



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We

(must be the FULL name(s) of an individual or an entity registered with the New Zealand Companies Office. Family Trust names and unofficial trading names are not acceptable: in those situations, use the trustee(s) and director(s) names instead) hereby apply for:

Land Use Consent Subdivision Consent

I opt out of the fast-track consent process: Yes No

(only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity:

Have you applied for a Building Consent? Yes, Building Consent Number ABA No

Site location/description

I am/We are the: (owner, occupier, lessee, prospective purchaser etc) of the site (tick one)

Street address of site:

Legal description:

Certificate of Title:

Contact details

Name: (applicant agent (tick one))

Address:

Postcode:

Phone (daytime):

Email:

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

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

Ownership of the site

Who is the current owner of the site?

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

Address:

Postcode:

Phone (daytime):

Email:

Planning Application Fees Payment Details (Who are we invoicing)

THIS FORM MUST BE COMPLETED FOR ALL PLANNING APPLICATIONS THAT ATTRACT A FEE. ALL FIELDS ARE MANDATORY.

This information is required to assist us to process resource consent invoices and refunds at lodgement and the end of the process. If you have any queries about completing this form, please email planning@dcc.govt.nz

Deposit Payment Payee Details:

Full Name of Deposit Payee (Person or Company):

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

Email Address of Deposit Payee:

Daytime contact phone number:

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

Fees

Council recovers all actual and reasonable costs of processing your application. Most applications require a deposit and costs above this deposit will be recovered. A current fees schedule is available on www.dunedin.govt.nz or from Planning staff. Planning staff also have information on the actual cost of applications that have been processed. This can also be viewed on the Council website.

Development contributions

Your application may also be required to pay development contributions under the Council's Development Contributions Policy. For more information please ring 477 4000 and ask to speak to the Development Contributions Officer, or email development.contributions@dcc.govt.nz.

Occupation of the site

Please list the full name and address of each occupier of the site:

Monitoring of your Resource Consent

To assist with setting a date for monitoring, please estimate the date of completion of the work for which Resource Consent is required. Your Resource Consent may be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your Resource Consent, if granted, may be monitored three years from the decision date).

(month and year)

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

Detailed description of proposed activity

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

Description of site and existing activity

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

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site?

Are there any overlaying District Plan requirements that apply to the site e.g. in a Landscape Management Area, in a Townscape or Heritage Precinct, Scheduled Buildings on-site etc? If unsure, please check with City Planning staff.

Breaches of district plan rules

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

Affected persons' approvals

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

Name:

Address:

Name:

Address:

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

Assessment of Effects on Environment (AEE)

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

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

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have been applied for: Yes No

Water Permit	Discharge Permit	Coastal Permit	Land Use Consent for certain uses of lake beds and rivers	Not applicable
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Assessment of Objectives and Policies

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

Declaration

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

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

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

Signature of: Applicant Agent (tick one):

Date:

Privacy – Local Government Official Information and Meetings Act 1987

You should be aware that this document becomes a public record once submitted. Under the above Act, anyone can request to see copies of applications lodged with the Council. The Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld, the Council will make a decision following consultation with you. If the Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen.

Please advise if you consider it necessary to withhold your application, or parts of it, from any persons (including the media) to (tick those that apply):

- ☐ Avoid unreasonably prejudicing your commercial position
- ☐ Protect information you have supplied to Council in confidence
- ☐ Avoid serious offence to tikanga Māori or disclosing location of waahi tapu

What happens when further information is required?

If an application is not in the required form, or does not include adequate information, the Council may reject the application, pursuant to section 88 of the RMA. In addition (section 92 RMA) the Council can request further information from an applicant at any stage through the process where it may help to a better understanding of the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated. The more complete the information provided with the application, the less costly and more quickly a decision will be reached.

Further assistance

Please discuss your proposal with us if you require any further help with preparing your application. The Council does provide pre-application meetings without charge to assist in understanding the issues associated with your proposal and completing your application. This service is there to help you.

Please note that we are able to provide you with planning information but we cannot prepare the application for you. You may need to discuss your application with an independent planning consultant if you need further planning advice.

City Planning Staff can be contacted as follows:

IN WRITING: Dunedin City Council, PO Box 5045, Dunedin 9054

IN PERSON: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon

BY PHONE: (03) 477 4000

BY EMAIL: planning@dcc.govt.nz

There is also information on our website at www.dunedin.govt.nz

Information requirements

- Completed and Signed Application Form
- Description of Activity and Assessment of Effects
- Site Plan, Floor Plan and Elevations (where relevant)
- Written Approvals
- Payee details
- Application fee (cash, eftpos, direct credit or credit card (surcharge may apply))
- Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- Forms and plans and any other relevant documentation signed and dated by Affected Persons

In addition, subdivision applications also need the following information:

- Number of existing lots
- Number of proposed lots
- Total area of subdivision
- The position of all new boundaries

In order to ensure your application is not rejected or delayed through requests for further information, please make sure you have included all of the necessary information. A full list of the information required for resource consent applications is in the Information Requirements Section of the District Plan.

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information)?		Yes	No
Application:	Received	Rejected	
Received by:	Counter	Post	Courier
Other:			
Comments:			

(Include reasons for rejection and/or notes to handling officer)

Planning Officer:	Date:
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25 March 2022
City Planning
Dunedin City Council
PO Box 5045
Dunedin 9054

Attn: The Senior Planner

RESOURCE CONSENT APPLICATION

124 Abbots Hill Rd, Abbotsford, Dunedin

On behalf of our client, we submit for consideration by the Dunedin City Council a resource consent application prepared in accordance with sch 4 of the Resource Management Act 1991.

The following supporting documents are attached:

- Form 9
- Record of Title 887652

Land use consent for a **non-complying** activity is required under the Second Generation Dunedin District Plan for:

- A (temporary) commercial activity not listed in rules 17.3.3.20–17.3.3.23 that contravenes the performance standards for width of driveways and the surfacing and marking of parking areas.
- An ongoing working from home activity that contravenes the restrictions on staff and their access to the site, and the performance standards for maximum gross floor area and the surfacing and marking of parking areas.

For any further information or discussion in respect of this application, please do not hesitate to contact the author below.

Yours faithfully,
PATERSON PITTS GROUP

Vyvienne Evans
Planner

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T: 03-477-3245
E: vyvienne.evans@ppgroup.co.nz

1 THE SITE

The subject site is 124 Abbotts Hill Rd. It has an area of 2.8134 ha and is legally described as Lot 1 DP 535885. The site is held in Record of Title 887652 in the name of Stacey Mare Bond and Callum George Bond; Callum Bond is applicant.

The site is one of two sites created under subdivision consent SUB-2018-152 (the other is 128 Abbotts Hill Rd, which adjoins the site's eastern boundary). It slopes downhill away from Abbotts Hill Rd and has a southwest aspect. There is a large shelterbelt along its western boundary. According to the Second Generation Dunedin District Plan (2GP), the site is zoned Rural Residential 1 (RR1). Its southeastern corner is within the Haz2 (land instability) Overlay Zone.

The applicant is a builder and runs his own business (Callum Bond Rigging and Construction Ltd.), which focuses on unusual projects requiring specialist equipment and skills. It therefore requires space to store a variety of equipment and the applicant is using the northern end of the site for this purpose.

- He has erected a 144 m² (9 m × 16) shed, where he stores equipment such as abseiling gear. Other equipment is stored outside.
- He typically employs around 5 staff. They arrive at the site each morning to get the equipment they need and return it at the end of the day. Occasionally, they also return during the day to get additional equipment.
- No building work is undertaken on the site; it is used only as a storage location from which the applicant and his staff can pick up equipment.

Apart from this, the site is vacant. We visited it on 22 February 2022, and photos taken during this visit are included in Appendix A.

Key features of the site are described further below in relation to the proposal.

2 SURROUNDING ENVIRONMENT

To the north, the site is bounded by Abbotts Hill Rd, which is classified as a Local Road by the 2GP. It is at the eastern edge of a cluster of rural residential sites; only its southeastern end is bounded by rural rather than rural residential land.

The sites closest to the storage area at the northern end of the site, are 110 and 128 Abbotsford Rd, which adjoin the site's western and eastern boundaries, respectively. The shelterbelt mentioned above separates the site from 110 Abbotsford Rd.

3 THE PROPOSAL

The owner of 128 Abbotts Hill Rd has raised concerns with the applicant, and with DCC directly, over the existing storage activity. The primary concerns raised include noise and the site having an untidy appearance.

If the applicant has been living on the site, the activity may be considered a 'working from home' activity (a residential activity) under the 2GP—otherwise it is a commercial activity. In both cases, it will require land use consent. This is discussed further in section 4.2 below.

The applicant intends to construct a house and live on the site in the near future, and is in the planning stages of erecting a new dwelling at its southern end. We note that SUB-2018-152 anticipated that a dwelling would be erected in this location.

We therefore propose that the applicant continues the existing activity on the site, but with a number of measures in place to mitigate its adverse environmental effects. Temporarily ceasing or relocating the activity until the applicant is living onsite is not a desirable option. To facilitate this, this application seeks consent for both a commercial activity and working from home (see section 4.2 below).

Key elements of the proposal are described further below and are illustrated by the subdivision scheme plan.

3.1 Legal matters

Record of Title 535885 is a fee simple title with several interests recorded on it, although none are directly relevant to the proposal. Nevertheless, for completeness, Consent Notice 11505034.3 is discussed further in section 3.3 below, as it is relevant to the erection of a dwelling on the site.

3.2 Proposed mitigation measures

The applicant has already implemented the measures below to address the concerns of their neighbour at 128 Abbotts Hill Rd.

- Erecting a wooden fence along the site's eastern boundary, screening the dwelling and curtilage on 128 Abbotts Hill Rd.
- Planting on the site in front of the fence to provide an additional buffer
- Tidying up the site after Christmas—the photos in Appendix A therefore show the site in a tidy state.

