CERTIFY -

1. **THAT** by Deed dated the 20th October 2003 a copy of which is deposited in the Land Registry Office at Christchurch (Canterbury Registry) numbered PA 5941731.1.

Westpac Banking Corporation ABN 33 007 457 141, incorporated in Australia (New Zealand division) under the Corporations Act 2001 and having its principal place of business in New Zealand at PWC Tower 188 Quay Street, P O Box 934, Auckland and carrying on the business of banking appointed me its attorney on the terms and subject to the conditions set out in the said Deed and the attached document is executed by me under the powers thereby conferred.
2. **THAT** at the date hereof I am a Tier Three Attorney for Westpac Banking Corporation.
3. **THAT** at the date hereof I have not received any notice or information of the revocation of that appointment by the winding up or dissolution of the said **Westpac Banking Corporation** or otherwise.

Signed at Christchurch


Belinda Gough

this 7 March 2005



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



R. W. Muir
Registrar-General
of Land

Identifier 189859
Land Registration District Otago
Date Issued 14 March 2005
Prior References
OT17A/207

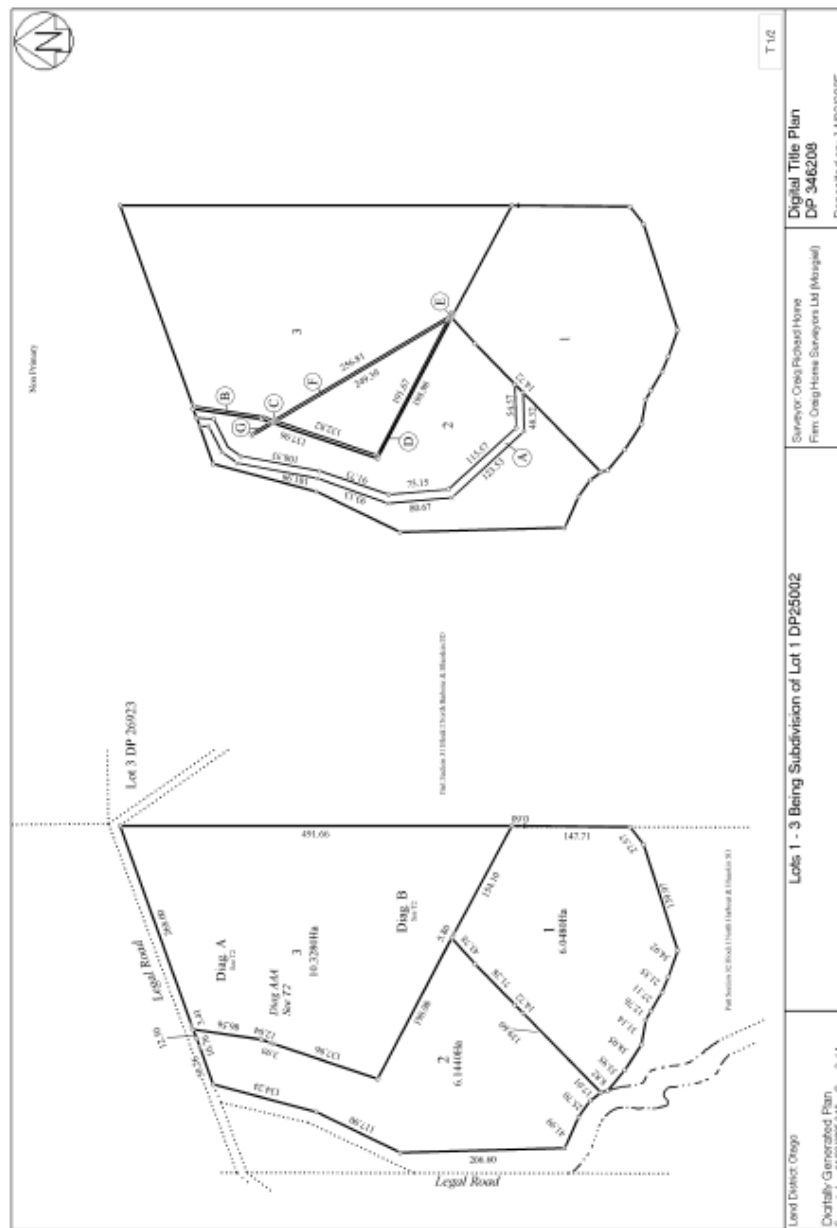
Estate Fee Simple
Area 6.0480 hectares more or less
Legal Description Lot 1 Deposited Plan 346208
Registered Owners
Rhonda Jane Gear as to a 1/2 share
Trevor Lesley Gear as to a 1/2 share

Interests

Appurtenant hereto is a right of way and to transmit electricity, telecommunications and computer media created by Easement Instrument 6344969.4 - 14.3.2005 at 9:00 am
Some of the easements created by Easement Instrument 6344969.4 are subject to Section 243 (a) Resource Management Act 1991
9995597.3 Mortgage to ANZ Bank New Zealand Limited - 13.3.2015 at 3:48 pm

Identifier

189859

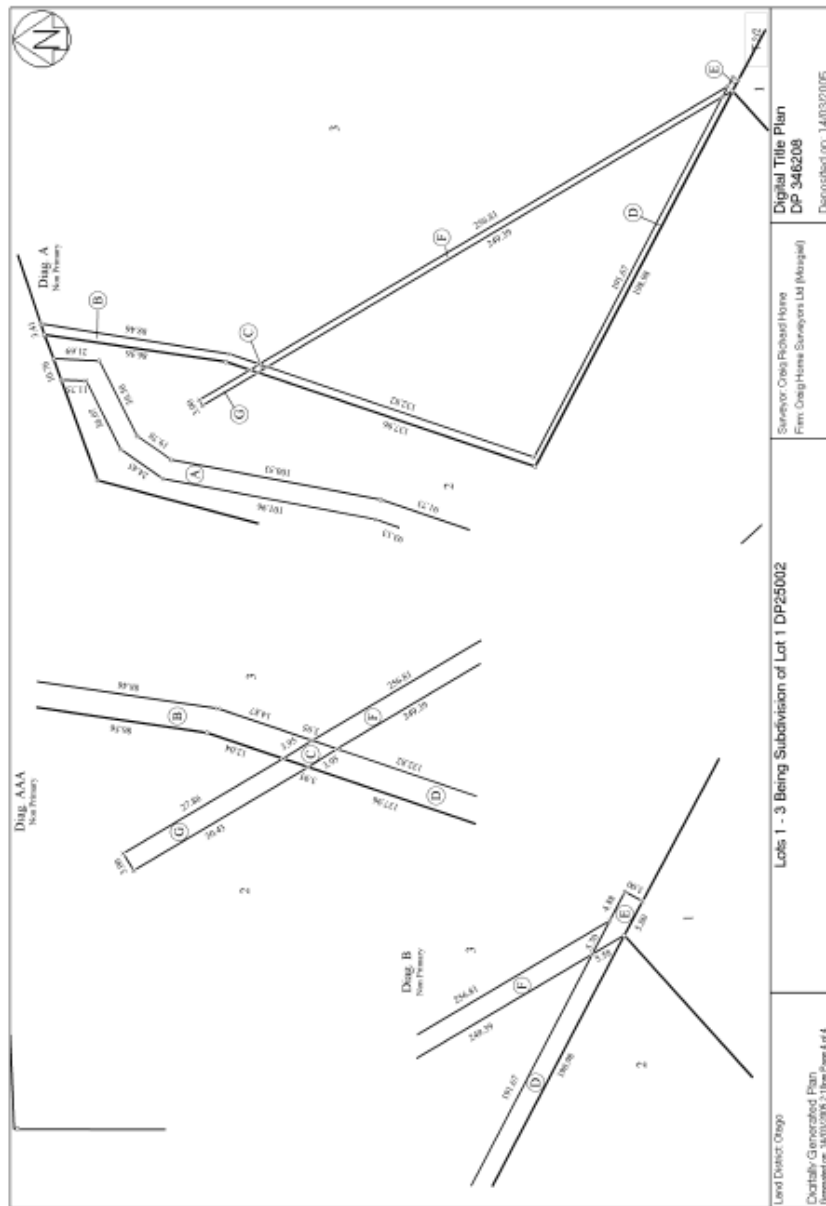


Transaction ID 1302751
Client Reference acuebillar001

Search Copy Dated 10/07/23 1:22 pm, Page 2 of 3
Register Only

Identifier

189859



APPENDIX 2: Draft Conditions

Consent Type: Land use Consent

Consent Number: LUC-2023-322

Purpose: To establish a standard residential land use activity on proposed lot 2 of SUB-2023-103, and to continue an existing residential land use activity on proposed lot 1 of SUB-2023-103.

Location of Activity: 36 Donalds Hill Road, Waitati.

Legal Description: LOT 1 Deposited Plan 346208 (Record of Title 189859).

Lapse Date: 1 November 2028, unless the consent has been given effect to before this date.

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 22 August 2023, except where modified by the following conditions.*

Conditions to be met prior to commencing activity

2. *A mitigation planting plan must be prepared by a suitably qualified ecologist, and with the following purpose:*
 - a. *to screen views of a dwelling and any other structures within Proposed Lot 2 from SH1, and*
 - b. *to provide a significant contribution to the enhancement or protection of biodiversity values at a local scale in perpetuity.*

The mitigation planting plan must meet the following requirements:

- a. *Planting shall comprise locally appropriate native species, which are suited to this coastal hill slope environment.*
- b. *The plan must include the botanical name, common name, numbers, size at planting, plant spacings and mature height of all proposed planting.*
- c. *The plan must include a plan drawing(s) of the site depicting where planting will occur, and including a level of detail depicting locations of individual plants.*
- d. *The plan must include planting methods, a detailed annual maintenance schedule for at least 5 years, and actions for replacement of any failed plantings.*

The planting plan must be submitted to rcmonitoring@dcc.govt.nz for certification that it meets the requirements of this condition.

Planting

3. *Planting must be carried out in accordance with the certified mitigation planting plan required by condition 2.*
4. *Planting must take place within the first growing season following the construction of the dwelling.*

Visual effects

5. *The consent holder must avoid the use of highly reflective materials, such as unpainted metallic surfaces, mirrored glazing, and metallic finishes (such as Silver Zincalume) on all building cladding, window, and roofing surfaces. Non-painted natural cladding materials (including timber) that are not likely to result in reflective glare, are acceptable. Metallic chimneys are not covered by this condition.*
6. *The exterior colour(s)/materials of the proposed dwelling and any ancillary buildings must not exceed a 20% light reflectance value (LRV). Colours must be visually recessive to ensure a low level of contrast with the surrounding rural landscape.*
Note: Metallic chimneys, and non-mirrored glazing are not covered by conditions 1 or 2.
7. *The dwelling shall be no higher than 5m and any other ancillary buildings shall be no higher than 4m above existing or modified ground level.*
8. *Water tanks are to be coloured, buried and /or screened (by planting) to have minimal visual impact from beyond the site.*
9. *All fencing must be limited to rural post and wire fencing.*

Residents

10. *For the first five years after subdivision SUB-2023-103 title is deposited, the people residing on Lots 1 and 2 are to be related to each other.*

Consent Type: Subdivision Consent

Consent Number: SUB-2023-103

Purpose: A 3-lot Subdivision.

Location of Activity: 36 Donalds Hill Road, Waitati.

Legal Description: LOT 1 Deposited Plan 346208 (Record of Title 189859).

Lapse Date: 1 November 2028, unless the consent has been given effect to before this date.

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 22 August 2023, except where modified by the following conditions.*
2. *Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:*
 - a) *If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.*
 - b) *A Right of Way for access to proposed Lot 2 over proposed lot 1 must be duly granted or reserved and shown in a Memorandum of Easements on the cadastral dataset.*
3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*
 - (a) *There are no s.224(c) requirements.*

Advice Notes:

Infrastructure

1. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
2. All private drainage matters will be dealt with at time of Building Consent.

Transportation

3. It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.

4. It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

Future earthworks and development

5. This consent does not address any earthworks for the future development of the proposed lot 2. Should future earthworks within the new lots breach the performance standards of Rule 8A of the Proposed Plan, further consent will be required. Land use consent may also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.
6. When undertaking future earthworks, the developer is advised that:
 - a) Temporary stability may be a concern on this project, and remains the responsibility of the developer.
 - b) Prior to undertaking the work, a professional should assess the potential for instability on adjacent properties, as a result of the works.
 - c) All temporary slopes should be inspected and signed off by a suitably qualified individual.
 - d) The excavations slopes should be supported within 1 month of commencing the earthworks.
 - e) All walls retaining over 1.5m, or supporting a surcharge / slope, or neighbouring land, including terracing, require design, specification and supervision by appropriately qualified person/s
 - f) Any earth fill over 0.6m thick supporting foundations should be specified and supervised by a suitably qualified person in accordance with NZS 4431:2022 Engineered fill construction for lightweight structures
 - g) Slopes should not be cut steeper than 1:1 (45°) or two metres high without specific engineering design and certification
 - h) Slopes should not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and certification
 - i) As-built records of the final extent and thickness of any un-engineered fill should be recorded
 - j) Any modifications to stormwater flow or new culverts should 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 or concentrated runoff during storm rainfall events.
7. At the time of seeking building consent, the developer will be required to confirm that all aspects relating to the availability of the water for fire-fighting are in compliance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless an alternative is approved by the New Zealand Fire Service. Details of any alternative approval will be required by the Dunedin City Council.

General

8. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.

9. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
10. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
11. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
12. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

APPENDIX 3:

Technical comments

TO:	Phil Petersen, Planner
FROM:	Luke McKinlay, Landscape Architect
DATE:	7 th September 2023
SUBJECT	3-Lot Fee Simple Subdivision and establish new residential activity on resultant undersized rural lot. SUB-2023-103, and LUC-2023-322 – 36 Donalds Hill Road, Waitati - LA Comments

Hi Phil,

The following is in response to your request for comment on the above subdivision and landuse consent application for 36 Donalds Hill Road.

Proposed Development

Subdivision of an existing 6ha site to create three resultant sites of approximately 2ha and the establishment of a new residential activity on proposed lot 2, and continued existing residential activity on proposed Lot 1:

- Proposed lot 1 – 2ha (existing dwelling, existing standard residential activity to continue on this lot)
- Proposed lot 2 – 2ha (establish new standard residential activity on this lot)
- Proposed lot 3 – 2ha (to be a forestry block)

Proposed Lot 1 will continue to be accessed by the existing driveway from Deans Valley Road and legal ROW through the adjoining property to the west (34 Donalds Hill Road). Proposed Lot 2 will be accessed via the same driveway/ROW as Lot 1, and a new ROW across proposed Lot 1

Comments

The northern parts of the site are gently sloping and contain the existing dwelling and small paddocks. The southern part of the site slopes steeply down to the southwest. This sloping part of the site has previously been used as a forestry block and it is understood that it is the intension of the applicants for this to be the ongoing landuse.

To the east of the site are hillslopes zoned RR1, which overlook Waitati and Blueskin Bay. The western extent of this existing residential development is largely accessed from Mount Cargill Road. Rural residential development here appears to be characterised primarily by single storey dwellings, typically clad in recessive colours, sympathetic to the surrounding rural/rural residential landscape. Shelter and or establishing curtilage amenity vegetation is common around dwellings and or property boundaries. The large block immediately to the east of the subject site (779 Mount Cargill Road) does not appear to have been developed for residential use.

Land use to the south and east of the site is more clearly rural, reflective of the underlying zoning. Landcover consists of a mix of pasture, typically on the flatter to gently sloping areas, and

patches of gorse and native bush remnants, often confined to steeper areas and gullies. A branch of the Waitati Valley runs south to north immediately to the west of the site.

At a broader scale, the site is enclosed by bush clad hills within the Flagstaff – Mount Cargill Significant Natural Landscape overlay area, local high points to the west and south include Hightop, Swampy Summit, Pigeon Hill and Mt Cargill.

The site is visible from parts of SH1 traveling in a northerly direction. In places, large embankments such as on the northern side of the highpoint, past the Pigeon Flat Road bridge, block views to the site. Where visible, the site is seen obliquely to the direction of travel. As shown in the streetview image in Appendix 1, the existing dwelling on the subject site is visible on the crest of the hill. Nearby dwellings at 34 and 38 Donalds Hill Road are screened from view by surrounding vegetation. It is noted that these dwellings are also located on the lower slopes of the hill, northwest of the site, where they are unobtrusive. Rural residential development to the east of the site is visible, but not prominent due to the aspect of the hills facing predominantly towards the north. Screening is also provided by a combination of shelter and amenity planting in this rural residential area.

As approached from the south on SH1, the site is visible on the crest of a hill in the middle distance (refer figure 5, Appendix 1). The screening effect of embankments and the alignment of SH1 away from the site, means that it is not prominent as one passes in a southerly direction.

Views from SH1 appear to be the most relevant public views overlooking the site. Glimpsed views are possible from other nearby roads and tracks.

The identified rural character and visual amenity values of the broader Rural Coastal zone are attached in Appendix 2. It is considered that first two items listed are relevant to this site and the surrounding area. It is considered that there is a general visual dominance of natural elements over human made elements in the surrounding landscape. While highly modified, a mosaic of rural land uses and landcover, including pasture, patches of native bush, woodlots and shelterbelts are visually dominant over built structures. It is noted that some relatively large exotic pine forestry patches in the wider surrounding area diminish the impact of the natural landscape forms and features and the coherence of adjacent areas of indigenous vegetation to some extent. Exotic weed species, such as gorse, also diminish visual amenity values. Overall, however, there is generally a limited visual influence of built forms and natural features predominate.

As noted above, the site is not highly prominent from nearby public locations, particularly SH1. Views towards the site, where not screened by intervening landform, are generally oblique to the direction of travel. As also noted, however, other nearby residential development is unobtrusive. As noted above, dwellings at 34 and 38 Donalds Hill Road are largely screened from surrounding locations. The wider Rural Residential 1 area to the east of the site is visible, but not highly prominent from the west (ie not in the same visual catchment as the site, when viewed from SH1 locations). On balance, it is considered that a suite of mitigation measures would be required to avoid adverse visual amenity effects of an additional dwelling on proposed lot 2.

As outlined at Objective 16.2.3 of the 2GP, rural character values and amenity elements include:

- h. a predominance of natural features over human made features;*
- i. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;*
- j. buildings that are rural in nature, scale and design, such as barns and sheds;*
- k. a low density of residential activity, which is associated with rural activities;*
- l. a high proportion of land containing farmed animals, pasture, crops, and forestry;*
- m. extensive areas of indigenous vegetation and habitats for indigenous fauna; and*

- n. *other elements as described in the character descriptions of each rural zone located in Appendix A7 (refer Appendix 2).*

Clearly, the proposed lot sizes of this subdivision are far from compliant with the requirements of the 2GP. Inevitably, the ratio of open space to built structures is altered somewhat when undersized lots, such as those proposed, are created. It may be possible to mitigate the adverse effects on rural character of one additional dwelling in this area, which is not highly prominent and located adjacent to a RR1 zoned land, without having a notable effect on the character of the wider surrounding area. However, there is the risk that it sets an undesirable precedent for further rural residential creep into neighbouring rural areas. Cumulatively, multiple undersized subdivisions of this type have the potential to erode existing rural character values.

Recommended Conditions

Should it be considered that (on balance) the application can be consented, it is recommended that the following conditions (or similar wording) should be imposed on development within Proposed Lot 2, to ensure adverse effects of the proposed development on the landscape and visual amenity of the rural landscape are less than minor:

1. *The consent holder must avoid the use of highly reflective materials, such as unpainted metallic surfaces, mirrored glazing, and metallic finishes (such as Silver Zincolume) on all building cladding, window, and roofing surfaces. Non-painted natural cladding materials (including timber) that are not likely to result in reflective glare, are acceptable. Metallic chimneys are not covered by this condition*
2. *The exterior colour(s)/materials of the proposed dwelling and any ancillary buildings must not exceed a 20% light reflectance value (LRV). Colours must be visually recessive to ensure a low level of contrast with the surrounding rural landscape.*

Note Metallic chimneys, and non-mirrored glazing are not covered by conditions 1 or 2.

3. *The dwelling shall be no higher than 5m and any other ancillary buildings shall be no higher than 4m above existing or modified ground level.*
4. *Water tanks are to be coloured, buried and /or screened (by planting) to have minimal visual impact from beyond the site.*
5. *All fencing is to be confined to rural post and wire fencing.*
6. *A mitigation planting plan shall be prepared by a suitably qualified professional to screen views of a dwelling and any other structures within Proposed Lot 2 from SH1. Planting shall comprise locally appropriate native species, which are suited to this coastal hill slope environment. The plan should include the botanical name, common name, numbers, size at planting, plant spacings and mature height of all proposed planting. Planting shall take place within the first growing season following the construction of the dwelling. The planting plan must be submitted to rcmonitoring@dcc.govt.nz for approval by the Resource Consents Manager.*

Regards,
Luke McKinlay
Landscape Architect

Appendix 1: Streetview Image and Site photographs

Figure 1: Street View image from SH1, west of the site



Figure 2: View to the southwest from Proposed Lot 2.



Figure 3: View to the west from Proposed Lot 2



Figure 4: View to the northwest from near the northern boundary of Proposed Lot 2



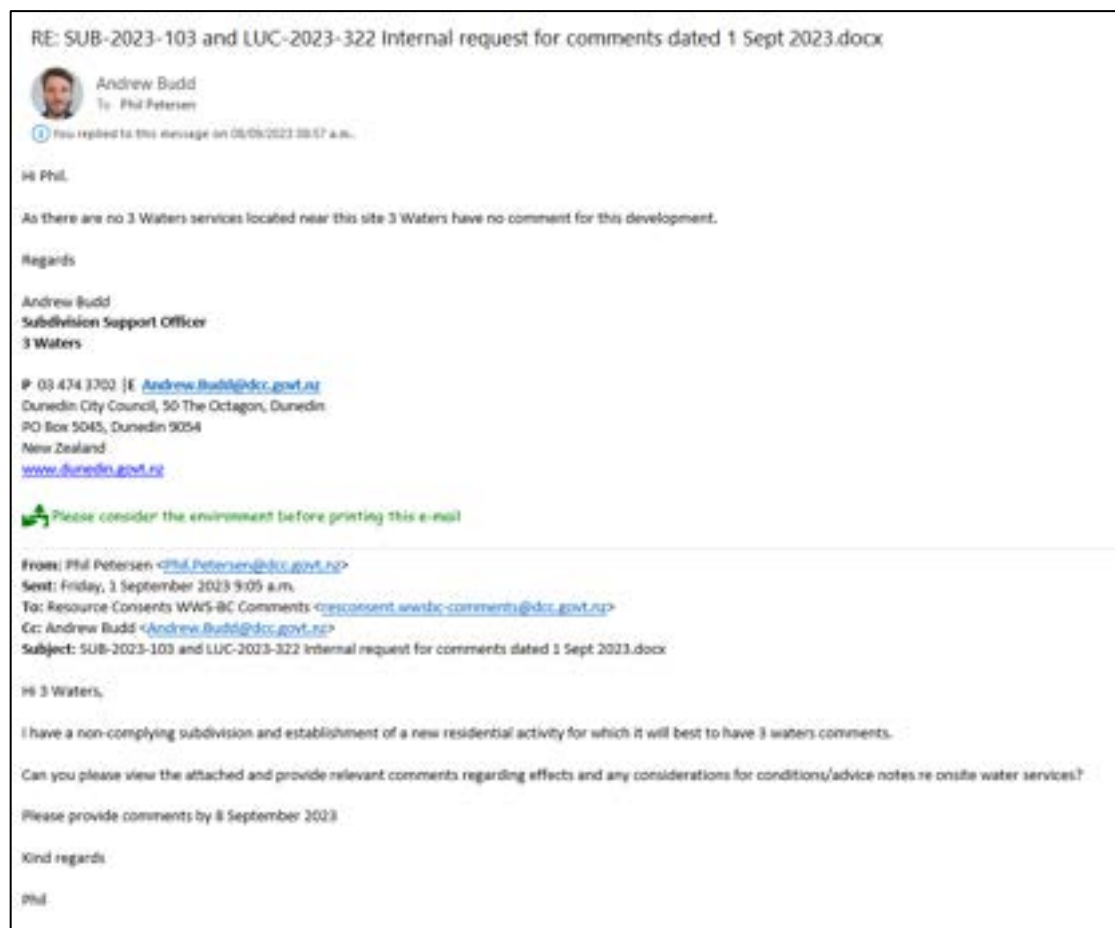
Figure 5: View towards site from SH1 on northern approach



Figure 6: View towards neighbouring RR1 zoned land to the east of the site.

Appendix 2: A7.6 Coastal Rural Zone Values

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



TO: Phil Petersen

FROM: Building Services Processing

DATE: 08/09/2023

SUBJECT: SUB-2023-103 LUC-2023-322
36 Donalds Hill Road Waitati

General: There are no DCC Services crossing this site
All private drainage matters will be dealt with at time of Building Consent.

Foul Drainage: The foul Drains from the existing dwelling on proposed **Lot 1** shall continue to discharge to the onsite Septic Tank and Effluent Dispersal Field
The foul drains from the proposed **Lot 2** shall discharge to an Onsite Septic Tank and Effluent Dispersal Field to be taken care of at time of Building Consent
No advice required for the Forestry Block.

Stormwater Drainage: The stormwater from the existing dwelling on proposed **Lot 1** shall continue to discharge to the Open Watercourse within the Lot.
The stormwater from the proposed **Lot 2** shall discharge to the Open Watercourse within the Lot to be taken care of at time of Building Consent
No advice required for the Forestry Block.

Surface Water: Collected or concentrated by Building or siteworks shall not cause nuisance to neighbouring property and must discharge to an appropriate outfall

**Senior Building Consent
Processing Officer P & D
Andrew Roberts**

RE: SUB-2023-103 and LUC-2023-322 Internal request for comments



MWH Hazards Team <MWHHazardsTeam@stantec.com>

To: Phil Petersen; MWH Hazards Team

Follow up. Start by Wednesday, 27 September 2023. Due by Wednesday, 27 September 2023.

Hello Phil,

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

Proposal

The proposed activity is to subdivide the above lot into 3 and establish a new residential dwelling on one of the new lots.

Site investigation reports have not been provided.

Plans for the proposal are provided within the application.

Hazards

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

- Hazard ID 10106: Land Stability - Land Movement (Alluvial fans - Active floodwater dominated)

Global Setting

The underlying geology consists of second main eruptive phase volcanics and is sloping by up to 26 degrees.

Discussion

The proposed subdivision will create one new residential lot on relatively flat ground and separate the existing dwelling and leave the remaining forestry lot on steeply sloping ground.

The land stability hazard listed for the site is at the base of the forestry lot and is not likely to affect the proposal.

The risk of erosion is not likely to affect the feasibility of the proposed subdivision and new residential activity. This is a stability issue that will need to be controlled through temporary stability measures and appropriate stormwater discharge design.

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

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

Advice

The proposed activity is likely to include significant earthworks:

- Temporary stability may be a concern on this project, and remains the responsibility of the developer.
- Prior to undertaking the work, a professional must assess the potential for instability on adjacent properties, as a result of the works.
- All temporary slopes shall be inspected and signed off by a suitably qualified individual.
- The excavations slopes shall be supported within 1 month of commencing the earthworks.

Conditions

We recommend that the following conditions be required for future development on the new residential lot:-

- All walls retaining over 1.5m, or supporting a surcharge / slope, or neighbouring land, including terracing, require design, specification and supervision by appropriately qualified person/s
- Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431:2022 Engineered fill construction for lightweight structures
- Slopes may not be cut steeper than 1:1 (45°) or two metres high without specific engineering design and certification
- Slopes may not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and certification
- As-built records of the final extent and thickness of any un-engineered fill should be recorded
- Any modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding or concentrated runoff during storm rainfall events.

Regards,

Edward Guemero

Senior Civil

Civil/Geotechnical Engineer

Mobile: +64 21 866 028

Email: edward.guemero@stantec.com

We're moving, from 6 March you will find us at:

Unit D1.03, 19 Great Road
Ranikton, Queenstown

TO: Phil Peterson, Planner

FROM: Reese Martin, Planner – Transport

DATE: 4 September 2023

SUBJECT: **SUB-2023-103 & LUC-2023-322**
36 DONALDS HILL ROAD, WAITATI

APPLICATION:

Resource consent is sought for the three-lot subdivision of the property at 36 Donalds Hill Road. The subject site has Legal and physical access to Deans Valley Road via an existing Right of Way easement over the metalled driveway that serves as access to both the subject site and the adjacent property at 34 Donalds Hill Road. The site currently accommodates an existing dwelling and several existing accessory buildings with the majority of the site remaining largely vacant.

