

Request for further Information from Council

Sensitivity: General

29 November 2021

J L Taylor and J J Taylor
13B Burns Street
Dunedin 9012

Via email: thompjessica@gmail.com

Dear Jessica

LUC-2021-619 – 317 Chain Hills Road - Request for further information

Thank you for your application for a land use consent for a residential activity at the above address. After initial assessment of your application, the Dunedin City Council has determined that further information is required pursuant to section 92 of the Resource Management Act 1991.

The site is 6.1721ha and located in the Hill Slopes Rural Zone in the Dunedin City Second Generation District Plan (2GP). Section 16, Rule 16.5.2.1.d Density states that the minimum site size – first residential activity per site is 15ha. The site does not meet minimum density requirements for residential activity and is a non-complying activity pursuant to Rule 16.5.2.3 which states that standard residential activity that contravenes the performance standard for density is a non-complying activity. As a non-complying activity the Council's discretion to consider relevant effects is not restricted.

Council needs enough information in order to assess the effects on persons (neighbouring properties) and the wider environment. If effects are considered to be minor on neighbouring properties, the application cannot be considered on a non-notified basis unless the owners/occupiers of the respective properties provide written approval. If effects are considered to be more than minor on the wider environment public notification will be required.

Given the nature of the application and its non-complying status I would strongly encourage you to seek advice from a planning consultant. I note that the information requested below covers a range of issues for your application that you may need professional guidance on the technical requirements. However, I am happy to provide clarification where needed to assist you.

Requested information:

The further information required is detailed below. It will help the Council to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated.

Design criteria for the residential unit

It is understood from the application that architectural plans have not yet been prepared and you are proposing a 'black box' residential activity.

It is noted that specialist advice has been sought from Mr Luke McKinlay - Urban Design & Landscape Architecture for the Council and whilst he has not requested further information his input is relevant in terms of conditions relating to design criteria.

1. The photos and diagrams provided with the application are unclear as they appear to have been copied several times. It is important that the site plans are clear and easy to understand. Particularly the following:

- The location of the building platform and site of known natural hazard;
- The location of the access and driveway;
- The location and colour of the water tanks (will they be dug in?);
- The location of the wastewater treatment and disposal field;
- Any area of landscaping mitigation i.e. existing landscaping to be retained any proposed to screen/soften the built form; and
- The areas subject to the restoration plan.

Please provide a clear colour copy of plans showing the above.

2. As no plans for the residential unit have been provided the application needs to be assessed in terms the mitigation which would be required to ensure that it would not have an adverse effect on residential character and amenity. It is noted you have advised that the proposed building platform is 300m². In addition, it is noted that you have advised that the proposed dwelling aims to reflect the natural colours and resources of its environment and you have suggested the following be considered in the final design:

- Cladding type, reflectivity and colour;
- Outdoor lighting;
- Glass reflectivity;
- Exposure to the elements i.e. wind; and
- Height and location of the dwelling on the platform.

As part of the application are you volunteering conditions around the above design criteria?

Transport

3. Specialist advice has been sought from Ms Juliane Wacks – Graduate Planner Transportation for the Council. Please indicate on legible plans the exact location of the site access and confirm whether the associated sight distances from this location are in compliance with Rule 6.6.3.2.b.iv. Please also show the proposed driveway to the building platform including the formed widths.

Earthworks

4. The application states that a driveway is expected to be scraped out and will follow the natural contour of the land some 250m from the road access. Further, it is stated that the proposed site will require excavation of soil no more than 2m deep to allow for the building platform to be established.

Insufficient information has been provided in relation to proposed earthworks for the building platform and the access including any retaining walls required to determine whether the Rules in Section 8A of the 2GP are triggered. No information has been provided in terms of the proposed maximum volume of earthworks/slope gradient/batter gradient/setbacks/sediment and dust control proposed? Please assess the proposal against the Rules in Section 8A of the 2GP and confirm compliance.

National Environmental Standard Contaminated Soils (NЕСS)

5. The NESCS applies to soil disturbance and change of land use (where that change is reasonably likely to harm human health), in addition to subdivision. Please provide a search to confirm whether the site is likely to be on the Hazardous Activities and Industries List (HAIL).

