

3 August 2023

Jessica-Lea Thompson & Joe Junior Taylor
C/- Anderson & Co (Otago) Ltd
PO Box 5933
Dunedin 9054

Via email: conrad_a@xtra.co.nz

Dear Jessica & Joe

RESOURCE CONSENT APPLICATION:

**LUC-2021-619
317 CHAIN HILLS ROAD
WINGATUI**

The above application for consent to authorise a dwelling on an existing under-size rural zoned parcel of land at 317 Chain Hills Road, was processed on a limited notified basis in accordance with section 95 and 95B of the Resource Management Act 1991. Hearing Commissioner Louise Taylor heard and considered the application at a hearing on Friday 19 May 2023.

At the end of the public part of the hearing, the Commissioner, in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987, resolved to exclude the public.

Following the adjournment of the hearing, a site visit was undertaken by the Commissioner on the afternoon of Friday 2 June 2023. The hearing concluded with the subsequent receipt of the applicant's written reply on 30 June 2023.

The Commissioner has **granted** consent to the application subject to conditions on 2 August 2023. The full text of this decision commences below with a consent certificate attached to this letter.

The Hearing and Appearances

The applicant was represented by:

Jessica-Lea Thompson and Joe Junior Taylor (Applicant)
Conrad Anderson (Consultant Planner)
Dr Mike Thorsen (Principal Ecologist, Director Ahikā Consulting)

Council staff attending were:

Campbell Thomson (Senior Planner/Commissioner Advisor), Nicola Petrie (Processing Planner), Luke McKinlay (Landscape Architect), Zoe Lunniss (Biodiversity Advisor) and Lauren Riddle (Governance Support Officer)

The submitters were present at the hearing being.

Sam and Rebecca Guest
Mike Rogan

Procedural Issues

No procedural issues were raised at the hearing.

Principal Issues of Contention

The key issues of contention subject of evidence and information presented to the Commissioner were as follows:

- The location of the proposed dwelling platform.
- The size and history of the existing land parcel subject of the application.
- The density of residential activity in relation to the site and surrounding environment and District Plan zoning.
- The existing use and vegetation on the subject site.
- The detail and biodiversity value of the proposed ecological restoration planting.
- The consistency of the proposal with objectives and policies of the 2GP, in the context of the above issues and evidence submitted.

Summary of Evidence

Introduction from Processing Planner

The Processing Planner (Nicola Petrie) summarised the key matters in her report, giving an overview of the proposal before commenting on the notification of the application and submissions received.

Ms Petrie identified and commented on corrections to her report regarding the relevant rule provisions and recommended conditions. She advised that the earthworks proposed for the site development did not require consent as they met the performance standard for permitted earthworks. In regard to proposed condition 19, she accepted the Light Reflectance Value of 10% recommended by Mr Moore for the applicant instead of the 30% maximum referred to in the condition. However, in regard to the conditions concerning the ecological restoration plan, she advised clarification was sought from the applicant around the number of plantings proposed as part of the plan.

Ms Petrie advised that the resource consent sought was to establish a residential unit and the associated building platform, landscaping and access. She noted that the planting of native vegetation was to be undertaken in conjunction with the residential activity to enhance biodiversity. She confirmed that access would be off Chain Hills Road, with the entry and exit via separate vehicle crossings. She provided an overview of the topography of the site, earthworks and the associated lighting proposed.

Ms Petrie commented on her assessment of the proposal in relation to the objectives and policies under the Operative and Proposed District Plans, and relevant provisions of the Resource Management Act 1991.

In response to my questions of clarification on the percentage of the site considered highly productive land, Ms Petrie confirmed the land area and her consideration of the National Policy Statement for Highly Productive Land 2022.

The Biodiversity Advisor (Zoe Lunniss) spoke to the evidence concerning the biodiversity contribution expected to result from the restoration plan. She advised that she was comfortable with the plan and considered that when given effect in compliance with the recommended conditions it would be a significant enhancement to biodiversity.

The Applicant's Presentation

Dr Mike Thorsen spoke as an ecological witness for the applicant, and as an author of the Ahikā report. He confirmed that at present there is very little indigenous biodiversity at the site and that the proposed restoration works were achievable improvements to indigenous biodiversity. In response to questions about the details of plantings and location Dr Thorsen confirmed the role and experience of Ahikā in preparation of ecological restoration plans. He indicated that the proposed planting would be sufficient to achieve the objectives of the plan and the plan is designed to give flexibility for the landowner to meet the process without a prescriptive planting layout. He noted that natural regeneration is also expected to occur and together with the planting will increase biodiversity at the site.

In response to further questions, Dr Thorsen commented on options for funding of the restoration work and indicated that some required consideration of implications for any covenant and management. However, he noted the applicants' willingness to undertake the actions required without this funding. He advised in respect to pest management and predator control that the Predator Free Dunedin approach is being applied in the Chains Hill area, and that it was possible to achieve this on the subject site in an effective manner. Having regard to the location and neighbouring properties he did not recommend the use of traps and advised that there were other options for rabbit control than shooting.

Mr Conrad Anderson (Consultant Planner) spoke to his pre-circulated evidence. He observed that the site was created some 30 years ago for residential activity. He commented that expert advice had been given in support of the application and reviewed by Council staff. He referred to the draft conditions in the planners report and confirmed he would circulate a revised draft of the conditions incorporating any proposed changes when the Commissioner requires.

The Applicants confirmed they are the current owners of the site. Ms Thompson advised they lived below the boundary of the site and had wanted to purchase the 3 land parcels the site was previously part of but were only able to purchase the larger parcel. She commented on the importance to them of the protecting the land as part of their kaitiakitanga responsibilities as Māori and desire to continue the effort of the previous owner to regenerate the environment. She expressed their wished to leave a legacy for future generations.

Mr Taylor advised they aimed able to live off the land and explained the principles behind their vision for the land as Kopapa Māori. He commented on their commitment toward achieving this outcome, and intentions to grow food on the site, with gardens, fruits trees and livestock for vegetation maintenance.

In response to questions Ms Thompson confirmed that livestock will be kept out of the areas for ecological restoration and Mr Taylor commented on their personal commitment to undertake the restoration work. He noted additional resources he anticipated may be available to assist them through the Otago Polytechnic. He also noted the pre-existing nursery of plants on site established by the previous owner and their intention to grow this resource. Ms Thompson also confirmed that they were not relying on external funding options to enable the completion of the restoration work.

Mr Anderson advised that Mr Moore had reviewed draft conditions prior to the hearing, but acknowledged his clients had not. I noted that any proposed changes he proposed to the conditions (from those in the section 42a report) were not available for consideration and response at the hearing.

I therefore proposed to hear from the submitters then adjourn the hearing, with Mr Anderson to then to ensure all parties have a copy of the proposed conditions to provide comment should they wish to.

Evidence of Submitters

Mr Sam Guest and Mrs Rebecca Guest

Mr and Mrs Guest both spoke to their submission. Mr Guest provided a photo image of the view from their property at 297 Chain Hills Road towards the 317 Chain Hills Road site, and advised they were concerned about adverse effects of the proposed dwelling due to it's visibility from their site. Mr Guest

did acknowledge potential positive effects to the biodiversity of this site from the restoration work proposed.

Mrs Guest commented on their sense of guardianship of their property and noted that they understood the vision of the applicants and have similar motivations. She applauded the biodiversity plan for 317 Chain Hills Road and spoke to the biodiversity work on their property being undertaken for over 10 years. She advised they were currently working on a reforestation area of natives, with this being kanuka and manuka trees at a cost of \$15,000, involving the planting of small grade plants. Mrs Guest advised they had applied to the Council's Biodiversity Fund and had received a contribution towards the project. She commented that native reforestation is an expensive process and hard work and also noted that there was no government subsidies for properties under 1 hectare in area.

Mr Guest clarified the location and extent of the boundaries of the subject site in relation to physical features and the submitters properties. He was concerned about the measures proposed or required for rabbit control and noted that the non-complying activity status gives wide discretion for the application. He indicated that the activity status requires that mitigation of all effects be considered and to seek an outcome that works for everyone. In regard to the setback breach he acknowledged approval from the owner of immediate adjoining property had been given and that their own boundary is at a distance.

Mr Guest advised that they were not opposed to a building on the site but were wanting some modification of the proposal for any consent. He advised that when the application was lodged it was acceptable, on the basis of the original plans submitted in October 2021 and platform size, and that the dwelling would be 20m from boundary. He was concerned that this has changed. He spoke to the impacts arising from the boundary distances alignment of a 20m side yard in comparison. He indicated that they accepted the change in dwelling design itself.

Mrs Guest commented on pest control and advised they had set up the Chain Hills Restoration Project CHRP (a charitable trust) for pest control. She advised that there was great support from other landowners for this, and that the CHRP goals were to co-ordinate effective pest control with private owners on the Chain Hills. She indicated this was achievable for the land on the applicants property.

I then summarised by understanding of the submitters position and clarified details of the proposal supported or in contention by Mr and Mrs Guest. This included the timing of mitigation planting proposed in relation to the dwelling. Mrs Guest confirmed that the key issue for them was the side yard and potential to bench the property as per the original plan.

Mr Mike Rogan

Mr Rogan spoke on the ecological report provided by Ahikā. He confirmed the location of his property in relation to the site and took issue with the reference in the Ahikā report to there being no native fauna within the site. He considered that this was contrary to his experience on a daily basis of native fauna. He expressed concern at the subjective nature of the clause in the 2GP for the exemption for the property. He wanted investigation to be undertaken to establish if there is a population represented currently and noted indigenous species acknowledged in the report as already present in the area. He disputed the assessment that the existing environment was of little ecological value and noted that in the draft conditions there is a suggestion of monitoring on annual bi-annual basis. He advised that he would like monitoring initiated immediately to establish the current populace within the area.

Mr Rogan was supportive of the submission from Mr and Mrs Guest in that there needs to be a clause in the 2GP to address the cumulative effect of encroaching the boundary rule. He was concerned that in relying on the exemption clause in Policy 16.2.1.7.Y.ii opportunity was given to build a dwelling on an undersize site, but the encroaching on the 20m setback adds to the effects. He considered that this would be a precedent relied upon on in future applications.