Proposed Lot 1 (2ha) will contain the existing dwelling and accessory buildings and will remain unchanged as a result of this proposal, accessed via the existing shared metalled driveway formation. Proposed Lot 2 (2ha) will be a new vacant site and future residential development of this site is anticipated, accessed from the existing shared driveway via a new Right of Way easement over Lot 1 in favour of Lot 2, albeit it is unclear where this Right of Way easement will be located.

Proposed Lot 3 (2ha) will contain the vacant land located within the southern portion of the overall site which is currently utilised as land for forestry with legal and physical access being provided via an unformed and unnamed legal road which is currently formed as a forestry track that serves as access to several other adjacent properties as well as this portion of the site.

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

ACCESS:

Vehicle access to the site is currently accommodated via an existing Right of Way easement over the existing driveway to 34 Donalds Hill Road which is formed as a metalled driveway from the metalled Deans Valley Road formation. This driveway formation appears to have a formed width of at least 3.5m in accordance with Rule 6.6.3.9.iv and no changes to this existing access provision are proposed noting that Lot 1 will continue to gain access via the existing easement while Lot 2 will also gain access to this driveway formation via a new Right of Way easement over Lot 1. Lot 3 will also continue to be accessed via the existing forestry track. Therefore overall, the existing and proposed vehicle access provision is considered to be acceptable. It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

PARKING AND MANOEUVRING:

The site currently accommodates existing compliant on-site parking and manoeuvring provision and no changes to this existing parking and manoeuvring on proposed Lot 1 are proposed and is therefore considered acceptable.

No further development on Lots 2 and 3 is proposed as part of this proposal, although future residential development within Lot 2 is likely anticipated. As proposed Lot 2 will be a rear site, compliant on-site manoeuvring space must be provided if the applicant seeks to provide on-site car parking space on Lot 2 as part of future development of the site. Given the area of the site this can likely be achieved. It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.

GENERATED TRAFFIC:

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

CONCLUSION

Transport considers the effects of the proposed development on the transportation network to be less than minor, subject to the following advice notes:

ADVICE NOTES:

- (i) It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.
- (ii) Compliant on-site manoeuvring space must be provided if the applicant seeks to provide on-site car parking space on Lot 2 as part of future development of the site.
- (iii) It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

APPENDIX 4: Aerial photos



Figure 1 Proposed 2GP Planning Map



APPENDIX 5:

Site visit photos

All photos taken during site visit on 25 August 2023.



Figure 1 Looking southwest over proposed boundary between lot 2 and 3



Figure 2 Looking north from near proposed boundary between proposed lot 1 and 2



Figure 3 Looking south towards surrounding area from near proposed northern boundary of proposed lot 3



Figure 4 Looking south east from near boundary of proposed lots 1 and 2



Figure 5 Looking west along northern boundary of subject site within proposed lot 1



Figure 6 The yards within proposed lot 1, looking southwest towards dwelling.



Figure 7 Looking west from within proposed lot 2.



Figure 7 Looking northeast from on northern boundary of site within proposed lot 1.



Figure 8 Looking east from near proposed boundary of proposed lots 1 and 2. Eucalyptus shelterbelt located on site eastern boundary with RR1 zone.

Appendix 5:

Section 95 assessment

TO: Campbell Thomson, Senior Planner

FROM: Phil Petersen, Planner

DATE: 14 September 2023

SUBJECT: **SUB-2023-103 and LUC-2023-322**
36 Donalds Hill Road, Waitati
– NOTIFICATION ASSESSMENT

The Proposal

This is an application to subdivide an existing site of approximately 6ha to three resultant sites of approximately 2ha and to establish a new residential activity on proposed lot 2, and continue an existing residential activity on proposed Lot 1:

- Proposed lot 1 – 2ha (existing dwelling, existing standard residential activity to continue on this lot)
- Proposed lot 2 – 2ha (establish new standard residential activity on this lot)
- Proposed lot 3 – 2ha (to be a forestry block)

Proposed Lot 1 will continue to be accessed by the existing driveway from Deans Valley Road and legal ROW through the adjoining property to the west (34 Donalds Hill Road). Proposed Lot 2 will be accessed via the same driveway/ROW as Lot 1, and a new ROW across proposed Lot 1

An indicative scheme plan of the proposal is attached to this report as Appendix 1.

Public Notification

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

Step 1: Mandatory public notification in certain circumstances

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

Question	Yes	No	N/A	Assessment Notes
Has the applicant requested public notification? (s95A(3)(a))	–	✓	–	Not requested
Is public notification required under Section 95C (applicant has not provided or refuses to provide further information; or, applicant refuses to agree to commissioning of report or does not respond to report commissioning request)? (s95A(3)(b))	–	✓	–	No further information required
Has the application been made jointly with an application to	–	✓	–	No

exchange recreation reserve land under Section 15AA of the Reserves Act 1977? (s95A(3)(c))				
---	--	--	--	--

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

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

Question	Yes	No	N/A	Assessment Notes
Does a rule or national environmental standard preclude public notification of each activity in the application? (s95A(5)(a))	–	✓	–	Not precluded
Is the application for one or more of the following, but no other, activities:				
• A controlled activity? (s95A(5)(b)(i))	–	✓	–	No
• A restricted discretionary, discretionary or non-complying 'boundary activity'? (s95A(5)(b)(iii))	–	✓	–	No

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

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

Question	Yes	No	N/A	Assessment Notes
Does a rule or national environmental standard require public notification of the activity or any of the activities? (s95A(8)(a))	–	✓	–	Rule 16.4 does not include any relevant rule requiring notification of the proposal.
Will the activity have, or be likely to have, adverse effects on the environment that are more than minor? (s95A(8)(b) and s95D)	–	✓	–	This report has not identified any adverse effects of the proposal that either are, or are likely to be, more than minor. As set out in the assessment below this report has concluded that subject to conditions, the adverse environmental effects will be no more than

				minor.
--	--	--	--	--------

Environmental Effects (s95A(8)(b) and s95D)

Having regard to the likely environmental effects, technical advice has been sought in relation to transportation effects, service infrastructure, and landscape and visual effects. The Council transportation department has provided comments stating that the effects of the proposed development on the transportation network to be less than minor. This report considers the effects on the safety and efficiency of the transport network will be no more than minor.

The Council 3 waters department has provided comments stating that they have no concerns. This report therefore considers that the proposal has no more than minor effects on Council water infrastructure matters.

The Council landscape architect has stated that subject to recommended conditions the adverse effects of the proposal on landscape and visual amenity of the rural landscape would be less than minor. This report considers the effects of the proposal on this matter are less than minor.

Consideration has also been given to effects in relation to other matters set out below, where technical advice has not been sought at this time.

Effects on biodiversity values and natural character values of riparian margins and coast are considered to be of little relevance to this proposal, as the site is predominantly in pasture, except for an area of patchy gorse and examples of manuka/kanuka where the forestry block was formerly located. Proposed Lots 1 and 2 are almost entirely pasture, with small areas of existing curtilage and associated landscaping vegetation. There is no current evidence or signs of any existing biodiversity to warrant an assessment from the DCC Biodiversity Advisor and this report considers that any adverse effects on Biodiversity will be no more than minor.

The site is not located in any current mapped hazard area in the 2GP, and is only subject to liquefaction domain A classification. Accordingly, this report considers that effects relating to risk from known natural hazards are not relevant to this application. However, it is possible there may be some risks of land instability. When resource consent was issued in 2004 for the subdivision creating the subject site, advice was obtained from the Council's engineering consultants, who noted as follows:

“This land is overlying volcanic (phonolite) rock with soils comprising loess and weathered volcanic rock the bedrock. The soils are at some risk of sheet and tunnel gully erosion.”

The risks were considered low, but this advice was given in the context for a proposal creating two 6ha lots and a 10.5ha lot, from a 22.52ha title, with the site subject of this application being one of the smaller lots (Lot 1).

Expert advice from Stantec has not been obtained at this time, but is currently being sought. However, given the available information on this site, it is expected that any risks of land instability in relation to the proposed lots will be able to be managed by conditions of consent, which may include restrictions on the location of buildings and earthworks for access, etc.

The proposal does not affect public access. This report considers the effects of this proposal on this matter are no more than minor.

This report has considered the effects of the proposal on long term maintenance of rural land for productive rural activities. The proposal is for a 3-lot subdivision of an existing undersized lot of 6ha, the establishment of a new residential activity on the (resultant site) proposed lot two, and for the existing residential activity to continue on the resultant site (proposed Lot 1). The proposal is for the third resultant site (proposed Lot 3) to remain as a forestry block. This report considers that as the existing site is small and located within an area of coastal hill slopes, it has limited potential for to maintain rural productivity in the Dunedin context, particularly when the current permitted baseline of 40ha is used as a guide. The proposal will reduce what is left of any productivity values for the present site, and does not contribute to the productivity of the wider rural zone, however, given the land area involved, there is little evidence that the adverse effects of the proposal on long term maintenance of rural land for productive rural activities are more than minor.

This report concludes after a site visit, review of the above technical advice, and a desktop survey, that the adverse effects of the proposal on the environment will be no more than minor.

Step 4: Public notification in special circumstances

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

Question	Yes	No	N/A	Assessment Notes
Do special circumstances exist that warrant the public notification of the application? (s95A(9))	–	✓	–	This report considers the proposal is unlikely to create a high level of public interest. This report considers that there are no other circumstances in this case that would comprise special circumstances.

Limited Notification

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

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

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

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

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

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

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

Question	Yes	No	N/A	Assessment Notes
Does a rule or national environmental standard preclude limited notification of each activity in the application? (s95B(6)(a))	–	✓	–	No rules or regulations preclude limited notification
Is the application for a controlled activity (and no other activities) under the district plan(s) and is not a subdivision? (s95B(6)(b)(i))	–	✓	–	The application is for a non-complying activity

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

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

- Irrespective of the above, Step 4 must then be considered.

Question	Yes	No	N/A	Assessment Notes
Is the application for a 'boundary activity', and have all owners of an allotment with an 'infringed boundary', where the activity's adverse effects on the owner are minor or more than minor (but are not less than minor), given written approval? (s95B(7)(a))	–	✓	–	Not for a boundary activity.
In all other cases, will the activity have adverse effects on any person that is minor or more than minor (but not less than minor), and have these persons given their written approval? (s95B(8) and s95E)	–	✓	–	The proposal is not considered to have adverse effects on any person that is minor or more than minor (but not less than minor)

Step 4: Further notification in special circumstances

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

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

Conclusion

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

- The application can proceed on a non-notified basis.

Notification Recommendation

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



08 September 2023

Phil Petersen

Date

Planner
Notification Decision
That the recommendation above be adopted under delegated authority.


14 September 2023

Campbell Thomson

Date

Senior Planner

APPENDIX 6:

HAIL Search Report



27 July 2023

Anderson and Co (Otago) Limited
PO Box 5933
Dunedin 9054

Via email: conrad_a@xtra.co.nz

Dear Conrad,

HAIL PROPERTY SEARCH

HAIL-2023-77

36 Donalds Hill Road, Waitati

Please find attached the results of your Hazardous Activities and Industries List (HAIL) search lodged on 12 July 2023.

Please note:

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

Yours sincerely,

Lily Burrows
Planner

HAIL Search Summary

Collated by: Lily Burrows, Dunedin City Council	Date Collated: 27/07/2023
---	---------------------------

1 PROPERTY INFORMATION

Current Owner:	Rhonda Gear and Trevor Gear
Address:	36 Donalds Hill Road, Waitati
Legal Description(s):	Lot 1 Deposited Plan 346208
Territorial Authority:	Dunedin City Council

2 SEARCH EXTENT

Site plan showing search area:



3 HAIL INFORMATION

3.1 Supporting documents regarding land use history

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

- Email from Council's Archivist, outlining results of archival search
- Aerial images
 - 1954 (Source: https://files.interpret.co.nz/Retrolens/Imagery/SN839/Crown_839_D_5/High.jpg)
 - 1956 (Source: https://files.interpret.co.nz/Retrolens/Imagery/SN895/Crown_895_2546_9/High.jpg)
 - 1967 (Source: https://files.interpret.co.nz/Retrolens/Imagery/SN1876/Crown_1876_5168_17/High.jpg)
 - 1972 (Source: https://files.interpret.co.nz/Retrolens/Imagery/SN3236/Crown_3236_4609_7/High.jpg)
 - 1975 (Source: https://files.interpret.co.nz/Retrolens/Imagery/SN3822/Crown_3822_E_5/High.jpg)
 - 1982 (Source: https://files.interpret.co.nz/Retrolens/Imagery/SN3822/Crown_3822_E_5/High.jpg)
 - 1985 (Source: https://files.interpret.co.nz/Retrolens/Imagery/SN8482/Crown_8482_A_3/High.jpg)
 - 1990
 - 2000
 - 2006
 - 2013
 - 2018/19
- Consents record
- 1968 Site plan taken from application to establish speedway. While the site plan does not appear to be exactly to scale, the diagram with current site overlays appears to show the entire speedway operation lay outside of the subject site property boundaries

- 1972 Erect fowl house. Included for completeness, however it appears likely that the building location is/was on what is now 38 Donalds Hill Road, or potentially 34 Donalds Hill Road
- 1995 Subdivision consent
- 2004 Subdivision information including geotechnical advice and consent notice
- 2005 Erect barn as dwelling and install Metro Heater
- 2007 Erect implement shed
- 2010 Erect storage shed

3.2 HAIL land uses

Land uses (from HAIL):

- Nil identified

The Waitati Speedway was located just south of the subject site, and four-wheel drive tracks appear to have been located on the subject site. If vehicle refuelling and/or maintenance was undertaken on site, then category F4 may be relevant (although Council records and aerials do not indicate this is the case):

F4: Motor vehicle workshops

The long-term use of lead-based paints on buildings can, in some cases, cause soil contamination. Category I on the HAIL may be applicable in such a situation:

I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment

Building products containing asbestos were widely used in New Zealand. If there are or were any buildings containing asbestos products in a deteriorated condition, then category E1 on the HAIL may be applicable:

E1: Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition

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

3.3 Spatial extent of HAIL activity

☒ Not Applicable

☐ Part of Property

☐ Whole Property

4 CONCLUSION

☒ No explicit information found regarding HAIL activity

☐ Possible HAIL site

☐ Confirmed HAIL site

DOCUMENTS FROM ARCHIVES

Lily Burrows

From: Digital Services - Archives
Sent: Thursday, 20 July 2023 03:49 p.m.
To: Peter Webb; Lily Burrows
Subject: HAIL Archives Search - 36 Donalds Hill Road Waitati, 2023-77

HAIL 2023-77

Property Address: 36 Donalds Hill Road Waitati, Lot 1 DP 346208

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

Records searched: Waikouaiti County Council (WCC) Ratesbooks 1883-1976, WCC Building Permits, WCC Dangerous Goods Licences, Silverpeaks County Council Dangerous Goods Licences, Landfills listings, DCC City Engineers correspondence 1990-1996, Inward Correspondence Series 1989-2002.

Nothing was found for the property in these records.

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

The Waikouaiti County Council ratesbooks do not hold any information about what was on the property.

No aerial photos available for this locality.

Thank you,

Prue Milbank

ARCHIVIST

Business Information Services

Visit DCC Archives photo collection at www.flickr.com/photos/dccarchives

DCC GIS Aerial photo collection <https://www.flickr.com/photos/dccgis>

DCC Archives <http://www.dunedin.govt.nz/services/archives>

P 03 477 4000 | **DD** 03 474 3553 | **E** prue.milbank@dcc.govt.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz



Please consider the environment before printing this e-mail

AERIAL IMAGES

101

1954



102

1956













108

1990



109

2000



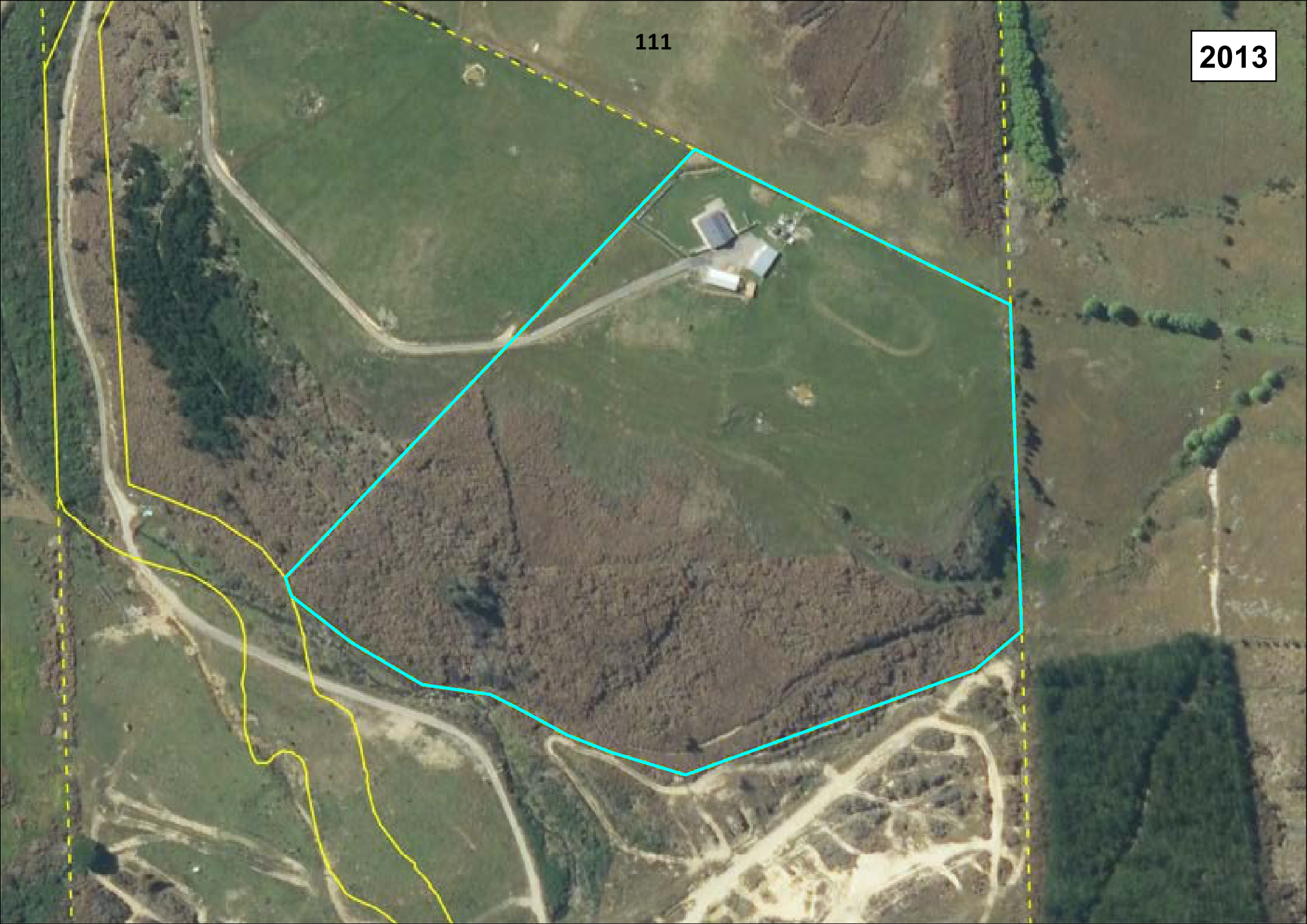
110

2006



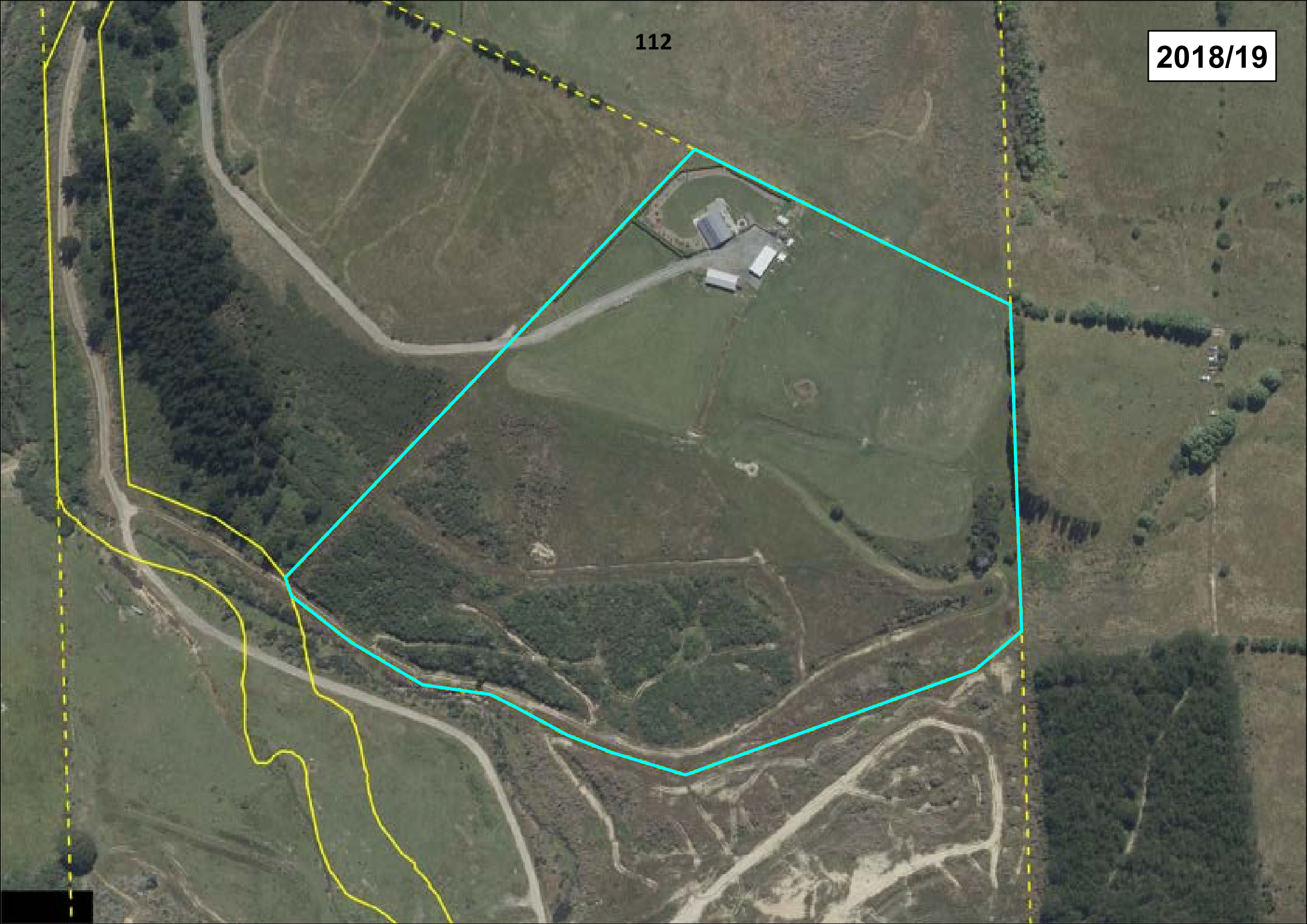
111

2013



112

2018/19



CONSENTS RECORD

**Consent Record for 36 Donalds Hill Road Waitati
(Property Number: 5111507)**

Building Applications:

Building Application	Status	Description	Lodge Date	Applicant
<u>PIM-2010-1689</u>	PIM Issued	Erect Storage Shed	22/10/2010	<u>129489</u> D E Johnston
<u>ABA-2010-2136</u>	CCC Issued	Erect Storage Shed	22/10/2010	<u>129489</u> D E Johnston
<u>PIM-2007-315821</u>	PIM Issued	Erect Implement Shed	24/04/2007	<u>129489</u> D E Johnston
<u>ABA-2007-315716</u>	CCC Issued	Erect Implement Shed	24/04/2007	<u>129489</u> D E Johnston
<u>ABA-2005-310751</u> GEMS ID ABA54188	CCC Issued	Erect Barn as Dwelling/Metro Aspire	21/12/2005	<u>121357</u> R J Gear
<u>H-1974-289291</u> GEMS ID AAW19740015	Historical Record	AAW19740015 G31323 - Erect Toilet Facilities, (Waldron)	28/05/1974	<u>189736</u> Historic Person - Old Consents (Bldg, Land Use, Sub)
<u>H-1974-289321</u> GEMS ID AAW19740045	Historical Record	AAW19740045 469 - Plumbing and Drainage, No Plan (Waldron)	28/01/1974	<u>189736</u> Historic Person - Old Consents (Bldg, Land Use, Sub)
<u>H-1972-289049</u> GEMS ID AAW19720041	Historical Record	AAW19720041 E64096 - Erect Fowl House, (Waldron)	12/01/1972	<u>189736</u> Historic Person - Old Consents (Bldg, Land Use, Sub)
<u>H-1970-7066</u>	Historical Record	AAW19707066 B067066 - Erect Temporary Building for Canteen, (Duff)	04/12/1970	
<u>H-1968-274060</u> GEMS ID AAS19680314	Historical Record	AAS19680314 No Permit Number - Erect Toilets, (Waldron)	07/03/1968	
<u>H-1967-273739</u> GEMS ID AAS19670419	Historical Record	AAS19670419 75 - Erect Garge, (Waldron)	26/08/1967	

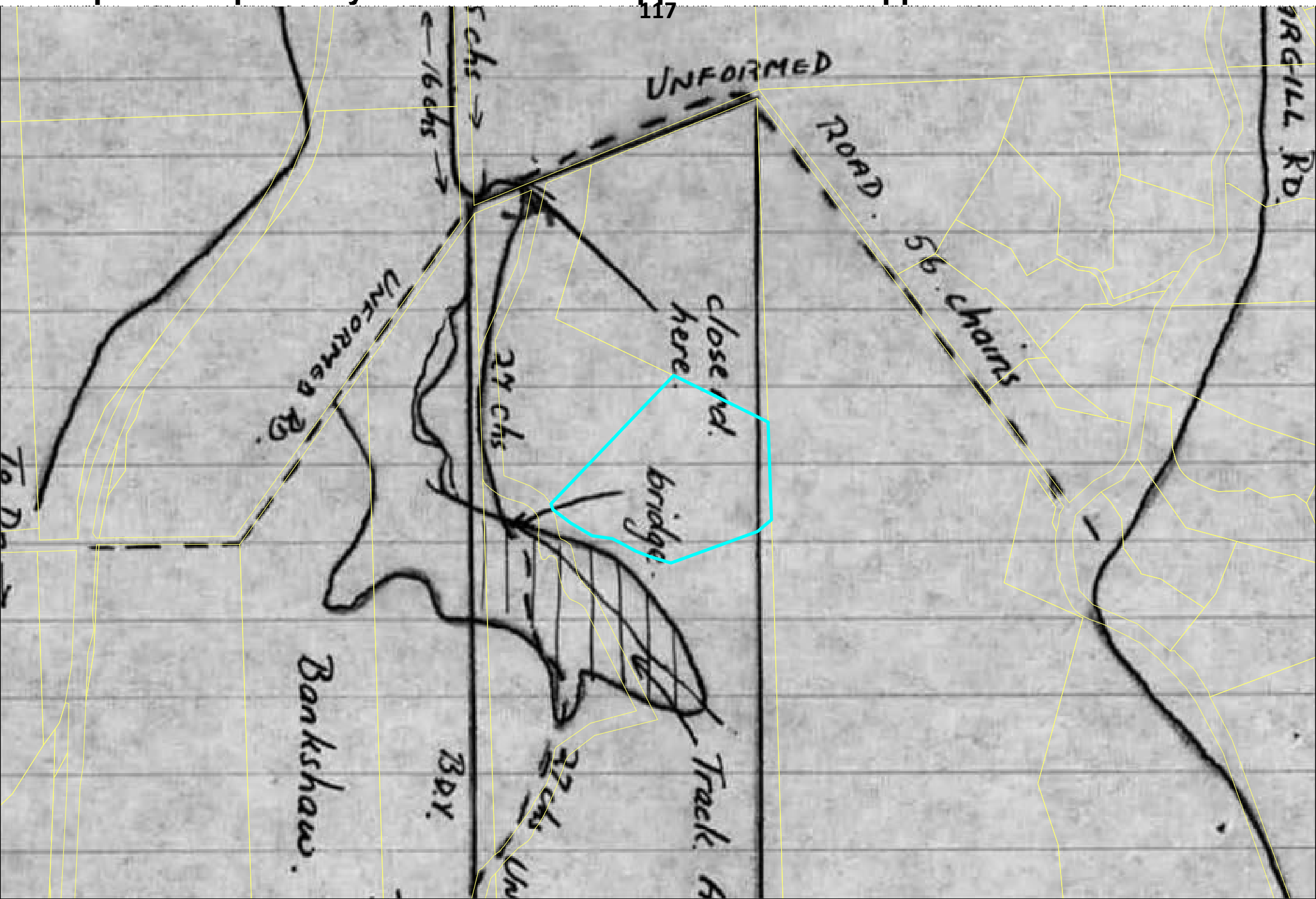
Planning Applications:

Planning Application	Status	Description	Lodge Date	Applicant
<u>HAIL-2023-77</u> GEMS ID	HAIL request lodged	36 Donalds Hill Road Waitati	12/07/2023	<u>605982</u> Anderson and Co (Otago) Limited
<u>LUC-2004-367922/B</u> GEMS ID	s125 Granted	Section 125	26/05/2009	<u>225373</u> R J Skill
<u>LUC-2004-367922/A</u> GEMS ID	Consent Issued	Section 127 variation of conditions	13/05/2009	<u>225373</u> R J Skill
<u>RMA-2004-368249</u> GEMS ID RMA20040835	Consent Issued	S127 CHANGE OF CONDITIONS	13/09/2004	<u>225373</u> R J Skill

Planning Application	Status	Description	Lodge Date	Applicant
<u>RMA-2004-367922</u> GEMS ID RMA20040498	Consent Issued	RESIDENTIAL ON RURAL LOTS (RURAL F SILVERPEAKS PLAN)	08/06/2004	<u>225373</u> R J Skill
<u>RMA-2004-367921</u> GEMS ID RMA20040497	s224c Issued	SUBDIVISION OF SITE INTO THREE RURAL LOTS see 20040835	08/06/2004	<u>225373</u> R J Skill
<u>RMA-1995-358288</u> GEMS ID RMA495005	Consent Issued	Subdivision Ownr:ROBINSON C.A.& K.P. PO Box 1092	25/01/1995	<u>112225</u> C A Robinson

BUILDING AND PLANNING CONSENT DOCUMENTS

Site plan for speedway taken from 1968 application with approximate site boundaries



WAIKOUAITI COUNTY

To the BUILDING INSPECTOR.