The application form is here:

https://www.dunedin.govt.nz/data/assets/pdf_file/0017/301841/HAIL-Soil-Contamination-Search-Request-Form.pdf

Natural hazards - geotechnical

6. The application notes that 317 Chain Hills Road shows a historical hazard in the form of unstable land movement. Please provide a geotechnical assessment from a qualified geotechnical engineer to confirm the suitability of the proposed building site in terms of natural hazards. Once provided this will be sent to the Council's consultant engineers for review and the application will remain on hold until any further queries, they may have in relation to the assessment have been resolved.

Servicing

7. Stormwater is collected by roof surfaces on accessways and other hard standing areas and requires appropriate disposal to avoid ponding and effects on neighboring properties. Please provide confirmation from Otago Regional Council that the proposed stormwater system will comply with regional stormwater rules.
8. As noted above please indicate on the plans where the waste-water treatment system and disposal field will be located. Please provide confirmation from Otago Regional council that the proposed waste-water treatment system will comply with regional wastewater rules.
9. Please provide confirmation from the utility providers that there is adequate capacity to connect to telecommunications and electrical supply networks from Chain Hills Road.
10. Written confirmation is required from Fire and Emergency NZ (FENZ) in terms of access and water supply for fire appliances. Please liaise with FENZ regarding this, the contact is Scott Lanauze. Scott.Lanauze@fireandemergency.nz

Dunedin Airport Flight Fan

11. The site is located in the Dunedin Airport Flight Fan overlay (Plan ID D274) Purpose: Take-off and Approach Fan, Transitional (side) Surface, Horizontal and Conical Surfaces – Airport Approach and Land Use controls. Please confirm compliance with the conditions in Appendix A.1.4 of the 2GP.

Biodiversity/ecology

12. Policy 16.2.1.7 of the 2GP is of particular relevance and states the following:

Policy 16.2.1.7	Avoid residential activity in the rural zones on a <u>site</u> that does not comply with the density standards for the zone, unless: X. it is the result of a <u>surplus dwelling subdivision</u> ; 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 <u>biodiversity values</u> .
-----------------	--

The policy is very clear in its directive to avoid residential activity unless the specified exemptions listed are met. It is noted that you have provided a restoration plan prepared by Ahika Consulting, which is in order to find a pathway through the policy relying on Y.ii. which requires a significant contribution to the enhancement or protection of biodiversity values.

Specialist advice has been sought from Mr Richard Ewans – Biodiversity Officer for the Council in relation to the restoration plan provided.

Mr Ewans has advised that the restoration plan/ecological assessment provided does not sufficiently address almost any of the information requirements (16.13.X) needed to assess the activity against Policy 16.2.1.7.