In response to my questions, Mr Rogan indicated that he was seeking a baseline from which to measure subsequent development of the site. He advised that he was not against development of the site for future generations, but considered it is important to set a baseline to assess future development. He indicated he was comfortable that the proposed restoration work would be a significant improvement.

Review of Technical Advice

The Landscape Architect (Luke McKinlay) commented on the visual effects of the proposed dwelling. He indicated that he concurred with the assessment from Mr Moore for the applicant and noted that this was based on the most recent plans. Mr McKinlay commented that this assessment takes into account the mitigating effect of a number of factors including distance, the low profile level of the house and recessive colours and the availability of sufficient space for mitigation planting. He considered that it would be helpful to expediate planting along the western boundary of the property (where the yard breach occurs) to get something established before building construction. He was satisfied that in time, with the low profile, recessive colours and mitigation planting the dwelling will be screened from view from the Guest's dwelling, but acknowledge there would be some lag time depending on growth of planting. He indicated that subject to conditions the landscape effects were minor.

In response to my questions, Mr McKinlay clarified his assessment of the proposed planting areas. In regard to the Planting area A along the western boundary, he advised that planting would need to be undertaken first. This should be within 12 months of building the house but agreed it would be good to occur prior to building. He confirmed that Planting areas B and C in the area to the North/NE are to follow the contours. He advised that Area B is not able to be planted until after construction of the dwelling and the timing proposed in the application for area C is sufficient.

Luke McKinlay confirmed that the site is not subject to a landscape overlay in the 2GP, but he considered that the restrictions offered by the applicant on building height and profile were appropriate in the circumstances of the proposal due to the ridge line.

The Planner's Review

Ms Petrie reviewed her recommendation in light of the evidence presented at the hearing, maintaining her recommendation the consent be granted, subject to conditions.

In regard to conditions she noted that it would be good to clarify the biodiversity and plantings, in particular, the density of 416 plants per area and planting of 1.5 meter distance per 25m² referred to in the Ahikā report. Dr Thorsen responded to this noting that the planting density had been recalculated and revised. 416 plants is based on a 1.5m spaced planting within each of 44 identified units of land comprising the planting areas shown in the report.

Ms Petrie advised that she was mindful of the change to the building platform from the original application.

Applicant's Right of Reply

Mr Anderson advised that he needed time to respond and indicated the reply would be in writing.

I noted that the siting of the proposed dwelling had changed during the assessment phase with the setback breach resulting from a different set of plans. I indicated that clarity was needed about what is now being sought. Mr Anderson advised that his expectation was that consent should be on the basis of the house design by Taylored Spaces, and Figure 7a and 7b of Mike Moore's assessment and the Ahikā report. Ms Thompson confirmed this was the applicants' position.

Mr Anderson agreed that the hearing should be adjourned to enable more detail on the planting plan to be confirmed and to circulate the information on conditions.

Consequently, I adjourned the hearing to enable the Applicant compile a revised set of proposed conditions his client accepted and confirmed with the expert advisors. I instructed Mr Anderson to then Liaise with the Council staff and also with the submitters and respond.

I have reviewed the Applicant's reply, along with correspondence from the submitters.

Statutory and Other Provisions

In accordance with section 104 of the Resource Management Act 1991, the Planner's Report detailed in full the relevant statutory provisions and other provisions the I considered. This included the relevant provisions in the following sections of the Proposed District Plan: 2 Strategic Directions, 6 Transportation, 9 Public Health and Safety, 10 Natural Environment, 11 Natural Hazards and 16 Rural Zones. I also gave consideration to the status of the operative Dunedin City District Plan provisions having regard to Section 86F of the Act. Regard was given where relevant to the rural zone provisions in Section 6 of the Operative Plan. Regard was also given to the Regional Policy Statement for Otago, and the National Policy Statement on Highly Productive Soils.

Main Findings on Principal Issues of Contention

I have considered the evidence heard, the relevant statutory and plan provisions, the principal issues in contention. The main findings on the principal issues have been incorporated within the reasons discussed below.

Decision

The final consideration of the application, which took into account all information presented at the hearing, was held during the public-excluded portion of the hearing. I reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991. In addition, the site visit undertaken during the public-excluded portion of the hearing assisted the my understanding of the physical context of the site, the proposed building platform, and the evidence received.

*That pursuant to section 34A(1) and 104B and after having regard to sections 104 and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non-complying activity** to authorise residential activity on an undersize Rural zoned property (and related building setback breach for the proposed dwelling) on the site at 317 Chain Hills Road, Wingatui, legally described as Lot 2 DP 23164 (Record of Title 15B/171), subject to the conditions set out in the attached certificate, for the reasons set out below:*

Reasons for this Decision

1. I consider that the environmental effects of the proposal will be no more than minor. Having regard to the evidence provided concerning the location of the dwelling and physical context of the site, I am satisfied that residential activity is an appropriate land use on the subject site, and the development of a dwelling on the proposed building platform is the most suitable location, having regard to land stability and minimising the potential adverse effects of earthworks. The mitigation offered by way of the bulk and architectural detail of the proposed dwelling, together with planting in the vicinity of the building are sufficient to reduce adverse effects beyond the subject site to a minor level. I am not convinced that changing the location of the building further to a more northerly position is reasonable or necessary, given the terrain of the site and implications for building construction, and the potential increase in visual prominence of the dwelling that may result, in terms of views toward the site from the north.
2. In terms of the effects on the rural landscape, I concur with the conclusions of the assessments of Mr Moore for the applicant and Mr McKinlay for the Council. The adverse effects will be minor and can be expected to reduce over time as the proposed landscape planting matures. I consider that the combination of a low profile building design, with recessive colour scheme, is an appropriate

response to the visual prominence of any building on the subject site. The location of the building platform proposed will minimise the extent of earthworks required, having regard to the topography and land stability hazards within the site. I consider that this integration of the dwelling with the character of the environment will be further enhanced by the implementation of the landscape mitigating planting recommended by Mr Moore, as well as the ecological restoration planting recommended as part of the Ecological Restoration Plan submitted by the applicant.

3. I am mindful that submitters have concerns about the dwelling location, and in particular the boundary setback, and prefer a change to the proposal in line with the original concept. However, having visited the property I am satisfied for the reasons above the proposed location of the dwelling is appropriate, and that the mitigation proposed will alleviate effects on the amenity enjoyed by the submitters. I also note that no expert evidence was presented to contest the evidence for the applicant from Mr Moore, and the assessment by Mr McKinlay for the Council.
4. In regard to the positive effects, I consider the outcome of restoration works when complete as part of the Ecological Restoration Plan, to be an important contribution to the improvement of biodiversity within the Chain Hills area. I am mindful that an ongoing commitment from the landowners will be required to the implementation of the enhancement work and attention has accordingly been paid to consent conditions to ensure the plan is fully implemented. This includes a report on the existing environment of the site to establish a clear ecological baseline for subsequent review of the outcome of restoration work as it progresses. I consider the applicants submissions about their reasons for the application, as well as their perseverance in responding with information during the consent process, give some assurance of a commitment to development and guardianship of the areas intended for restoration and protection.
5. In regard to the objectives and policies of the District Plans I accept the advice of the processing planner. Having regard to the advice of the Biodiversity Advisor, I am satisfied that the proposal finds favour from Policy 16.2.1.7.Y.ii. This policy provision expressly provides for residential activity on a rural site, in a situation where the permitted density is not achieved. I recognise that there may still be some tension with objectives and policies that seek to manage the density of residential activity in rural zones. However, I am satisfied the location of the site in proximity to other zones and rural residential development is not out of character with the existing environment of the site. Further, with the implementation of the ecological restoration works the proposal is anticipated by Policy 16.2.1.7.Y.ii. I am satisfied the threshold of “a significant contribution to the enhancement or protection of biodiversity values” will met in this case. On this basis, I consider the proposal is consistent with the overall policy direction of the 2GP. I have imposed a condition to require a baseline assessment of the indigenous biodiversity at the site, as per the helpful suggestion of Mr Rogan.
6. I accept the processing planner’s advice that the proposal is consistent with the objectives and policies of the Partially Operative Otago Regional Policy Statement.
7. I am satisfied that the proposal satisfies both the “gateway tests” contained in Section 104D of the Resource Management Act 1991. I consider that the adverse effects on the environment will be no more than minor. I accept that with the provision and implementation of the Ecological Restoration Plan the proposal will also pass the threshold in Section 104D for “objectives and policies”. As such, I am able to consider the granting of consent to the proposal.
8. I have given consideration as to whether the application is a ‘true exception’, and consequently whether the granting of consent would be likely to set an undesirable precedent and undermine the integrity of the District Plan. I am satisfied that the site presents a confined set of circumstances, which may be sufficiently distinct so as to constitute a “true exception”. In addition to the size, topography and physical location of the property, I am mindful of the subdivision history that resulted in the creation of the site. I am satisfied that the residential development proposed has

been designed in a manner that is compatible with identified landscape values, and the mitigation planting proposed will assist in further reducing the visibility of the building development. Evidence has confirmed that the proposed planting of native vegetation will have a significant potential for enhancement of biodiversity. The implementation of the Ecological Restoration Plan will ensure the proposal achieves an outcome consistent with Policy 16.2.1.7.Y.ii of the 2GP. I am therefore satisfied the proposal cannot be considered to set an undesirable precedent. Accordingly, I do not consider the proposal represents a challenge to the integrity of the District Plan.

9. I have concluded that the granting of the consent is consistent with the purpose of the Resource Management Act 1991 to promote the sustainable management of natural and physical resources.

Right of Appeal

In accordance with section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received.

The address of the Environment Court is:

The Registrar
Environment Court
PO Box 2069
Christchurch Mail Centre
Christchurch 8013

Any appeal must be served on the following persons and organisations:

- The Dunedin City Council.
- The applicant(s).
- Every person who made a submission on the application.

Failure to follow the procedures prescribed in sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Louise Taylor', with a stylized flourish at the end.

Louise Taylor
Hearing Commissioner

Consent Type: Land Use Consent

Consent Number: LUC-2021-619

Purpose: authorise residential activity on an existing under-size rural parcel of land (and a related building setback breach for the proposed dwelling)

Location of Activity: 317 Chain Hills Road, Wingatui.

Legal Description: Lot 2 DP 23164 (Record of Title OT15B/171).