Valuation Number 26574/507

It is distinctly understood that no work whatever shall be commenced until the approval of the Building Inspector has been obtained to Plans and Specifications for the same.

1. Erect a building or make an addition or alteration to or pull down a building or that I intend to build or rebuild or pull down or cut into or alter a party wall or external wall or chimney stack or flue or as the case may be.

TAKE NOTICE that I intend to' build a fowlhouse
(Describe the work intended to be done)

Briefly describe Building

Building 2 open fronted fowl houses 100 ft long
4x2 framing Iron nails and roof
concrete floor

SCALE OF FEES:

[illegible]

Part Section No. 32

Block No. *North Harbour & Blue River, B*

Name of Township *T/R 263/38*

Or Survey District *Watauga*

Area to be built on 14.2 acres.

Plans and outline specifications of proposed work to be forwarded herewith, together with fees.

Estimated cost of proposed building, alteration, etc. £ 3.00.

Name of Builder *W. Malcher*

Address of Builder 98 Main Rd Brighton

Name of Architect

Signature of Owner .. *X Maldron*

Address of Owner 98 Main Rd Brighton

Dated at Karachi this 12th day of Jan 1972

REPORT

Permit No. E-6096 Issued on 11-9- 1972

3192

.....Building Inspector.

Receipt Number 15073 915800

Date 21 / 1 / 72 14/8/72

Amount	\$2.00	\$6
--------	--------	-----

FOR CONCRETE, BRICK or STONE BUILDINGS

External Walls—Width, Height,
Footings—Width,

CONCRETE WORK

Gravel—To be not larger than 2½ inch diameter for foundations.
To be not larger than 1½ inch diameter for work above ground.

Concrete—Foundations	parts cement.	Other work	parts cement.
" " " " " " " "	parts sand.	" " " " " " "	parts sand.
" " " " " " "	parts gravel.	" " " " " " "	parts gravel.

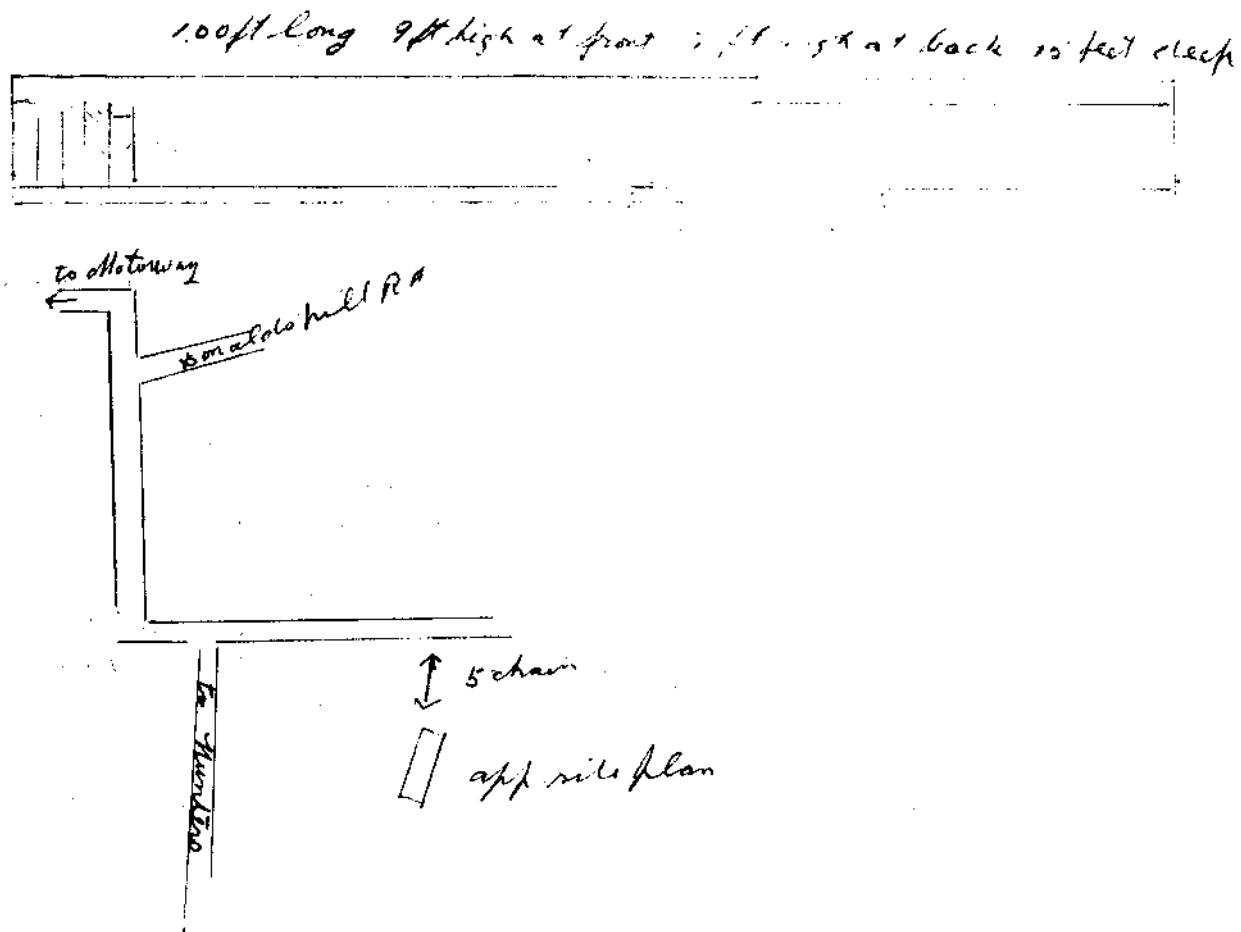
DESCRIPTION OF DAMP COURSE TO BE USED:—

Single line ground plan showing size and nature of rooms and system of drainage is attached hereto.

Signature.

SCALE—SITE PLAN 1/16th INCH = 1 FOOT
ELEVATIONS, ETC. 1/8th INCH = 1 FOOT

119
PLAN OF PROPOSED BUILDING



2684/307

Waitati Associated
Speedway
Promotions Ltd

C/- P.O. Box 137

Dunedin.

Part action 32 BIK 1

N 14 & B 5D

- ① Usage
- ② ownership
- ③ Value.

3 August 1972

Mr W.W. Waldron,
98 Main Road,
BRISTON.

Dear Sir,

Fowl Houses

Further to our recent conversation I regret that I cannot issue the permit for the erection of the fowlhouse without clarification of the following matters.

On the 26th May 1972 I wrote requesting you to clarify the ownership of the land in question but as yet I have only received your verbal advice that part of that which is at present under the occupation of Waitati Associated Speedway Promotions Ltd, is to become yours. Until I have confirmation of this change and details of the land involved no permits can be issued to yourself, and furthermore, no more building work can be attempted. I have already explained this position to you and I must earnestly request your co-operation. Either the proper clarification and notification of the ownership must be provided or otherwise the authority from the present owners must be obtained in writing.

In addition on checking your application further I note that you estimate the cost of the buildings at some \$300-00. No matter what materials are used, the buildings must be erected in a tradesman like manner and as good as new and therefore I cannot possibly accept that you value two 1,500 square foot buildings at the value. Accordingly I have estimated their values at approximately \$750-00 each and the permit fees will therefore be \$8.00.

As you have already paid \$2.00 I would be obliged if you would forward the additional amount of \$6.00 urgently.

When these matters have been settled I will be pleased to issue your permit.

Yours faithfully,
(J. K. Inglis)
COUNTY BUILDING INSPECTOR

Waitati
14th Aug 32.

Building Inspector
Waitakere

Dear John

a Mr Bob McCallum of Waitati
is going to work on this building with me
He says you know him so you will know
his work

Enclosed is titles of section reference and
O.H. to build on
also - my last six dollars between me and
starvation

thanks John.

yours Faithfully
Waldron

12th aug 1972
Haikaiti

To the Building Inspector
Haikouaiti

I gave W. Waldron permission to Erect Buildings on the property at Haikaiti. I still am the Registered owner and occupier. The Otago Motor Racing Circuit have a lease with option to purchase and they have also agreed that they be erected.

J G Hunter

Part sec 32 B.L.K. North Harbour & Blueskin S.D.
c/t. 263/38. area 142 acres. 3 roads 10 poles
more or less.

M. R.

26 May 1972

Mr W.W. Waldron,
98 Main Road,
BRIGHTON.

Dear Sir,

Building Work -- Part Section 32 Hk I
North Harbour and Blueskin S.D.

Please accept my apologies for not replying to your application to erect a fowlhouse on the above property, at an earlier stage.

However there are two matters regarding which I would appreciate receiving your assistance. Firstly I note that the occupier of the property is noted in the Council's records as being the Waitati Associated Speedway Promotions Ltd, of P.O. Box 137 Dunedin, and I would be obliged if you would confirm that the above association is agreeable to your building being erected. If this organisation is not in existence at present a copy of your lease or confirmation that the owner, Mr J. L. Hunter agrees would be required. Secondly although the building which has been erected appears to be sound the finishing of the outside sheathing and the roosting is poorly done and should be properly erected with a fascia whether it projects as a soffit or not.

There is a further problem, in that you appear to be building a dwelling unit for which no permission has been given. Further, the workmanship is of a most unsuitable and unsatisfactory standard. The piling, framing, and sheathings are all defective and the whole work is of a detrimental nature. There cannot be any objection to your using second-hand materials but the by-law requires that these be of satisfactory standard and erected in a tradesmanlike manner. I have no desire to obstruct your endeavours in the area but this particular building seems to require re-erection, with proper materials after first obtaining a permit to do so.

-2-

It will be necessary for me to refer this matter to the Council and therefore I would appreciate receiving your advice as to your intentions regarding both structures.

If a satisfactory agreement cannot be reached I will have no alternative but to serve formal notice requiring the second mentioned building to be removed entirely.

Yours Faithfully,

(J. K. Inglis)
COUNTY BUILDING INSPECTOR

**APPLICATION FOR RESOURCE CONSENT
C.A. & K.P. ROBINSON**

Photograph 1 showing property



Taken from Donalds Hill Road looking towards the applicants' land. The applicants' house shows to the left. The property generally from the house back over the grassed ridge to the right and onto the lower slopes (not visible) of the hill behind. An area of pine trees on the land to be retained by the applicants appear to the right of the photograph. The new property boundary will be at the foot of these trees. The formed paper road that will provide access to the rear of the new allotment is visible. It will be noted that the topography of the land is such that this paper road is the only viable access to the land at the rear.



Photograph looking south across site from
high ground adjacent to northern boundary

**APPLICATION FOR RESOURCE CONSENT
C.A. & K.P. ROBINSON**

Photograph 3 showing property



Taken from the flat, looking back to the point from photograph 2 was taken. Regenerating gorse covers the side of the grassed ridge, on the far side of the track, which will be retained by the presented owners.



HOVELL PLANNING SERVICES LTD.

Resource Management and Environmental Planning Consultants

Principal: Keith Hovell B.A., B.T.P., M.N.Z.P.I.

4th Floor, Hallensteins Building
18 Princes Street
P.O. Box 1092
DUNEDIN

Telephone: 03-477 8513
Facsimile: 03-477 8533
Mobile: 025-331 061

25 January 1995

Our Reference: 50/123

Development Planner
Dunedin City Council
P O Box 5045
DUNEDIN

Attention: Jack Chandra

Dear Sir,

Resource Consent - C.A. & K.P. Robinson

Attached is a copy of an application for a resource consent on behalf of C.A. & K.P. Robinson, to subdivide their property situated on the southern side of Weatherstone Road, Waitati into two allotments with areas of 22.4 and 35.4 hectares. It is the intention of the applicants to retain the smaller allotment and sell the larger. At this time there is no prospective purchaser of the larger allotment. The new allotment will be advertised as a stepping stone farm block or forestry block. Both uses will represent a continuation of activities presently taking place on the land. Should any future owner wish to establish any other activity on the land then that would need to be subject to a further resource consent application.

The land subject to this application is zoned Rural F in the Silverpeaks Section of the Dunedin City District Scheme. There are no designations applying to the land, however, there is a notation for "Motor Racing Track". This notation is present because in the 1970s two private motor racing tracks were constructed on the land, and the Council of the time wished to facilitate their retention for such purposes, by indicating the use on the planing maps and requiring the consent of the landowner before any subdivision of land occurred, or any use not covered by the notation was established.

In terms of district rule 1.7 of the Silverpeaks section of the district plan any subdivision inconsistent with a notation is a "prohibited activity". Given the provisions of section 374(3)(c) of the Resource Management Act 1991 any reference to "prohibited activity" should read "non-complying". You are therefore able to process, consider and approve this application.

Given that the motor racing track has ceased operation, the protection provided by district rule 1.7 is no longer required. On behalf of the owner of the land I request that the notation be deleted. Given the provisions of district rule 1.7, and its associated explanation, I consider that deletion of the notation is appropriate, and this can be implemented in the same way that designations are removed, without any formal change to the district plan.

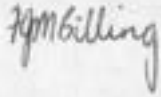
Also enclosed is :

- a a sketch plan of the proposed subdivision;
- b a statement of supporting information;

d a cheque for \$500.00 being the deposit on the application.

Should you require any further information please advise.

Yours faithfully,
HOVELL PLANNING SERVICES LIMITED



Fiona Billing
Planning Assistant

**APPLICATION FOR RESOURCE CONSENT
UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991
C.A. & K.P. ROBINSON**

SUPPORTING INFORMATION

1 Description of Proposal and Present Use

The activity to which this application relates is the subdivision of an area of land situated on the southern side of Weatherstone Road, Waitati, to create two new allotments. The land, contained within C.T. 263/38 is currently owned by C.A. & K.P. Robinson. The proposed subdivision is shown on the attached sketch plan.

The property comprises an area of 57.7942 hectares of freehold land. Approximately 22.4 hectares is to be retained by C.A. & K.P. Robinson, leaving 35.4 hectares of the land to be sold.

The property is a small rural holding containing a small two bedroom ex-Twizel dwelling, shifted to the site in 1989. The house is connected to septic tank, private water supply from a dam nearby, and to electricity and telephone. 200 sheep are grazed on the property, with an area of approximately two hectares being used for forestry purposes.

While the property is generally rectangular in shape, measuring approximately 1,454 metres by 436 metres, it is of varying topography. Adjacent to Weatherstone Creek there is an area of flat land, with an area of approximately 4 hectares. Some of this is subject to surface flooding during high rainfall events, resulting from the adjacent creek overtopping its shallow bed, and spreading onto the adjoining flats. This flat land contains the most productive land on the property, but is not of high value for food production. At the northern end of the property there is an area of steep ridges, with an area of about 20 hectares. This is of very low productivity, being covered by manuka, scrub and gorse. The remainder of the property is comprised of rolling land, generally of moderate slope, containing a mixture of gorse, pasture and trees.

The small area of flat land alongside Weatherstone Creek was developed for a speedway in the 1970s but that activity was not successful. Remnants of buildings from this venture are still present, but they cannot be used because of their state of disrepair. Septic tanks installed to serve toilet and other facilities at the speedway still appear to be in an operable condition. Following the demise of the speedway venture the property was left unattended for more than ten years. During this time, gorse, already present, severely infested the entire property.

The present owners purchased the property in 1988, and since that time have attempted to clear the gorse and establish pasture for the grazing of sheep. While this has been moderately successful on the flat area beside the Creek, and to a lesser extent on the rolling land, it is apparent that it will be impossible to clear the manuka, scrub and gorse and establish viable long term pasture on the steeper parts of the property. Even on the lower areas gorse reversion is a constant problem.

The proposed subdivision provides for the present owners retaining much of the rolling land, and continuing to use that area for grazing of sheep and forestry. It is anticipated that by concentrating effort over a smaller area existing sheep numbers for the entire property can be accommodated on the smaller allotment. The new allotment created will contain an area of flat land, and that will be available for grazing. It is anticipated that the remaining area will be developed for farm-forestry purposes.

Both allotments will front Weatherstone Road. A paper road passes through the existing property. This is formed as far as the flat area previously used for the speedway, terminating near Cedar Creek. This paper road provides physical access to bulk of the new allotment to be created, and is a logical legal and physical boundary between the two allotments.

Attached as Appendix 1 is a series of photographs of the site.

2 Impacts

Section 88 of the Act requires this application to include an assessment of any actual or potential effects that the proposed activity may have on the environment and the ways in which any adverse effects may be mitigated. Section 88(6) requires that the assessment:

- (a) Shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
- (b) Shall be prepared in accordance with the Fourth Schedule of the Act.

Given the nature of the proposed subdivision it is not considered that it will give rise to any significant adverse effects upon the environment. In terms of the provisions of clause 1(d) of the Fourth Schedule of the Act, it is considered that the actual and potential impacts on the environment will be nil. This application relates only to the subdivision of the land not to its future use. As a result the application will not give rise to any visual impacts or other effects upon the amenities of the area, nor will the subdivision create any additional requirements on services.

There is a piped water supply serving the area and electricity lines supplying the old racing track building are still in place. Subdivision will not affect water intakes from either Weatherstone or Cedar Creeks for the reason that there are no facilities for extracting water for these schemes on the land subject to this application. Any sewage disposal could be by way of the septic tanks on the proposed new allotment.

Access to the proposed new allotment would be by way of the paper road which is part formed. Traffic levels on Weatherstone Road and Donalds Hill Road are extremely low, serving only three farm properties. The creation of a further allotment will not significantly increase traffic, nor give rise to concerns regarding the standard of those roads, or the adequacy of the design of the intersection of Donalds Hill Road with State Highway 1.

Productivity of the land will not be adversely affected. It is anticipated that this will be improved, but this is not considered significant given the low productivity of the land in the area. The property is included within an area shown as predominantly Class VIe5 on the Ministry of Works Land Use Capability Worksheets, as indicated in the attached plan. Part of the steeper land is a combination of Class VIe5 and Class VIIe1 land. The Worksheets describe these classes of land as follows :

Class VIe5 Moderately steep to steep limestone and volcanic hill country with a moderate potential for soil slip and sheet erosion. Potential land use is described as grazing and production forestry.

Class VIIe1 Steep to very steep volcanic hill country with moderate to severe erosion potential. Potential land use is described as grazing and production forestry.

There is no sign of instability on the land at this time, and with retention of existing grazing and forestry uses no risk of erosion is likely. Given the state of the land intensive use of the land is not appropriate.

Minor flooding of the area adjoining the Weatherstone River does occur during high rainfall periods, but this impacts on only a small part of the low flat area, and will not affect the use of the proposed new allotment. An old house on the flats is situated in a flood-free area.

3 District Plan Provisions

The land subject to this application is zoned Rural F in the Silverpeaks Section of the Dunedin City District Council's District Scheme, as shown on the plan opposite.

The purpose of the Rural F Zone is *"to recognise and provide for the inter relationship of land use planning as provided by the Town and Country Planning Act 1977 and the principles and objectives contained in the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967"*. The Council *"...seeks to recognise the biological and economic significance of the two principal estuaries within the district, for example, Purakanui Inlet and Blueskin Bay."* The proposed subdivision, because of the nature of the land, and its retention in existing uses, will not give rise to any adverse effects upon water quality in Blueskin Bay.



Policies for the zone seek to :

- ii recognise the significance of the Taieri and Waikouaiti Rivers; and
- iii recognise the suitability of the land for forestry purposes.

The proposed subdivision will not be contrary to any of these policies.

District rule 11.8(a)(ii) provide for the subdivision of land to a minimum of 15 hectares, requiring a minimum frontage to a formed public road of 60 metres. The proposed new allotments comply with these requirements. Given this compliance it is considered that no farm development programme is required.

In terms of district rule 11.8(c)(ii) the subdivision will not :

- i cause a demand for the extension of public services;
- ii lead to an interference with the free movement of traffic on an adjoining road; nor
- iii make any future development of the district uneconomic.

A notation of "Motor Racing Track" applies to the property. The notation however is no longer required for the reason that the racing track has not operated on the land for more than 15 years. The owner has requested that the notation be removed.

It is intended for the allotments to be used in accordance with the permitted activities of the District Plan. Any change to this will be require a further application for resource consent by the future owner.

4 Resource Management Act 1991 Provisions

In terms of the provisions of section 105 of the Act the Council may consent to a resource consent where it is satisfied that :

- i The proposal will give rise to effects on the environment, which are at most minor; or
- ii The proposal will not be contrary to the objectives and policies of the district plan.

In this instance it is considered that the proposal will not give rise to any effects on the environment, and the proposal complies with the intent of the policies and objectives in the district plan.

In terms of the provisions of section 106 of the Act there is no evidence that, if approved, this subdivision will result in material damage by erosion, subsidence, or inundation from any source.

5 Conclusions

In view of the matters set out above, it is considered that the proposed subdivision will not give rise to any adverse effects.

Given the provisions of section 104 of the Resource Management Act 1991, it is considered appropriate to consent to this application.

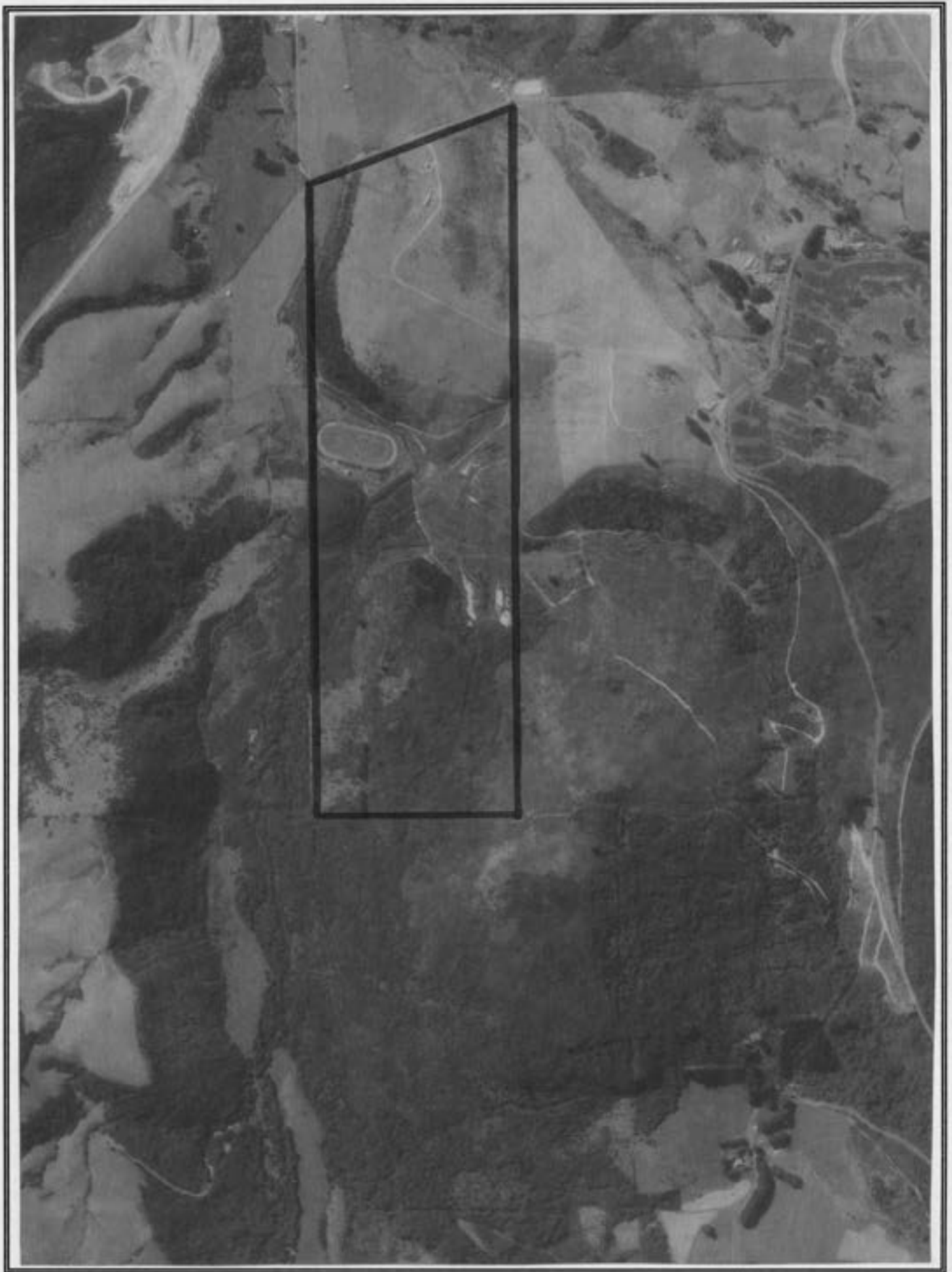
Any enquiries relating to this application can be directed to :

Hovell Planning Services Limited
P O Box 1092
DUNEDIN

Telephone (03) 477-8513
Facsimile (03) 477-8533

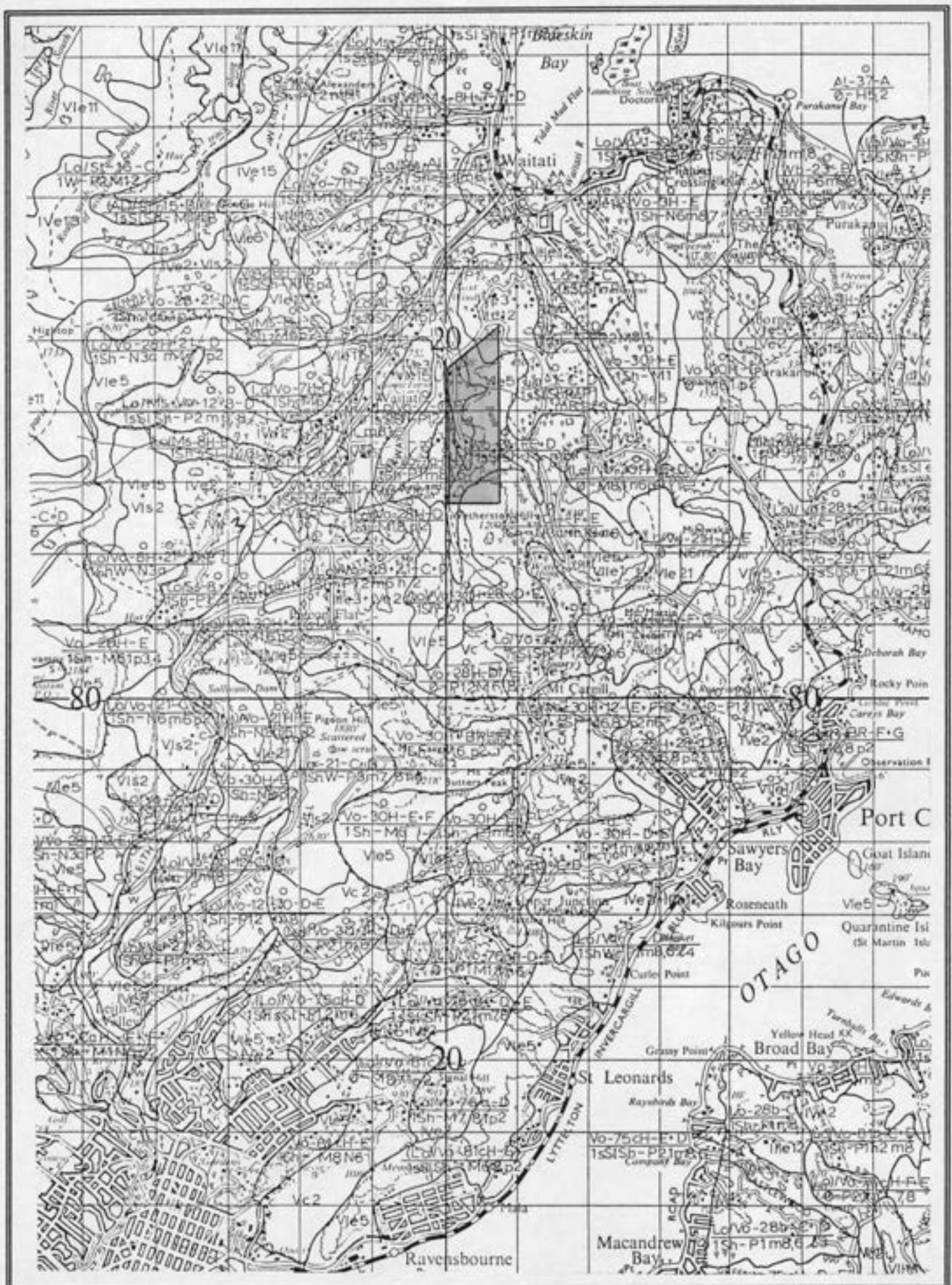
APPLICATION FOR SOURCE CONSENT
C.A & K.P ROBINSON

Aerial Photograph showing property



APPLICATION FOR ~~137~~ SOURCE CONSENT
C.A & K.P ROBINSON

NZ Land Resource Inventory Worksheet No. 164 showing property



8-9-94

(Land and Deeds-304)

NEW ZEALAND.