The fence and recent planting are visible in the site photos in Appendix A, particularly Figure 5.

The applicant also proposes to implement additional measures to mitigate any adverse effects of the proposed activity in the long term. We propose that these become conditions of consent.

- The duration of the commercial activity (without being associated with a residential activity) does not exceed 30 months.
- Vehicle movements do not exceed 20 per day.
- Hours of operation is limited to 7.30 am to 7 pm in summer and 7.30 am to 6 pm in winter.
- Outdoor storage is contained within an area of 100 m² or less.
- Outdoor storage and cars are set back at least 8 m from the site's eastern boundary.
- No staff vehicles will be parked within the Abbotts Hill Rd road reserve.
- No more than 4 staff vehicles will be parked onsite at any one time.
- The new wooden fence and plantings alongside are to be maintained throughout the duration of the consent.

We note that 20 vehicle movements per day (VPD) is more than we expect will typically occur, but it provides for particularly busy periods and other unusual circumstances such as if additional equipment is required unexpectedly on a particular day.

3.3 Natural hazards

The 2GP Planning Map shows the southeast corner of the site is within the Haz2 (land instability) Overlay Zone. According to the Otago Regional Council (ORC) Natural Hazards Database, this overlay zone relates to the East Abbotsford Landslide. The last (and only) known movement of this landslide occurred in 1979, and it is described as having low sensitivity.

The risk of natural hazards to future land use and development on the site was addressed by SUB-2018-152. The DCC's Consultant Engineer, Stantec New Zealand Ltd., concluded that land instability on the site can be managed through conditions of consent, as it is mostly sloping by less than 12° and only part of it is within the East Abbotsford Landslide. The conditions recommended by Stantec were imposed via the consent notice mentioned in section 3.1 above.

We mention this here as the consent notice will be relevant to the erection of a dwelling on the site, and this is necessary for the operation of the applicant's business to be considered working from home. It is not otherwise relevant to the proposal, and in fact, there are no known natural hazards associated with the northern end of the site.

3.4 Transportation

The has frontage to Abbotts Hill Rd, and both legal and physical access at this frontage. Its physical access is formed as a gravel driveway and parking space for 4 vehicles will be provided.

3.5 Infrastructure

The operation of the applicant's business does not require any new service connections. However, we note that a future dwelling on the site can be served by onsite services (there are no reticulated services in the area).

4 REASONS FOR APPLICATION

An assessment of the proposal against the relevant rules and regulations of the following documents referred to in s 104(1)(b) is carried out below:

- The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
- The 2GP.

4.1 NES-CS

The NES-CS came into force on 1 January 2012 and applies when a person wants to undertake an activity described in reg 5(2)–(6) on a piece of land described in reg 5(7) or 5(8), unless the requirements of reg 5(9) are met.

- A piece of land described in reg 5(7) is one on which an activity or industry described in the Hazardous Activities and Industries List (HAIL) is being, has been or is more likely than not to have been undertaken.
- Reg 5(8) describes when the NES-CS applies to a piece of land that is production land.
- Reg 5(9) states that the NES-CS does not apply if a Detailed Site Investigation shows that any contaminants in or on a piece of land are at, or below, background concentrations.

The site was previously a vacant lifestyle block, and it was anticipated that a dwelling would be erected on it. Currently, its northern end is occupied by a commercial activity—this is a change of land use, although as working from home is a residential activity, it will only be a temporary change. Regardless, if the site contains a piece of land described in reg 5(7), the proposal will involve an activity described in reg 5(6) and the NES-CS will apply.

According to the SUB-2018-152 decision report, a HAIL search of DCC records (HAIL-2018-160) found no evidence of HAIL activity on the site. After reviewing the HAIL search report, the SUB-2018-152 applicant stated that they did not believe that HAIL activity was likely to have been undertaken on the site. Consequently, it was concluded that more likely than not, no HAIL activity had been undertaken on the site, so the NES-CS did not apply.

We consider that it is appropriate to adopt the same conclusion here, as no HAIL activity has been undertaken on the site since SUB-2018-152 was granted.

4.2 2GP

As mentioned above, the site is zoned RR1 and is within the Haz2 (land instability) Overlay Zone.

Land use activities

As section 3 mentioned, it has been assessed that the operation of the applicant's business from the site will be a commercial activity until the applicant is living onsite, when it will become a working from home activity. The working from home activity will still require a land use consent as it will not strictly meet the 2GP definition of working from home (see below), as staff will be regularly visiting the site. Nevertheless, it is thought to best fit the definition of working from home, and the issue of staff visiting the site could be addressed as part of the consent process. We note that a single residential unit and a family flat can be established on the site as permitted activities, provided they comply with the relevant performance standards (rule 17.3.3.12).

Working from home: *The use of land and buildings as a place of work, as part of an occupation, craft, profession, or service, ancillary to their use as a principal place of residence. For the sake of clarity, this means that the activity:*

- *can only be carried out by a person or persons living on the site as their principal place of residence; and*
- *cannot employ any other person on-site, including by way of operating from the site (relying on equipment or vehicles stored on the site or making regular visits to the site).*

Working from home may include retail services but not direct retail sales except for goods produced on-site.

For the sake of clarity, this definition includes:

- *hosted visitor accommodation, in the form of homestays, bed and breakfast, or similar, for no more than five guests, provided the accommodation is contained within the same residential unit that is being used as the principal place of residence;*
- *early childhood education for five or fewer children; and*
- *animal breeding involving one breeding pair of dogs and/or cats.*

Any commercial activity not listed in rules 17.3.3.20–17.3.3.23 is a non-complying activity in the rural residential zones (rule 17.3.3.24). However, working from home is a permitted activity, provided it complies with the relevant performance standards (rule 17.3.3.13).

The proposed commercial activity will comply with the relevant performance standards that apply to all land use activities (there are no performance standards for commercial activities in rural residential zones) (see the assessment in Table 1 below). Nevertheless, it is a **non-complying activity**.

The proposed working from home activity will comply with all relevant performance standards except for gross maximum floor area and is therefore a **restricted discretionary** activity (again, see the assessment in Table 1 below).

Table 1. Assessment of the proposed commercial and working from home activities against the relevant performance standards.

Performance standard	Assessment
Light spill Rules 9.3.5 and 17.5.5	Complies Light spill associated with the proposed activities will accordance with rules 9.3.5.1–9.3.5.3.
Noise Rules 9.3.6 and 17.5.9	Complies Noise associated with the proposed activities will not exceed the 7.00 am to 7.00 pm limit for rural residential zones (rule 9.3.6.2).
Hours of operation Rule 17.5.4	Complies For working from home, hours of operation must not exceed 7 am to 7 pm. The longest proposed hours of operation are 7.30 am to 7.00 pm.
Maximum gross floor area Rule 17.5.7	Does not comply The area within buildings used for working from home must not exceed a maximum gross floor area of 100 m ² . The main shed has an area of 144 m ² . This aspect of the proposal is a restricted discretionary activity (rule 17.5.7.4).

Development activities

The proposed activity also involves two activities in the development activities category and the site development activities sub-category: outdoor storage and parking, loading and access.

- Outdoor storage is a permitted activity in rural residential zones (rule 17.3.4.16). There are no performance standards for outdoor storage in rural residential zones, and none of the performance standards that apply to all development activities are relevant.
- Parking, loading and access is a permitted activity in rural residential zones provided it complies with the relevant performance standards (rule 17.3.4.17).

The driveway and parking area will comply with all relevant performance standards except surfacing and marking of parking areas (rule 6.6.1.5) and minimum width for driveways (rule 6.6.3.9).

- The parking area will serve activities other than standard residential, but it will not be hard surfaced or have individual parking spaces permanently marked (rule 6.6.1.5.a). This aspect of the proposal is a **restricted discretionary** activity (rule 6.6.1.5.b).
- The driveway will temporarily serve a non-residential activity and it is narrower than 5 m, which is the minimum width for driveways serving non-residential activities in rural

residential zones (rule 6.6.3.9.a.vi). This aspect of the proposal is a **restricted discretionary** activity (rule 6.6.3.9.b).

We also note the following:

- The proposal does not meet any of the criteria in rule 6.6.1.2.a, so the minimum manoeuvring space dimensions for parking areas performance standard does not apply. Nevertheless, it appears the parking area has manoeuvring space in accordance with this performance standard.
- There is not expected to be any need by the applicant to store hazardous materials on-site. If this does occur at a future date, it will be undertaken in accordance with the hazardous substances quantity limits and storage requirements (rules 9.3.4 and 17.6.3).
- The main shed (a building) has been erected as a permitted activity (rule 17.3.4.5) in accordance with the relevant performance standards.

4.3 Overall activity status

In summary, the proposal requires resource consent for the following reasons:

- Any commercial activity not listed in rules 17.3.3.20–17.3.3.23 is a non-complying activity in rural residential zones (rule 17.3.3.24).
- It contravenes the maximum gross floor area performance standard (rule 17.5.7).
- It contravenes the surfacing and marking of parking areas performance standard (rule 6.6.1.5).
- It contravenes the width of driveways performance standard (rule 6.6.3.9).

Overall, we consider the proposal's activity status to be **non-complying**.

5 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Under s 104B of the Resource Management Act 1991 (RMA), after considering an application for a discretionary or non-complying activity, a consent authority may exercise unrestricted discretion in granting or refusing consent. There are therefore no matters to which the consideration of this application is restricted.

Nevertheless, our assessment of environmental effects (AEE) for the proposal responds to the matters of discretion for the proposal's performance standard contraventions (see Table 2 below), as well as other relevant assessment guidance and environmental effects.

Table 2. 2GP matters of discretion relevant to the proposal.