Lapse Date: 3 August 2028, unless the consent has been given effect to before this date.

Conditions

General

1. The proposed activity must be undertaken in general accordance with the approved plans attached as Appendix One, and the information provided within the resource consent application as received by Council on 06 February 2022, and the further information subsequently supplied, including the following details of the proposed site works and development:

- Architectural drawings by Taylored Spaces, June 2023 Revision b
- Landscape Effects Assessment Report by Mike Moore, 30 September 2022 (with Appendix A as updated, 1 June 2023 and Fig 7a as updated, 30 June 2023)
- Ecological Restoration Plan by Ahikā Consulting, as updated 1 June 2023
- Servicing provision for wastewater and stormwater, including the septic tank plan, 28 August 2022
- The proposed driveway formation design and details 26 and 28 August 2022.
- Guidance from FENZ on provision for fire fighting water supply, 12 July 2022
- Preliminary design for access to utilities including information from Delta, 12 July 2022
- Preliminary Geotechnical Assessment from Geosolve Ltd, 22 November 2021

except where modified by the following conditions.

Ecology

2. Prior to the commencement of the ecological restoration project, the following is to be established:
- Fixed photo-points location shall be established by a suitably qualified person such as an ecologist and used to take baseline/benchmark photographs. The photo-points shall be set up to show 'before and after' scenarios from management activities including weed control, fencing, and planting.
 - A report template is to be created which provides:

First Report	A baseline/benchmark against which the implementation of the ecological restoration project can be compared to.
Subsequent Reports	Identifies the following for the relevant time period of the report: the work that has been achieved including number of plants planted and what species, where they were planted, failure of plants, flora and fauna observations, predator catch rates, herbicide use and tare pest species.

3. The consent holder must advise the Council in writing of the start date of the ecological restoration project. Such advice must be sent to rcmonitoring@dcc.govt.nz
4. The Ecological Restoration Plan for 317 Chain Hills Road set out in the report prepared by Ahikā Consulting, as updated on 1 June 2023, must be implemented in full, including, but not limited to, measures to give effect to all of the following:
 - Transition of existing areas of gorse into vegetation that more closely represents the natural indigenous vegetation of the area by plantings in gaps in gorse in Years 1- 10.
 - Establishment of a density and diversity of indigenous vegetation to promote natural successional process.
 - Introduction of rare plant species naturally found in the eastern Otago Region
 - Control of the proliferation of problematic weeds when they occur
 - Creation of an area of habitat for local lizard species.
 - Ongoing control of introduced predators to levels that encourage native fauna to flourish
 - Covenancing of the proposed restoration areas shown on Figure 1 of the report.
5. Reporting is to be completed based on the report template and the photopoints (refer above), as follows:
 - An annual report shall be provided to the Council for the first five years of the project. This shall be either prepared or reviewed by a suitably qualified professional, such as an ecologist, who shall recommend whether any measures are required to address failures in the project.
 - For the years 6 to 8 the reporting is to be every 2 years.

Years 1-5	Annual reports submitted to rcmonitoring@dcc.govt.nz and planting associated with the ecological restoration plan, any plants that die shall be replaced immediately or in the first available planting season
Years 6-7	Biennial reports submitted to rcmonitoring@dcc.govt.nz (every 2 years) and planting associated with the ecological restoration plan, should 'walk through surveys' reveal mortality of planted trees, replanting <u>must</u> be undertaken in any gaps of four metres square or more, immediately or in the first planting season following

6. Any measures to address failures in the project, as identified in the required reports (as detailed above) shall be implemented immediately, or within an appropriate timeline as recommended by the ecologist or other suitably qualified professional.
7. If photopoint monitoring or walk-through surveys reveal any failures in the enhancement project, the causes of this shall be assessed by an ecologist or similarly qualified person, and a remedial enhancement programme, including a timeline for works, shall be put in place. A copy of any such remedial enhancement programme shall be provided to the Council at rcmonitoring@dcc.govt.nz
8. Any covenant documentation for registration on the title of the site for the protection of the proposed ecological restoration areas must be submitted to the Council via rcmonitoring@dcc.govt.nz for approval of the Resource Consent Manager.

Landscape

9. Landscape mitigation is to be implemented in full as per:
 - the Landscape Effects Assessment Report by Mike Moore, 30 Sept 2022, and
 - Fig 7a and Appendix A of the above report as modified by the Mike Moore and updated, 30 June 2023 and 1 June 2023 respectively, with
 - the part of Area A adjacent to the boundary to be planted in spring 2023 or summer 2023/24.

10. In terms of the proposed dwelling, for the avoidance of doubt, with the exception of the corten steel components (which are to be allowed to weather naturally) and the concrete block screen wall to the south side of the house (which will not be visible from beyond the site), the roof, walls and foundation of the house are to be finished in colours with light reflectivity values (LRV) of **10% or less**.
11. The access driveway is to retain a rural character with gravel surface and soft edges (i.e. no kerbs). Monumental gates and driveway lighting are not permitted.
12. Fencing is to be confined to standard rural post and wire construction or stone walls using locally appropriate rock.

Transportation

13. The vehicle access must be a minimum of 3.5m formed width, and adequately drained for its duration.
14. The maximum change in gradient without transition for the vehicular access must be no greater than 1 in 8 for summit grade changes or 1 in 6.7 for sag grade changes.
15. Any damage to any part of the road formation as a result of the demolition or construction works must be reinstated at the applicant's cost.

Construction of dwelling

16. The dwelling must be sited in general accordance with the application plans by Taylored Spaces in Appendix One and no more than a maximum height of 5m above existing ground level.
17. Exterior colours for the dwelling (including roofing materials) must be visually recessive and blend into the environment and shall be of colours and materials that shall not exceed a light reflectance value of 10% to ensure low contrast with the surrounding rural landscape. Highly reflective materials including but not limited to unpainted metallic surfaces, mirrored glazing and metallic finishes (such as Silver Zinalume) must not be used. Details of the proposed exterior colours shall be provided to rcmonitoring@dcc.govt.nz for approval by the Resource Consent Manager
18. Any above ground water tanks must be of a similar colour to the proposed dwelling with a light reflectance value of 30% or less.
19. Exterior lighting of the buildings must be low glare, down lighting and hooded. No floodlighting must be installed in the vicinity of the proposed buildings or vehicle access.

Earthworks

20. As-built records of the final extent and thickness of any un-engineered fill on the site must be recorded.
21. Any modifications to stormwater flow or new culverts must be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events.
22. Slopes must not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and certification
23. Any earthworks on slopes greater than 20 degrees (if any) must be subject to specific geotechnical design, supervision and certification by a suitably qualified engineer, confirming the site is suitably stable and the works will not introduce any further instability.

Advice notes:

- (i) This consent only authorises residential activity breaching the required density for the Rural – Hill Slopes zone and a boundary setback breach. The associated site development detailed in the application is addressed by the conditions in the context of the land use being a non-complying activity. However, this consent does not authorise any breaches of District Plan rules for earthworks, parking, loading and access, and building height or other details of site development other than the yard breach. Any breaches of district plan rules concerning these above matters or any other matter will require further resource consent.
- (ii) The need for covenanting of ecological restoration areas could be reviewed if the identified areas for protection are included in the District Plan as Areas of Significant Biodiversity Value (ASBVs).
- (iii) The vehicle crossing, between the Chain Hills Road carriageway and the property boundary, is within legal road and will therefore require a separate Vehicle Entrance Approval from DCC Transport to ensure that the vehicle crossing is constructed/upgraded in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).
- (iv) The applicant is advised that any work within legal road is required to be undertaken by a DCC approved contractor and will require an approved corridor access request.
- (v) It is advised that in the event of any future development on the site, Transport would assess the provisions for access, parking and manoeuvring at the time of resource consent/building consent application.
- (vi) Details of the alternative approval of the sprinkler system, which has been approved by the Fire and Emergency New Zealand will be checked again at building consent stage to ensure compliance with SNZ PAS 4509:2008.
- (vii) It is noted that the removal of weed species does not require resource consent. Rules of the 2GP relating to vegetation clearance provide for the clearance of a pest plant listed in Appendix 10B of the Plan as a permitted activity (refer Rule 10.3.2.1.a.Y.vii and 10.3.2.2.d.Y.vii)
- (viii) 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.
- (ix) 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.
- (x) 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.

- (xi) The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
- (xii) This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the dwelling and associated site development.

Issued at Dunedin on 3 August 2023

A handwritten signature in black ink, appearing to read 'Louise Taylor', with a stylized, flowing script.

Louise Taylor
Hearing Commissioner

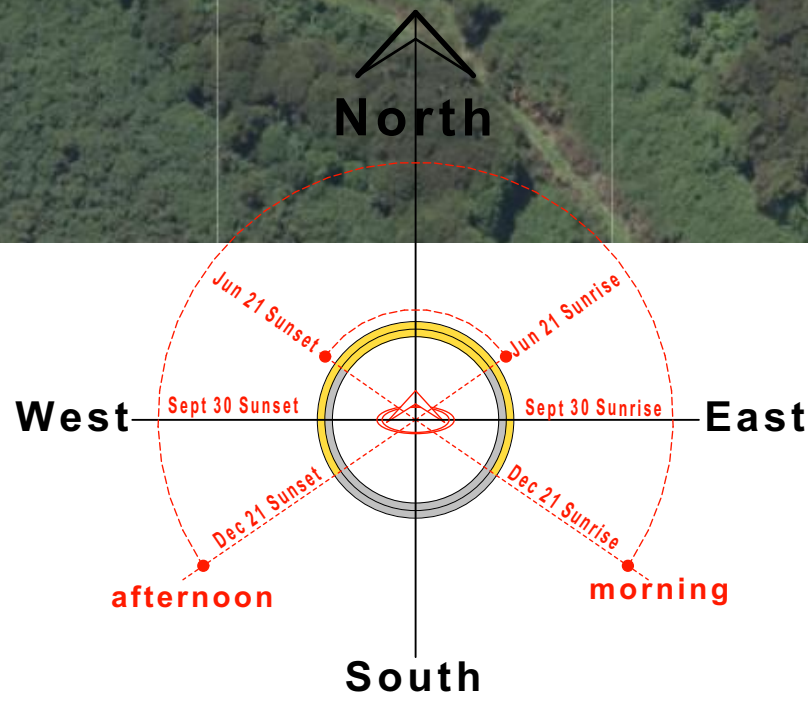
Appendix One: Approved Plans for LUC-2021-619 (scanned images, not to scale)