Land Transfer (Compulsory
Registration of Titles)
Act, 1904.

Reference:

Deeds Index. F.41

Application No. C.8010

OFFICE

Register-book,

Vol. 263, folio 38

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

LIMITED AS TO PARTS AND T/12

This Certificate, dated the Twelfth day of August one thousand nine hundred and thirty-three,
under the hand and seal of the District Land Registrar of the Land Registration District of Otago Witnesseth that
GEORGE FARE of Dunedin Ecker

is issued of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under written
or endorsed hereon, subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly
of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered green, be the several admeasurements
a little more or less, that is to say: All that parcel of land containing together One hundred and forty-two acres Three roods Ten
perches more or less being parts of Section Thirty-two (32) Block One (1) FORTH HARBOUR AND BLUESKIN DISTRICT.

EQUIVALENT METRIC

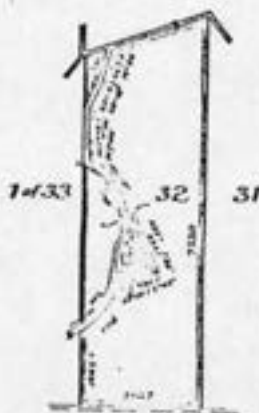
AREA IS 57.7742 ha

LSP 11-7-94

M. H. Morgan
District Land Registrar.

Block I
North Harbour & Blueskin S.D.

142a. 3a 10p.



Block XII

Scale, 20 chains to an inch

This Certificate of Title has caused to be a Certificate of Title
linked to Title Entered 4th December 1934.

M. H. Morgan D.L.R.

Transfer 113574 George Fares to Herbert
Wilson heirs of 10 a late farmer
produced 11th December 1934 at 3.00

M. H. Morgan D.L.R.

Transfer 119255 Herbert Wilson heirs
to the Pacific Island Hotel Building
Company produced 11th December 1934
at 3.00

M. H. Morgan D.L.R.

Transfer 150471 Herbert Wilson heirs
to Robert Stark Russell of Waitaki
Dairy Farmer produced at 11.20 a.m.

M. H. Morgan D.L.R.

Transfer 124228 Robert Stark Russell
to the Pacific Island Hotel Building
Company produced at 11.20 a.m.

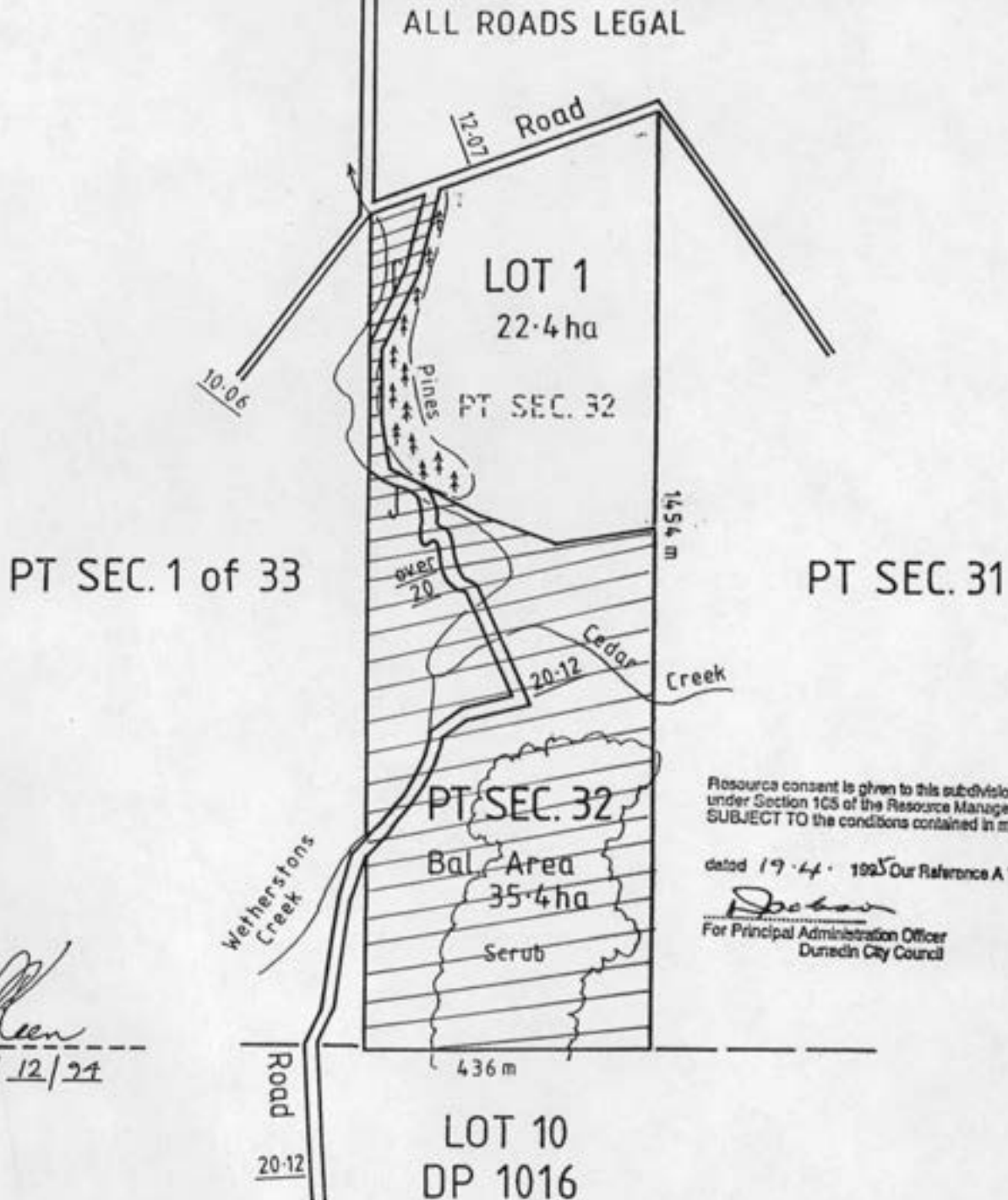
M. H. Morgan D.L.R.

OVER

439

Areas & dimensions are approximate only & are subject to survey.

5-7



PROPOSED SUBDIVISION OF PT SEC. 32,
BLOCK I, NORTH HARBOUR & BLUESKIN S.D.

Owners : C.A. & K.P. Robinson

CT 263/38 Ltd

Total Area 57.7942 ha.

R. J. KEEN
REGISTERED SURVEYOR

SCALE
1:10,000

DATE
DEC. 1994

JOB No.
9405

PLAN No.

3.5.1.95

"A"

(Land and Deeds - 204)

NEW ZEALAND.

Reference: Land Transfer (Compulsory
Registration of Titles)
Act, 1924.
Deeds Index. F. 41
Application No. C. 8010



OFFICE

Register-book,

Vol. 263. folio 38

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

LIMITED AS TO PARTS OF THE

This Certificate, dated the 15th day of August one thousand nine hundred and thirty-three
under the hand and seal of the District Land Registrar of the Land Registration District of Otago Witnesseth that

GEORGE VARR of Dunedin Facker.

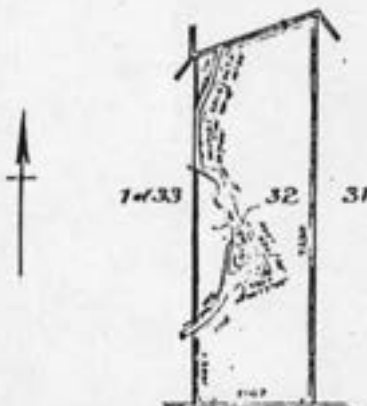
is issued of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under written or endorsed hereon, subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered green, by the several admeasurements a little more or less, that is to say: All that parcel of land containing together One hundred and forty-two acres Three roods Ten perches more or less being parts of Section Thirty-two (32) Block One (1) NORTH HARBOUR AND BLUESKIN DISTRICT.

EQUIVALENT METRIC

AREA IS 57.7942 ha

Block I
North Harbour & Blueskin S.D.

142a. 3r. 10p.



10 Block XII

Scale, 20 chains to an inch

This Certificate of Title has ceased to be a Certificate of Title
Limited as to Parts Entered 4th December 1931.

Transfer No 15571, George Varr to Herbert
Wilson heirs of 10 a 3 r 10 p
produced 14th November 1934 at 3pm
at 3pm
Transfer No 150471 Herbert Wilson heirs
to Robert Stark Russell of Waitati
Dairy Farmer produced at 11.20am
1946 at 11.20am

Transfer No 124228 Robert Stark Russell
to V. Pacific Building
Company produced at 11.20am
1946 at 11.20am

OVER

2.263/38

Mortgage No. 128428 to Pacific Building Society produced 21.11.1957 at 10.00
 DISCHARGED

Transfer 163222 to Edward Frank & Made of Labour produced 22.11.1957 at 10.00
 A.L.R.

Mortgage 135090 to Edward Frank & Made of Labour produced 22.11.1957 at 10.00
 DISCHARGED

Transfer 163222 to Edward Frank & Made of Labour produced 22.11.1957 at 10.00
 A.L.R.

Mortgage 136717 to Edward Frank & Made of Labour produced 22.11.1957 at 10.00
 DISCHARGED

Mortgage 136718 to Edward Frank & Made of Labour produced 22.11.1957 at 10.00
 DISCHARGED

Transfer 202461 to Cyril George McEllen Stronach James George Hunter of Dunedin Solicitors produced 29.11.1957 at 2.00
 A.L.R.

Transfer 202461 to Cyril George McEllen Stronach James George Hunter of Dunedin Solicitors produced 29.11.1957 at 2.00
 A.L.R.

Mortgage 163222 to Edward Frank & Made of Labour produced 22.11.1957 at 10.00
 DISCHARGED

Mortgage 109129 to Edward Frank & Made of Labour produced 22.11.1957 at 10.00
 A.L.R.

L.S.P. dec. 5/11/70

THE REGISTRAR OF LANDS AND THE REGISTRAR OF THE MORTGAGE, REGISTRATION FOR THE PURPOSES OF THE MORTGAGE ACT 1952.

405166 Transfer to William Wells Waldron of Dunedin Company Manager - 14.6.1973 at 2.54 pm
 A.L.R.

405167 Mortgage to McElrae O'Donnell & Borick Client Securities Limited - 14.6.1973 at 2.54 pm
 DISCHARGED

459883/2 Transfer to William Russell Walters of Dunedin, Company Manager - 4.6.1976 at 10.12 am
 A.L.R.

463394 Mortgage to McElrae O'Donnell & Borick Client Securities Limited - 6.8.1978 at 2.54 pm
 DISCHARGED

484055 Mortgage to the Rural Banking and Finance Co. of New Zealand - 30.8.1982 at 10.12 am
 DISCHARGED

500839 Change of Name of the Mortgagee under Mortgage 463394 to San McEllen & Partners Solicitors Napier Company Limited entered 1.8.1978 at 2.45 pm
 A.L.R.

587106/4 Transfer to Grant Eric Robertson of Dunedin Contractor - 3.12.1982 at 1.53 pm
 A.L.R.

587106/5 Mortgage to Steadright James & Co Securities Limited - 3.12.1982 at 1.54 pm
 DISCHARGED

592758 Mortgage to the Banking Group (New Zealand) Limited - 1.12.1983 at 2.27 pm
 DISCHARGED

631501/3 Mortgage to Marac Finance Limited, Marac Financial Services Limited and Marac Corporation Limited - 17.3.1985 at 10.52 am
 DISCHARGED

578008 Variation of Mortgage 587106/5 - 5.5.1987
at 9.28am

[Signature]
A.L.R.

703343 Caves by Andrew David McKay and
Michelle McKay entered 27.5.1988 at 9.43am

14/10/1988

[Signature]

A.L.R.

713817/4 Transfer to Andrew David McKay of
Dunedin, Company Representative and Michelle
McKay his wife - 14.10.1988 at 9.47am

[Signature]
A.L.R.

713818/1 Transfer to Christopher Allan Robinson
and Karen Pamela Robinson both of Waikouaiti,
Farmers - 14.10.1988 at 9.48am

[Signature]
A.L.R.

713818/2 Mortgage to Cook Allan & Co Nominees
Limited - 14.10.1988 at 9.48am

[Signature]
A.L.R.

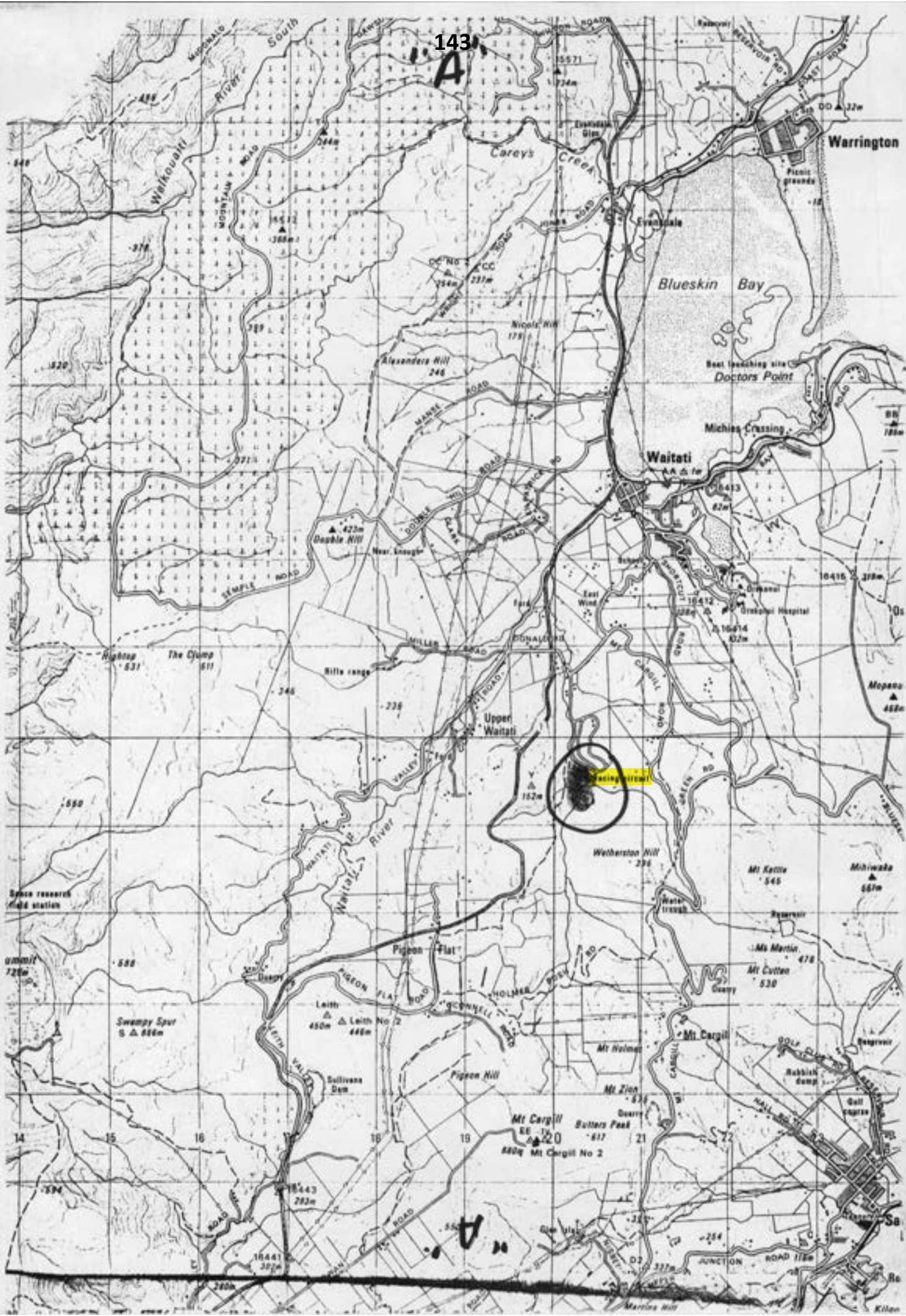
785941 Variation of Mortgage 713818/2
- 15.8.1991 at 11.11am

[Signature]
A.L.R.

845487 Variation of Mortgage 713818/2 -
21.12.1993 at 10.37 am

[Signature]
A.L.R.

56-1-18



Report



TO: Consent Applications Subcommittee

FROM: Bruce Richards, Consultant Surveyor

DATE: 31 March 1995

SUBJECT: Notified Resource Consent Application No. 95005: *fw*
180 Weatherstone Road - C A & K P Robinson.

Reference: Letter dated 25 January 1995 from Ms Fiona Billing, *Hovell Planning Services Limited.*

The Application

Resource Consent is sought to subdivide the existing 57.8 hectare property into two allotments being 22.4 and 35.4 hectares respectively. The subject site is situated on the southern side of Weatherstone Road, off Donalds Hill Road, at the northern end of the "Northern Motorway", near Waitati, approximately 18 km north of Dunedin City. The land is described as Part Section 32, Block I, North Harbour and Blueskin Survey District being all that land held in Certificate of Title 263/38.

Submissions

One submission was received in support of the application. That submitter did not wish to be heard. Consequently no hearing is to be held.

District Plan/Statutory Considerations

The subject site is zoned Rural F in the Silverpeaks Section of the Transitional District Plan. The property is subject to a notation for "Motor Racing Track" on *Map 6* of the Planning Maps. The applicant's planner contends that:

"This notation is present because in the 1970s two private motor racing tracks were constructed on the land, and the Council of the time wished to facilitate their retention for such purposes, by indicating the use on the planning maps and requiring the consent of the landowner before any subdivision of land occurred, or any use not covered by the notation was established."

Rule 1.7 of the General Rules requires that any subdivision or use that is inconsistent with a Public Purpose Notation shall be prohibited, which is to be read as "non-complying" pursuant to Section 374(3)(c) of the *Resource Management Act 1991*.

The race track activities (established by WW Waldron) have been transferred to Waldronville. There is no public interest in preserving this land use by notation.

The applicant wishes Council delete the notation and allow the land to revert to the adjoining zone of Rural F.

The subdivision is complying with the rules for Rural F.

Roading

Access to the balance land is by an existing formation that is on the same alignment of the existing road. However, should that formation cross over the boundary (after survey) into Lot 1, that formation is to be protected by Road to Vest.

Farming Programme

In accordance with Rule 11.8 (a) (ii) page 156 of the Silverpeaks Section of the Plan, farming programmes are required for both Lot 1 and the balance area to assure Council that the land will be actively farmed by purchasers or existing land owners.

Environmental Health

A small part of the balance area of this subdivision is subject to flooding. There is adequate high ground to allow for various building platforms.

The old septic tanks for the raceway are no longer acceptable to Council.

No reticulated water will be made available to either lot.

There would be no public health objection to the application being approved provided that a condition is imposed requiring all future effluent disposal systems to comply with Council's standard specification for Disposal of Effluent for Dwellings on Sites having Low Permeability Soils, or approved equivalent imposed by way of a consent notice.

Water

No requirements.

Recommendation

It is recommended that Council resolve that the existing notation on Part Section 32 Block 1, North harbour & Blueskin S.D. (CT. 263/38 Ltd.) be deleted

It is recommended that subdivision consent be granted pursuant to Section 105 of the *Resource Management Act 1991*, subject to the conditions in the attached schedule.

Bruce Richards
Consultant Surveyor

DUNEDIN CITY COUNCIL**M E M O R A N D U M**

TO: SENIOR SURVEYOR
FROM: ENVIRONMENTAL HEALTH MANAGER
DATE: 17 MARCH 1995
FILE: A 95005
SUBJECT: RESOURCE APPLICATION - 180 WEATHERSTONES ROAD,
WAITATI

A small part of the balance area of this subdivision is subject to flooding. There is adequate high ground to allow for various building platforms.

The old septic tanks for the raceway are no longer acceptable to Council.

No reticulated water will be made available to either lot.

There would be no public health objection to the application being approved provided that a condition is imposed requiring all future effluent disposal systems to comply with Council's standard specification for Disposal of Effluent for Dwellings on Sites having Low Permeability Soils, or approved equivalent imposed by way of a consent notice.



B K Early
ENVIRONMENTAL HEALTH MANAGER

J.H. Thomson & Sons Ltd.

Deans Valley
2.R.D. Waitati
9060

Phone/Fax (03) 482-2883

6th March 1995

Re. Application for a Resource Consent
for subdivision of the Property belong-
ing to C.A. & K.P. Robinson
legal description PT Sec 32 Block 1
North Harbour & Blueskin S.D.
C/T. 263/38.

To The Dunedin City Council

P.O. Box 5045

Attn. Mr J. Chandra

Development Planner.

Dear Sir,

The company of J.H. Thomson & Sons Ltd
wish to advise that we support
the above application of our
neighbours Mr & Mrs Robinson, we
would however oppose any application
by any future owner for uses of
the land to be sold which
were outside farming or forestry.

J.H. Thomson & Sons Ltd is a
small family farming Company with
its origins in Leith Valley where
the family has been farming for
well over 100 years. We tend to
do things with a long term view
and have come to this valley with
the intention of staying. As this
is also our home we therefore
will go to a lot of trouble to
maintain the peace and quiet of
the rural surroundings. In the early
70's when the then owners of the

Robinson property were attempting to establish a race track we were subjected to many problems with trespassers, great problems with the use of the road which is vital for our stock movement and general lack of consideration for us or our property by the supporters of this venture. This passed when the race track failed as we knew it would but the recent use of the track area by the four wheel drive club has brought back this threat.

We understand these people could be interested also in purchasing the track area and we wish to go on record as being completely opposed to such a use whether it is a private affair or commercial.

We would also think such a use would devalue our land.

We have no objections to the so called lifestyle blocks as it seems they coming this way whatever we do.

We conclude by saying we wish the authority to decide in the Robinsons favour and wish them all the best as they have been and are excellent neighbours.

Thankyou for giving us this opportunity to be heard
yours faithfully

Michael Thomson

Manager + Director.

SCHEDULE FOR REPORT ON A95005

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

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

- 1 The consent holder may, in accordance with Section 127 (1) of the *Resource Management Act 1991*, apply to the Dunedin City Council for the change or cancellation of any conditions of that consent:
 - a) within a period of three months from the date of consent; or
 - b) at any time on the grounds that a change in circumstances has caused the condition to become inappropriate or unnecessary.
- 2 That prior to Council providing certification under Section 224 of the *Resource Management Act 1991*, the subdivider shall:
 - a) Show that the existing metal drive is within the existing legal road alignment, or define the existing alignment as the legal road (20 metres). This is to be undertaken in consultation with Council's Roading Manager.
- 3 That the existing gate across the road shall be removed or appropriately signed in accordance with Section 344 of the *Local Government Act 1974*.
- 4 That a consent notice pursuant to Section 221 of the *Resource Management Act 1991* be prepared and placed upon the Certificate of Title for the balance area for the following conditions:
 - a) That all future effluent disposal systems are to comply with Council's standard "*Specification for the Disposal of Effluent from Dwellings on Sites having Low Permeability Soils*" or approved equivalent.
 - b) That the land be managed in accordance with a farming programme approved by Council that ensures that the land is actively farmed.
- 5 That a consent notice pursuant to Section 221 of the *Resource Management Act 1991* be prepared and placed upon the Certificate of Title for Lot 1 for the following condition:
 - a) That the land be managed in accordance with a farming programme approved by Council that ensures that the land is actively farmed.

END OF CONDITIONS

Note: Should an appeal be lodged under Section 120 of the *Resource Management Act 1991*, then pursuant to Section 116, this consent shall commence:

- a) when the Planning Tribunal determines the appeals; or
- b) when the appeals are withdrawn.

RESOURCE CONSENT NOTICE

Notification of Application for a Resource Consent Under Section 93(2) of the Resource Management Act 1991

The Dunedin City Council, PO Box 5045, Dunedin has received the following applications for Resource Consents:

- | | |
|------------------------------------|--|
| 1. Name of Applicant: | Allied Press Limited |
| Location of Site: | 164 Cowan Road, Mount Cargill, Dunedin |
| Description of Application: | To construct and operate a television broadcasting transmitter comprising service equipment and an associated tower, having an overall height of 14metres. Resource Consent is required as the proposed use of the site is not provided for in the Rural A zone in the Dunedin City District Plan. |
| Address for Service: | Hovell Planning Services Limited,
PO Box 1092, Dunedin. |
-
- | | |
|------------------------------------|--|
| 2. Name of Applicant: | C A and K P Robinson |
| Location of Site: | Situated on the southern side of Weatherstone Road, off Donalds Hill Road, at the northern end of the "Northern Motorway" near Waitati, being CT 263/38. |
| Description of Application: | To subdivide an area of land situated on the southern side of Weatherstone Road, Waitati, to create two allotments. The land is zoned Rural F in the Silverpeaks section of the District Plan and is subject to a notation for "Motor Racing Track", thus making the subdivision a non-complying activity. |
| Address for Service: | Hovell Planning Services Limited,
PO Box 1092, Dunedin. |



50 THE OCTAGON, BOX 5045, DUNEDIN, NEW ZEALAND. TELEPHONE: (03) 477-4000. FACSIMILE: (03) 474-3594

19 April 1995

Hovell Planning Services Limited
P O Box 1092
DUNEDIN

RESOURCE CONSENT A95005

Thank you for your letter dated 14 March 1995 submitting a Resource Consent Application for subdivision at 180 Weatherstone Road, Waitati.

This has now been considered and approved subject to the conditions contained in the attached schedule.

A copy of the approved plan is enclosed.