Activity/performance standard	Matters of discretion
Maximum gross floor area	Effects on the vibrancy and economic and social success of the CBD and centres (rule 17.9.3.5)
Surfacing and marking of parking areas	Effects on the safety and efficiency of the transport network (rule 6.10.5.1)
Width of driveways	Effects on the safety and efficiency of the transport network (rule 6.10.5.6)

5.1 Permitted baseline

The permitted baseline is a discretionary tool that a consent authority can use when determining the extent of an activity's adverse environmental effects under ss 94D, 95E and 104(1)(a) of the RMA. Under ss 95D(b), 95E(b) and 104(2), when a consent authority is determining the extent of an activity's adverse environmental effects, it may disregard an effect of the activity if a rule or national environmental standard permits an activity with that effect. The permitted baseline comprises non-fanciful activities that are permitted on the subject site.

Regarding land use, working from home is a permitted activity on the subject site, provided it only occupies 100 m² maximum gross floor area (within buildings) as is undertaken between 7.00 am and 7.00 pm. Working from home may include retail services and direct retail sales of goods are produced onsite.

Regarding development on the site, a single dwelling and a 60 m² family flat can be erected as a permitted activity, and both outdoor storage and the erection of a shed are also permitted activities.

5.2 Positive effects

The applicant's business is a small enterprise and using the site to store equipment reduces overhead costs and will be especially convenient for the applicant once the applicant lives onsite. The proposal will therefore enable the applicant's business to continue to provide specialist services and make a valuable contribution to Dunedin's building industry.

5.3 Effects on character and amenity and the RR1 Zone

Most of the proposal's actual and potential adverse environmental effects relate to character and amenity, and whether it is compatible with the RR1 Zone. These effects are closely related so are grouped under this heading.

The effects arising proposal, beyond the permitted baseline, are the crucial elements for consideration. The proposal complies with the performance standards for noise, light spill and hours of operation, so only the following aspects of it differ from a permitted working from home activity:

- It will exceed the maximum permitted gross floor area of 100 m² by 44 m².
- Staff will make regular visits to the site.

The effects arising from these differences can be separated into the visual effects arising from storage and the effects on amenity arising from staff visiting the site (such as noise).

Effects on the amenity of surrounding properties

We understand that there has already been conflict with the residential activity on 128 Abbotts Hill Rd. However, we consider that the proposed mitigation measures will ensure that there is a good level of amenity achieved for both 110 and 128 Abbotts Hill Rd, and that these measures will minimise the potential for future conflict.

- The visual effects of a 100 m² shed and a 144 m² shed are not significantly different. Moreover, the erection of the main shed is a permitted activity and using it to store equipment for the applicant's business does not result in any additional visual effects.
- The main shed complies with the relevant performance standards—in particular, it is set back more than the minimum required distances from 110 and 128 Abbotts Hill Rd.

- The proposed conditions requiring outdoor storage to be within an area of 100 m² and set back 8 m from the site's eastern boundary will ensure that the site is kept tidy.
- 110 Abbotts Hill Rd will be buffered from both visual and noise effects by the shelterbelt on the site's western boundary. Additionally, the residential activity on this site is almost 40 m from the site.
- 128 Abbotts Hill Rd will be buffered from both visual and noise effects by the new fence and planting.
- The proposed hours of operation are shorter than those permitted by the 2GP.
- Although the working from home definition does not provide for staff visiting the site, it does provide for retail services, including homestays and early childhood education for five or fewer visitors/children. The definition also provides for direct retail sales of good produced onsite. The volume of traffic associated with the proposal will be controlled and is not expected to be any greater than the volume generated by these permitted activities.

Overall, we consider the proposal's adverse effects on the amenity of surrounding properties to be **less than minor**.

Effects on rural residential character and amenity

Elements of the rural residential zones' character and amenity include a high presence of natural features, a semi-rural level of development and land managed and maintained for small-scale rural activities (objective 17.2.3).

The factors described above in relation to the proposal's effects on the amenity of surrounding properties are also relevant to rural residential character and amenity generally. In particular, we note that the working from home definition provides for retail that generates a similar volume of traffic to the proposal, and that the visual effects of the 144 m² shed are anticipated in the RR1 Zone.

The only notable natural feature on the site is the shelterbelt, and this will be unchanged. The proposed level of development is the existing main shed and a future dwelling; this density of development is anticipated by the 2GP and is clearly semi-rural. After the dwelling is erected, the majority of the site (approximately 2 ha) will still be maintained for small-scale rural activities.

Overall, we consider the proposal's adverse effects on rural residential character and amenity to be **less than minor**.

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

The site has a sloping topography and does not contain any highly productive soils. It is therefore most suitable for activities such as grazing livestock, and as mentioned above, the site will have sufficient area for this to be undertaken.

Overall, we consider the proposal's adverse effects on long term maintenance of rural land for productive rural activities to be **less than minor**.

5.4 Effects on the vibrancy and economic and social success of the CBD and centres (rule 17.9.3.5)

Aside from preventing adverse effects on the rural residential zones, the purpose of the maximum gross floor area performance standard is to restrict the distribution of retail and office activity and therefore enhance the vibrancy of the CBD and centres.

In this case, however, the additional 44 m² does not represent a significant increase in the scale of the activity. Moreover, the CBD and centres are not the appropriate location for the proposed activity; it primarily involves storage rather than retail or office activity, and is unlikely to contribute to the vibrancy of the CBD and centres.

Overall, we consider the proposal's adverse effects on the vibrancy and economic and social success of the CBD and centres to be **nil**.

5.5 Effects on the safety and efficiency of the transport network

The proposal will generate minimal traffic, and as discussed above, the traffic volume will be equivalent to the volume associated with a permitted working from home activity involving retail. The proposed condition requiring no staff vehicles to be parked within the Abbotts Hill Rd road reserve will ensure that adverse effects on the road's safety and efficiency of Abbotts Hill Rd will be avoided.

Despite the proposed breaches of rules 6.6.1.5 and 6.6.3.9, we consider that the driveway and parking area will still be able to be used safely and efficiently for the following reasons:

- The driveway width breach will be only temporary, until the proposed activity becomes working from home, as it meets the minimum width for driveways serving residential activities. Furthermore, the traffic volume will not be higher for the commercial activity than the working from home activity (as in reality, they are the same activity), so the breach will have no actual effects on the safety and efficiency of the driveway.
- Marking the parking spaces would be impractical, as their locations may change depending on staff numbers and the location of outdoor storage. In terms of surfacing, the parking area will serve no more than 4 vehicles at any one time, and Abbotts Hill Rd is not hard surfaced—not upgrading the parking area and driveway is therefore appropriate and will not result in damage to Abbotts Hill Rd (Figure 1 and Figure 2 in Appendix A show that the road is in good condition in the vicinity of the existing vehicle crossing).

Overall, we consider the proposal's adverse effects on the safety and efficiency of the transport network to be **less than minor**.

5.6 Risk from natural hazards

There are no known natural hazards associated with the northern end of the site, and compliance with Consent Notice 11505034.3 will ensure that the risk to future residential activity on the site is no more than low.

Overall, we consider the proposal's adverse effects with respect to risk from natural hazards to be **less than minor**.

5.7 Cumulative effects

The adverse effects of this proposal will not add to the existing effects on the subject site or on adjoining sites such that its cumulative effects are more than minor.

5.8 Effects of commercial activity

For all the effects discussed above, we note that the effects of the proposed activity are the same, regardless of whether it is considered a commercial activity or working from home.

5.9 Overall effects

Based on the above assessment, we conclude that the proposal's adverse effects on the environment will be **less than minor**.

6 NOTIFICATION ASSESSMENT

There are no rules in a plan or national environmental standard that require public or limited notification of the application. The proposal's adverse environmental effects will not be more than minor, and no affected persons have been identified under section 95E; although the occupant of 128 Abbotts Hill Rd has raised concerns about the effects of the applicant operating his business from the site, we consider that with the mitigation measures proposed, its effects—including on 128 Abbotts Hill Rd—will be no more than minor.

We therefore believe it is appropriate for the application to be processed on a non-notified basis.

7 OBJECTIVES AND POLICIES ASSESSMENT

The proposal's consistency with the relevant objectives and policies of the 2GP is assessed in Table 3 below.

Table 3. Assessment of the proposal against the relevant objectives and policies of the 2GP.

Objectives and policies	Assessment
Objective 2.2.2 Dunedin reduces its reliance on non-renewable energy sources 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. Policy 2.2.2.1.a 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 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.	The site does not contain highly productive soils. Nevertheless, it will continue to have sufficient area for small-scale rural activities (such as grazing livestock that could be used for food) to be undertaken.
Objective 2.2.6 The risk to people's health and safety from contaminated sites, hazardous substances, and high levels of noise or emissions is minimised.	The proposal complies with the performance standards for noise and light spill.