Architectural Plans Revision b 317 Chain Hills Rd Updated LUC 270623 TO
USE include land slip area and 10m boundary setback

New Dwelling

New Shed 14x6



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Nathan Taylor NZCD (Arch)

taylorred
SPACES

j o b
New Dwelling - Dunedin
317 Chain Hills Road

Legal Description

Property address 317 Chain Hills Road Taieri
2GP Zone Rural Hill Slopes
Neighbours properties zoned Rural Residential 1
Land use Lifestyle - Vacant
Rating differential Area 3 - Lifestyle
Valuation number 27841-40902
Rate account ID 2069614
Property number 5069614
Certificate of title 158/171
Legal description LOT 2 DP 23164
Area in hectares 6.1721

2GP Rules & Site Covenants

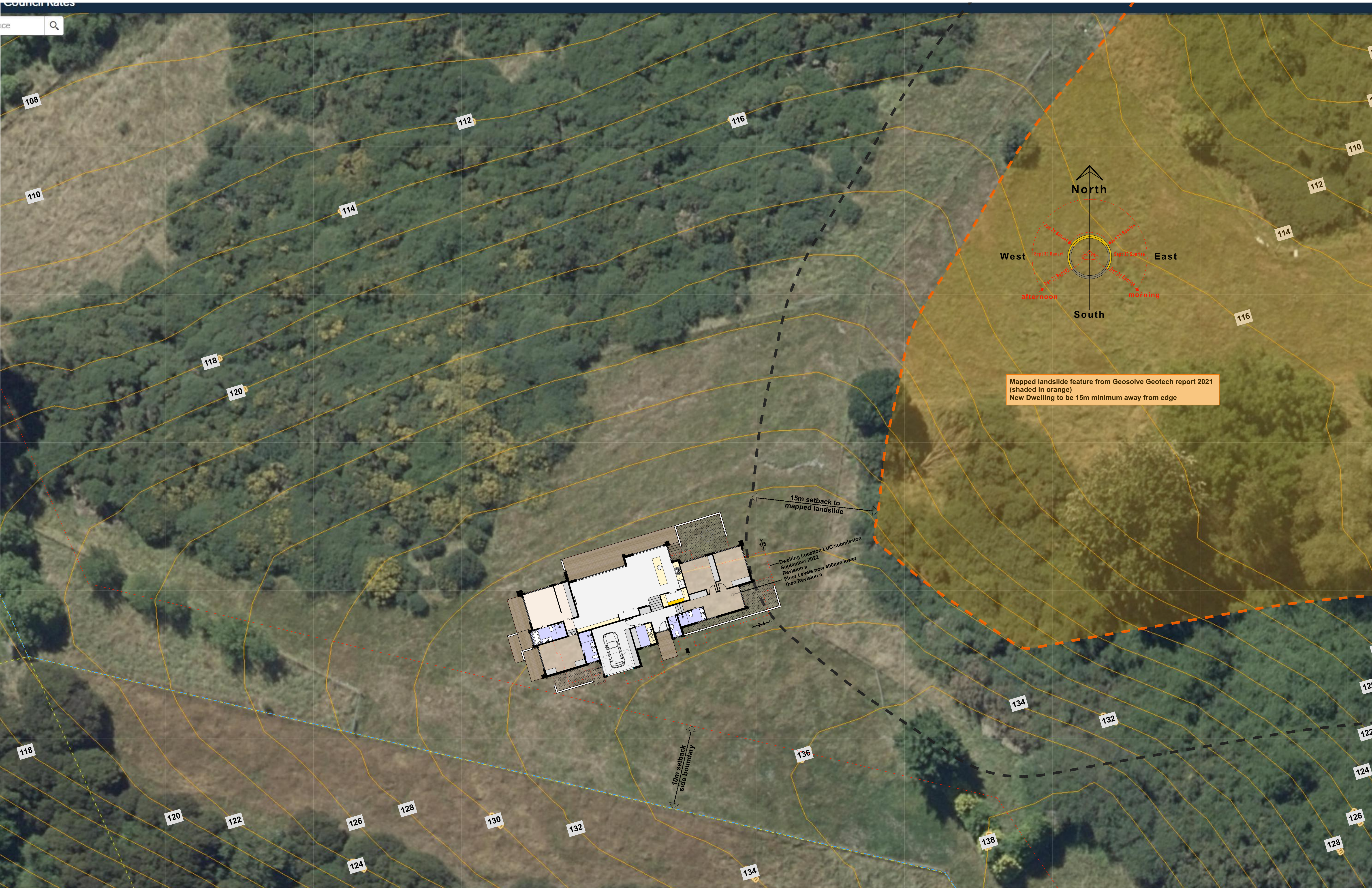
Rural Residential 1 Zone
Note 2GP Zone at present is Rural Hill Slopes

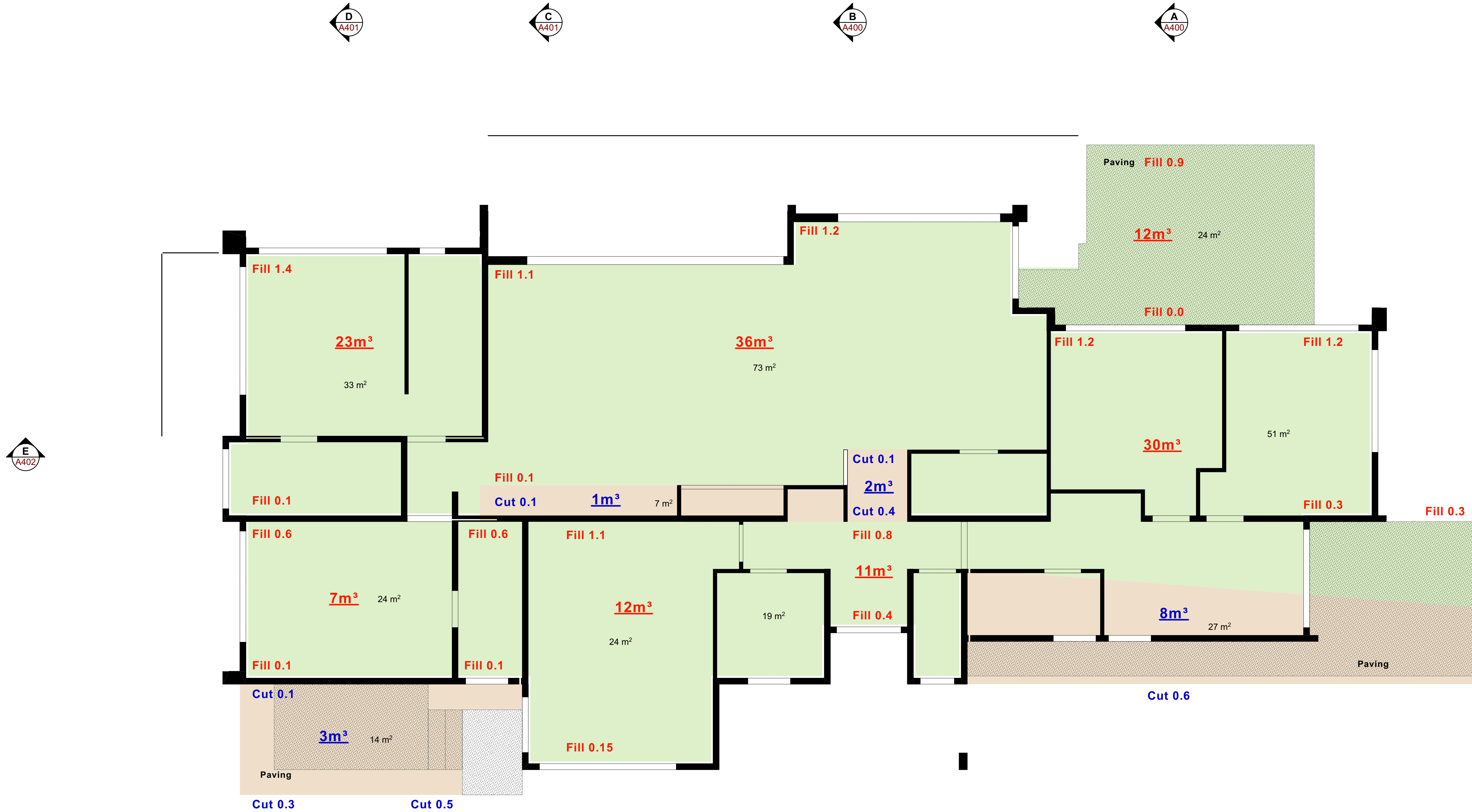
Residential Buildings
Density Minimum site size per residential activity is 2ha
Set back from boundaries Road boundary - 12m setback
Side & Rear boundary - 10m setback
Maximum Building Height 10m