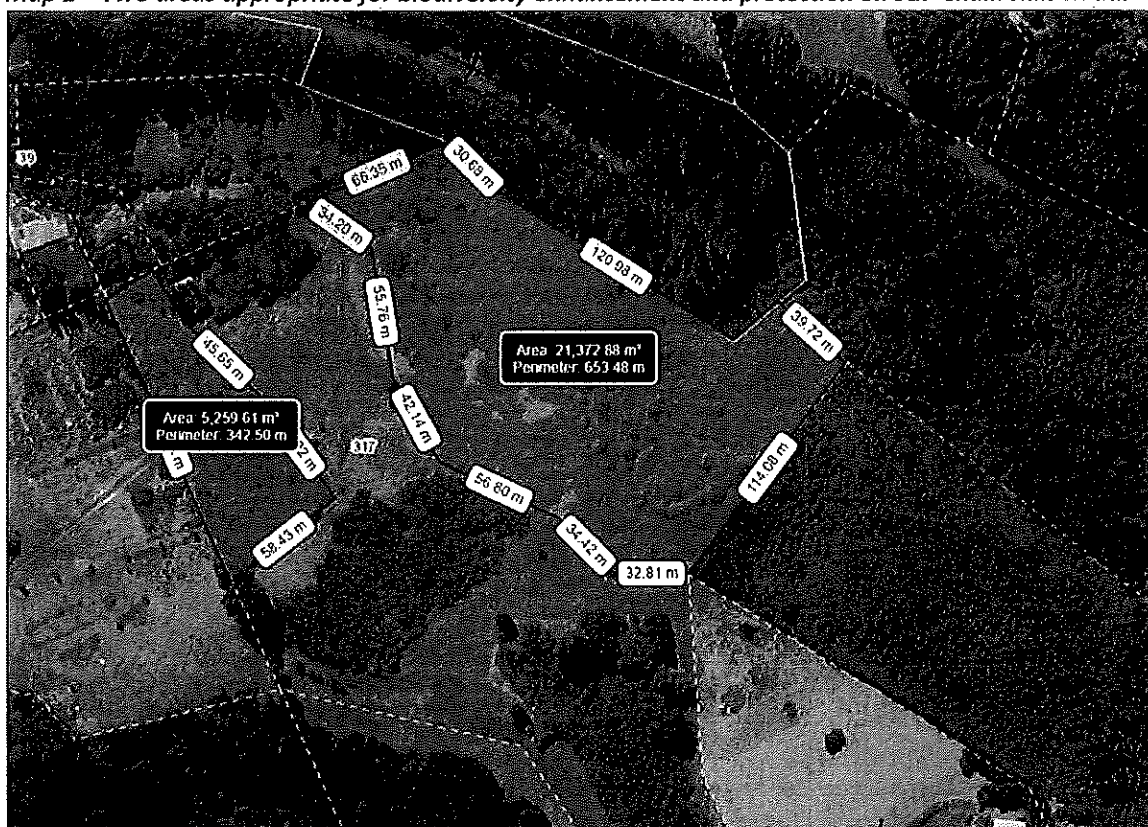
Mr Ewans notes that he discussed in broad terms the type/s and scale of biodiversity enhancement and protection that would be appropriate for this site in this context with you at a meeting at DCC on 21 September 2021, and during a site visit requested by you on 1 October 2021. He also advised you via email on 4 October 2021 that an ecological assessment would be needed to address the following:

- an ecological assessment of two identified areas for biodiversity enhancement (see Map 1 below);
- advice on transitioning the larger area into a native forest type typical of the original forests of this area using replanting and natural regeneration;
- advice on selective management of the smaller area to transition into a native forest type typical of the original forests of this area;
- long term protection of both areas;
- recommendations for weed and predator control in both areas; and
- lizard habitat enhancement options for the local skink population.

This advice was based on Mr Ewans experience of the level of information normally received in ecological assessments associated with consents; and presuming the ecological consultants would be cognizant of the planning context and 2GP provisions.

Based on previous applications of this type, Mr Ewans would expect an ecological assessment to fully describe the ecological values, detail any long-term protection measures, and advise on methods, scale and timeframes for ecological enhancement. This information could then be used to inform an assessment of the enhancement in terms of Policy 16.2.1.7.Y.ii, with completion of a detailed restoration plan to be conditioned in the consent if approved.

Map 1 – Two areas appropriate for biodiversity enhancement and protection on 317 Chain Hills Road.



Ecological assessment/restoration plan provided with application and RFI

13. The ecological assessment/restoration plan provided with the application partly addresses some of the information requirements needed but does not provide sufficient detail or scope of information in order to determine realistically if a significant contribution to the enhancement or protection of biodiversity values will be made. Specifically, further information is requested to address the following:
 - i. the vegetation communities including indigenous vegetation in Areas 1 and 2 need to be described sufficiently to understand current values at the site. This includes a map of different vegetation communities present in Areas 1 and 2, ecological descriptions of these vegetation communities, and assessment of ecological significance;
 - ii. indigenous fauna observations and assessment of likely indigenous fauna present;
 - iii. a full species list of plant species observed in Areas 1 and 2 from a walk through inspection;
 - iv. specific management for each separate area to be managed to a native forest type typical of the original forests of this area needs to be addressed. This is to include:

Sensitivity: General

- a. removal of plant pests and non-local native species in each area and methods to be used,
- b. replacement of any exotic or non-local native trees with species native to the Tokomairiro Ecological District, and
- c. layout of planting gaps and tracks within gorse areas for revegetation plantings. The proposed 4-10m² gaps are unrealistic as gorse will quickly smother, reinvade and/or outgrow seedlings around the margins. Minimum size of 5m x 5m gaps (25m²) are more likely to succeed.
- v. identify local seed sources for natural regeneration and assess likely effectiveness of natural regeneration through gorse based on local conditions compared with ideal conditions, noting any natural regeneration already occurring;
- vi. best practice methods for predator control;
- vii. some scale specifications for the proposed skink rock garden;
- viii. a proposal for long term protection of Areas 1 and 2 using land covenants;
- ix. the scale and timeframes of all activities. Removal of existing exotic and non-local native trees, and the native revegetation plantings within Areas 1 and 2 should be completed within 10 years; and
- x. Any further information needed to address points a-g and k-l of the 2GP Special Information Requirements relating to this application (Rule 16.13.X) outlined below. Points h-i and m can be addressed through consent conditions.

Rule 16.13.X Special Information Requirements in 2GP is as follows. "A resource consent application that includes a proposal for land management or investment intended to achieve a significant contribution to the enhancement or protection of biodiversity values (Policy 16.2.1.7.Y.ii) must be supported by an ecological restoration plan, prepared by an ecologist or similarly qualified person, which includes the following:

- a. a description of the site, including the area or areas to be enhanced;
- b. a description of any indigenous vegetation present, including a species list;
- c. a description of the indigenous wildlife present and known to use the site;
- d. an ecological assessment of the significance of the site using the criteria in Policy 2.2.3.2;
- e. an assessment of how ecological restoration may contribute to providing connectivity with ecological corridors or nearby areas of ecological importance;
- f. an assessment of the benefits to biodiversity values of a range of practicable options for biodiversity enhancement, and confirmation that the proposed option is suitable for the site and conforms to best practice;
- g. a schedule of ecologically appropriate species to be planted, including botanical names;
- h. a planting plan depicting the location, species density and staging of planting;
- i. measures that will be used to maintain plantings, including the replacement of any dead or non-thriving plants;
- j. any other measures proposed to enhance habitat for indigenous fauna;
- k. measures to be used to exclude stock from the enhancement area;
- l. measures to be used to achieve long-term effective control of plant and animal pest species; and
- m. the approach to be used to monitor the restoration measures set out
- n. t in the restoration plan and actions to be taken if measures are not being fulfilled."