Policy 2.2.6.1.e Protect people from noise, light or offensive emissions that may create adverse effects on health or well-being through rules that restrict the level of noise and light spill from activities and development to safe levels depending on the nature of the receiving environment (zone). Policy 2.2.6.2.a Manage the risk posed by the storage and use of hazardous substances to an acceptable level through rules that limit the quantity of different hazardous substances that may be used in different environments (zones).	Any storage of hazardous substances stored onsite will be undertaken in accordance with the relevant performance standards.
Objective 2.3.2 Dunedin has a hierarchy of vibrant centres anchored around one CBD, which provides a focus for economic and employment growth, driven by: a. attraction of businesses to these areas based on the high level of amenity and density of activity in the area; b. opportunities for social interaction, exchange of ideas and business cooperation; c. public investment in public amenities and other infrastructure in the CBD; and d. opportunities for agglomeration benefits from the co-location of activities. Policy 2.3.2.2.a Maintain or enhance the density and productivity of economic activity in the CBD and centres through rules that restrict retail and office activities outside these areas unless they are unlikely to contribute to, or may detract from, the vibrancy of centres.	The scale of the proposed activity is small and it is unlikely to contribute to the vibrancy of the CBD and centres.
Objective 2.4.3 Dunedin's CBD is a strong, vibrant, attractive and enjoyable space that is renowned nationally and internationally for providing the highest level of pedestrian experience that attracts visitors, residents and businesses to Dunedin. It is supported by a hierarchy of attractive urban and rural centres. Policy 2.4.3.4 Maintain or enhance the vibrancy and density of activity in the CBD and centres through rules that restrict the distribution of retail and office activity.	The proposed activity is not an office or retail activity—as it primarily involves storage, the CBD and centres are not the appropriate location for it.
Objective 6.2.3 Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public. Policy 6.2.3.3 Require land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network. Policy 6.2.3.4 Require land use activities to provide the amount of parking necessary	No changes to the transport network that require public funding are proposed. Adequate parking will be provided onsite to prevent overspill parking effects on Abbotts Hill Rd and the surrounding properties.

to ensure that any overspill parking effects, that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated. Policy 6.2.3.9 Only allow land use and development activities or subdivision activities that may lead to land use or development activities, where: - adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated; and - any associated changes to the transportation network will be affordable to the public in the long term.	
Objective 6.2.4 Parking areas, loading areas and vehicle accesses are designed and located to: - provide for the safe and efficient operation of both the parking or loading area and the transport network; and - facilitate the safe and efficient functioning of the transport network and connectivity for all travel modes. Policy 6.2.4.1.e Require parking and loading areas, including associated manoeuvring and queuing areas, to be designed to ensure that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths. Policy 6.2.4.2 Require driveways to be designed to ensure that: - the surfacing and gradient of the driveway allows it to be used safely and efficiently; - mud, stone, gravel or other materials are unlikely to be carried onto hard surfaced public roads or footpaths; - the width of the driveway is sufficient to allow the type and number of vehicles (including emergency vehicles), likely to be using it to do so safely and efficiently; and - sufficient distance is provided between shared driveways and dwellings.	The width of the driveway and surfacing of the parking area are appropriate for the traffic volume generated by the proposal and Abbotts Hill Rd, which is not hard surfaced.
Objective 9.2.2 Land use, development and subdivision activities maintain or enhance people's health and safety. Policy 9.2.2.1 Require activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant. Policy 9.2.2.4 Require activities to be designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant.	The proposal complies with the performance standards for noise and light spill, and vegetation along the site's boundaries will buffer the adjoining sites from these effects.
Objective 11.2.1 Land use and development is located and designed in a way that ensures that the risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in	There are no natural hazards associated with the northern end of the site, and future residential activity at its southern end will be

the short to long term. Policy 11.2.1.12 In all hazard overlay zones, the swale mapped area, the dune system mapped area, or in any other areas that the DCC has information to suspect there maybe risk from a natural hazard, only allow subdivision activities where there is a reasonable level of certainty that any future land use or development will meet Policies 11.2.1.1–11.2.1.11.	managed so that it is at no more than low risk of land instability.
Objective 17.2.1 The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur and provide for a limited range of other compatible activities. Policy 17.2.1.2 Require residential activity in the rural residential zones to be at a density that enables lifestyle blocks and hobby farms. Policy 17.2.1.3 Require rural ancillary retail and working from home to be at a scale that: - is ancillary to, and supportive of, productive rural activities or conservation activity on the same property, and - supports objectives 2.3.2 and 2.4.3 and their policies. Policy 17.2.1.4 Provide for forestry, domestic animal boarding and breeding (not including dogs), community and leisure - small scale, emergency services, and veterinary services (large animal practice) where the effects will be adequately mitigated in line with objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones.	The purpose of the RR1 Zone is to provide an appropriate location for small-scale rural activities and a rural or semi-rural context for nearby residential and urban areas—in this case, the suburb of Abbotsford. The rural residential zones also provide for a limited range of other compatible activities. Policy 17.2.1.3 suggests that working from home is a compatible activity if it is ancillary to and supportive of them, and it is consistent with objectives 2.3.2 and 2.4.3. Policy 17.2.1.4 suggests that the test for activities with slightly greater environment effects (such as community and leisure – small scale and veterinary services for large animals) is whether their activities are adequately mitigated in line with objectives 17.2.2, 17.2.3 and 17.2.4 The AEE demonstrates that the proposed activity meets both tests.
Objective 17.2.2 The potential for conflict between activities within the rural residential zones, and between activities within the rural residential zones and adjoining residential zones, is minimised through measures that ensure: - the potential for reverse sensitivity is minimised; and - a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces. Policy 17.2.2.3 Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites. Policy 17.2.2.4	Compliance with the performance standards for noise, light spill and hours of operation, as well as the proposed mitigation measures will ensure that the surrounding properties have a good level of amenity.

Require rural ancillary retail and working from home to operate in a way (including hours of operations) that avoids or, if avoidance is not practicable, adequately mitigates noise or adverse effects on the amenity of surrounding properties. Policy 17.2.2.5 Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation where any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not practicable, adequately mitigated.	
Objective 17.2.3 The character and amenity of the rural residential zones are maintained, elements of which include: a. a high presence of natural features such as trees, bush, gully systems and water bodies; b. a semi-rural level of development, with a higher proportion of open space and lower density of buildings than in urban areas; and c. land maintained and managed for farming, grazing, conservation and rural residential activities. Policy 17.2.3.1 Require buildings and structures to be set back from boundaries and of a height that maintains the character and visual amenity of the rural residential zones. Policy 17.2.3.3 Only allow rural tourism, rural research, community and leisure – large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation activities where any adverse effects from development on rural residential character and amenity will be avoided or, if avoidance is not practicable, adequately mitigated.	The proposal will not result in a level of development beyond that anticipated by the 2GP, and will maintain most of the site for small-scale rural activities such as grazing. From Abbotts Hill Rd and Abbotsford it will therefore appear to be a fairly typical rural residential site.
Objective 17.2.4 The productive potential of the rural residential zones for lifestyle blocks or hobby farms is maintained. Policy 17.2.4.4 Only allow general subdivision where resultant sites are of a shape and size that will enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid use purely as large lot residential living.	Although the proposal does not involve subdivision, the AEE demonstrates that it will enable the site to continue to be used for smalls-scale rural activities, including the keeping of livestock. It will therefore not result in the site being used purely as large lot residential living.

Overall, we consider that the proposal is consistent with the relevant 2GP objectives and policies.

8 SECTION 104D ASSESSMENT

Under s 104D, resource consent for a non-complying activity may only be granted if a consent authority is satisfied that the proposal will meet at least one of two gateway tests. These tests require that *either* the proposal's adverse effects on the environment will be no more than minor, *or* it is not contrary to the objectives and policies of the relevant plan and/or proposed plan.

The proposal's activity status is non-complying, so s 104D applies. Based on the above assessments, we conclude that the proposal's adverse effects on the environment will be no more than minor and it will not be contrary to the objectives and policies of the 2GP.

9 SECTION 104 ASSESSMENT

Additional matters that must be considered under s 104 of the RMA are discussed below.

9.1 Offsetting or compensation measures

S 104(1)(ab) of requires a consent authority to have regard to any measure proposed or agreed to by the applicant to offset or compensate for any adverse effects that the proposal will or may have on the environment. We do not propose any offsetting or compensation measures.

9.2 Relevant planning provisions

Sch 4 requires the proposal to be assessed against any relevant provisions of a document referred to in s 104(1)(b). The proposal has already been assessed against the relevant provisions of the NES-CS and 2GP. As the proposal is consistent with the relevant 2GP objectives and policies, we consider that there is no need to assess it against higher order planning documents.

9.3 Other matters

Section 104(1)(c) of the RMA requires a consent authority to have regard to any other matters it considers relevant and reasonably necessary to determine the application. There are no other relevant matters to consider.

A matter considered relevant here is whether granting consent will set a practical precedent that undermines the integrity of the 2GP.

Case law has established that the resource consent decisions set a practical precedent rather than a strict legal precedent, and that this is not an effect on the environment. Practical precedent therefore cannot be included in the AEE or a consent authority's s 104(a) assessment. However, if practical precedent is addressed by a relevant provision of a s 104(1)(b), it may be considered under this subsection. If not, it may still be considered under the catch-all s 104(1)(c). There are no 2GP provisions addressing practical precedent relevant to the proposal, so it should be considered under s 104(1)(c).

In this case, the proposal is non-complying because it involves a commercial activity not listed in rules 17.3.3.20–17.3.3.23 in the RR1 Zone. Although it does not contribute to the proposal's non-complying activity status, we also note that the proposed activity involves staff regularly visiting the site, as this is not provided for in the definition of working from home.

There are therefore two concerns regarding the potential for the proposal to set an undesirable precedent:

- Whether it will set a precedent for commercial activities other than those specifically provided for by rules 17.3.3.20–17.3.3.23 to be undertaken in the RR1 Zone.

- Whether it will set a precedent for working from home to be expanded to include larger-scale activities than the definition was intended to provide for.

Regarding the commercial activity, this is only considered appropriate because it will be a temporary activity that will soon become working from home, and because its effects are the same as this working from activity. This is a very specific set of circumstances that will not apply to most commercial activities.

Regarding the working from home activity, the applicant operates a relatively specialised business and only employs a small number of staff. Moreover, the effects of their visits to the site will be equivalent to those arising from working from home activities that involve retail. It will therefore be of a scale that can be considered 'ancillary' to the site's use as a principal place of residence. Additionally, it is not an office or retail activity that would be more appropriately located in the CBD or centres.

We therefore consider the proposal to be a true exception that is consistent with the objectives and policies of the 2GP and will not undermine its integrity.

10 PART 2 ASSESSMENT

Pt 2 of the RMA (ss 5–8) sets out the purpose and principles of the Act. S 5 identifies the purpose and s 6 outlines a number of matters of national importance that must be recognised and provided for. S 7 sets out other matters to be given particular regard by all persons exercising functions and powers under the RMA, and s 8 requires the principles of the Treaty of Waitangi to be taken into account.