Non-residential buildings not housing animals
Set back from boundaries Road boundary - 12m setback
Side & Rear boundary - 6m setback
Maximum Building Height 7m

title
Location Plan
Scale 1:1000 on A1 sheet or 1:2000 on A3 sheet

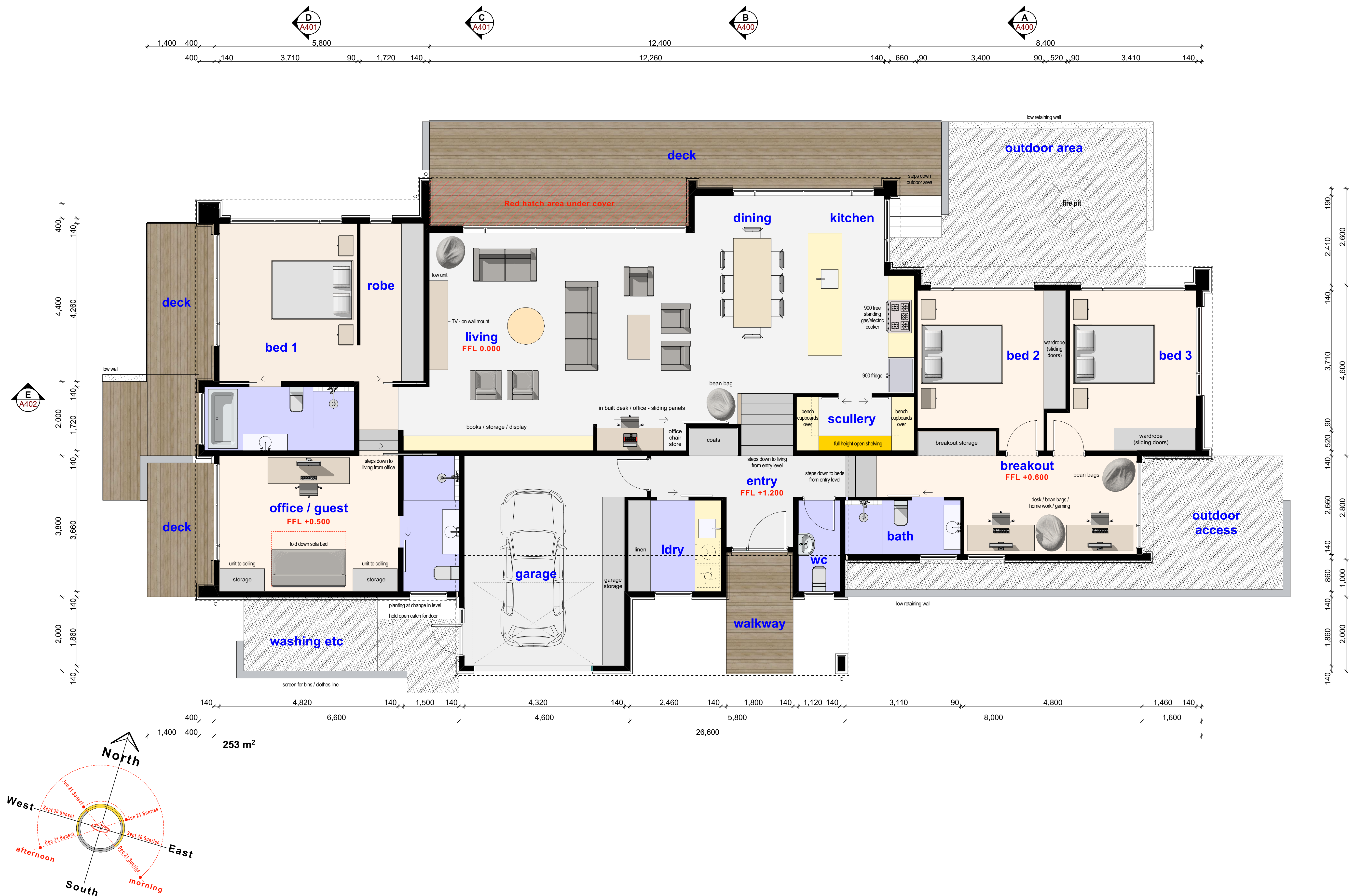
revision	no.	date	design & drawn	date	revision b
LAND USE CONSENT DOCUMENT JUNE 2023 (NOT FOR CONSTRUCTION)					
A100 printed on Tuesday, 27 June 2023					