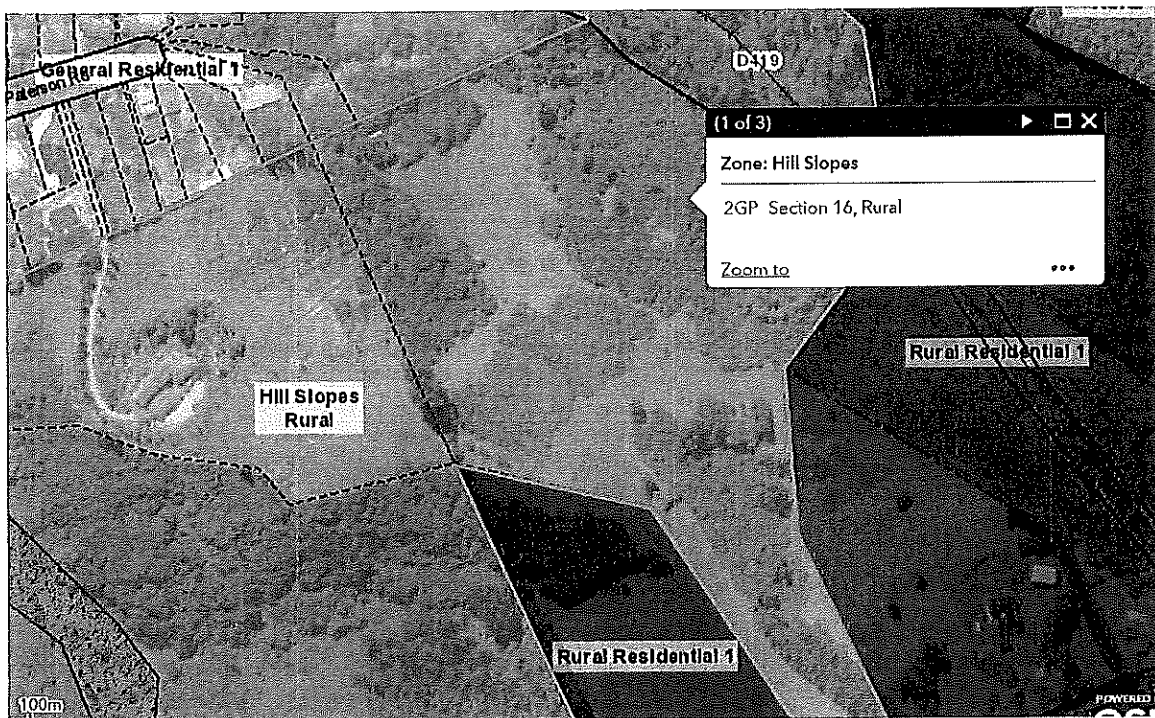
Affected party approvals

It is noted that you have provided written approval from the owners/occupiers of 307 Chain Hills Road and 329 Chain Hills Road (both immediately adjoin but are located in the Rural Residential Zone). With respect

Sensitivity: General

to 329 Chain Hills Road the Council records indicate there is an additional owner who has not signed off Nicola Jean Clarke. In order for written approval to be accepted all owners/occupiers of the respective properties need to sign.

The neighbours at 34 Paterson Road and 297 Chain Hills Road are also located in the Hill Slopes Rural zone and would have a reasonable expectation that the neighbouring site would not be used for residential activity – see aerial photo below. The proposed building site is 40m from the boundary (according to the application) with 34 Paterson Road. It is considered that the additional density proposed would have at least a minor effect on the rural character and amenity of these neighbouring properties. As such written approval from the respective owners/occupiers is requested.



Responding to this request:

Within 15 working days from the date of this letter you must either:

- Provide the requested information; or
- Provide written confirmation that you cannot provide the requested information within the timeframe, but do intend to provide it; or
- Provide written confirmation that you do not agree to provide the requested information.

The processing of your application has been put on hold from **22 November 2021**.

If you cannot provide the requested information within this timeframe, but do intend to provide it, then please provide:

- Written confirmation that you can provide it; and
- The likely date that you will be able to provide it by; and
- Any constraints that you may have on not being able to provide it within the set timeframe.

The Council will then set a revised timeframe for the information to be provided.

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council.

Restarting the processing of your application:

The processing of your application will restart:

- When all of the above requested information is received (if received within 15 working days from the date of this letter being **20 December 2021**); or
- From the revised date for the requested information to be provided, if you have provided written confirmation that you are unable to meet the above timeframe and the Council has set a revised timeframe for the information to be provided; or
- From the date that you have provided written confirmation that you do not agree to providing the requested information; or
- 15 working days from the date of this letter (if you have not provided the requested information or written confirmation being **20 December 2021**).

Once the processing of the application restarts:

If you have provided all the requested information, then we will consider its adequacy and make a final decision on whether your application requires public or limited notification pursuant to sections 95A, 95B, 95D, 95E and 95F of the Resource Management Act 1991, or, whether any parties are considered adversely affected from whom you will need to obtain written approval in order for the proposal to be considered on a non-notified basis.

If you have not provided the requested information, then your application will continue to be processed and determined on the basis of the information that you have provided with the application:

- If the Council decides to give public or limited notification of the application, then the Council must publicly notify the application under section 95C(1) of the Resource Management Act 1991. You will be invoiced for any outstanding payment needed to make up the \$8,500 deposit required for public notification.
- If the Council decides to process the application on a non-notified basis, and all written approvals have been received, then the application must be considered under section 104 of the Resource Management Act 1991. The Council may decline the application on the grounds that it has inadequate information to determine the application. In making an assessment on the adequacy of the information, the Council must have regard to whether this request resulted in further information being made available.

Please note that requests for further information, interim correspondence and assessment of the further information can introduce additional work and therefore costs. Deposits are based on the average cost of processing similar consents in the previous year. There is normally a sizable range between the lowest and highest cost for similar consents. These additional costs incurred as a result of the further information request will be passed onto you and, as such, the final cost of processing this application may be higher than previous 12-month average for similar applications.

Please do not hesitate to contact the writer on +64 3-366 3521 ext. 25528 if you have any questions or concerns regarding the above request or the further processing of the application.

Yours faithfully

Sensitivity: General

A handwritten signature in black ink, appearing to read 'Liz Hislop', written in a cursive style.

Liz Hislop
Senior Planner