Sch 4 of the Act requires all resource consent applications to assess proposals against the matters set out in pt 2. This requirement has been met by the above assessment of the proposal against the provisions of the relevant planning documents, which have been prepared in accordance with pt 2. Based on this assessment, we conclude that the proposal will achieve the purpose of the RMA.

11 CONCLUSION

The applicant seeks land use consent to provide for the existing activity on the site, being the storage of equipment for his business on the site and regular visits from staff collecting equipment. However, he also proposes that a number of mitigation measures are provided for as conditions of consent to minimise the activity's adverse effects. This will provide for a commercial activity for a period of no more than 30 months, until the applicant has erected a dwelling and lives onsite, at which point it will be considered a working from home activity.

The proposal has a **non-complying** activity status and requires **land use consent** for two distinct elements, initially the commercial activity (for no more than 30 months) and then the working from home activity. It is anticipated that the consent decision will separately specify the consented land use elements that apply to each activity, and that it will separately specify a number of consent conditions that relate to each activity. In particular, the consent decision is anticipated to require that the land use consent for the commercial activity will lapse at the first of i) a residential activity being implemented on the site (at which point the working from home consent will commence), or ii) the proposed 30-month limit is reached.

To summarise, land use consent is sought for the following activities-

- A (temporary) commercial activity not listed in rules 17.3.3.20–17.3.3.23 that contravenes the performance standards for width of driveways and the surfacing and marking of parking areas.
- An ongoing working from home activity that contravenes the restrictions on staff and their access to the site, and the performance standards for maximum gross floor area and the surfacing and marking of parking areas.

The proposed mitigation measures are expected to be imposed as conditions of consent. All of these will apply to the consent for the commercial activity, but the duration condition will not need to continue once the activity becomes working from home activity. The Table 4 below specifies which mitigation measures should be required on a temporary basis (as part of the commercial activity) and which should be applied on a permanent basis (as part of the working from home activity).

Table 4. Proposed mitigation measures that will apply to the commercial and working from home activities.

Proposed mitigation measure	Applies to commercial activity	Applies to working from home activity
The duration of the commercial activity (without being associated with a residential activity (i.e. working from home) does not exceed 30 months.	Yes	No
Vehicle movements do not exceed 20 per day.	Yes	Yes
Hours of operation is limited to 7.30 am to 7 pm in summer and 7.30 am to 6 pm in winter.	Yes	Yes
Outdoor storage is contained within an area of 100 m ² or less.	Yes	Yes
Outdoor storage and cars are set back at least 8 m from the site's eastern boundary.	Yes	Yes
No staff vehicles will be parked within the Abbotts Hill Rd road reserve.	Yes	Yes
No more than 4 staff vehicles will be parked onsite at any one time.	Yes	Yes
The new wooden fence and plantings alongside are to be maintained throughout the duration of the consent.	Yes	Yes

We consider that the proposal's adverse environmental effects are less than minor and have not identified any affected persons. Furthermore, the proposal is consistent with the relevant 2GP objectives and policies and granting consent will not undermine the integrity of the 2GP. We therefore believe it is appropriate for this application to be processed on a non-notified basis.

APPENDIX A SITE PHOTOS

The photos below were taken on 22 February 2022.



Figure 1. View along Abbotts Rd to the east (left) and west (right) of the site.



Figure 2. View of the site from Abbotts Hill Rd.



Figure 3. View of the main shed and driveway/parking area looking towards 110 Abbotts Hill Rd (left) and Abbotts Hill Rd (right). The portable shed is also visible in the photo on the right.



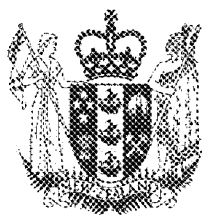
Figure 4. View of the site looking towards 128 Abbotts Hill Rd.



Figure 5. View of the fence and plants along the site's boundary with 128 Abbotts Hill Rd (left) and of the southern end of the site (right).



Figure 6. View of the equipment stored in the shed.



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




R. W. Muir
Registrar-General
of Land

Identifier 887652
Land Registration District Otago
Date Issued 30 July 2019

Prior References

OT15A/190

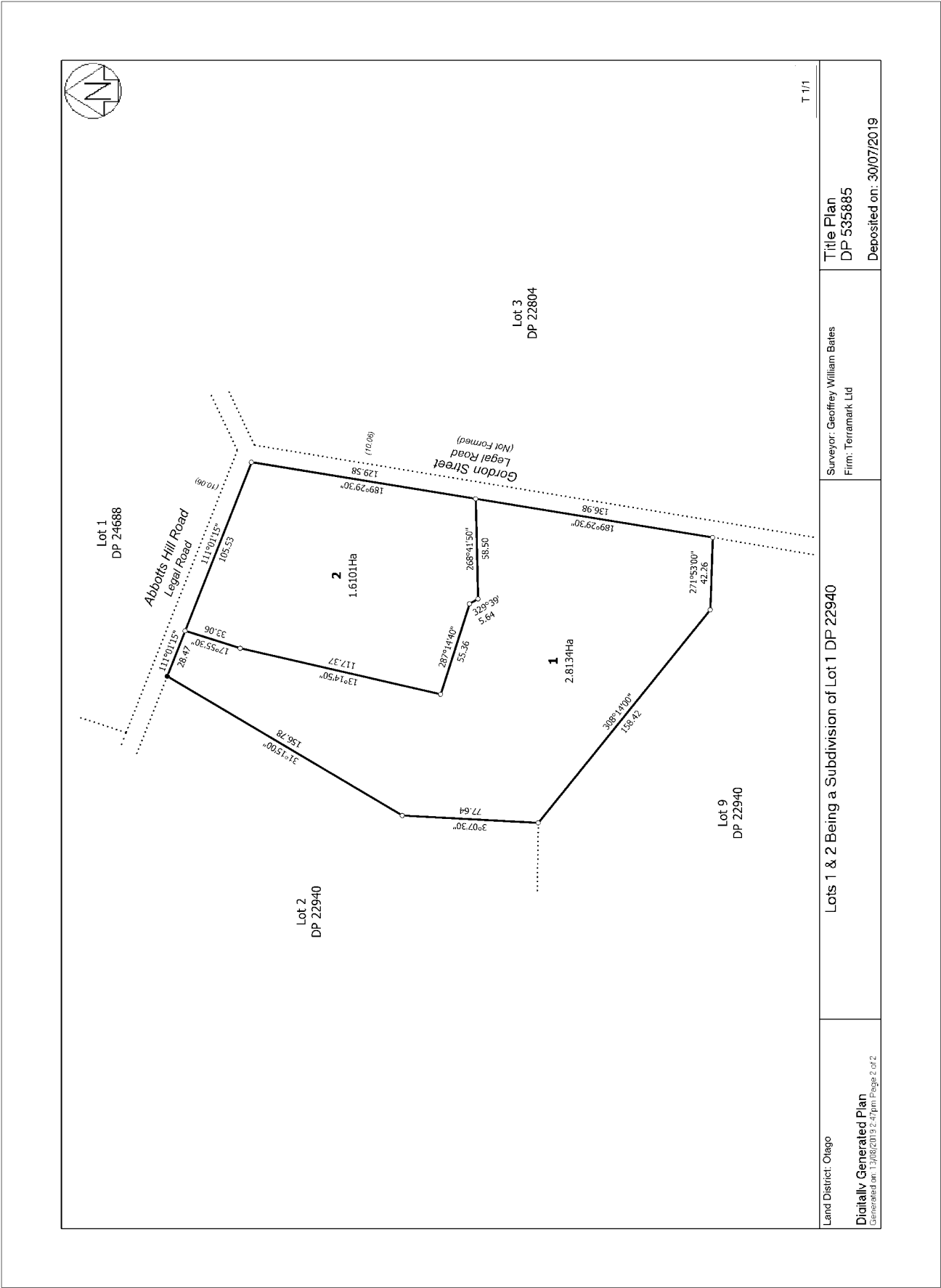
Estate	Fee Simple
Area	2.8134 hectares more or less
Legal Description	Lot 1 Deposited Plan 535885

Registered Owners

Callum George Bond and Stacey Mare Bond

Interests

Appurtenant hereto are rights of way over the road lines or streets shown on Deeds Plan 140 created by Conveyance 51224 (74/187) - 26.1.1881 at 12.00 pm
X14062 Memorandum of Acceptance imposing Building Line Restriction - 17.03.1952 at 10.00 am
11505034.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 30.7.2019 at 4:01 pm
11523475.3 Mortgage to ASB Bank Limited - 28.8.2019 at 5:11 pm

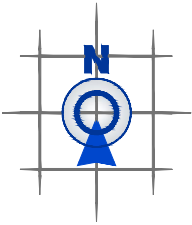


NOTES:

Positions in Terms of NZGD2000 North Taieri.
Boundaries shown RED are Survey Accurate.
Not all Surveyed points shown on plan for clarity.