Yours faithfully

Doug Jackson
COMMITTEE SECRETARY

Enc

J 20/4

SCHEDULE FOR REPORT ON A95005

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

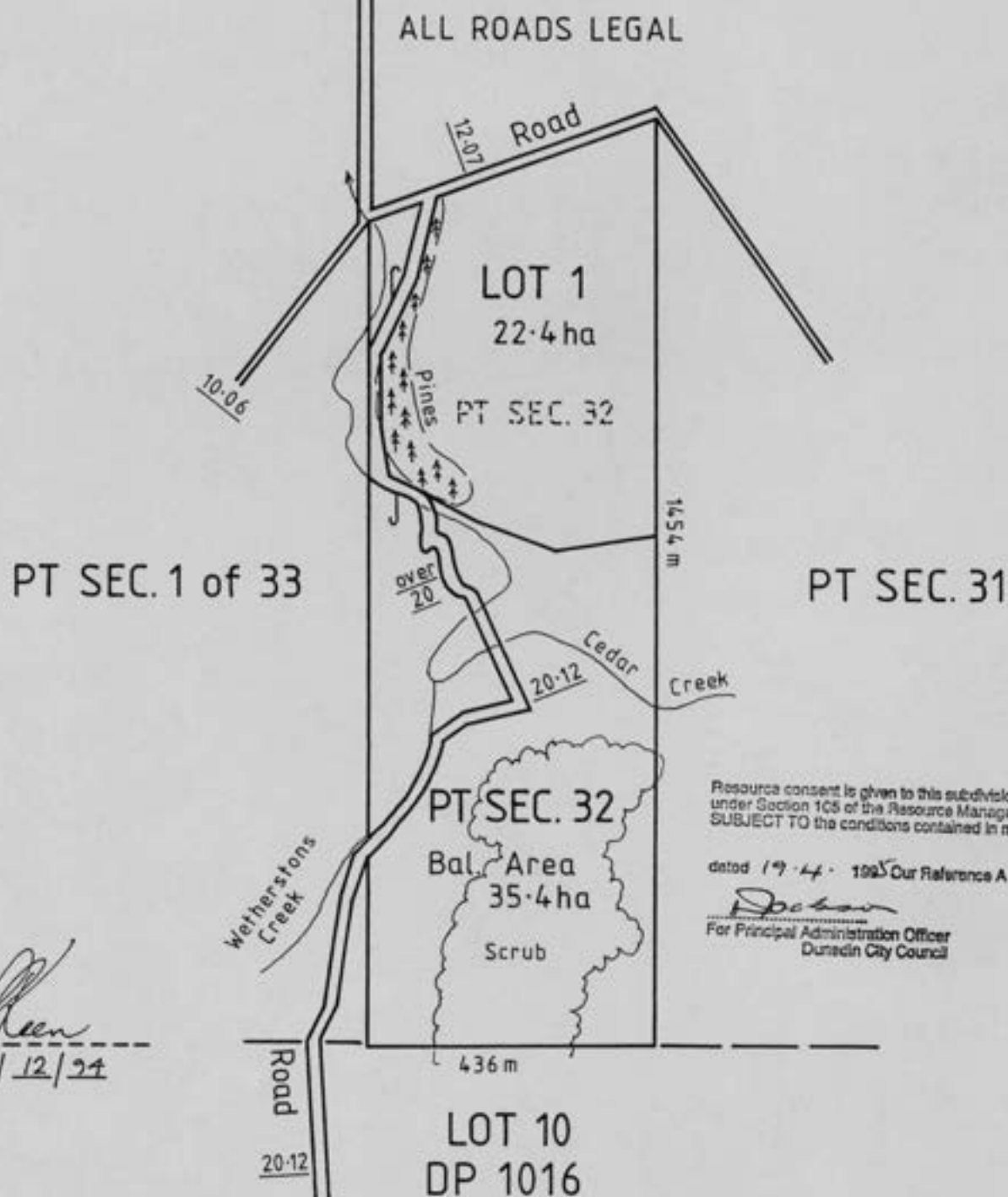
The following conditions are imposed in accordance with Sections 108 and 220 of the *Resource Management Act 1991*.

- 1 The consent holder may, in accordance with Section 127 (1) of the *Resource Management Act 1991*, apply to the Dunedin City Council for the change or cancellation of any conditions of that consent:
 - a) within a period of three months from the date of consent; or
 - b) at any time on the grounds that a change in circumstances has caused the condition to become inappropriate or unnecessary.
- 2 That prior to Council providing certification under Section 224 of the *Resource Management Act 1991*, the subdivider shall:
 - a) Show that the existing metal drive is within the existing legal road alignment, or define the existing alignment as the legal road (20 metres). This is to be undertaken in consultation with Council's Roading Manager.
- 3 That the existing gate across the road shall be removed or appropriately signed in accordance with Section 344 of the *Local Government Act 1974*.
- 4 That a consent notice pursuant to Section 221 of the *Resource Management Act 1991* be prepared and placed upon the Certificate of Title for the balance area for the following conditions:
 - a) That all future effluent disposal systems are to comply with Council's standard "*Specification for the Disposal of Effluent from Dwellings on Sites having Low Permeability Soils*" or approved equivalent.
 - b) That the land be managed in accordance with a farming programme approved by Council that ensures that the land is actively farmed.
- 5 That a consent notice pursuant to Section 221 of the *Resource Management Act 1991* be prepared and placed upon the Certificate of Title for Lot 1 for the following condition:
 - a) That the land be managed in accordance with a farming programme approved by Council that ensures that the land is actively farmed.

END OF CONDITIONS

Areas & dimensions are
approximate only & are
subject to survey.

5-7



PROPOSED SUBDIVISION OF PT SEC. 32,
BLOCK I, NORTH HARBOUR & BLUESKIN S.D.

Owners: C.A. & K.P. Robinson

CT 263/38 Ltd

Total Area 57.7942 ha.

R. J. KEEN
REGISTERED SURVEYOR

SCALE

1:10,000

JOB No.

9405

DATE

DEC. 1994

PLAN No.

2004 Subdivision consent application 156

**CHRAIG
HORNE**
REGISTERED SURVEYOR
BSURV, MNZIS
for Craig Horne Surveyors Limited

Land & Engineering Surveys
Rural & Urban Subdivision
Resource Management
Farm Mapping

Dunedin/Mosgiel 484 7008
Balclutha 418 3600
fax 484 7009
mobile (0274) 792 382
email crhorne@xtra.co.nz
PO Box 56, Mosgiel
6 Elizabeth Avenue, East Taieri

Date	:	02 June, 2004
Location:	:	38 Deans Valley Road, Waitati
Legal Description	:	Lot 1 DP25002 (CT 17A/207)
Applicant	:	RJ & SL Skill <i>482 1835</i>
Territorial Authority	:	Dunedin City Council
Zoning	:	Rural
Proposal:	:	Subdivision of 3 titles and land use consent for residential activity.
Activity Category	:	Restricted Discretionary

1.0 INTRODUCTION

The attached information and plans relate to a subdivision application for the creation of 3 titles from the applicant's land. Land use consent is also sought for **residential activity on proposed Lots 1 and 2**. The property is owned and occupied by the applicant's.

The site is located in the Rural Zone of the Dunedin City Proposed District Plan. The subdivision of Lots 1 - 3 meet the relevant criteria of the Proposed District Plan, but is technically non-complying within the Transitional District Plan due to the Titterton Environment Court decision in regard to independent economic farm units. The application should therefore be assessed as a technically non-complying activity. This application is submitted pursuant to Section 88 of the Resource Management Act 1991.

Please regard the attached report as an assessment of effects on the environment in accordance with Section 88(4) of the Resource Management Act 1991. It is maintained that any actual or potential adverse environmental effects that may result from granting consent to this proposal will be no more than minor.

2.0 LEGAL DESCRIPTION

The subject land is legally described as Lot 1 DP25002 and is held in certificate of title CT OT17A/207.

The title is subject to consent notice 903164.1. The consent notice requires *"That the land is managed in accordance with a farming programme approved by Council that ensures the land is actively farmed."*

The consent notice condition appears to have resulted from the requirement for an independent economic farm unit within the Transitional District Plan rules. Due to the Titterton Environment Court decision the consent notice is no longer relevant. The consent notice will need to be cancelled pursuant to Section 221 of the RMA.

Copies of the title and consent notice are attached in appendix A.

3.0 PROPOSAL

The site is situated on Deans Valley Road and is generally made up of a wide rolling hillside in pasture, and gullies in bush and scrub. The applicant's dwelling and associated sheds are situated near Deans Valley Road. The Application Plan attached as Appendix 2 illustrates the subdivision. The aerial photo overlay shows the relationship of boundaries with site features. The photo shows a pine plantation along the western boundary. This plantation has now been milled.

Lots 1 and 2, of 6.0 hectares, are generally situated in the south and west extents of the site. Both lots occupy significant areas of the main ridge within the property, which provides a logical building platform.

Lot 3, of 10.5 hectares, is situated in the northeastern corner of the property and contains the existing dwelling and sheds. The existing access is onto Deans Valley Road.

Access to Lot 1 is via the formed and metalled legal road running along the western boundary of the property. Internal access is via an existing track, which traverses the hillside up to the main ridge. The track is at a suitable grade and will require minor works and metalling to provide all weather access.

Access to Lot 2 is via an existing entrance to Deans Valley Road. An existing internal track will provide access to the main ridge and likely building platform. Again, the track is at a suitable grade and will require minor works and metalling to provide all weather access.

4.0 SERVICES

4.2 Water

Each of Lots 1 and 2 can utilise roof collection and tank storage to supply potable water.

4.3 Effluent Disposal and Stormwater Runoff

Any effluent generated from Lots 1 and 2 can be disposed off via septic tank and effluent field. **The dwelling has an existing septic tank and effluent field.**

All sites are of sufficient size to accommodate on site stormwater disposal.

4.4 Electricity and Telecommunications

There are electricity and telecom services available to each lot.

5.0 DISTRICT PLAN

5.1 Dunedin City Proposed District Plan

The subdivision of Lots 1 - 3, of 6.0 hectares and greater, meet the relevant criteria under Subdivision Rule 18.5.1(i) and is therefore a restricted discretionary activity. The provisions of Rules 18.5.3 and 18.5.10 are also complied with. Rules 18.5.4, 18.5.5 and 18.5.9 are not relevant to this application.

An evaluation of the proposal against the relevant assessment matters of the Proposed District Plan 18.6 is attached as Appendix 3. The proposal complies with all assessment matters.

5.2 Silverpeaks component of Dunedin City Transitional District Plan

Little weight should be given to the Transitional District Plan. Many of its concepts are pre Resource Management Act and it will soon be surpassed by the Proposed District Plan.

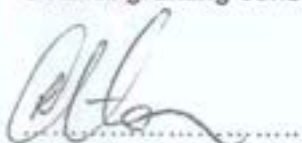
The subdivision and residential use of Lots 1 - 3 is technically non-complying due to the Transitional District Plan. Land use consent is sought to provide for the residential use of each lot.

6.0 CONCLUSION

The proposed site is zoned rural. Overall the application can be assessed as a Restricted Discretionary Activity under the Proposed District Plan.

The proposal creates 3 titles that comply with the provisions of the Proposed District Plan. The sites are suitable for residential activity and rural land use.

Overall, it is maintained that any adverse environmental effects resulting from Council granting consent to the application will also be no more than minor.



Craig Horne
Director, Craig Horne Surveyors Ltd

Appendix 1
Certificate of Title

**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**

Search Copy


R. W. Muir
Registrar-General
of Land

Identifier OT17A/207
Land Registration District Otago
Date Issued 08 March 1996

Prior References
OT263/38

Estate Fee Simple
Area 22.5200 hectares more or less
Legal Description Lot 1 Deposited Plan 25002

Proprietors
Russell John Skill and Suzanne Lesley Skill

Interests

903164.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 8.3.1996
5117711.3 Mortgage to Westpac Banking Corporation - 4.12.2001 at 9:00 am
5117711.4 Mortgage to Southland Finance Limited - 4.12.2001 at 9:00 am



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

A N D

IN THE MATTER of an Application for
Subdivision Consent
by A95005

CONSENT NOTICE

BACKGROUND

- A. CHRISTOPHER ALLAN ROBINSON and KAREN PAMELA ROBINSON both of Waikouaiti, Farmers ("the Owners") have applied to the Dunedin City Council ("Council") pursuant to the Resource Management Act 1991 for subdivision consent to the proposed subdivision of land contained in Certificate of Title 263/38 (Otago Registry) ("the land").
- B. Council has granted consent to the proposed subdivision subject to a condition which is required to be complied with on a continuing basis by the Owners and Subsequent Owner(s) of the land or part(s) thereof being that condition specified in the Operative Part.

OPERATIVE PART

The following condition shall be placed on the land in Certificate of Title 17A/207 (Otago Registry) being Lot 1 DP 25002:

1. That the land is managed in accordance with a farming programme approved by Council that ensures the land is actively farmed.

The following conditions shall be registered against the land in Certificate of Title 17A/208 (Otago Registry) being the balance land of Section 32 DP 25002:

1. All effluent disposal systems are to comply with Council's standard "specification for the disposal of Effluent from Dwellings on Sites having Low Permeability Soils" or approved equivalent.
2. That the land is managed in accordance with a farming programme approved by Council that ensures the land is actively farmed.

DATED this *27th* day of *October* 1995

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

M. Raing

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

A N D

IN THE MATTER of an Application for
Subdivision Consent by
A95005

CONSENT NOTICE

FILE COPY

10.24 08.MAR96

803164 /

PARTICULARS ENTERED
LAND REGISTRY OTAGO
ASST. LAND REGISTRAR
263/36



CAUDWELLS Solicitors

P O Box 957, Dunedin

Mr W Deuchrass

Telephone (03) 477-5760

Facsimile (03) 477-5077

DCC.ROBIN.CN

256160/34



Appendix 2
Application Plan

166

Deans Valley Road

metalled

260



house

sheds

fence

Lot 3
10.5 ha

Pt Sec 31

490

Legal Road
metalled

track

245

180

Lot 2
6.0 ha

205

fence on bdy
170

Lot 1
6.0 ha

255

150

Applicant: RJ & SL Skill
Local Authority: Dunedin City
Date: 2 June 2004
Comprised in CT OT17A/207

**Proposed Subdivision of
Lot 1 DP25002**

For: RJ & SL Skill

CRAIG HORNE Registered Surveyor

P.O. BOX 56 MOSGIEL PH.(03)4847008 FAX.(03)4847009

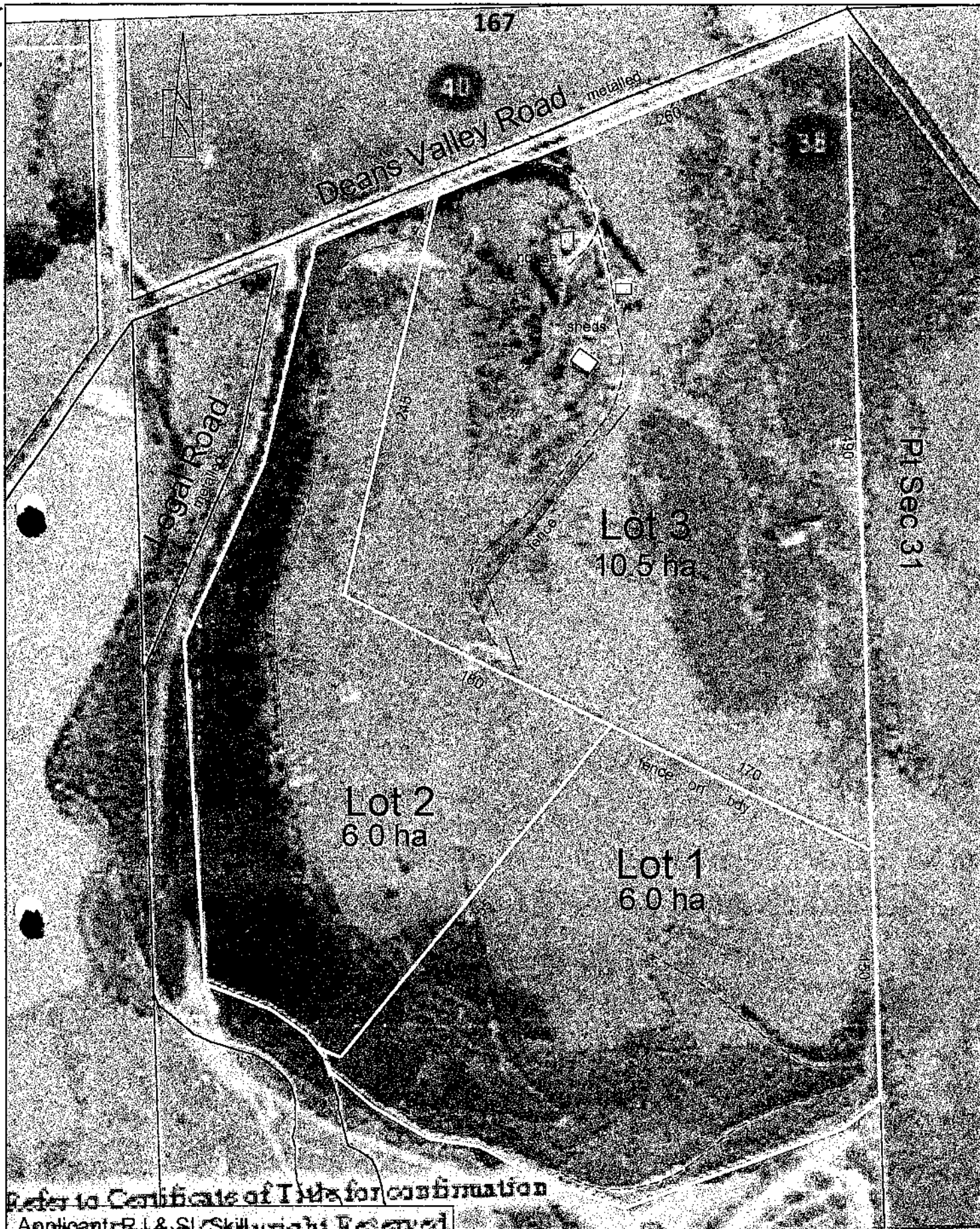
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1:3000

ORIGINAL PLAN FORM SIZE A4

Ref: C94

Drawn CH



Refer to Certificate of Title for confirmation

Applicant: R.J. & S.L. Skill

Local Authority: Dunedin City

Date: 2 June 2004

Comprised in CT OT17A/207

Proposed Subdivision of

Lot 1 DP25002

For: R.J. & S.L. Skill

CRAIG HORNE Registered Surveyor

P.O. BOX 56 MOSGIEL PH.(03)4847008 FAX.(03)4847009

Scale

1:3000

ORIGINAL PLAN FORM SIZE A4

Ref: C94

Drawn CH

MWH Reference: 801/006105-04 Donalds Hill Rd
Client Reference: 2004-0497 & 8

16 June 2004

City Planning
Dunedin City Council
P O Box 5045
DUNEDIN

DATE SENT
23 JUN 2004

Attention: Darrel Thomson

Dear Darrell

**SUBDIVISION APPLICATION - 38 DONALDS HILL ROAD
REFERENCE 2004-0497 & 0498**

You have requested our advice regarding any hazards affecting the proposal to create a three lot subdivision at the above address. The property actually has frontage to Deans Valley Road and an unnamed, legal road, both of which are situated on the southern side of Donalds Hill Road. The land has the legal description Lot 1 DP 25002 and is comprised in certificate of title OT17A/207. The land comprises a significant ridge overlooking the flat floor of Deans Valley, and has an existing dwelling on it's northern side.

The proposal is to create Lots 1 and 2 with areas of 6.0 hectares, and Lot 3, containing the existing dwelling, with 10.5 hectares in extent. Access to Lot 1 would be from the south from the unnamed legal road. Vehicle access would be along an existing farm track beside the stream before it climbs onto the ridge at the south-eastern extremity of the land. Access to Lot 2 would be through an existing gate at the Deans Valley Road frontage and across the west facing slope to higher ground on the ridge. Lot 3 would retain the existing access.

The ridge itself is in open pasture used for grazing but most of the steeper slopes are covered in gorse. The present owners have attempted to clear the gorse but large areas remain, particularly at the southern end of the ridge.

Site Hazards

This land is overlying volcanic (phonolite) rock with soils comprising loess and weathered volcanic rock the bedrock. The soils are at some risk of sheet and tunnel gully erosion. Because of the gorse cover on steeper slopes it was difficult to determine whether erosion or slippage had occurred.

38 Donalds Hill Rd.doc

MWH New Zealand Limited
7th Floor, Civic Centre, 50 the Octagon
PO Box 4
Dunedin
New Zealand

Telephone : 64-3-470 3300
Facsimile : 64-3-470 3399
Website : www.mwhglobal.com/nz

Delivering Innovative Projects and Solutions Worldwide

All flatter slopes on the ridge appeared stable, and the access route into Lot 1 of the subdivision did not appear to have been affected by slippage. Care should be taken with the alignment of the access into Lot 2 of the subdivision from Deans Valley Road particularly where it follows the 245 metre long Lot 2/3 boundary. We understand it may be possible to move the boundary further east without compromising the proposed subdivision.

Future owners of the land should be encouraged to establish a plantation on slopes exceeding 15° to the horizontal, however this is not considered essential to long term stability.

Conclusion

Land within the subdivision is not at significant risk of erosion or slippage and is not likely to be adversely affected by subdivision. The applicants may wish to consider aligning the Lot 2/3 boundary further east to permit Lot 2 access to be built over flatter ground, and the subsequent owners of Lots 2 and 3 may wish to consider establishing forestry on slopes exceeding 15° to the horizontal. It is however not considered necessary to include either measure in a consent or advice notice as part of any subdivision consent.

This document has been prepared for the benefit of Dunedin City Council. No liability is accepted by this company or any employee or sub-consultant of this company with respect to its use by any other person.

This disclaimer shall apply notwithstanding that the report may be made available to other persons for an application for permission or approval to fulfil a legal requirement.

Yours faithfully
MWH NEW ZEALAND LIMITED


Rod Macleod
SENIOR ENGINEER

Reviewed By:  _____

Memorandum



TO: Aukje van Aalst (Transportation Planning); David Dewhirst (Water and Waste); Rod Macleod (MWH).

FROM: Darrell Thomson (ext. 3637)

DATE: 15 June 2004

COMMENTS REQUIRED BY: 22 June 2004

RESOURCE CONSENT APPLICATION: RMA 2004-0497 (Subdn) and RMA 2004-0498 (Land use)
38 Donalds Hill Rd
Waitati
Could you please provide comments regarding the above application.

DESCRIPTION OF ACTIVITY

Resource consent is being sought to subdivide Lot 1 DP 25002 (CT OT17A/207) at 38 Donalds Hill Rd into 3 complying allotments.

Lot 1 6 ha
Lot 2 6 ha
Lot 3 10.5 ha

Please note that while the address is clearly shown as Donalds Hill Rd, in the DCC system, the property does not appear to front Donalds Hill Rd. Lot 1 has frontage and access onto an unnamed legal road, Lots 2 and 3 have frontage and access onto Deans Valley Rd with proposed Lot 2 also having frontage to the unnamed road.

Land use consent is also sought to allow residential activity to continue on Lot 3 and be undertaken on Lots 1 and 2, due to the transitional plan requirements.

REASONS FOR APPLICATION

The subject site is zoned **Rural** in the *Dunedin City Proposed District Plan (1999)*. Subdivision activity is a **discretionary restricted** activity at the densities proposed.

COMMENTS SOUGHT

Could you please respond with any conditions you may wish imposed by Tuesday the 22nd of June.

Regards

Darrell

2005 Erect barn as dwelling with Metro Aspire fire

171

Application for Project Information Memorandum and/or Building Consent

Section 33 or Section 45, Building Act 2004



This application is for:

- ☒ Both Building Consent and a Project Information Memorandum. ☐ Project Information Memorandum
☐ Amendment to Building Consent ABA ☐ Building consent only, in accordance with project information memorandum no: _____

PART A: Complete Part A in all cases

PROJECT LOCATION

Street Address: 36 Donath Road Waitati

FIRST POINT OF CONTACT FOR COMMUNICATIONS FOR THIS APPLICATION: (Mailing Address)

Name: Jan Cordogan

Address: TOTALSPAN BUILDINGS LTD.
P.O. BOX 7084

DUNEDIN
 Mobile: PH. 03 488 5637 (daytime)

Tel: (evening) _____ Fax: _____

THE OWNER

Name of Owner: Rhonda Skifford 129489

[Include preferred form of address, eg. Mr, Miss, Dr, if an individual] Deryn Johnston 121357

Phone number: Mobile: 0273056110 Daytime: 4747967
Ext 8688

A/Hours: _____ Fax: _____

Email address: _____

The following evidence of ownership is attached to this application:

- ☒ Copy of certificate of title
☐ Lease
☐ Agreement for sale and purchase
☐ Or other document showing full name of legal owner(s) of the building

LEGAL DESCRIPTION

Property Number: 189859 5111507

Valuation Roll Number: _____

Lot: 1 DP: 346208

Section: _____ Block: _____

Survey District: Otago

PROJECT

- ☐ Building Certifier Certificate ☐ Alteration ☐ Addition
☒ New or Relocated Building ☐ Change of Use ☐ Demolition

Description of Intended Work (in detail) To erect a
Totakan Heritage Barn as a
Habitable Dwelling
Yurca Blez

Intended life: ☒ Indefinite (but not less than 50 years)

Specified as _____ years

Being stage _____ of _____ stages

Estimated value of project (inclusive of GST): \$ 170,000

C/T supplied by owner ☒ C/T supplied by DCC ☐

AGENT

Name of Agent: Jan Cordogan

[only required if application is being made on behalf of owner]

Street address/registered office: TOTALSPAN BUILDINGS LTD.

Phone number: Mobile: P.O. BOX 7084

A/Hours: _____ DUNEDIN

Email address: PH. 03 488-5637

Relationship to Owner: _____

[state details of the authorisation from the owner to make the application on the owner's behalf]

THE BUILDING

Building name: [insert building name if applicable] _____

Number of levels: [include ground level and any levels below ground] 2

Level/unit number: [insert level/unit number if applicable] _____

Area: [total floor area; indicate area affected by the building work if less than the total area] 170m²

Current, lawfully established, use: [include number of occupants per level and per use if more than 1 (e.g. boarding house, domestic dwelling, hotel, motel, office, commercial)]
[unclear]

Year first constructed: _____

[insert year, approx. date is acceptable e.g. c1920s or 1960-1970]

BCG (B.C. Check)	C/C	\$	
Water	Water Connection	\$	12,121.90
Drain	Drain	\$	12,121.90
Gas	Gas	\$	2320.00
Electric	Electric	\$	564.90
Other	Other	\$	2,004.90

- Under Section 33 or 45 of the Building Act 2004 the applicant must be the owner of the land on which building work is contemplated or a person who or which has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force.
- The value of building work shall be the aggregate of the values, determined in accordance with section 10 of the Goods and Services Tax Act 1985, of all goods and services to be supplied for that building work.

METRO

ECO FLUE SYSTEMS 05/06DUNEDIN CITY COUNCIL
APPROVED BUILDING CONSENT DOCUMENT**54 188**

INSTALLATION INSTRUCTIONS

- **METRO ECO BASE KIT**
- **METRO ECO OPTION KIT**

COMPLIES WITH AS/NZS2918:2001

(Appendix F)

DUNEDIN CITY COUNCIL

Please note: This document is a copy of the original document and is not to be used as a reference for the original document.

Approved by: [Signature]

BT

Date: 6.7.06

Note:

FOR THE FINAL INSPECTION
OF YOUR HEATING APPLIANCE
PLEASE ENSURE THAT ACCESS
IS AVAILABLE TO THE CEILING
SPACE IF REQUIRED AND THAT
THE CEILING PLATE IS LEFT
UNATTACHED.

Pioneer Manufacturing Limited

Mamaku Street, PO Box 11,

Inglewood, New Zealand

Phone 06 756 6520 Fax 06 756 6540

www.woodfire.co.nzemail info@woodfire.co.nz**DOMESTIC SMOKE ALARM**

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

Installation shall be in accordance
with AS / NZS 2918:2001 with
particular reference to the need for
Siesmic restraint.





Property ID: 5111507
Consent ID : ABA54188

15 February 2006

DE JOHNSTON
C/O TOTAL SPAN BUILDINGS LIMITED
P O BOX 7084
DUNEDIN 9030

Dear Sir/Madam

Address: 36 DONALDS HILL ROAD, WAITATI 9060
Building Consent number: ABA54188
Application details: ERECT BARN AS DWELLING/YUNCA BLENZ

Under Section 48(2) of the Building Act 2004, your consent has been suspended awaiting the following plans, details and or information. Please provide 2 copies.

A producer statement is required from a suitably qualified person to verify that the building meets the requirements of sections B2, E2 & E3 of the New Zealand Building Code. see letter in file. Plumbing and drainage details are required, Eg pipe sizes and under slab routes. The proposals

for the septic tank system need to be discussed with Robbie Ludlow, please contact Robbie to make a time for this, a site inspection is required

When all of the above items have been received we will reassess your application.