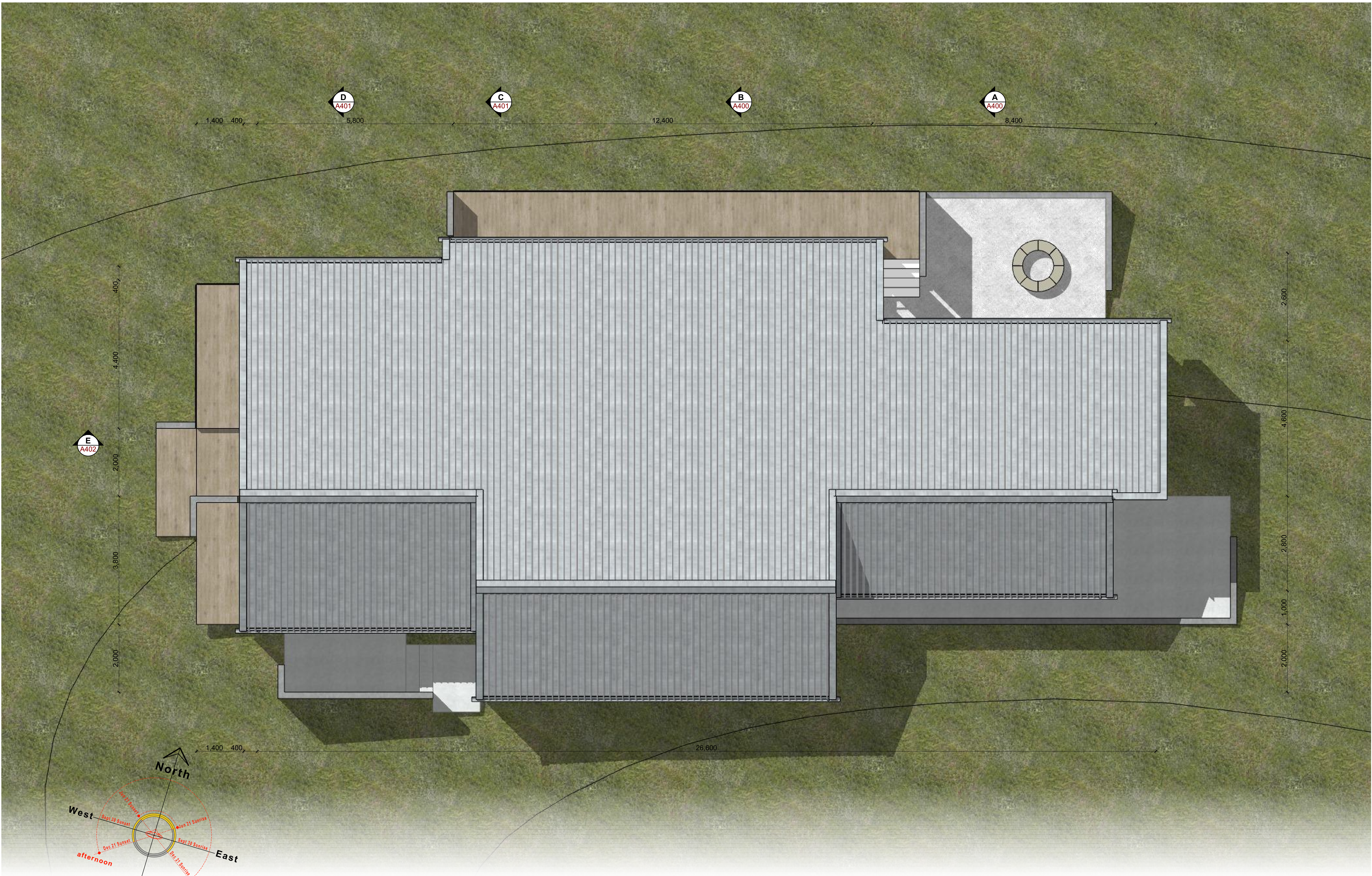


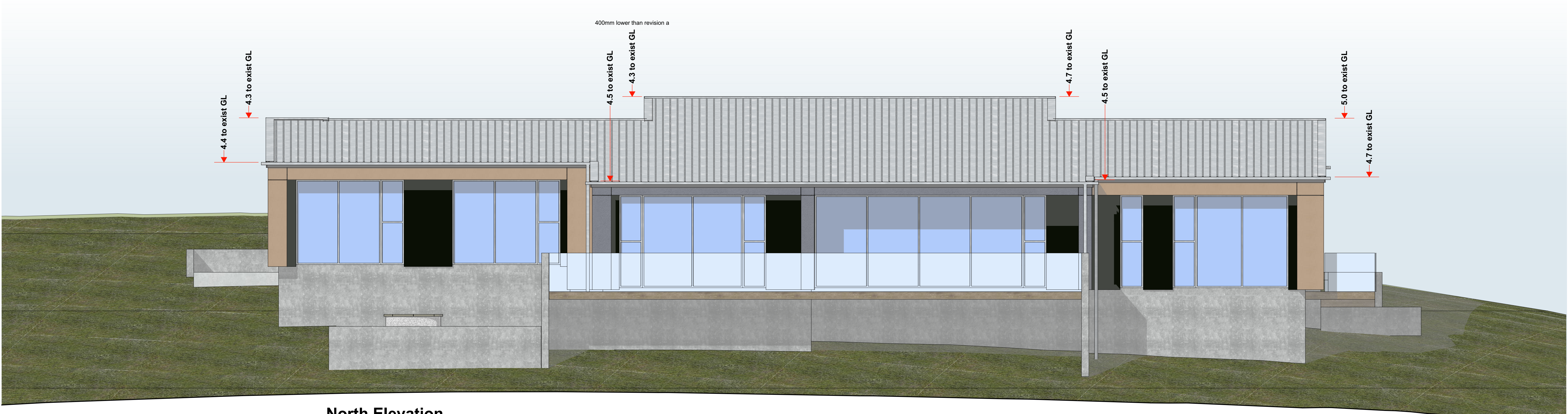
Earthworks Schedule

Cut Volume	-14 m³
Fill Volume	+131 m³
Max Cut Depth	0.6 m
Max Fill Depth	1.4 m









North Elevation
scale 1:50



South Elevation
scale 1:50

Building Design Criteria Residential & Non-residential

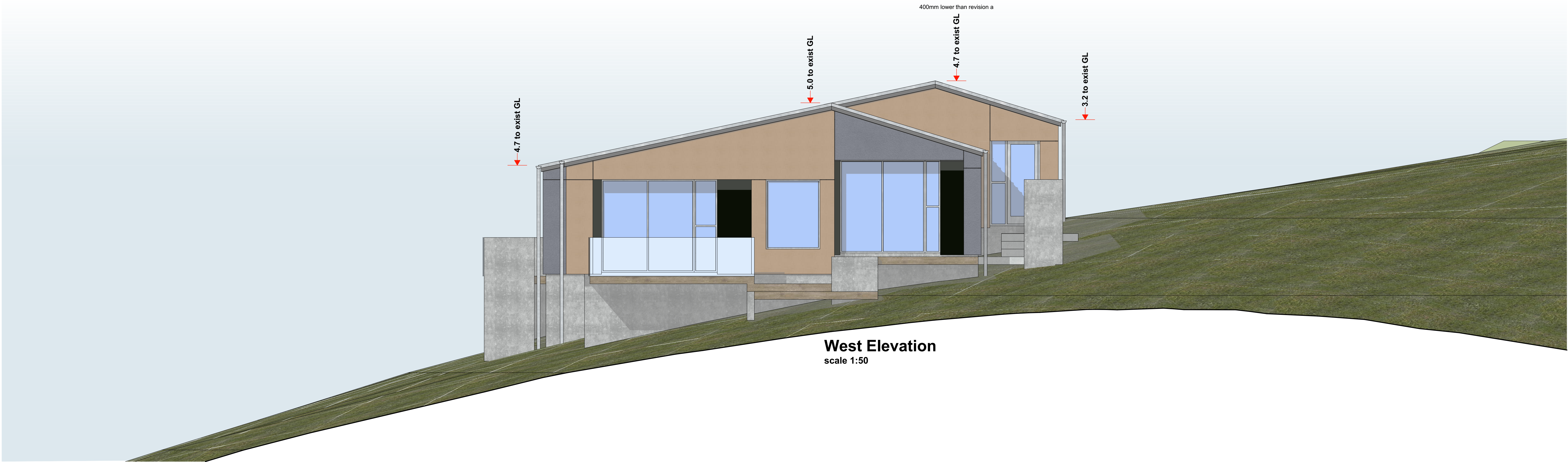
Finished colours will not significantly contrast with the surrounding landscape.
Roof Colour light reflectance value of 15% or less
Wall Colour light reflectance value of 30% or less
Maximum Building Height 7m
Set backs from boundaries matched to 2GP Rural Residential 1 Zone
All exterior lighting shall be low glare down lighting
No lighting of the vehicle access ways within the site

j o b

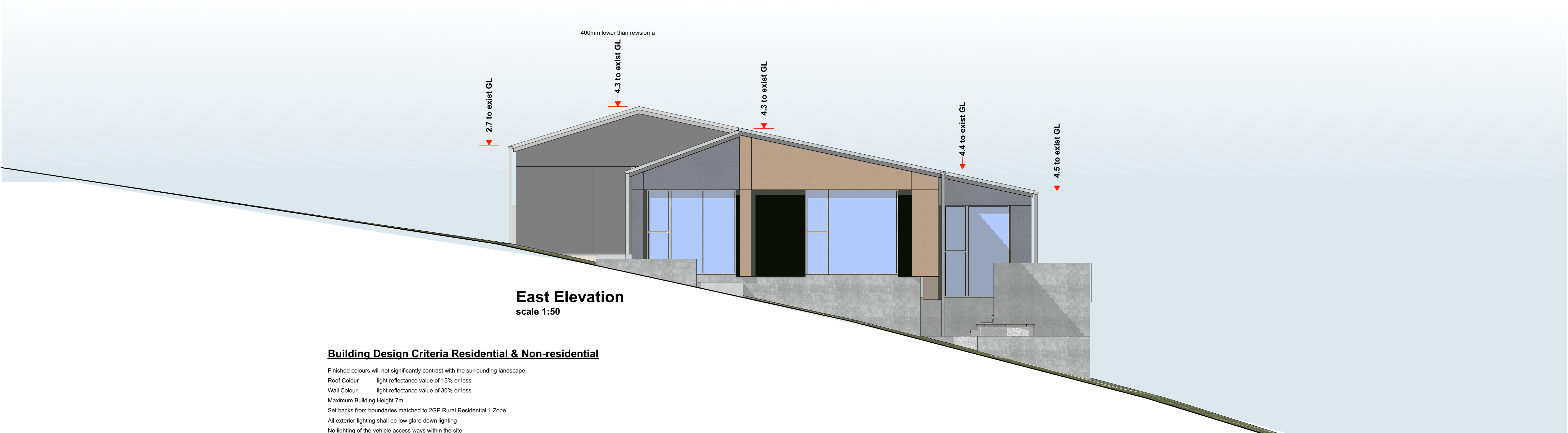
New Dwelling - Dunedin
317 Chain Hills Road

title

Elevations 1
Scale 1:50 on A1 sheet or 1:100 on A3 sheet



West Elevation
scale 1:50



East Elevation
scale 1:50

Building Design Criteria Residential & Non-residential

Finished colours will not significantly contrast with the surrounding landscape.
Roof Colour light reflectance value of 15% or less
Wall Colour light reflectance value of 30% or less
Maximum Building Height 7m
Set backs from boundaries matched to 2GP Rural Residential 1 Zone
All exterior lighting shall be low glare down lighting
No lighting of the vehicle access ways within the site