LEGEND:

- Boundary
- Building
- Top Bank
- Edge Driveway
- Edge Concrete Slab
- Fence



ABBOTTS HILL ROAD

See sheet 2 for detail

#128 Abbots Hill Road

#124 Abbots Hill Road
Lot 1 DP 535885
RT:887652

183° 07' 30" - 77.64m

211° 15' - 156.78m

13° 14' 50" - 117.37m

107° 14' 40" - 55.36m

149° 39' - 5.64m

88° 41' 50" - 58.50m

9° 29' 30" - 136.98m

128° 14' - 158.42m

91° 53' - 42.26m

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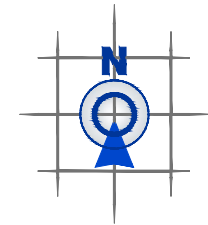
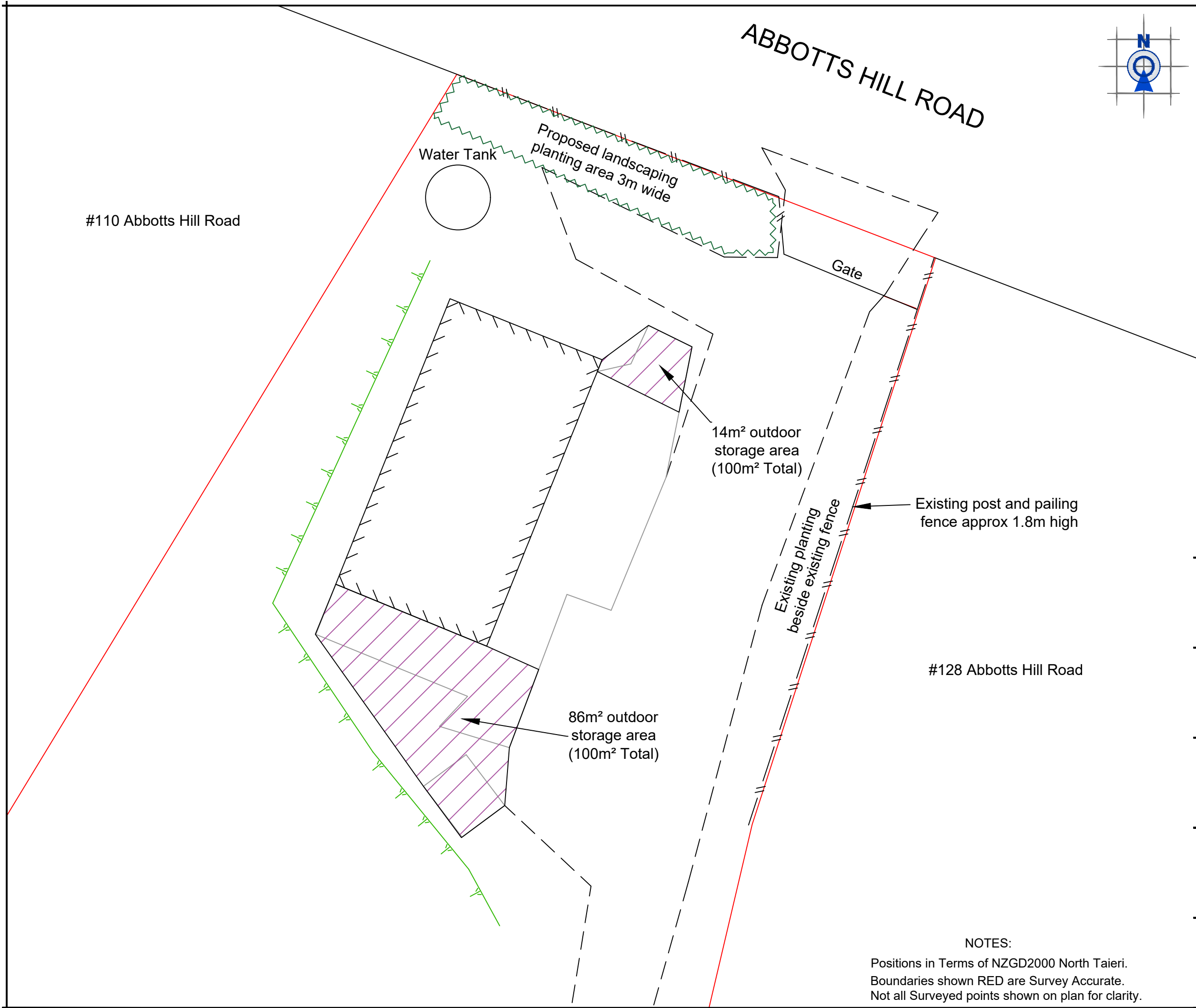
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Client/Location:
Callum Bond
124 Abbots Hill Road
Lot 1 DP 535885

Purpose/Drawing Title:
Overall Plan View

Surveyed by:	ARH	Original Size: A3	Scale: N.T.S.	
Designed by:	N/A		DO NOT SCALE	
Drawn by:	ARH			
Checked by:	KAB			
Approved by:	KAB			
Job Ref: D18197		Sheet No: 1 of 2	Revision No: 1	Date Created: 07/04/2022



LEGEND:

- Boundary
- Building
- Top Bank
- Edge Driveway
- Edge Concrete Slab
- Fence



SCALE BAR
1:200

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Client/Location:
Callum Bond
124 Abbots Hill Road
Lot 1 DP 535885

Purpose/Drawing Title:
Detail Plan

Surveyed by:	ARH	Original Size:	Scale:
Designed by:	N/A	A3	1:200
Drawn by:	ARH		
Checked by:	KAB		
Approved by:	KAB		DO NOT SCALE
Job Ref:	D18197	Sheet No:	2 of 2
		Revision No:	1
		Date Created:	07/04/2022

NOTES:
Positions in Terms of NZGD2000 North Taieri.
Boundaries shown RED are Survey Accurate.
Not all Surveyed points shown on plan for clarity.



27 April 2022
City Planning
Dunedin City Council
PO Box 5045
Dunedin 9054

Attn: Liz Lightbourne

RESPONSE TO REQUEST FOR FURTHER INFORMATION 124 Abbots Hill Rd – LUC-2022-117

This letter is provided in response to the request for further information on land use consent application LUC-2022-117, made on 30 March 2022.

The following supporting documents are attached:

- 124 Abbots Hill Rd site plan rev 1 (220407)

For any further information or discussion in respect of this application, please do not hesitate to contact the author below.

Yours faithfully,
PATERSON PITTS GROUP

Vyviene Evans
Planner

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T: 03-477-3245
E: vyviene.evans@ppgroup.co.nz

1 INTRODUCTION

We received a s 92 request for further information (RFI) on land use consent application LUC-2022-117 on March 30 2022. The RFI addressed several matters and we have grouped these under the headings below.

2 DESCRIPTION OF PROPOSAL AND CONSULATION

1. *Please provide an up-to-date site plan showing the location of all buildings onsite (including the container sized building), access, the location of the 100m² outdoor storage area, any fencing/landscaping proposed onsite as well as existing.*

Please find the attached site plan (rev 1, 220407), which shows key features of the site and the proposed activity, including those listed below.

- The shed (shown as 'building' on the plan)
- The concrete slab around the shed
- The driveway
- The fence along the eastern site boundary
- The existing planting strip beside the fence
- A proposed 3 m wide planting strip along the road boundary
- The proposed 100 m² outdoor storage area (separated into 86 m² and 14 m² storage areas)

The existing container-sized structure has not been shown, as it is relocatable, and will either be moved so that it is within the 100 m² outdoor storage area or removed from the site. We also note that as it is not permanently fixed to the ground it is not a building; the shed is the only existing building on the site.

3. *Given the above, please describe in more detail what takes place onsite on a day-to-day basis including:*
 - a. *Vehicle movements of staff arriving onsite - is this on a daily basis? Does the owner keep a log of visits to the site by staff? If there is a logbook of vehicle movements would this be reflective of activities taking place in the future?*
 - b. *Do the activities onsite involve picking up vehicles/equipment and then leaving the site or are there other activities that occur on the site as well i.e. equipment maintenance, cleaning/washing trucks/equipment, refuelling, loading/unloading of vehicles etc.*
 - c. *If there are activities that take place onsite that are described in (b), where does this take place (this could be shown on the site plan).*

The vehicle movements associated with staff moving to/from the site occur on a daily basis Monday to Friday. There is no logbook of vehicle movements, but future activities will be the same as those occurring currently.

The main activity on the site is picking up vehicles/equipment and leaving the site (and returning at the end of the day). Maintenance and washing down of vehicles/equipment do occur occasionally,

but not on a daily basis. When undertaken, these activities are located immediately in front (to the east) of the shed.

- Minor maintenance of vehicles/equipment is undertaken once per month on average.
- A ute, the truck or a digger (see below) are washed down occasionally. However, this is infrequent, partly because there is limited water available onsite.

Loading/unloading is undertaken in the sense that staff load and unload the equipment they need each day—this takes 1 hour per day on average. However, there is no regular loading/unloading of bulk materials as typically occurs at a contractor's yard.

No bulk storage of fuel or refuelling is undertaken onsite.

4. *What type of vehicles does the applicant anticipate that they will be using on-site (as this may have an effect on the long-term condition and use of the road)? Please provide comment on this.*
5. *Is there heavy machinery/ heavy vehicles stored onsite? If so, are there heavy vehicle movements to and from the site? At what time does this occur and how many heavy vehicle movements are there per day? Is there a generator and/or use of other 'noisy' equipment onsite? Can noise associated with the above be adequately controlled at its source? Is there a noise management plan proposed for the site which addresses controls for operating noise onsite and provides mitigation to surrounding neighbours? Please note, that based on the response to these questions we may seek that the applicant provides a noise assessment report by a suitably qualified person in terms of noise effects on surrounding properties, whether the activities can meet the permitted noise levels and any mitigation measures required onsite to mitigate noise effects.*

Most of the vehicles used onsite are utes—staff use these for their daily loading/unloading of equipment.

In terms of heavy vehicles/machinery, the applicant has 1 small truck, 2 small diggers and 2 skid steer loaders. The truck is therefore the only heavy vehicle, and its main purpose is to transport the heavy machinery to job sites and back. The frequency of its use varies depending on the type and number of jobs the applicant is working on, but on average there are 16 heavy vehicle movements per month. These heavy vehicle movements are included in the 20 vehicle movements per day (VPD) proposed in the original application. Additionally, when the truck and loaders are stored on site, they are occasionally used to load/unload heavy items.

The site has no existing power connection, and the applicant mostly relies on solar power (there are solar panels on the shed, which can be seen in Figure 2, in Appendix A of the original application). However, he still needs to run a generator for 1 hour per week on average; its noise generation is similar to that of a lawn mower. The applicant intends to buy a large power inverter to replace the generator. The only other 'noisy' equipment operated onsite is a petrol water blaster, which is used occasionally to wash vehicles/equipment as mentioned above.