Further information may be obtained by contacting Building Control, Building Consents Issuing Section, Telephone 477 4000 at your earliest convenience.

Yours faithfully

*Stephan
Paddy & Robbie*

BUILDING CONSENT PROCESSING UNIT



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Guaranteed Search Copy issued under Section 172A
of the Land Transfer Act 1952



R. W. Muir
Registrar-General
of Land

Identifier **189859**
Land Registration District **Otago**
Date Issued 14 March 2005

Prior References

OT17A/207

Estate	Fee Simple
Area	6.0480 hectares more or less
Legal Description	Lot 1 Deposited Plan 346208
Proprietors	
Daryn Edwin Johnston as to a 1/2 share	
Rhonda Jane Stafford as to a 1/2 share	

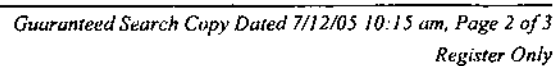
Interests

Appurtenant hereto is a right of way and to transmit electricity, telecommunications and computer media created by Easement Instrument 6344969.4 - 14.3.2005 at 9:00 am

Some of the easements created by Easement Instrument 6344969.4 are subject to Section 243 (a) Resource Management Act 1991

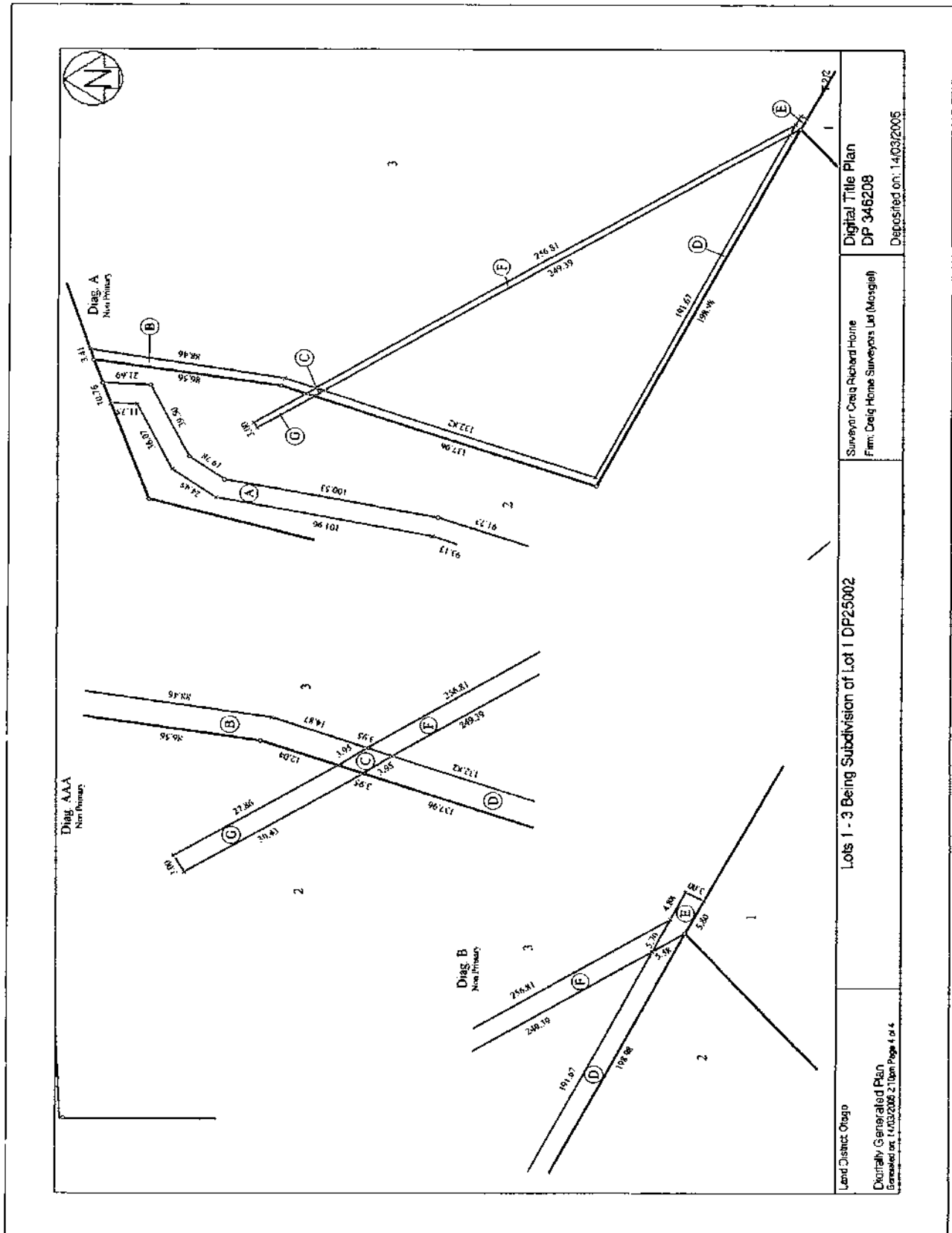
JOHN CITY COUNCIL
BUILDING

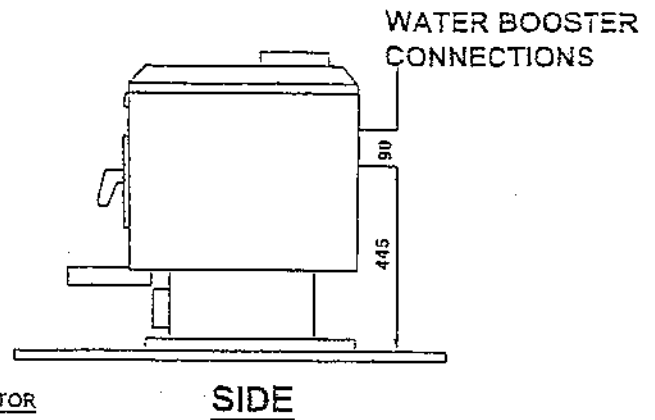
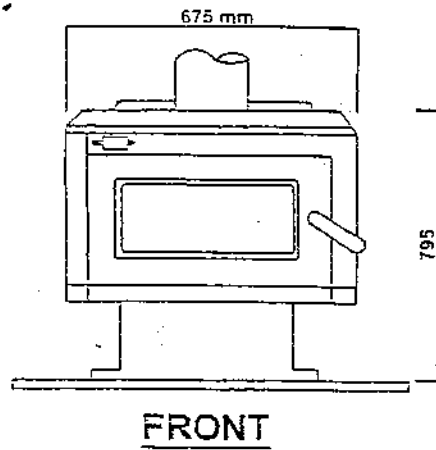
54188



Identifier

189859





HEATER POSITION

FIG. No. 1. COMBUSTABLE WALL
(Minimum Clearance shown with YUNCA flue guard fitted.)

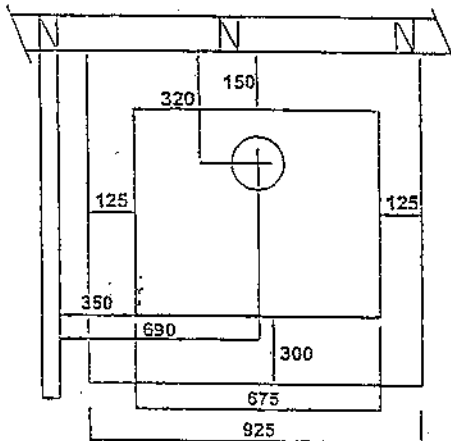
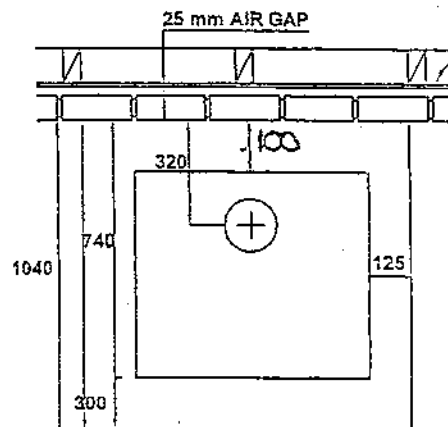


FIG. No. 2. BRICK WALL
(Clearances shown with YUNCA flue guard fitted)



BRICK LINING FROM FLOOR TO WITHIN 25mm OF CEILING. LEAVE AIR VENTS AT THE BOTTOM TO ALLOW AN AIR FLOW IN THE CAVITY.

N.B. BRICKWORK 1200mm HIGH min.

ALL VERTICAL JOINTS IN TOP AND BOTTOM TO BE LEFT OUT. THIS WILL ALLOW AN AIRFLOW WHEN BRICKWORK IS CAPPED.

CORNER HEATER POSITION

COMBUSTABLE WALL
(Clearance shown with YUNCA flue guard fitted.)

FIG. No. 4. COMBUSTION WALL
(Clearance shown with YUNCA flue guard fitted.)

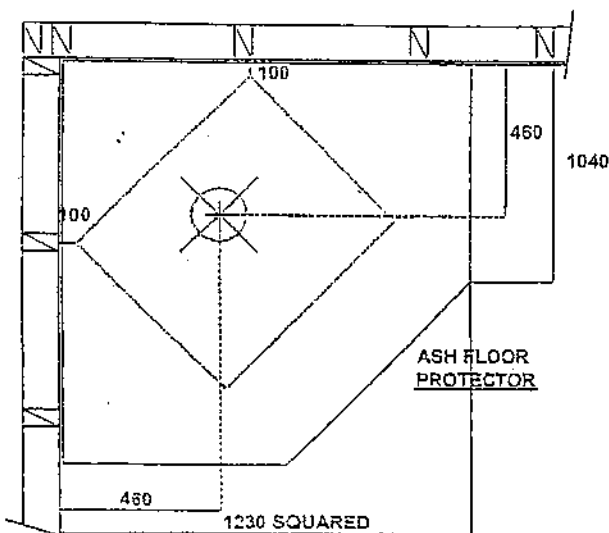
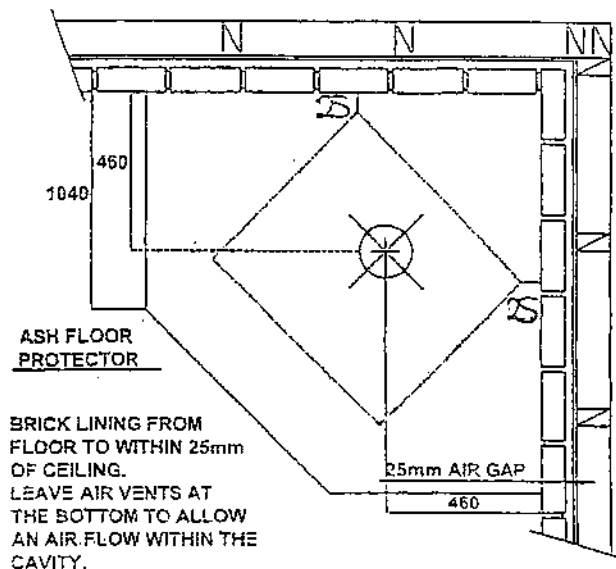
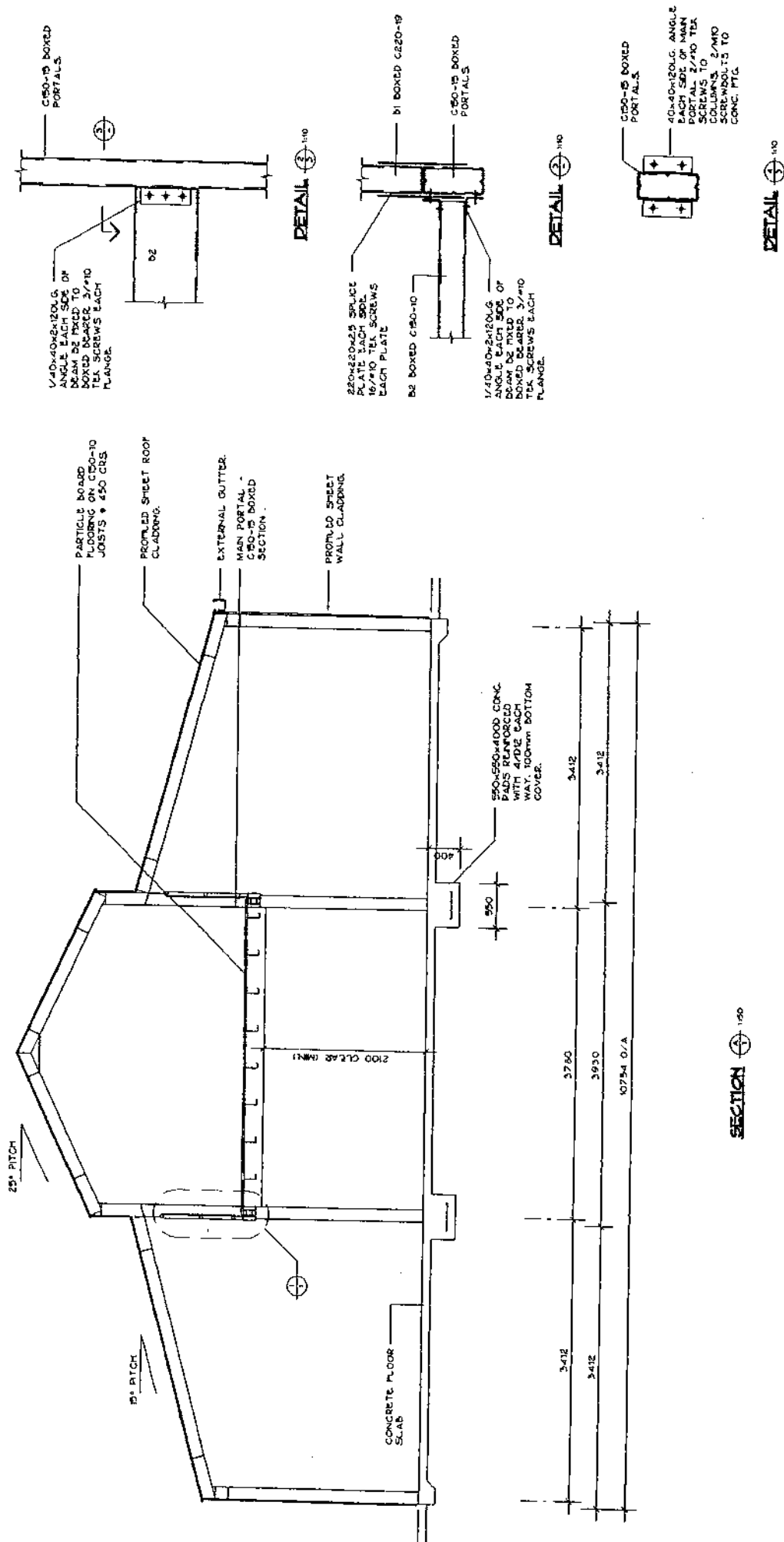


FIG. No. 3. BRICK WALL
(Clearances shown with YUNCA flue guard fitted.)

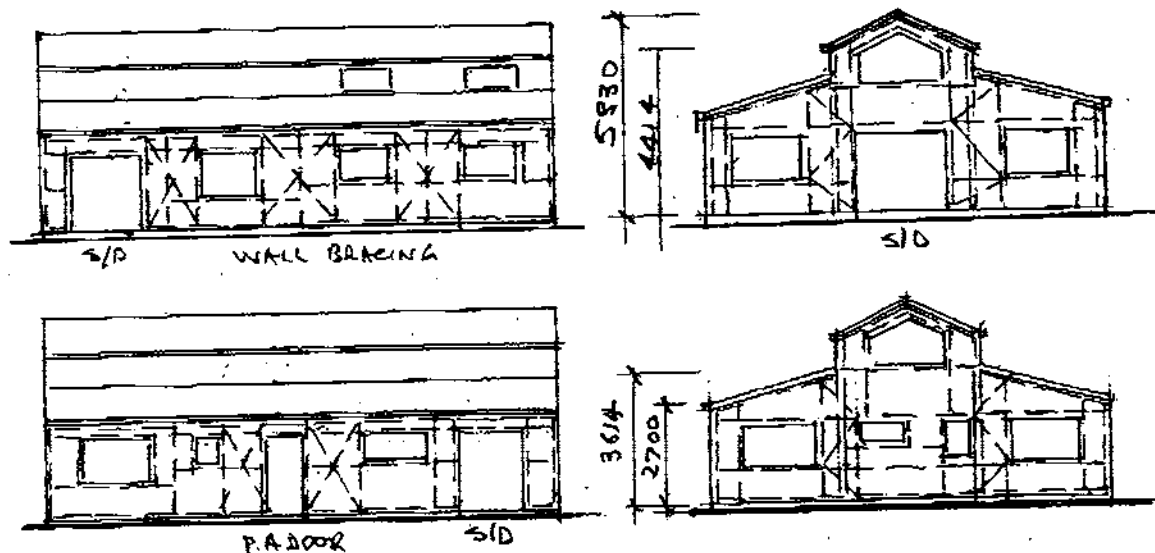
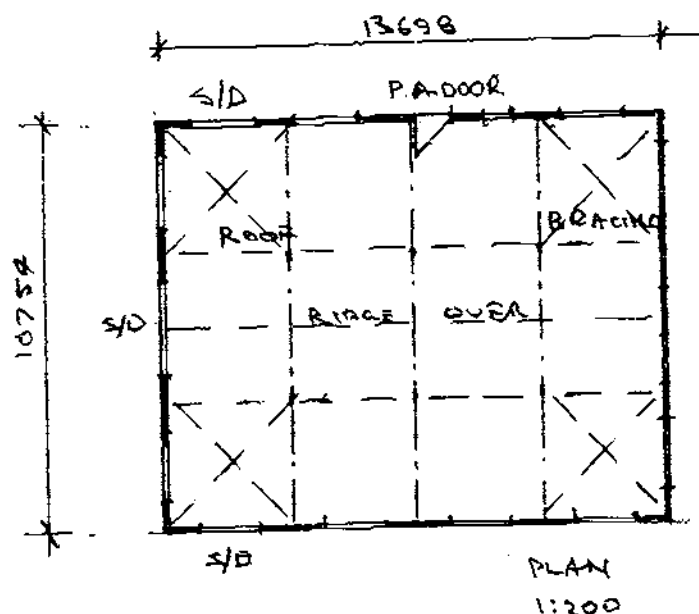


ALL DIMENSIONS IN MILLIMETERS



 HILL DESIGN ENGINEERING LTD		PROJECT: 23 Great South Road PO Box 72 944 Popakura Phone (09) 288 0654 Fax (09) 287 7869 Email hilldesign@xtra.co.nz		DRAWING TITLE: MEZZANINE FLOOR HERITAGE BARN for TOTALSPAN		SECTION & DETAILS		DWG. NO.: 2 REVISION: -
This drawing is to remain the property of HILL DESIGN ENGINEERING LTD. and is not to be reproduced without prior permission Contractor to verify all dimensions on site before commencing work. Written dimensions supersede scaled dimensions.		CHECKED: DSR P. HILL		DATE: OCT. '03		SCALE: A3 1:50		OF: 3 JOB NO.: 03-1725

179



ALL WORK SHALL CONFORM TO THE
NEW ZEALAND BUILDING CODE
REFER TO TOTALSPAN STANDARD
DRAWINGS H13/S50/1703

TOTALSPAN STEEL FRAMED BUILDINGS

STAFFORD/JOHNSTON

34 DONALD HILL ROAD

D. J. SMITH
APPROVED BY WAITATI

FREDERICK R SMITH
Chartered Consulting Engineer
Ph 03 348 1521 Fx 03 348 1571
P O Box 11 350 Christchurch

54108

DATE: DECEMBER 2005 REF: 2220

SPECIFICATION

SECTION	1	EXCAVATION
	2	CONCRETE
	3	ALUMINIUM
	4	CARPENTRY
	5	PLUMBING
	6	DRAINAGE
	7	ELECTRICAL
	8	STRUCTURAL STEELWORK
	9	FINISHING

- **OWNER: Rhonda Stafford**
Daryn Johnston
- **SITE ADDRESS: 36 Donalds Hill Road Waitati**
- **BUILDER: TOTALSPAN BUILDINGS LTD**

All work under each Trade Section of the Specification shall comply with the New Zealand Building Code 1999 and all New Zealand Standards specified. All New Zealand Standards specified are acceptable solutions under the NZBC 1992.

This specification shall be read in conjunction with the Hanlon & Partners drawings Page 51 and shall form part of the contract document.

DUNEDIN CITY COUNCIL
APPROVED BUILDING CONSENT DOCUMENT

54188

36 Donalds Rd

EXCAVATION**SECTION 1****PRELIMINARY 1**

- 1.1 Scope See Site Plan for extent of work.
- 1.2 Setting out Check all dimensions on Site.

CLEARING OF SITE 2

The contractor will strip turf off site.
 Remove all vegetation trees and roots within area to be covered by the building, verandah and porches. Any extra site excavation and clearing will be charges as an extra.
 Totalspan will oversee excavation to establish levels.

EXCAVATON 3

- 3.1 Concrete Floor Excavate for foundations to a minimum depth of
 300 mm or to solid bearing. As per drawings.
 A minimum 100 mm depth of topsoil is to be excavated
 Under all concrete floors.

FILL UNDER CONCRETE FLOORS 4

Approved hardfill shall be well compacted and levelled under all concrete floors and shall be a minimum thickness of 150 mm.

SURPLUS SPOIL 6

No excavated materials shall be removed from site, unless directed by Owner and at owners expense.

The Contract price allows for the site to be flat and level. If at a later stage it is found the site is sloping and requires extra materials, a higher foundation or extra foundation work, the extra costs will be charged to the client.

If consultants (i.e. Engineers) services are requested due to non compliance or any other unforeseen reason then all consequential costs will be additional to contract price and recoverable upon invoice.

Any concrete pumping charges due to soft ground or inadequate access will be additional to contract price and recoverable upon invoice.

CONCRETE**SECTION 2****PRELIMINARY 1**

1.1 Standards Workmanship and materials shall comply with NZS3109.

1.2 Inspection At least 24 hours notice shall be given to the Territorial Authority before pouring, to allow for inspection of the Excavation, formwork and reinforcing. No concrete shall be poured before approval.

MATERIALS 2

2.1 Concrete All concrete shall be Ordinary Grade 20 Mpa complying with NZS109.

2.2 Reinforcing Reinforcing shall be mild steel deformed bars lapped 40 rod diameters and tied with black annealed tie wires. Reinforcing shall comply with NZS3402:1989.

FORMWORK 3

See concrete block detail. N/A

FOUNDATION WALLS 4

Pour reinforced foundation footings and walls as detailed on the drawings and in accordance with NZS3604. Allow to build in 40mm minimum PVC power conduit. Allow to build in pipes etc as required by other trades. N/A

CONCRETE FLOORS 5

Concrete floor shall be 100 mm minimum thickness poured over 0.25mm Polythene or "Moistop" vapour barrier. Vapour barriers shall be lapped 150mm at joints and sealed with pressure sensitive tape 40mm Polystyrene to be laid above polythene. Floor slab surface shall be smooth and level, free from ridges or hollows and minimum of 230mm above ground level.

ALUMINIUM JOINERY

SECTION 3

PRELIMINARY 1

- 1.1 Scope Supply aluminium windows and doors of size on Elevations.
- 1.2 Standards All windows shall comply with NZS4211 Performance of Windows, and NZS3504 Aluminium Windows.

Aluminium shall be powdercoated with pine paint grade reveals.

GLAZING 3

Shall be in accordance with NZBC acceptable solution B1/AS1 Clause 7.1 (NZS4223). Glass shall be 5mm float glass to all windows with selected obscure glass to WC and bathroom. Glass to doors shall be 6mm safety glass.

CARPENTRY

SECTION 4

PRELIMINARY 1

- 1.1 Standards Workmanship and materials shall comply with NZS3604, the NZBC and all relevant N.Z. Standards.
- 1.2 Protection All finished or partly finished work shall be protected from surface injury or damage from exposure to the weather or any other cause.

MATERIALS 2

- 2.1 Timber All timber shall comply with NZS3602 and shall be treated in accordance with the Timber Preservation Authority specifications.
- 2.2 Fasteners Nails, screws and other fixings shall be galvanised for exterior work. Nails generally shall penetrate the second or holding timber at least half their length.

For fixing type and quantity, see NZS3604 Appendix A.

DAMP ROOF COURSE 3

Where timber is in contact with concrete the timber shall be separated from the concrete with a 2 ply bituminous felt d.p.c. A bituminous damp proof course shall be placed on top of timber piles when they are cut off less than 300mm to the ground.

SCHEDULE OF TIMBERS 4

Location	Species	Grade	Treatment
Wall framing	Pinus Radiata	H 1.2	Tanalised
Battens	Pinus Radiata	F5 Laserframe	Chemical free

WALL FRAMING 5

5.1 Exterior Framing Shall be as per the current Laserframe instruction manual. 90 x 35 studs at 600 cns with two rows of dwangs equally spaced. (Refer to clause 6.2 studs.)

Top and bottom plates shall be 90 x 35, with top plates joined over studs and at intersection walls with nail plates. Fix bottom plates to concrete floors with bolts or dowels into slab (see section 6). Fix 140 x 35 ceiling plate.

5.2 Bracing Shall be galvanized angle bracing or braceline Gibraltar board in accordance with the bracing schedule and to satisfy all requirements of the NZBC. Fix bracing to manufacturers recommendations at the wall position shown on the bracing schedule.
All other bracing as per Totalspan T.S. 3000 Drawings, and F.R.Smith Consulting engineers details.

ROOFING 8

- 8.1 Building Paper Lay roof underlay Bituminous self support building paper over purlins, as shown on the drawings.
Building paper shall be breather type to NZS2295 run parallel to ridge and lapped 150mm over lower sheet. Provide adequate lap of building paper into gutters.
- 8.2 Gutters Versatile roll-formed coloursteel G2 gutters should be fixed prior to fixing of roof. **Colour of gutter to be advised.** After fixing brackets bend holding tabs down on each bracket. Fix end brackets 300mm from corners with four galv clouts into gutter purlin. Fix intermediate bracket at 900mm c/s maximum spacing. Fit prefabricated ends to gutters, seal joists with RTV sealant and rivet fix. Cut hole for downpipe dropper. Rivet dropper and seal with RTV. Lap lengths of gutter to form joints. Seal between laps and rivet fix. Fix gutter roll to bracket ends then fold gutter up into position. Secure gutter by folding tabs of bracket up to lip on gutter.
- 8.3 Roofing Iron
- a) Material Shall be Coloursteel Corrugate 0.3.5 B.M.T., G550, coloursteel Longrun roofing fixed with tek screws with neoprene seals. **Colour of roofing to be advised.**
- b) Installation Lay sheets with laps away from the prevailing wind. Lap bottom edge of sheet 50mm over fascia. Fix roofing through every rib to gutter purlin. Screw through sheet laps to every purlin. Fix each rib to each alternative purlin, except no two adjacent ribs (except laps) shall be nailed to the same purlin. All cutting of roofing shall be by shears or nibblers. Cutting discs will not be permitted. Installers should wear clean soft-soled shoes when walking on roof and should take all reasonable care to ensure the surface film of the roofing is not scratched. After completion of the roof wash the entire surface with hose and soft bristled broom to remove all fixing debris and swarf. Ensure all fixing debris and swarf is washed out of gutters.
- d) To ensure compliance with the durability requirement of the NZBC, house owners should adhere to the following maintenance procedures. The whole of the roof surface including all associated flashings shall be washed down with a hose and soft

DAMP ROOF COURSE 3

Where timber is in contact with concrete the timber shall be separated from the concrete with a 2 ply bituminous felt d.p.c. A bituminous damp proof course shall be placed on top of timber piles when they are cut off less than 300mm to the ground.

SCHEDULE OF TIMBERS 4

Location	Species	Grade	Treatment
Wall framing	Pinus Radiata	H 1.2	Tanalised
Battens	Pinus Radiata	F5 Laserframe	Chemical Free
Floor Joists.	Pinus Radiata	F5 Laserframe	Chemical Free

WALL FRAMING 5

5.1 Exterior Framing Shall be as per the current Laserframe instruction manual. 90 x 35 studs at 600 crs with two rows of dwangs equally spaced. (Refer to clause 6.2 studs.)

Top and bottom plates shall be 90 x 35, with top plates joined over studs and at intersection walls with nail plates. Fix bottom plates to concrete floors with bolts or dowels into slab (see section 6). Fix 140 x 35 ceiling plate.