j o b

New Dwelling - Dunedin
317 Chain Hills Road

title

Elevations 2
Scale 1:50 on A1 sheet or 1:100 on A3 sheet

revision

no. | date

design & drawn

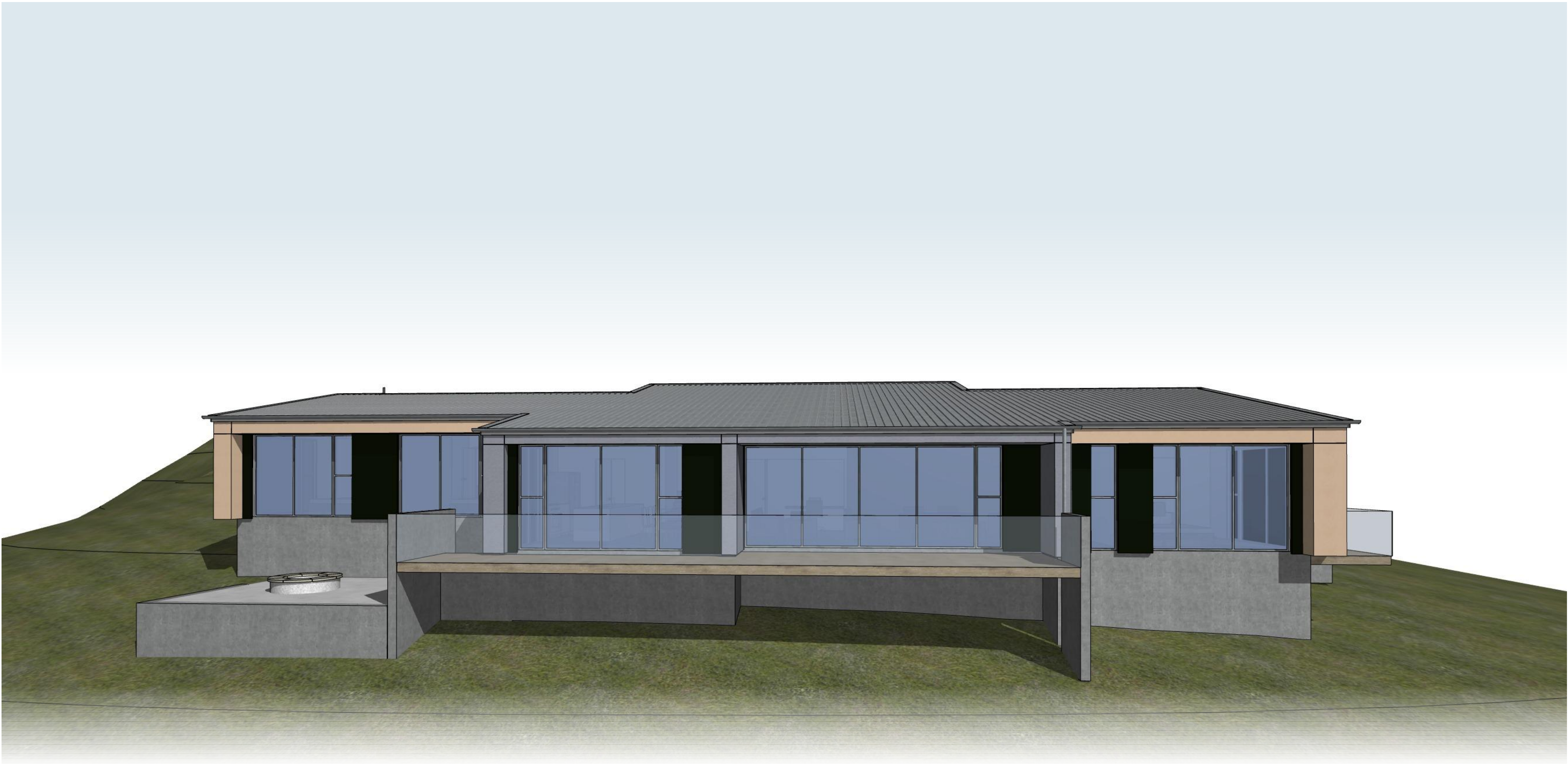
date

revision b

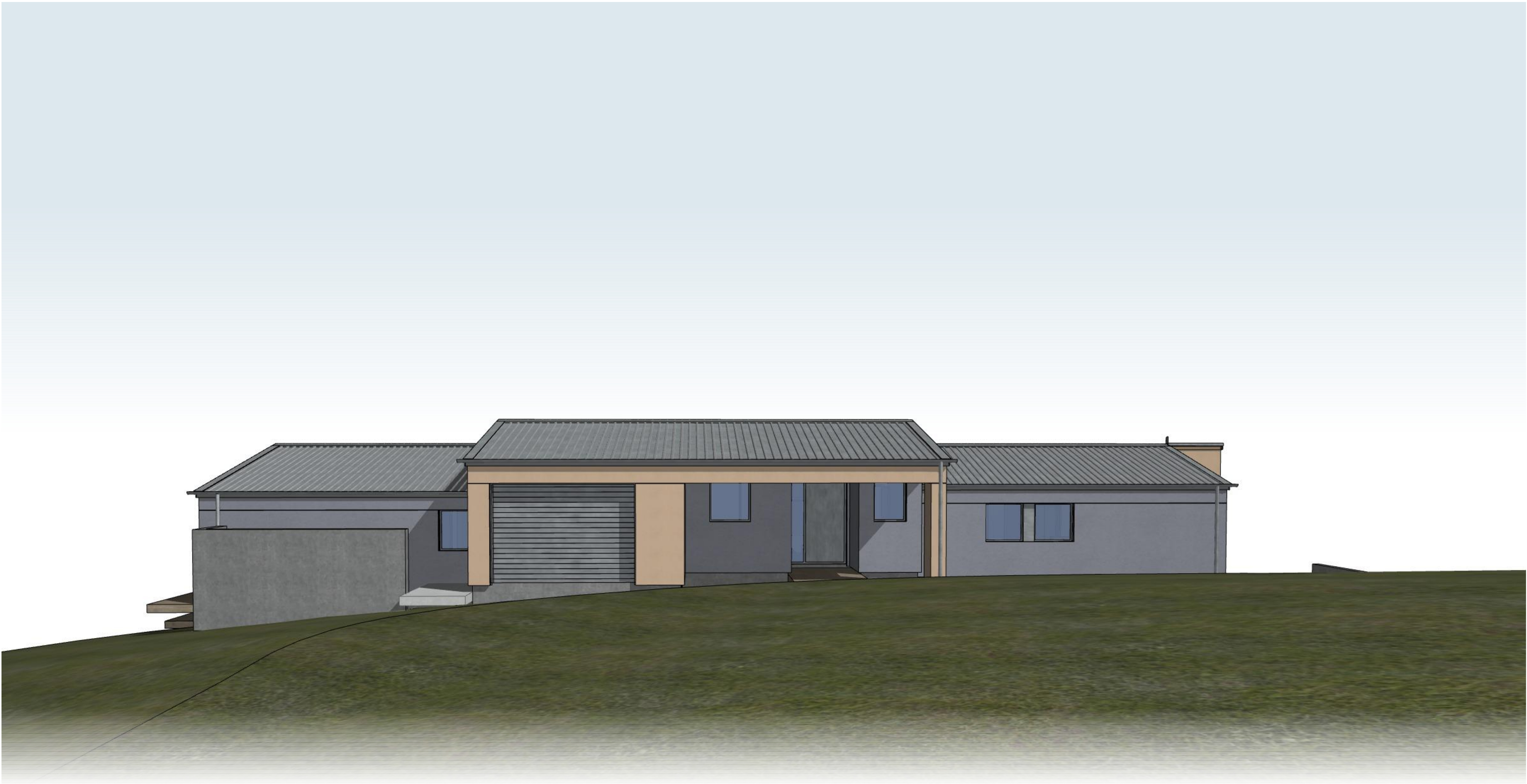
LAND USE CONSENT DOCUMENT JUNE 2023
(NOT FOR CONSTRUCTION)