All activities, including heavy vehicle movements and operation of noisy equipment, will be undertaken within the operating hours proposed in the original application. The heavy vehicle movements will typically occur at the start or end of the day, as they are associated with transporting heavy machinery to and from job sites. The noise associated with vehicle movements and noisy equipment can be controlled by the applicant/staff.

As the original application discussed, the traffic volume generated by the proposed activity will be no greater than the volume generated by working from home involving retail services, which is a permitted activity. In terms of noise, only the proposed heavy vehicle movements and noisy equipment differentiate the proposed activity from working from home. We consider these additional noise effects to be less than minor, due to the small number of heavy vehicle movements per month, the minimal operation of noisy equipment and the fact that the operation of the generator is temporary. Accordingly, no noise management plan has been proposed.

6. *Are there any management plans proposed in regard to limiting any dust effects onsite and/or vehicle movements?*

No, only the restrictions on the number of traffic movements and the planting strips, which will limit dust generation and movement, respectively.

7. *Please indicate where onsite lighting will be located (on the site plan) and confirm that it is fully shielded or cut off and directed away from adjacent properties.*

There are a few small motion-activated solar-powered security lights on the front (eastern) side of the shed. These are directed towards the ground in front of the shed—not at the adjacent properties. There is also a light on one security camera that is directed at the main gate, but this is very small and again is motion-activated. The lights have not been shown on the site plan as they are visible in photos included in the original application (Appendix A, Figure 2 and Figure 3).

8. *Is there any signage proposed onsite?*

No signage is proposed, as the activity is not public-facing.

9. *Please indicate (on the site plan) whether the outdoor storage area will be screened from the road as well as adjoining properties (I note that there is some fencing/proposed landscaping, but this should be shown on the site plan). Thought should also be given to landscaping along the front road boundary as a possible mitigation measure.*

Please see the attached site plan—as mentioned above, this shows both the existing planting strip along the fence, and a proposed planting strip along the road boundary. This will provide some screening of the outdoor storage area from the road.

10. *What consultation has been undertaken with adjoining neighbours?*

No consultation has been undertaken.

3 POLICY ASSESSMENT AND PRECEDENT DISCUSSION

2. *It is considered that the activity described in the application would best fit under the definition of an 'industrial activity' (contractors' yard) under the 2GP definitions. It is considered to fall outside of the 'working from home' definition given the scale of the activity i.e employing 5 staff that would not reside on the property. The future dwelling may be considered as part of the assessment as a mitigating factor in terms of effects on rural residential character and having onsite security in association with the business operating from the site. In light of this, please*

provide an update on the policy assessment provided in the application and 'precedent' discussion.

The 2GP definition of industry (an activity in the industrial activities category) includes the use of land and buildings for “depots for the storage and dispatch of vehicles, equipment, and/or materials, and the administration and dispatch of workers using these in the field.” We agree that the proposed activity meets the definition of industry (depot/contractor’s yard). All industrial activities have a non-complying activity status in the rural residential zones (rule 17.3.3.25).

An updated policy assessment is provided in Table 1 below, and based on this assessment we conclude that the proposal is still consistent with the objectives and policies of the 2P. We note that no policies specifically address industrial activities in the rural residential zones.

Table 1. Assessment of the proposal against the relevant objectives and policies of the 2GP.

Objectives and policies	Assessment
Objective 2.2.2 Dunedin reduces its reliance on non-renewable energy sources 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. Policy 2.2.2.1.a 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 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.	The site does not contain highly productive soils. Nevertheless, it will continue to have sufficient area for small-scale rural activities (such as grazing livestock) to be undertaken.
Objective 2.2.6 The risk to people's health and safety from contaminated sites, hazardous substances, and high levels of noise or emissions is minimised. Policy 2.2.6.1.e Protect people from noise, light or offensive emissions that may create adverse effects on health or well-being through rules that restrict the level of noise and light spill from activities and development to safe levels depending on the nature of the receiving environment (zone). Policy 2.2.6.2.a Manage the risk posed by the storage and use of hazardous substances to an acceptable level through rules that limit the quantity of different hazardous substances that may be used in different environments (zones).	The proposal complies with the performance standards for noise and light spill. No bulk storage of fuel or refuelling is proposed. Any storage of hazardous substances stored onsite will be undertaken in accordance with the relevant performance standards.
Objective 2.3.2 Dunedin has a hierarchy of vibrant centres anchored around one CBD, which provides a focus for economic and employment growth, driven by:	The scale of the proposed activity is small and it is unlikely to contribute to the vibrancy of the CBD and centres.

a. attraction of businesses to these areas based on the high level of amenity and density of activity in the area; b. opportunities for social interaction, exchange of ideas and business cooperation; c. public investment in public amenities and other infrastructure in the CBD; and d. opportunities for agglomeration benefits from the co-location of activities. Policy 2.3.2.2.a Maintain or enhance the density and productivity of economic activity in the CBD and centres through rules that restrict retail and office activities outside these areas unless they are unlikely to contribute to, or may detract from, the vibrancy of centres.	
Objective 2.4.3 Dunedin's CBD is a strong, vibrant, attractive and enjoyable space that is renowned nationally and internationally for providing the highest level of pedestrian experience that attracts visitors, residents and businesses to Dunedin. It is supported by a hierarchy of attractive urban and rural centres. Policy 2.4.3.4 Maintain or enhance the vibrancy and density of activity in the CBD and centres through rules that restrict the distribution of retail and office activity.	The proposed activity is not an office or retail activity—as it primarily involves storage, the CBD and centres are not the appropriate location for it.
Objective 6.2.3 Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public. Policy 6.2.3.3 Require land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network. Policy 6.2.3.4 Require land use activities to provide the amount of parking necessary to ensure that any overspill parking effects, that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated. Policy 6.2.3.9 Only allow land use and development activities or subdivision activities that may lead to land use or development activities, where: a. adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated; and b. any associated changes to the transportation network will be affordable to the public in the long term.	No changes to the transport network that require public funding are proposed. Adequate parking will be provided onsite to prevent overspill parking effects on Abbotts Hill Rd and the surrounding properties.
Objective 6.2.4 Parking areas, loading areas and vehicle accesses are designed and located to:	The width of the driveway and surfacing of the parking area are appropriate for the type and volume of traffic generated by the

a. provide for the safe and efficient operation of both the parking or loading area and the transport network; and b. facilitate the safe and efficient functioning of the transport network and connectivity for all travel modes. Policy 6.2.4.1.e Require parking and loading areas, including associated manoeuvring and queuing areas, to be designed to ensure that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths. Policy 6.2.4.2 Require driveways to be designed to ensure that: a. the surfacing and gradient of the driveway allows it to be used safely and efficiently; b. mud, stone, gravel or other materials are unlikely to be carried onto hard surfaced public roads or footpaths; c. the width of the driveway is sufficient to allow the type and number of vehicles (including emergency vehicles), likely to be using it to do so safely and efficiently; and d. sufficient distance is provided between shared driveways and dwellings.	proposal and Abbotts Hill Rd, which is a Local Road and is not hard surfaced.
Objective 9.2.2 Land use, development and subdivision activities maintain or enhance people's health and safety. Policy 9.2.2.1 Require activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant. Policy 9.2.2.4 Require activities to be designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant.	The proposal complies with the performance standards for noise, light spill, and hours of operation, and fencing/vegetation along the site boundaries will buffer the adjoining sites from these effects.
Objective 11.2.1 Land use and development is located and designed in a way that ensures that the risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in the short to long term. Policy 11.2.1.12 In all hazard overlay zones, the swale mapped area, the dune system mapped area, or in any other areas that the DCC has information to suspect there maybe risk from a natural hazard, only allow subdivision activities where there is a reasonable level of certainty that any future land use or development will meet Policies 11.2.1.1–11.2.1.11.	There are no natural hazards associated with the northern end of the site, and future residential activity at its southern end will be managed so that it is at no more than low risk of land instability.
Objective 17.2.1 The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur and provide for a limited range of other compatible activities. Policy 17.2.1.2	The proposal will ultimately result in the site being occupied by a single dwelling at its southern end and the proposed depot/yard at its northern end. It will therefore result in residential activity at a density anticipated by the 2GP.

Require residential activity in the rural residential zones to be at a density that enables lifestyle blocks and hobby farms. Policy 17.2.1.5 Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, and visitor accommodation where the effects will be adequately managed in line with objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones.	Regarding the depot/yard component, policy 17.2.1.5 suggests that activities that are generally less compatible with small-scale rural activities are acceptable where their effects are managed in line with objectives 17.2.2, 17.2.3 and 17.2.4. These address the potential for conflict between activities, rural residential character and amenity and the productive capacity of rural residential zones, respectively. The proposal is assessed against these objectives and policies below, and is considered to be consistent with all of them.
Objective 17.2.2 The potential for conflict between activities within the rural residential zones, and between activities within the rural residential zones and adjoining residential zones, is minimised through measures that ensure: a. the potential for reverse sensitivity is minimised; and b. a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces. Policy 17.2.2.3 Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites. Policy 17.2.2.5 Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation where any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not practicable, adequately mitigated. Policy 17.2.2.6 Require forestry and shelterbelts and small woodlots to be set back an adequate distance to avoid or minimise, as far as practicable, significant effects from shading on residential buildings on surrounding properties. Policy 17.2.2.7 Only allow forestry where it will be located and designed to avoid or, if avoidance is not practicable, adequately mitigate shading, noise, traffic, and other nuisance effects on sensitive activities on surrounding properties.	Policies 17.2.2.5–17.2.2.7 suggest that a good level of amenity can be ensured if an activity avoids or adequately mitigates adverse effects on amenity, including shading, noise, traffic and other nuisance effects. The shed complies with the relevant performance standards. It will therefore have no adverse effects on the amenity of adjoining sites, including with respect to shading. The original application concluded that compliance with the performance standards for noise, light spill and hours of operation, as well as the proposed mitigation measures will ensure that the surrounding sites and Abbotsford Rd enjoy a good level of amenity. We consider that the additional information provided above demonstrates that the onsite lighting is minimal and the noise effects of the proposed activity will be less than minor. The additional planting strip along the road boundary will also help to maintain a good level amenity on Abbotsford Rd. We therefore still conclude that it will ensure that the surrounding environment enjoys a good level of amenity.