5.2 Bracing Shall be galvanized angle bracing or braceline Gibraltar board in accordance with the bracing schedule and to satisfy all requirements of the NZBC. Fix bracing to manufacturers recommendations at the wall position shown on the bracing schedule.
All other bracing as per Totalspan T.S. 3000 Drawings and Hanlon & Partners drawings.

5.3 Standard Steel Beams:

To be installed as per Hanlon & Partners drawings.

- 8.4 Barges Shall be Totalspan roll formed coloursteel G2 barges clipped over metal retaining angle and screwed through top face into each purlin with #10 tek screw, with a neoprene washer between the screw and sheeting. Colour to match roofing iron.
- 8.5 Ridging Shall be coloursteel G2Z aluminium edge ridging with 100mm laps between sections. Lap lengths away from prevailing wind and fix with #10 tek screws. With neoprene washers, through every roof rib into top purlin. Colour to match roofing iron.
- 8.6 Ridge Caps Fix Coloursteel G2Z ridge caps by riveting to each end of ridge over barges.

EXTERIOR WALL COVERINGS 9

- 9.1 Building Paper Cover all exterior wall framing with building wrap over 12mm triple "s" thermal barrier complying with NZBC E2/AS1 clause 2.4. Fix Gib Frameguard horizontally with 75mm minimum laps that shed water. Securely fix to top and bottom plates and studs.

INSULATION 10

- 10.1 General Install insulation in accordance with NZBC acceptable solution H1/AS1.
- 10.2 Ceiling Insulation Insulate whole of ceiling area with a insulation batts R. 2.6 Minimum.
- 10.3 Wall Insulation Insulate all exterior framing with friction fit R2.2 fibreglass batts to form a complete envelope.

INTERIOR LININGS 11

- 11.1 General All linings shall be carried to floor level and behind all fittings. The moisture content of the framing shall be as specified by the manufacturer. Before fixing any linings.
- 11.2 Gibraltar Board Line all walls and flat ceilings with 9.5mm Gibraltar board stopped to suit a paint grade finish. Fix sheets to manufacturers recommendations with 30 x 2.5 Gib screws below the surface of the board (without rupturing the face paper or core).

- 11.3 Ceilings Line all raking ceilings with 10mm Ultra Line Gib, screw & glue fixed. Install a 20mm x 12 mm batten to cover joints.
- 11.4 Skirtings Shall be customwood 60 x 12mm beveled nose skirting to all wall and floor junctions including the inside of all cupboards and wardrobes.

CUPBOARDS & FITTINGS 12

- 12.1 Wardrobes Shall be fully lined and stopped. Fit 20mm full length customwood or particle board shelf at 1.7m above floor, with Pryda hanging rail.
- 12.2 Kitchen Cupboards All kitchen cupboards to be supplied and installed by Owner.
- 12.4 Vanity By Owner.
- 12.5 Laundry Tub And cabinet By Owner.

INTERIOR DOORS 13

Shall be paint grade four panel, hollow core MDF hung on 1.5 prs of butts in rebated frames. Frames to be M.D.F.

PLUMBING

SECTION 5

PRELIMINARY 1

- 1.1 Standards All work shall comply with the NZBC Clauses G1 – G4 and G10 – G15. Acceptable solutions are as outlined in AS1.

MATERIALS 2

- 2.1 Water Pipes. All interior water supply pipes to all services to be copper, installed with braised joins and brass fittings
- d) Polythene – Water supply pipe to be h.d. polythene complete with Philmac or equal approved pipe fitting to NZS7602.
- 2.2 Insulation Lag all pipe work and any other pipe work outside insulation envelope with cell foamed polymer lagging double lapped.

HOT WATER SERVICE 4

- 4.1 Hot Water Shall be supplied through gas instant hot water system. Owner to arrange for gas bottle supply & fees.

WASTE PIPES AND TRAPS 5

Provide all necessary traps, waste pipes, soil stacks, back vents and terminal vents.
Adequately support all suspended wastes.

FLASHINGS 6

Flash all pipes that pass through the roof with Aqua seal pipe flashings bedded in RTV Sealant and riveted to roofing.

TAPS AND SANITARY FITTINGS 7

Owner to supply all taps and sanitary fittings.

DOWNPIPES 8

Supply and fit PVC downpipes to droppers in gutter. Fix each downpipe with two brackets per downpipe.

TESTING 9

At completing of all work test all water supply pipework at maximum pressure available.
Test all waste pipework.

DRAINAGE**SECTION 6****PRELIMINARY 1**

- 1.1 Standard All work shall be to best trade practice and shall comply with NZBC Clauses G1 – G4 and G10 – G15. Acceptable solutions are as outlined in AS1.
- 1.2 Scope See Site Plan for extent of work.

MATERIALS 2

- 2.1 Pipes UPVC pipes shall comply with NZS7649 .
with rubber rings, Class B to BS2494.

TRENCHES 3

Neatly cut trenches, graded to falls and after approval, backfill and thoroughly consolidate. Spread surplus spoil where directed. Lay all drains on minimum 100mm of 20mm crushed metal.

SEPTIC TANK 4

Provide all drainage pipe and fittings, septic tank, 3500 litre pump chamber and stainless kp 250 sump pump and bio filter.
Above ground disposal field, with owner being responsible for all fencing, planting, and wood chips. This is subject to DCC approval.

STORMWATER DRAINS 5

Provide all necessary bends, junctions, inspection fittings etc.
Stormwater to go to two 25000 litre supply tanks

ELECTRICAL**SECTION 7****PRELIMINARY 1**

- 1.1 Standards The whole of the electrical installation shall be in strict accordance with the Electrical Wiring Regulations and all amendments.
- 1.2 Scope The supply and wiring up of all fittings as scheduled and the connection to the Local Supply Authority Mains.

MATERIALS 2

- 2.1 Cables Cables and flexibles shall be 250v grade TPS to comply with NZS6401.

- 2.2 Light switches Shall be 10 amp. All insulated PDL micro-gap type or equivalent, mounted 1200mm above floor. Supply and wire up light switches as per attached plans.
- 2.3 Power points All wall plugs shall be 230v 10amp 3 pin double flushtype mounted 300mm above floor or 225mm above bench tops.
Mount plugs for washing machine and refrigerator 1200mm above floor. Downlights to lounge and dining areas.
Supply and wire up power points and Telecom telephone jack points as per attached plans.
- 2.4 Lights Interior lights shall be PDL or similar approved white batten-holder complete with conical shade unless specified otherwise.
Supplied by owner

Provide and wire up exterior lights.

MAIN SWITCHBOARD 3

Supply and install in recess provided where shown on plans main switchboard complete with all necessary control and ancillary equipment.

METER BOX 4

- 4.1 Meter Box Shall be installed in exterior wall to client's requirements.
40mm dia conduit will be run through framing to outside foundation for mains supply cable.
(Conduit by others, see section 14)
- 4.2 Boundary Box No allowance has been made for a boundary box if required by the local power authority. This cost to be added to the contract price if required.

ELECTRIC STOVE 6

To be gas, connected to supply by on authorized gas serviceman.

SECTION 8

1. All structural steel to be supplied and erected as per Totalspan Drawings & designs supplied.

FINISHING**SECTION 9**

- 1.1 Painting and Decorating By Client.

- 1.1 Carpet and Vinyl By Client

CLEANING

- 1.1 The Building contractor will leave the building broom clean and remove all rubbish from the site.

[illegible]

-
- Hand-drawn floor plan of a building with rooms labeled: Living, Dining, Kitchen, Bath, Bed, Office, and Stairs. The plan includes dimensions, room numbers (e.g., 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200), and a large 'AMENDMENT' stamp. The plan is oriented with North at the top.

EDMONTON CITY COUNCIL
ADMINISTRATIVE COMMITTEES

54 198 35

Totalspan Buildings Specifications**Prepared By: Ian Cadogan, Dunedin, 4885637****Proposed For: Rhonda & Daryn Stafford / Johnston****Site Address: 36 Donalds Hill Road Waitati****Reference: lanc-174**

Date Drawn:	15/09/2005
Length:	13644
Width:	10754
Area:	146.728m ²
Stud Height:	3000
Wind Rating:	Very High
Bay Size:	3395
Cladding:	7 Rib Cladding Colour: TBC
Foundation:	Concrete Slab

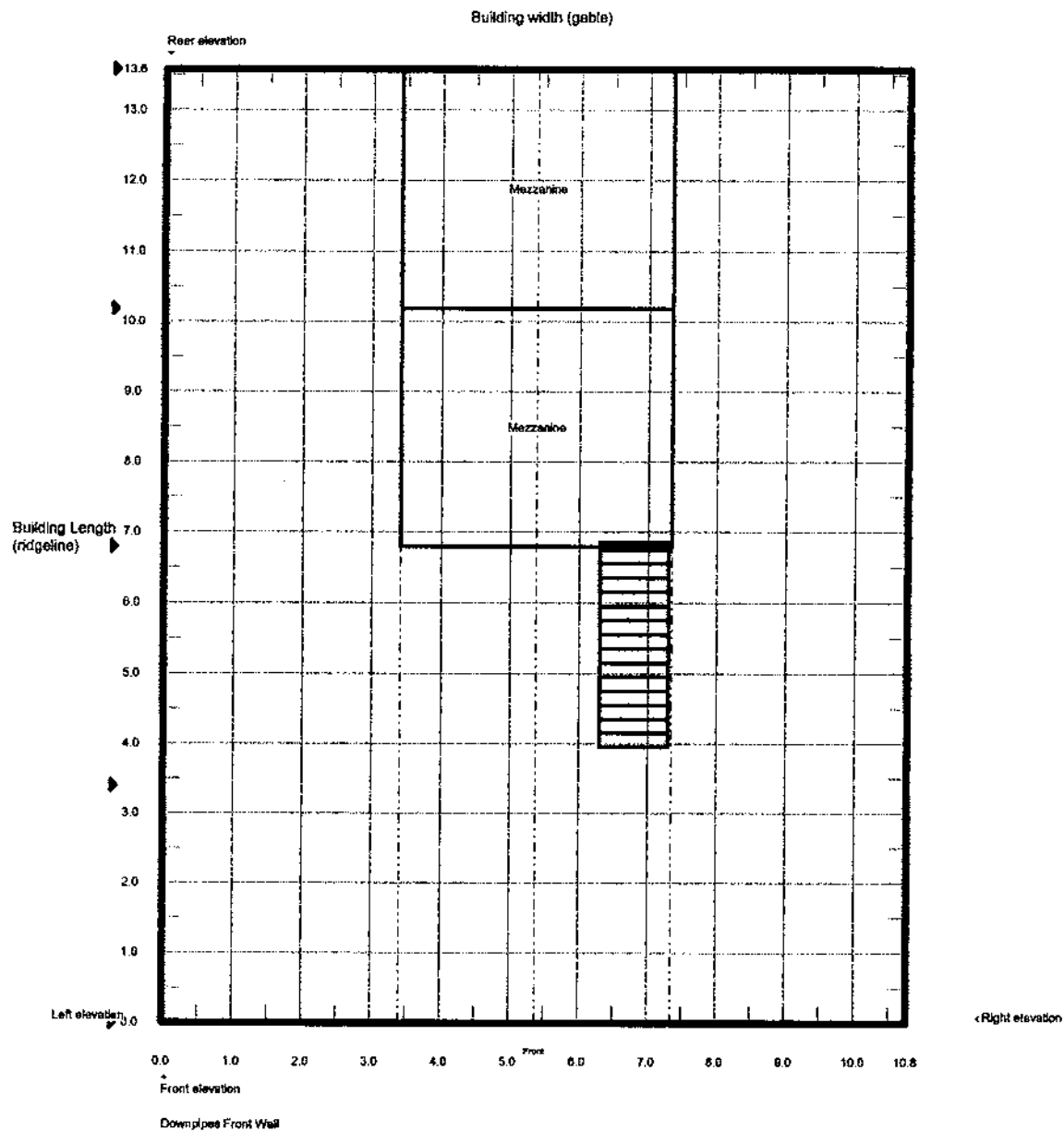
Notes:

The design has been checked in accordance with B1/VM1, B1/VM4, NZS 4203, NZS 3101 and AS/NZS 4600 of the approved documents issued by the Building Industry Authority and the work is described on drawings prepared by Frederick R Smith Consulting Engineer.

Durability requirements for wall cladding detailed in Producer Statement-Durability.

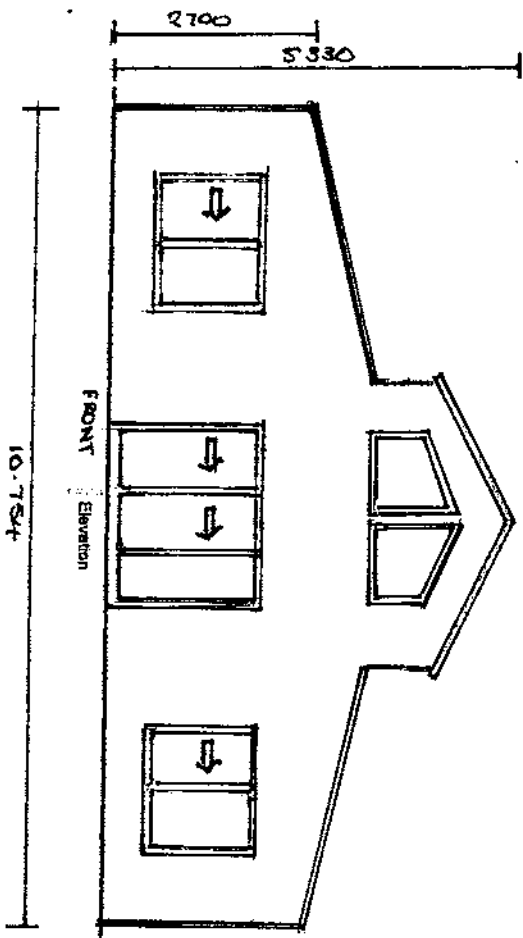
This specification is to be read in conjunction with the attached Totalspan Specification drawings and Producer Statement by Frederick R Smith, Registered Consulting Engineer.

Construction to comply with NZS 4203, NZS 3101 and AS/NZS 4600 and the New Zealand Building Code.

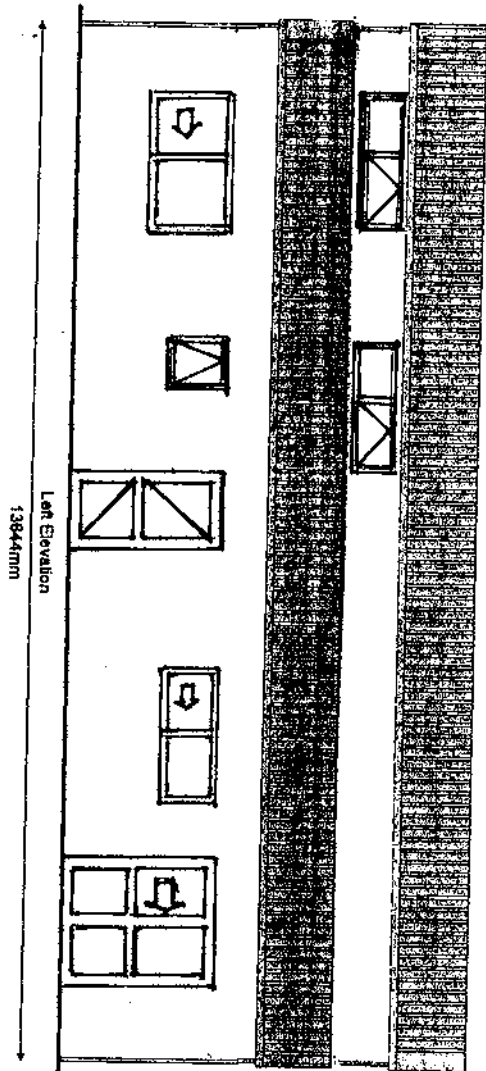
Totalspan Buildings Floor Plan**Prepared By: Ian Cadogan, Dunedin, 4885637****Proposed For: Rhonda & Daryn Stafford / Johnston****Site Address: 36 Donalds Hill Road Waitati****Reference: lanc-174**

Totalspan Buildings Elevations
Prepared By: Ian Cadogan, Dunedin, 4885637
Proposed For: Rhonda & Daryn Stafford / Johnston
Site Address: 36 Donalds Hill Road Waitati
Reference: lanc-174

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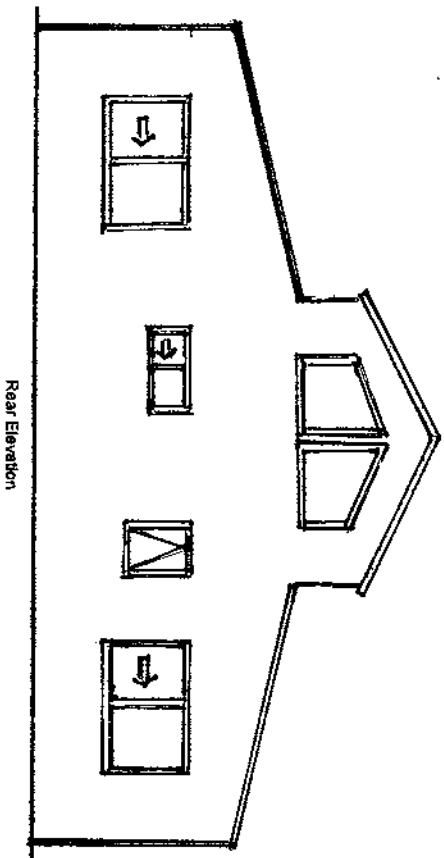


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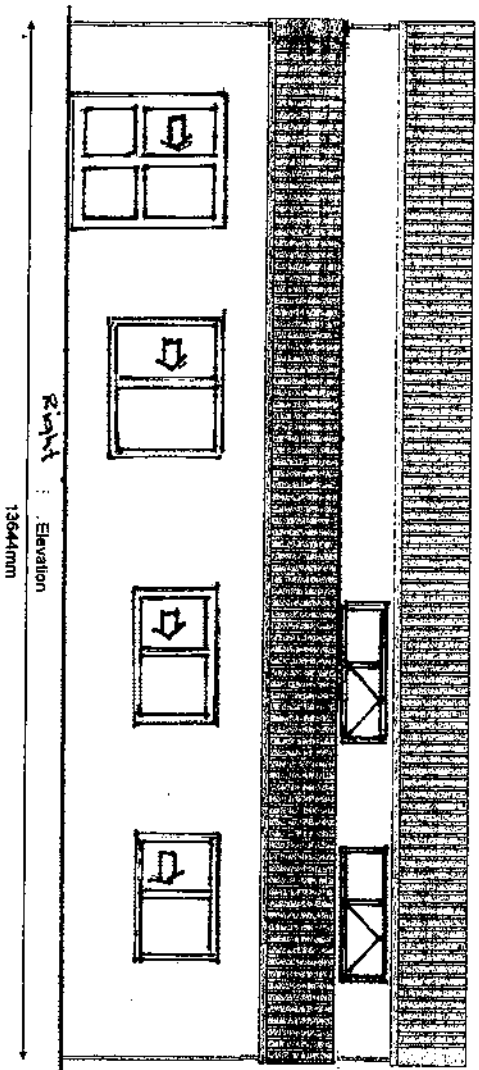
Totalspan Buildings Elevations
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Totalspan Buildings Elevations
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Site Address: 36 Donalds Hill Road Waitati
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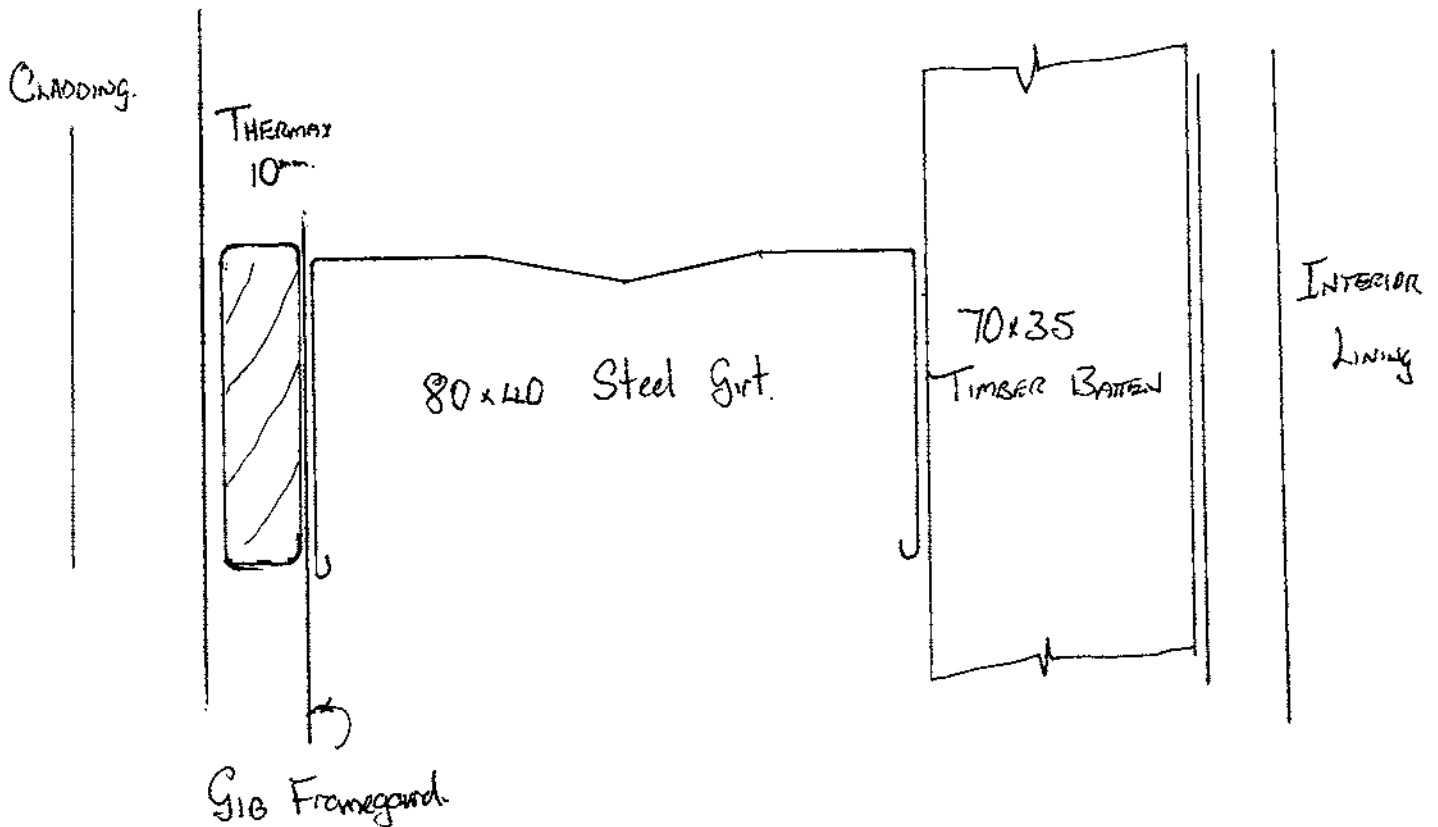
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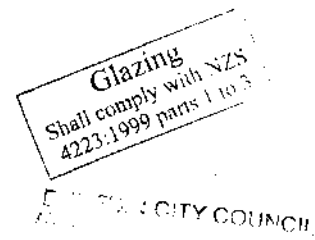
DETAIL #1

Proposed thermal barrier + cladding detail for
TOTALSPAN HABITABLE BUILDINGS



Totalspan Dunedin

584 Kaikorai Valley Road, P.O. Box 7084, Dunedin.
Phone 03 488 5637. Fax 03 488 5634. E-mail: dunedin@totalspan.co.nz



NOTES:

Construction to comply with NZS4203:1992,
NZNZS4400:1996, NZS1314 and the
New Zealand Building Code.
Refer to Product Statement TS3006.
Copyright: These drawings must not be
reproduced without express permission of
Yamato Buildings Ltd.

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

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

Building *2130* Date *20-2-06*
Drainage *Phillips* Date *14/2/06*
Health Date

NOTE
Overflow from rainwater storage tank to be
discharged in a location to avoid any possible
damage to foundations.

Septic tank to have a filter Effluent disposed
is to be a closed ETS system 10 meters
away from boundary Designed By J Smart

SCALE: 1:2000 DATE:
 DRAWN: V.B. Ltd FILE: TS3000/A

STEP	1
2	

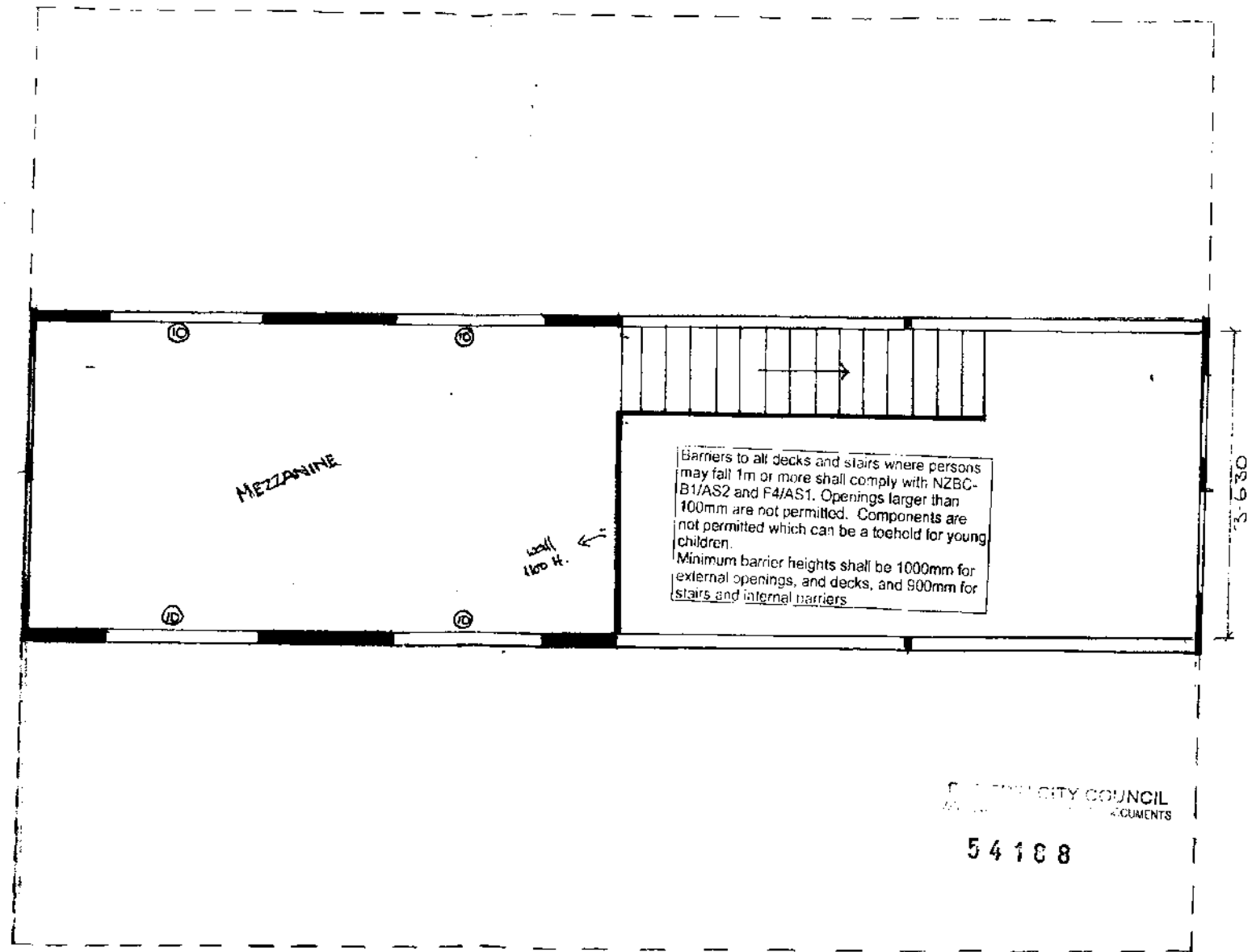


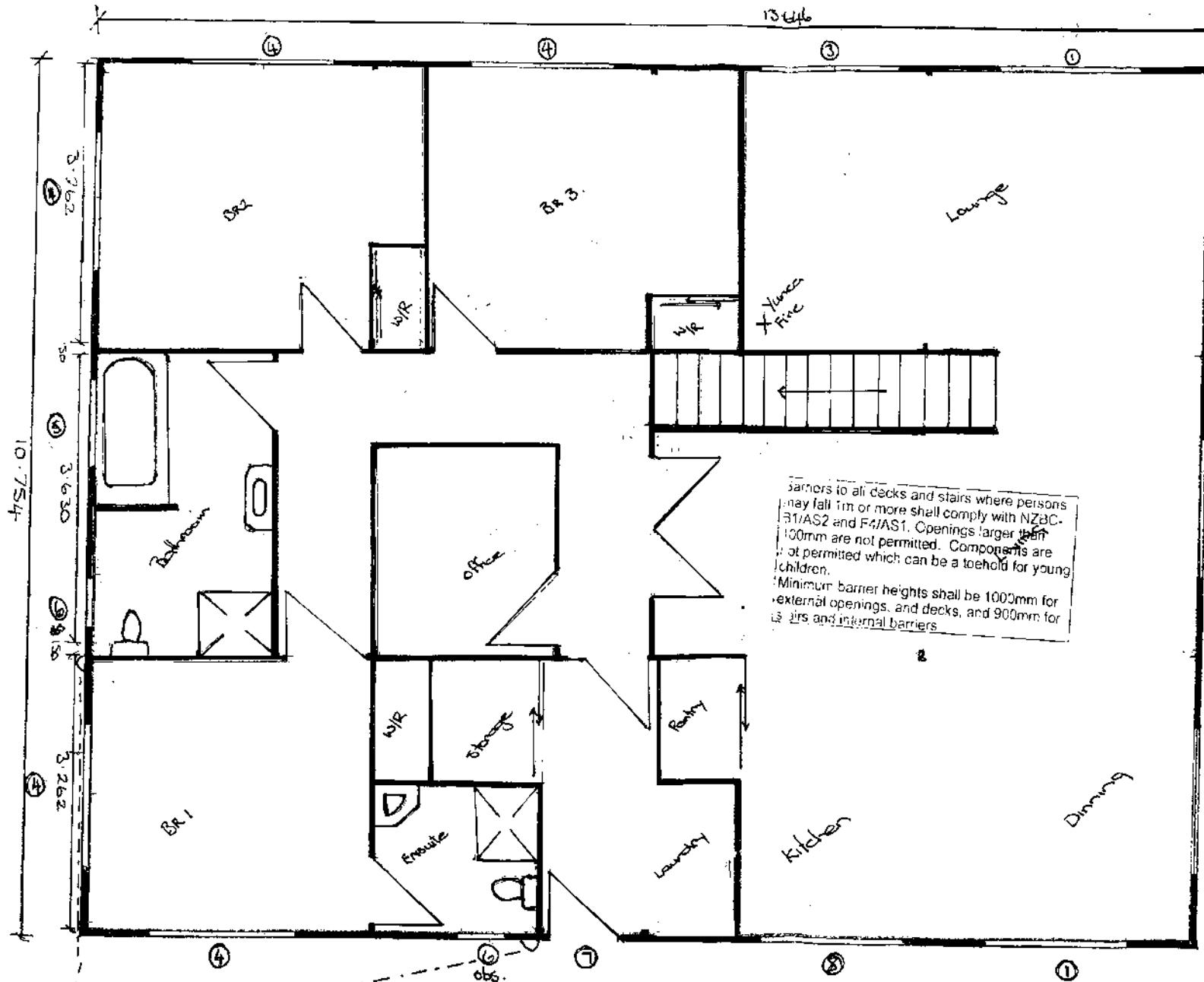
TOTALSPAN.
STEEL BUILDINGS

HEAD OFFICE:
112 WATERLOO ROAD

PH: (03) 540-2555
FAX: (03) 340-1200

PROJECT TITLE *Proposed Building for:*
Rhonda Stafford / Doreyn Johnston.
36 Donalds Hill Road Waitati





- ① Ranch slider TD-2
- ② stacker
- ③ 1500 deep x 1765 wide
- ④ TW3 - 1100 x 1765
- ⑤ TW12 obs.
- ⑥ TW10 obs.
- ⑦ TD-3
- ⑧ 800 x 1765 - 707
- ⑨ TW11 (hinged)
- ⑩ Mezzanine end window non-opening.