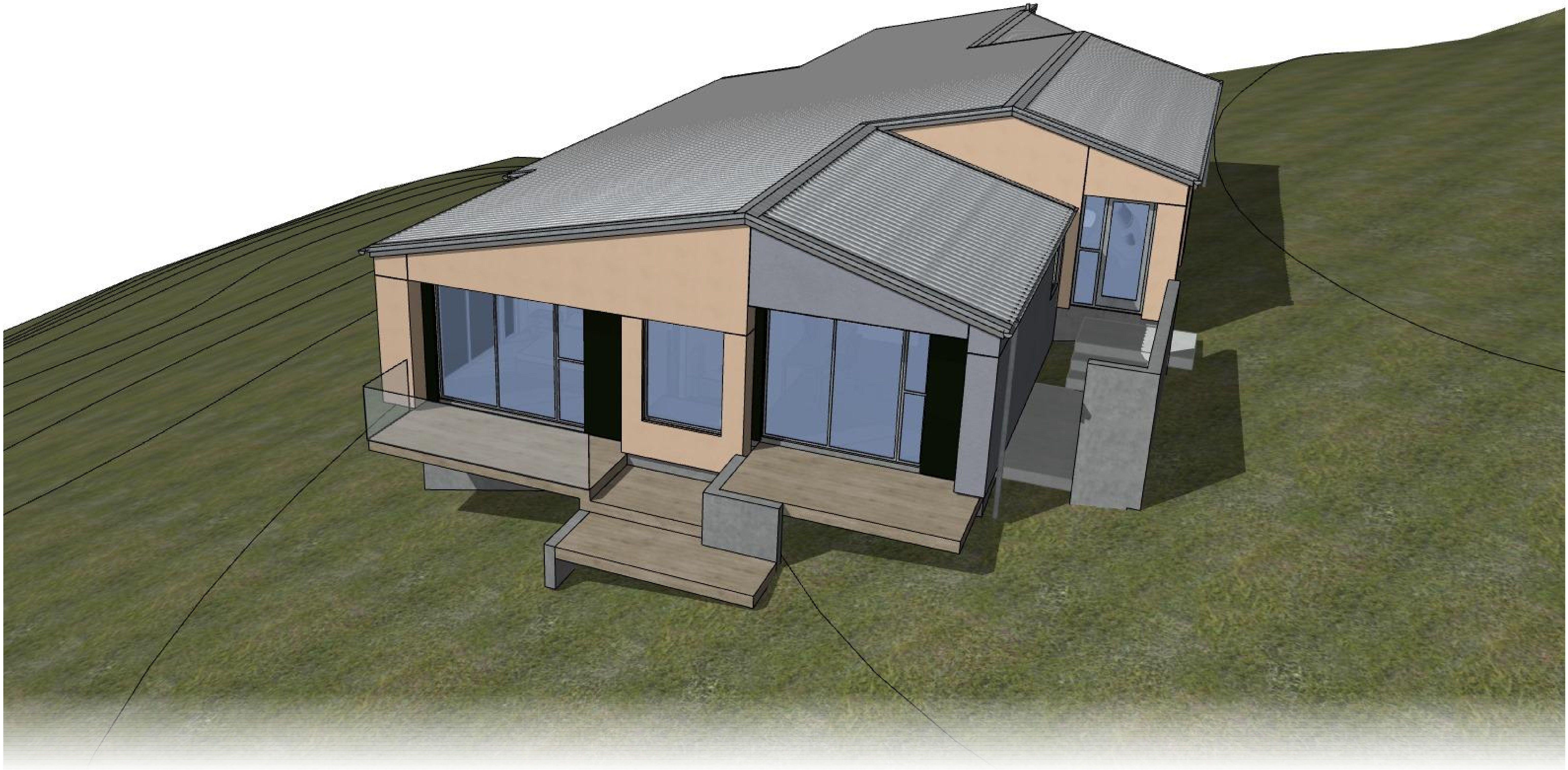
A301

printed on
Tuesday, 27 June 2023

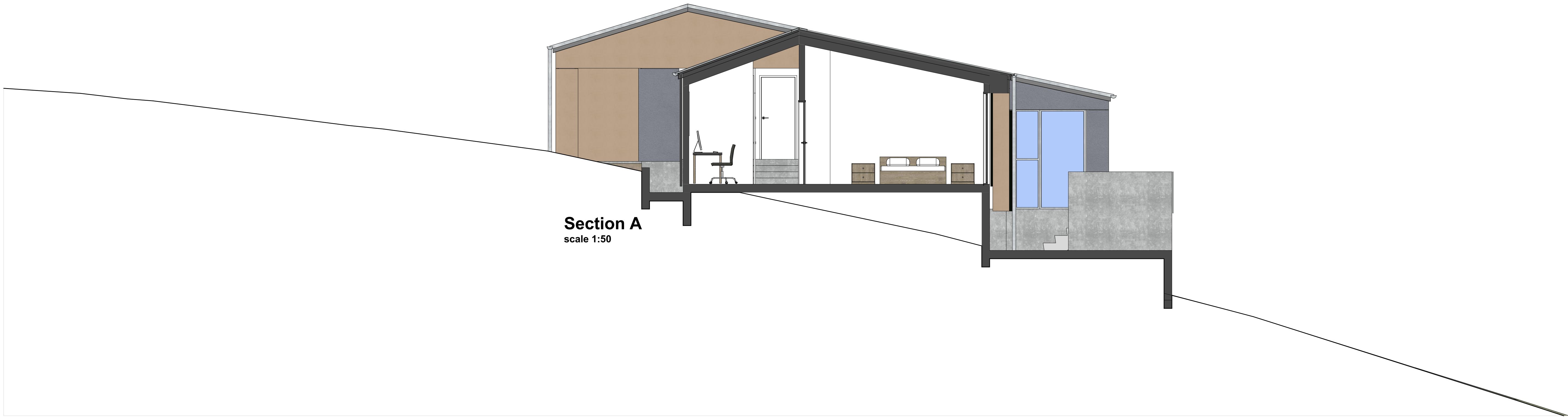




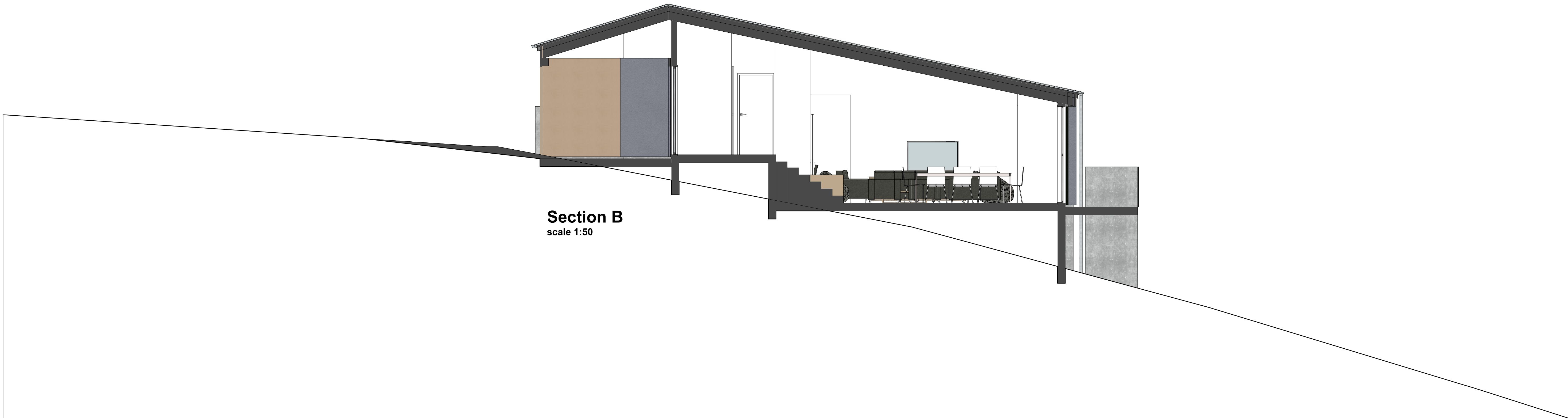




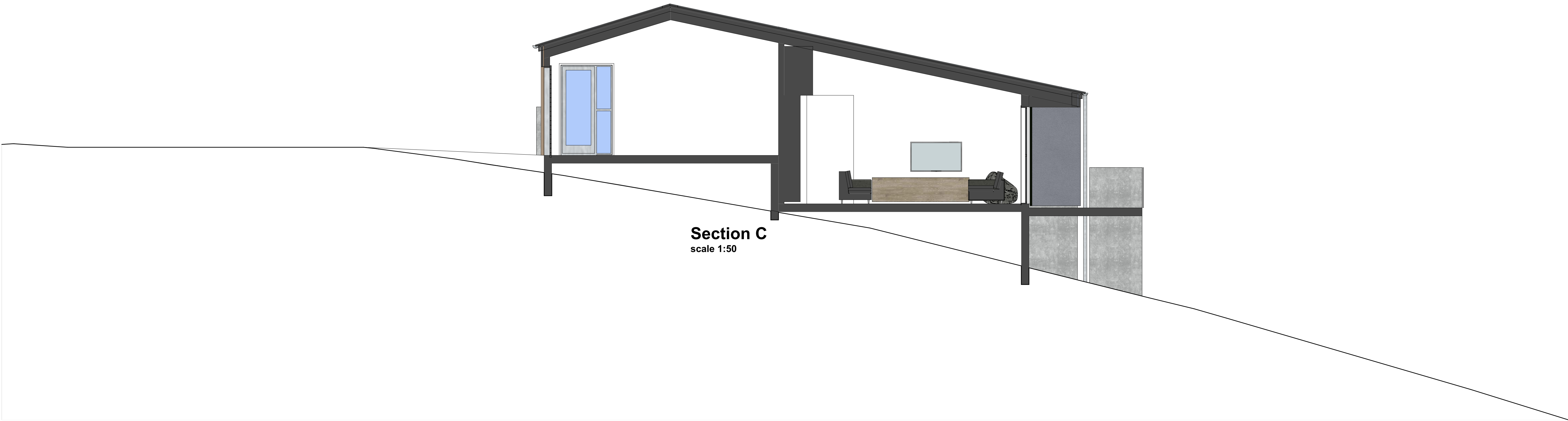




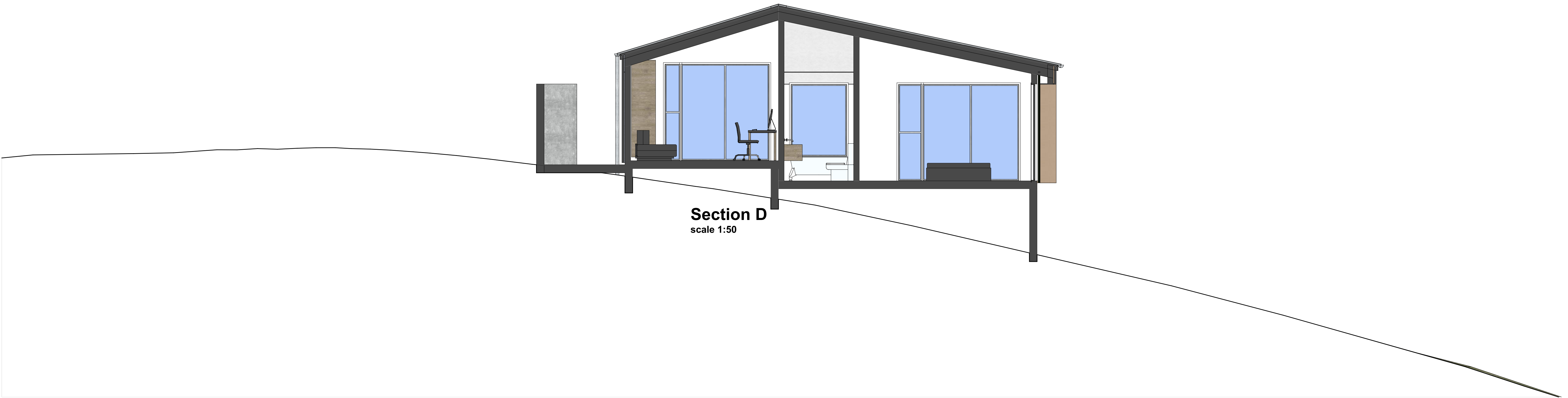
Section A
scale 1:50



Section B
scale 1:50



Section C
scale 1:50



Section D
scale 1:50



Section E
scale 1:50

Appendix A: Mitigation Planting Specification

(Updated – 1 June 2023)

The following species are to be planted in accordance with the specification below in the areas shown as ‘mitigation planting’ in Figure 7(a).

Area A: Backdrop Planting (Priority 1)

Approx area: 665m²

<i>Botanical name</i>	<i>Common name</i>	<i>Approx % of planting</i>	<i>Grade</i>	<i>Est height after 5 years</i>	<i>Est mature height</i>
<i>Carpodetus serratus</i>	<i>Putaputaweta</i>	5	<i>Pb5</i>	6m	10m
<i>Coprosma crassifolia</i>		5	<i>Pb5</i>	4m	4m
<i>Coprosma propinqua</i>	<i>Mingimingi</i>	5	<i>Pb5</i>	2m	5m
<i>Cordyline australis</i>	<i>Cabbage tree</i>	5	<i>Pb5</i>	4m	10m
<i>Griselinia littoralis</i>	<i>Broadleaf</i>	5	<i>Pb5</i>	3m	6m
<i>Hebe salicifolia</i>	<i>Koromiko</i>	5	<i>Pb5</i>	3m	4m
<i>Kunzea robusta</i>	<i>Kanuka</i>	25	<i>Pb5</i>	3m	8m
<i>Leptospermum scoparium</i>	<i>Manuka</i>	5	<i>Pb5</i>	2m	4m
<i>Myrsine australis</i>	<i>Mapou</i>	5	<i>Pb5</i>	1m	5m
<i>Phormium tenax</i>	<i>Flax</i>	5	<i>Pb3</i>	2m	3m
<i>Pittosporum eugenioides</i>	<i>Lemonwood</i>	2.5	<i>Pb5</i>	3m	12m
<i>Pittosporum tenuifolium</i>	<i>Kohuhu</i>	15	<i>Pb5</i>	4m	6m
<i>Podocarpus totara</i>	<i>Totara</i>	2.5	<i>Pb5</i>	2m	15m
<i>Pseudopanax ferox</i>	<i>Toothed lancewood</i>	2.5	<i>Pb5</i>	2m	5m
<i>Pseudowintera colorata</i>	<i>Pepper tree</i>	2.5	<i>Pb5</i>	2m	3m
<i>Sophora microphylla</i>	<i>Kowhai</i>	5	<i>Pb5</i>	3m	8m

Note: Estimated heights given are as per the Southern Woods Nursery Website – www.southernwoods.co.nz

Area B: Foundation Screening / House surrounds Planting (Priority 1)

Approx area: 120m²

Plant grade: Pb3

<i>Botanical name</i>	<i>Common name</i>	<i>Approx % of planting</i>
<i>Chionochloa rigida</i>	<i>Snow tussock</i>	10
<i>Coprosma crassifolia</i>		10
<i>Coprosma propinqua</i>	<i>Mingimingi</i>	10
<i>Coprosma virescens</i>		10
<i>Corokia cotoneaster</i>	<i>Korokio</i>	5
<i>Cortaderia richardii</i>	<i>Toetoe</i>	10
<i>Hebe odora</i>		5
<i>Hebe salicifolia</i>	<i>Koromiko</i>	10
<i>Leptospermum scoparium</i>	<i>Manuka</i>	10
<i>Ozothamnus leptophyllus</i>	<i>Golden cottonwood</i>	10
<i>Phormium tenax</i>	<i>Flax</i>	10

Area C: Contextual Planting (Priority 2)

Approx area: 1200m²

Plant grade: Pb3

<i>Botanical name</i>	<i>Common name</i>	<i>Approx % of planting</i>
<i>Carpodetus serratus</i>	<i>Putaputaweta</i>	5
<i>Coprosma crassifolia</i>		5
<i>Coprosma propinqua</i>	<i>Mingimingi</i>	5
<i>Cordyline australis</i>	<i>Cabbage tree</i>	5
<i>Griselinia littoralis</i>	<i>Broadleaf</i>	5
<i>Hebe salicifolia</i>	<i>Koromiko</i>	5
<i>Kunzea robusta</i>	<i>Kanuka</i>	25
<i>Leptospermum scoparium</i>	<i>Manuka</i>	5
<i>Myrsine australis</i>	<i>Mapou</i>	5
<i>Phormium tenax</i>	<i>Flax</i>	5
<i>Pittosporum eugenioides</i>	<i>Lemonwood</i>	2.5
<i>Pittosporum tenuifolium</i>	<i>Kohuhu</i>	15
<i>Podocarpus totara</i>	<i>Totara</i>	2.5
<i>Pseudopanax ferox</i>	<i>Toothed lancewood</i>	2.5
<i>Pseudowintera colorata</i>	<i>Pepper tree</i>	2.5
<i>Sophora microphylla</i>	<i>Kowhai</i>	5

Planting maintenance and management

- Where required, fencing should be carried out to protect the areas to be planted from grazing by stock.
- The areas to be planted are to be sprayed to kill existing grasses using a non-residual systemic herbicide.
- Planting densities are to be approximately 1.5m
- Plant grades are to be Pb3 or equivalent, minimum.
- One slow release fertilizer tablet will be used per plant.
- A circle of mulch (100mm deep woodchip or sacking or similar) is to be applied around each plant to assist in plant establishment and weed suppression.
- The area around each plant is to be maintained weed free until well established by hand weeding or spraying where this is possible without adversely affecting the plants.
- Plants should be watered as / if required during dry spells until well established.
- Survival should be monitored and any dead plants replaced immediately. Animal pests should be controlled and if required, plants should be provided with an eco-shelter for protection against rabbit and possum browse.
- The plantings are to be managed to ensure their ongoing health and vitality.



Scale 1: 400(A3)

Figure 7(a) Proposed Dwelling, 317 Chain Hills Road. Landscape Mitigation Plan
(Updated - 30 June 2023, Adjusted House Location)



Figure 1: Areas for restoration at 317 Chain Hills Rd