Barriers to all decks and stairs where persons may fall 1m or more shall comply with NZBC-B1/AS2 and F4/AS1. Openings larger than 100mm are not permitted. Components are not permitted which can be a toe-hold for young children. Minimum barrier heights shall be 1000mm for external openings, and decks, and 900mm for stairs and internal barriers.



DUNEDIN CITY COUNCIL
Kaunihera a-rohe o Ōtepoti

Application for Project Information Memorandum and/or Building Consent

Section 33 or Section 45, Building Act 2004

This application is for:

- ☒ Both Building Consent and a Project Information Memorandum. ☐ Project Information Memorandum
☐ Amendment to Building Consent ABA ☐ Building consent only, in accordance with project information memorandum no: _____

PART A: Complete Part A in all cases

PROJECT LOCATION

Street Address: 363 Dore Hill Rd
Waiwaka

FIRST POINT OF CONTACT FOR COMMUNICATIONS FOR THIS APPLICATION: (Mailing Address)

Name: Mr D Johnston

Address: PO Box 25

Waiwaka, Otago 0273056110

Mobile: 0274345204 Tel: (daytime) _____

Tel: (evening) 4822412 Fax: _____

THE OWNER

Name of Owner: Mr D Johnston

[include preferred form of address, eg. Mr, Miss, Dr, if an individual]

Phone number: Mobile: 0274345204 Daytime: 0273056110

0273056110 A/hours: 4822413 Fax: _____

Email address: johnston.d@xtra.co.nz

The following evidence of ownership is attached to this application:

- ☒ Copy of certificate of title
☐ Lease
☐ Agreement for sale and purchase
☐ Or other document showing full name of legal owner(s) of the building

LEGAL DESCRIPTION

Property Number: 363 5111507

Valuation Roll Number: 26530 08303

Lot: 1 DP: 346208

Section: _____ Block: _____

Survey District: Blk 1 North Hill Rd Survey

PT SEC 32

PROJECT

- ☐ Building Certifier Certificate ☐ Alteration ☐ Addition
☒ New or Relocated Building ☐ Change of Use ☐ Demolition

Description of Intended Work (in detail): _____

IMPLEMENT SHED

Intended life: ☒ Indefinite (but not less than 50 years)

Specified as _____ years

Being stage _____ of _____ stages

Estimated value of project (inclusive of GST)²: \$ 15,000

C/T supplied by owner ☐ C/T supplied by DCC ☐

AGENT

Name of Agent: N/A

[only required if application is being made on behalf of owner]

Street address/registered office: _____

Phone number: Mobile: _____ Daytime: _____

A/hours: _____ Fax: _____

Email address: _____

Relationship to Owner: _____

[state details of the authorisation from the owner to make the application on the owner's behalf]

THE BUILDING

Building name: [insert building name if applicable] Gold Farm Storage Unit

Number of levels: [include ground level and any levels below ground] ground

Level/unit number: [insert level/unit number if applicable] _____

Area: [total floor area; indicate area affected by the building work if less than the total area] 81 m²

Current, lawfully established, use: [include number of occupants per level and per use if more than 1 (e.g. boarding house, domestic dwelling, hotel, motel, office, commercial)]
Storage

Year first constructed: _____

[insert year, approx. date is acceptable e.g. c1920s or 1960-1970]

(BCO) Doc. check: _____

Date: 24/4/07

(Admin.) App. check: steph

Receipt: # _____

C/T: _____

Sewer Connection: _____

DCC Fee: _____

Branz/DBH: _____

Total: _____

\$ 10.00 189854

\$ _____

\$ 600 -

\$ 6

\$ 600 - 6600

PAID

445004

24/4

- Under Section 33 or 45 of the Building Act 2004 the applicant must be the owner of the land on which building work is contemplated or a person who or which has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force.
- The value of building work shall be the aggregate of the values, determined in accordance with section 10 of the Goods and Services Tax Act 1985, of all goods and services to be supplied for that building work.

1	2
---	---

2010 Erect storage shed

206

2010-2136

PIM No: 2010-1689

2

Building Category

RO

ABA No:



DUNEDIN CITY
COUNCIL

Application for Project Information Memorandum and/or Building Consent

Section 33 or Section 45, Building Act 2004

Note: Please use a black ink pen when completing this form.

Warning: Any alterations made to this application either before or after the Building Consent has been issued may incur an additional fee

This application is for:

- ☒ Both Building Consent and Project Information Memorandum
- ☐ Building Consent Only
- ☐ Project Information Memorandum
- ☐ Staged Consent - Being stage _____ of _____ stages
- ☐ Multi Use Approval
- ☐ Amendment to Building Consent ABA
- ☐ Building Consent only, in accordance with Project Information Memorandum no: _____

PART A: COMPLETE PART A IN ALL CASES

Project Location: (street address)

36 Donalds Hill Road
Waitati

Legal Description

Valuation Roll Number: 26530-08303

Lot: 1 DP: 346208

Section: _____ Block: _____

Survey District: _____

For Council Use Only: Property Key: 5111507

Project

- ☒ New or Re located Building ☐ Alteration ☐ Addition
- ☐ Heating Appliance ☐ Change of Use ☐ Demolition

Detailed Description of Intended Work:

Erect Storage Shed. 78m²

Intended Use: (e.g. domestic dwelling, hotel, motel, office)

Storage

Tick if this project includes any of the following:

- ☐ Septic Tank ☐ Solar Hot Water
- ☒ Rainwater Tank ☐ Heating Appliance

Estimated Value of Work: (Incl GST) \$ 10000

The value of building work shall be the aggregate of the values, determined in accordance with section 10 of the Goods and Services Tax Act 1985, of all goods and services to be supplied for that building work.

Intended Life: ☒ Indefinite (but not less than 50 years)

☐ Specified as _____ years

☐ C/T supplied by Owner ☒ C/T Supplied by DCC

The Existing Building

Building Name:

Number of Levels: (include ground level and any levels below ground)

Level/Unit Number:

Area: (total floor area; indicate area affected by the building work if less than the total area) 78m²

Current, lawfully established, use: (include number of occupants per level and per use if more than one e.g. boarding house, domestic dwelling, hotel, motel, office, commercial)

Year first constructed: (approx date is acceptable e.g. c1920s or 1960-1970)

The Owner

Under Section 33 or 45 of the Building Act 2004 the applicant must be the owner of the land on which building work is contemplated or a person who or which has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force

Consent to be posted to: ☒ Yes ☐ No 12/1/89

Name of Owner Mr Daryn Johnston
(include preferred form of address, eg. Mr, Miss, Dr, if an individual)

Address: PO Box 25 Warrington
Otago Postcode 9449

Phone Numbers:

Mobile: 0274 345204 Daytime:

A/hours: (05) 4822413 Fax:

Email Address:

The following evidence of ownership is attached to this application:

- ☐ Copy of Certificate of Title ☐ Agreement for sale and purchase
- ☐ Lease ☐ Or other document showing full name of legal owner(s) of the building

First Point of Contact for Communications for this Application:

Consent to be posted to: ☒ Yes ☐ No 12/1/89

Name: Daryn Johnston

Mailing Address: PO Box 25 Warrington
Otago Postcode 9449

Phone Numbers:

Mobile: 0274 345204 Daytime:

A/hours: (05) 4822413 Fax:

Email Address:

Agent

Consent to be posted to ☐ Yes ☐ No

Name of Agent:

(only required if application is being made on behalf of owner)

Mailing Address:

Postcode

Phone Numbers

Mobile: _____ Daytime:

A/hours: _____ Fax:

Email Address:

Relationship to Owner:

(State details of the authorisation from the owner to make the application on the owner's behalf)



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy



R. W. Muir
Registrar-General
of Land

Identifier 189859
Land Registration District Otago
Date Issued 14 March 2005

Prior References

OT17A/207

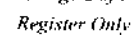
Estate Fee Simple
Area 6.0480 hectares more or less
Legal Description Lot 1 Deposited Plan 346208

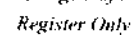
Proprietors

Daryn Edwin Johnston as to a 1/2 share
Rhonda Jane Stafford as to a 1/2 share

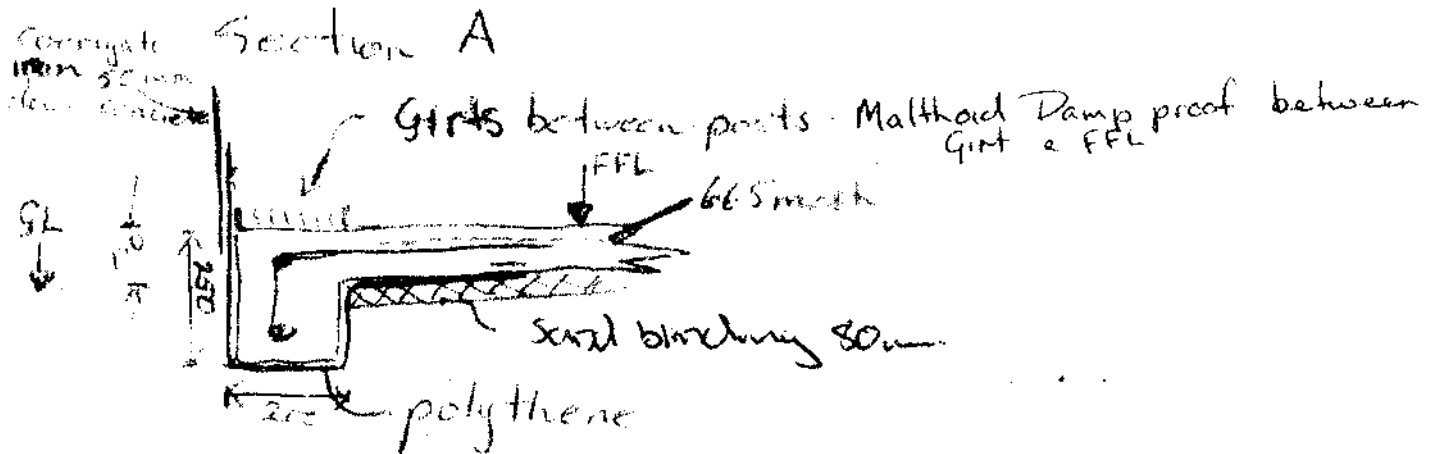
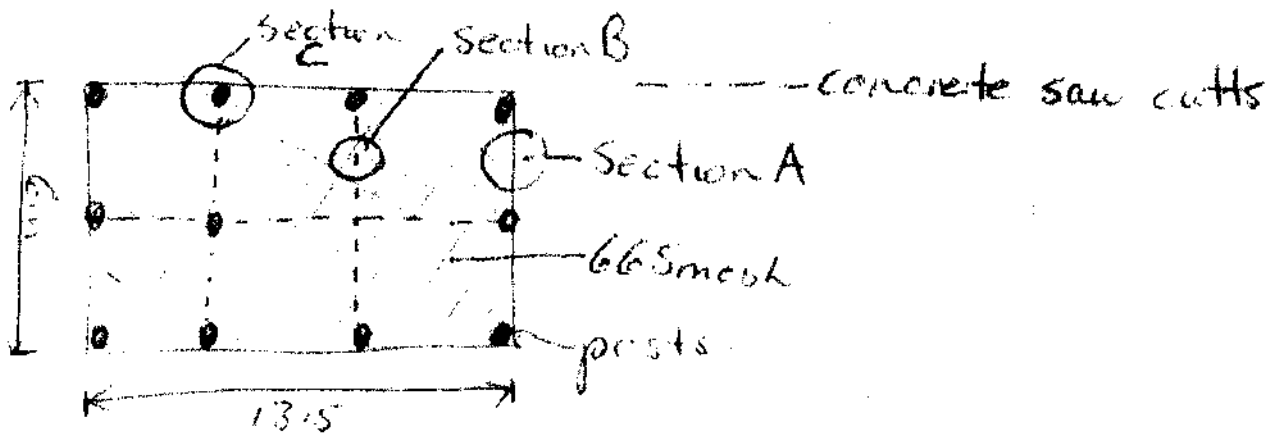
Interests

Appurtenant hereto is a right of way and to transmit electricity, telecommunications and computer media created by Easement Instrument 6344969.4 - 14.3.2005 at 9:00 am
Some of the easements created by Easement Instrument 6344969.4 are subject to Section 243 (a) Resource Management Act 1991
6683959.1 Mortgage to ANZ National Bank Limited - 9.12.2005 at 9:00 am





Email mail house 9 @ Clear - note N/Z



Straight bars are D12

Starter bars are D12 600 into floor @ 600 q

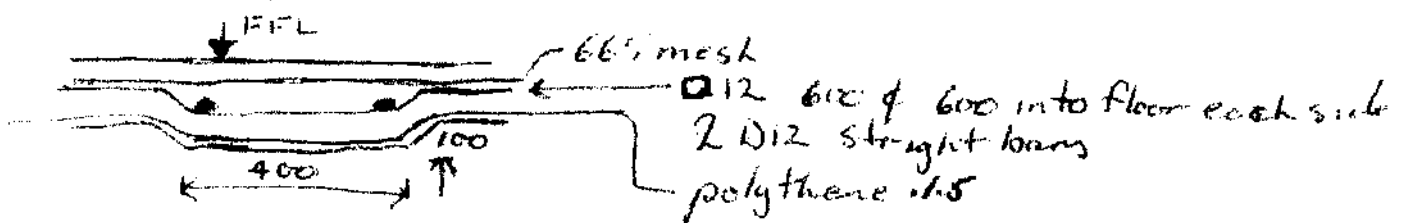
Concrete 25mpa 19mm ag

Lapped bars are 600mm

300 grade

all reinforcing 80mm cover

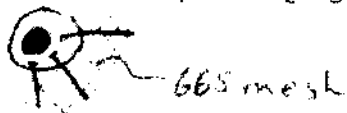
Section B



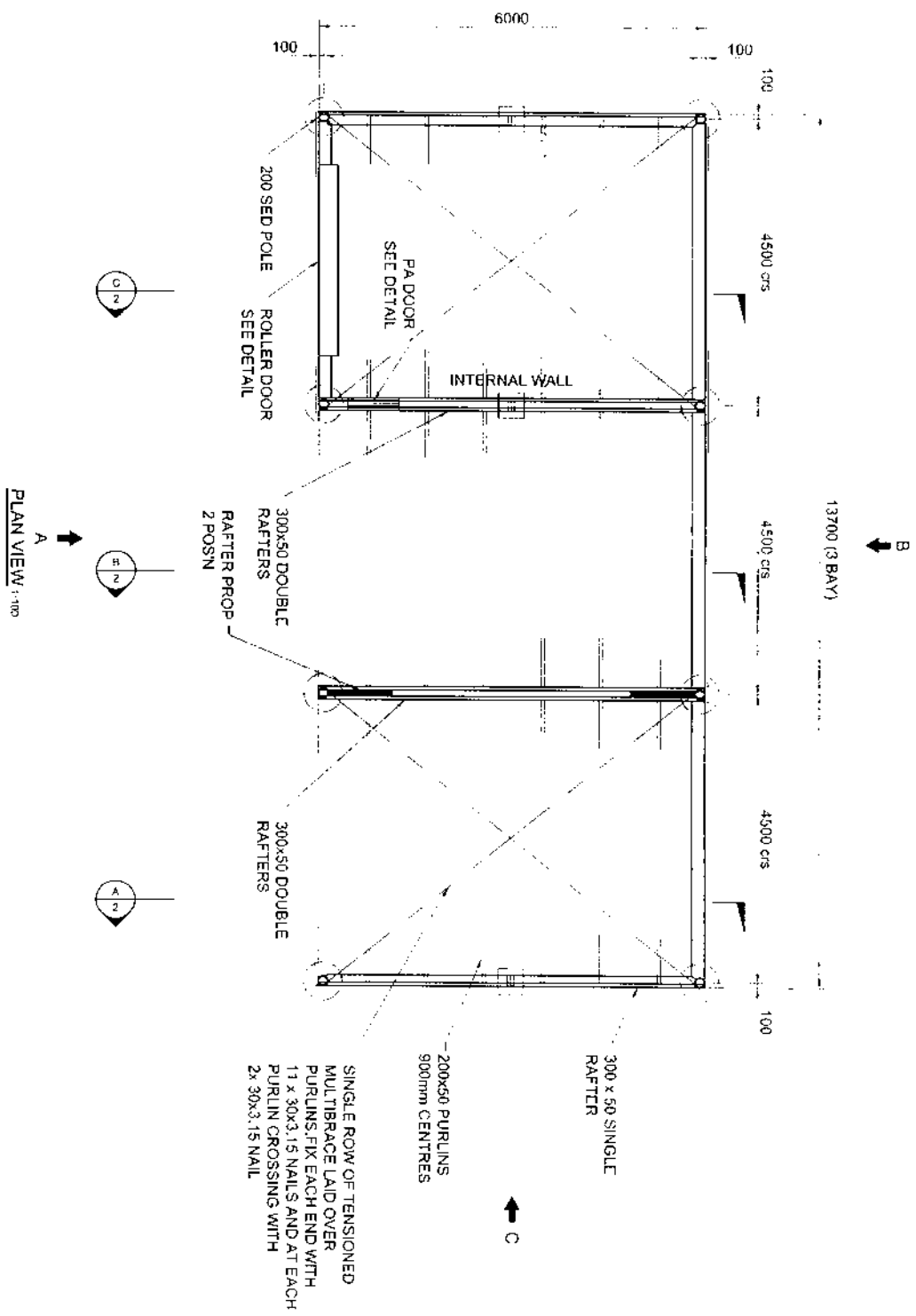
Section C

Concrete from HS post

3 D12 600 into concrete 600 into floor



PLAN VIEW - LEAN TO



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3B0363006DRDPA

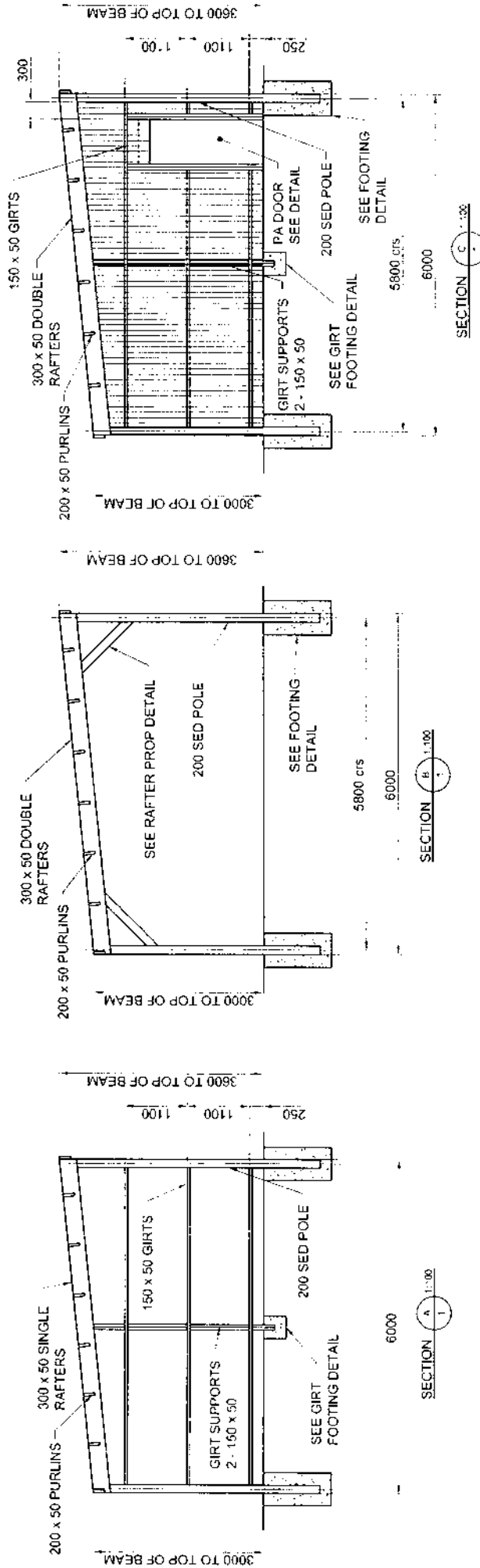
Wind Loading: Very High
Snow Loading: Sg = 1.0 kPa

Rev: D
Sheet: 1/4



SECTION - LEAN TO

212



NOTES:

1. SINGLE RAFTER TO END WALLS.
DOUBLE RAFTERS TO INTERNAL BAYS.

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STRONGBUILT

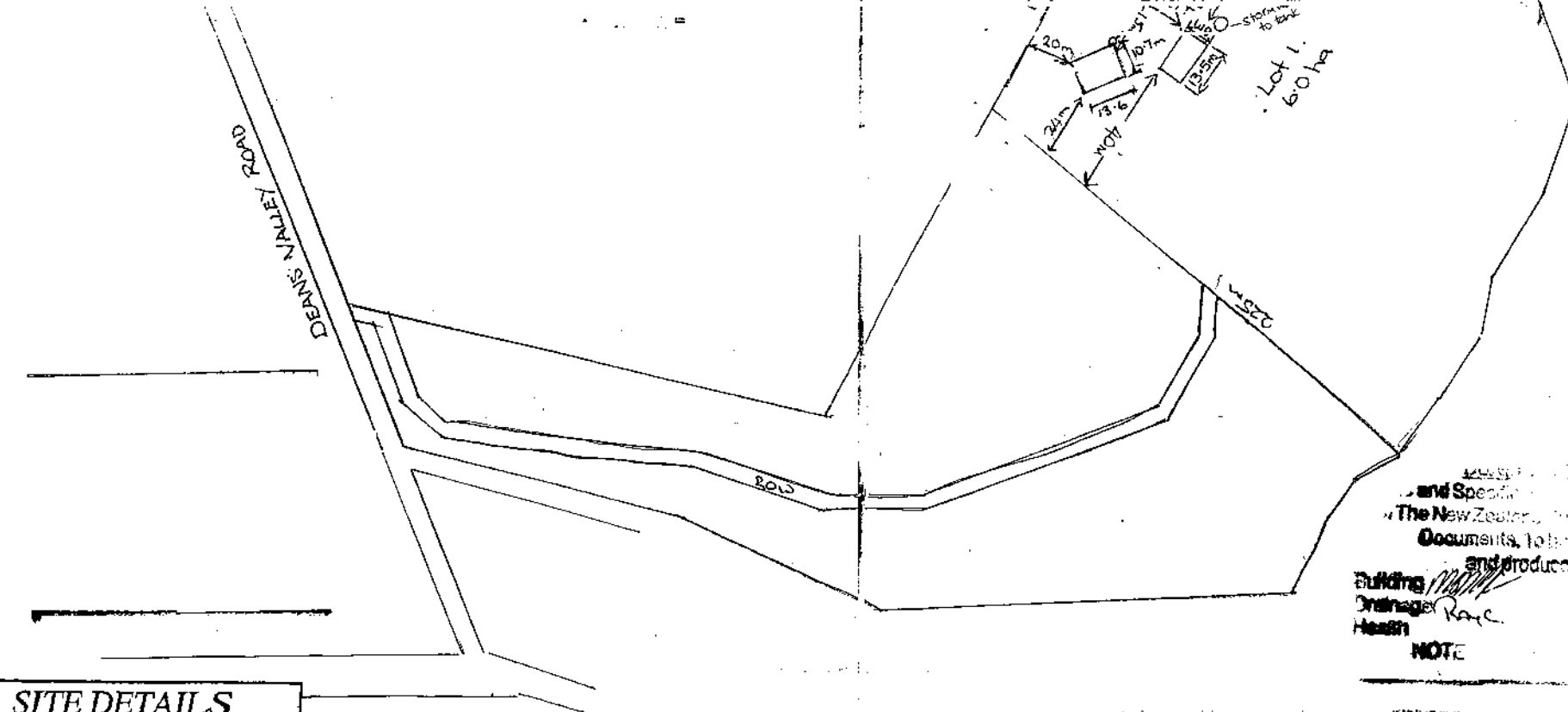
3B0363006DRDPA

Wind Loading: Very High
Snow Loading: $S_g = 1.0 \text{ kPa}$

Rev: D
Sheet: 2/1



DEANS VALLEY ROAD



SITE DETAILS

LOT: 1
 DP: 346208
 CT:

and Specific...
 The New Zealand Building Code and App...
 Documents, to be obtained on request
 and produced on request
 Building Date 19/11/10
 Drainage Date 19-11-10
 Health Date
 NOTE

NOTES:

27.10.2010

PROJECT TITLE
 Proposed Building for:
 Rhonda Stafford / Darryn Johnston
 36 Donalds Hill Road Waitati

DRAWING TITLE

SITE PLAN

SCALE: 1:2000
 DATE: 19/11/10
 DRAWN: TSS

14