Objective 17.2.3 The character and amenity of the rural residential zones are maintained, elements of which include: a. a high presence of natural features such as trees, bush, gully systems and water bodies; b. a semi-rural level of development, with a higher proportion of open space and lower density of buildings than in urban areas; and c. land maintained and managed for farming, grazing, conservation and rural residential activities. Policy 17.2.3.1 Require buildings and structures to be set back from boundaries and of a height that maintains the character and visual amenity of the rural residential zones. Policy 17.2.3.2 Only allow forestry where it will be located, designed, and managed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the character and visual amenity of the rural residential zones. Policy 17.2.3.3 Only allow rural tourism, rural research, community and leisure – large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation activities where any adverse effects from development on rural residential character and amenity will be avoided or, if avoidance is not practicable, adequately mitigated.	The character and amenity of the rural residential zones is enjoyed by those living in it, and the RR1 Zone specifically provides a rural or semi-rural context for nearby residential and urban areas—in this case, the suburb of Abbotsford. The proposal will not result in a level of development beyond that anticipated by the 2GP, and will maintain most of the site for small-scale rural activities such as grazing. From Abbotts Hill Rd and Abbotsford it will therefore appear to be a fairly typical rural residential site—it is not uncommon in rural residential zones for a shed and some vehicles/ equipment to be visible from the road. Policies 17.2.3.2 and 17.2.3.3 suggest that an activity will maintain the character and amenity of the rural residential zones if it avoids or adequately mitigates adverse effects on it. As discussed above, the proposal’s adverse effects on noise will be less than minor, and the same is true regarding other aspects of amenity. The proposal will therefore meet this test.
Objective 17.2.4 The productive potential of the rural residential zones for lifestyle blocks or hobby farms is maintained. Policy 17.2.4.4 Only allow general subdivision where resultant sites are of a shape and size that will enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid use purely as large lot residential living.	Although the proposal does not involve subdivision, the original application explained that the site will still be able to be used for small-scale rural activities, including the keeping of livestock. This is supported by the site plan, which clearly shows the proposed industrial activity will leave the vast majority of the site area free. The proposal will therefore not result in the site being used purely as large lot residential living.

Regarding precedent, the proposed activity is now non-complying because it involves an industrial activity in the RR1 zone.

The introduction to section 17 states that the purpose of the rural residential zones is provide an appropriate location for small-scale rural activities. They “allow for residential activity at a scale consistent with lifestyle or hobby farming, along with those rural and community activities that are consistent with the level of amenity expected by people living in these areas. Non-compatible

activities in rural residential zones are discouraged or carefully managed in recognition that these can adversely affect the liveability and amenity of the zones.”

Industrial activities would generally be considered non-compatible. However, the proposed activity is not a typical example of a depot/contractor’s yard, as it is a very small-scale activity, involving only 20 VPD (including 16 heavy vehicle movements per month), operation of a generator for 1 hour per week on average (until the applicant purchases a power inverter), occasional operation of a petrol water blaster and of the truck/loaders to load/unload heavy items.

In contrast, depots/yards typically involve frequent operation of generators and heavy machinery (e.g. loading/unloading bulk materials), as well as onsite construction and a large number of vehicle movements, including daily heavy vehicle movements. The proposed industrial activity will therefore generate significantly less noise and traffic than a typical depot/contractor’s yard.

Although the proposed activity is no longer considered to be ‘working from home’, it is still relevant to note that the effects of the staff visits to the site will be similar to those arising from working from home involving retail, and the storage component of the activity would be a permitted activity as outdoor storage. The actual effects of the activity will therefore be similar to activities that are anticipated in the RR1 Zone—as mentioned above, the only difference will be the heavy vehicle movements and operation of noisy equipment, which will have less than minor adverse effects on noise.

Consequently, the activity is only appropriate due to a specific set of features that mean it will have less than minor adverse effects on the liveability and amenity of the RR1 Zone. This creates a test that typical depots/contractor’s yards will not be able to meet.

We therefore consider the proposal to be a true exception that is consistent with the objectives and policies of the 2GP and will not undermine its integrity.

4 PROPOSED MITIGATION MEASURES

The proposed mitigation measures have been updated to reflect the information above.

- The industrial activity will cease if a residential activity is not established on the site within 30 months.
- Vehicle movements do not exceed 20 per day (including up to 16 heavy vehicle movements per month).
- Hours of operation are limited to 7.30 am to 7 pm in summer and 7.30 am to 6 pm in winter.
- Outdoor storage is contained within an area of 100 m² or less.
- Outdoor storage and cars are set back at least 8 m from the site’s eastern boundary.
- No staff vehicles will be parked within the Abbotts Hill Rd road reserve.
- No more than 4 staff vehicles will be parked onsite at any one time.
- A 3 m wide strip along the road boundary will be planted.
- The wooden fence and planting strips are to be maintained throughout the duration of the consent.

Resource Consent Affected Person(s) Written Approval Form

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

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

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

I/We (full names): JAN ELIZABETH MCKNIGHT & DANIEL JAMES BILVER

Being the: ☐ Owner and Occupier ☒ Owner ☐ Occupier

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

110 ABBOTTS HILL ROAD

ABBOTSFORD

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

to (description of proposed activity): undertake the industrial activity described by the following documents:

'Affected persons information sheet - 124 Abbots Hill Rd' dated 26/05/22

Site plan rev 1 dated 07/04/22 containing 'overall plan view' (sheet 1) and 'detail plan' (sheet 2)

on the following property (address of application site): Lot 1 DP 535885/124 Abbots Hill Rd, Abbotsford, Dunedin 9018

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

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

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

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

Signed: J McKnight [Signature]

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

Date: 27/5/2022 Telephone: 0275421525

Contact person (name, and designation if applicable):

Postal address: 110 Abbots Hill Road, Abbotsford, Dunedin

Email address: fallowridge@outlook.com Telephone: 0275421525

Method of service: ☒ Email ☐ Post ☐ Other

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

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



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

Introduction

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

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

Why is your written approval required?

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

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

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

What should you do?

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

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

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

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

Please note that:

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

Important information

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

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

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

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

For further information

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

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

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

Resource Consent Affected Person(s) Written Approval Form

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

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

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

I/We (full names): Graham Edward Osborne, Tania Moy Osborne

Being the: ☐ Owner and Occupier ☒ Owner ☐ Occupier

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

115 Abbots Hill Road
Abbotsford

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

to (description of proposed activity): undertake the industrial activity described by the following documents:

'Affected persons information sheet - 124 Abbots Hill Rd' dated 26/05/22

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on the following property (address of application site): Lot 1 DP 535885/124 Abbots Hill Rd, Abbotsford, Dunedin 9018

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

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

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

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

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

Date: 8-6-22 Telephone: 0274 351 059

Contact person (name, and designation if applicable): Graham Osborne

Postal address: 115 Abbots Hill Road Abbotsford

Email address: graham@cabedalco.co.nz Telephone: _____

Method of service: ☒ Email ☐ Post ☒ Other: Phone call

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

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



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Why is your written approval required?

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

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

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

What should you do?

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

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

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

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

Please note that:

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

Important information

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

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

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

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

For further information

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

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

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





MARSHALL DAY
Acoustics 

124 ABBOTTS HILL ROAD
NOISE ASSESSMENT

Rp 001 20220543 | 30 September 2022

Project: **124 ABBOTTS HILL ROAD**

Prepared for: **Callum Bond Rigging and Construction Ltd**
124 Abbotts Hill Road
Abbotsford
Dunedin 9016

Attention: **Callum Bond**

Report No.: **Rp 001 20220543**

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Document Control

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TABLE OF CONTENTS

1.0	SUMMARY.....	4
2.0	SITE DESCRIPTION.....	4
2.1	Short periods of noisy activity occur on the site	4
2.2	The site is in a 'Rural Residential' zone	5
3.0	NOISE PERFORMANCE STANDARDS	5
4.0	NOISE LEVEL ASSESSEMENT	6
4.1	Noisy activity was identified	6
4.2	The calculated rating level exceeds the daytime noise limit by 3 dB	7
4.3	Activity on the site can comply with noise limits if the fence is upgraded	7
5.0	ASSESSMENT OF NOISE EFFECTS.....	8

APPENDIX A GLOSSARY OF TERMINOLOGY

APPENDIX B NOISE MEASUREMENT RESULTS

1.0 SUMMARY

We have assessed the noise emissions from 124 Abbotts Hill Road, which is used as a storage area by Callum Bond Rigging and Construction Ltd. The business owner has been asked to provide a noise assessment by the Dunedin City Council (DCC) to confirm compliance with the relevant noise limits and determine the noise effects of the operation of the site.

We have measured the noisy activity that takes place on the site and calculated the noise level at the closest receiver location (128 Abbotts Hill Road) based on a “worst-case” 15 minute period. The calculated rating level without any mitigation exceeds the daytime noise limit of 55 dB L_{Aeq} by 3 decibels.

We recommend upgrading the existing timber fence to form an acoustically effective barrier. This could be achieved by adding overlapped palings to close the gaps. With an effective noise barrier, the calculated rating noise level at 128 Abbotts Hill Road is 50 dB L_{Aeq} , which is 5 decibels below the daytime noise limit.

We consider that, based on compliance with the noise limits (with an effective noise barrier) and the limited duration of activity on the site during the day, the noise effects from the operation would be reasonable for the Rural Residential area.

2.0 SITE DESCRIPTION

The site is located in a rural/residential area above the suburb of Abbotsford. The surrounding sites are generally small rural farm blocks with dwellings and paddocks. The sites are sloping to the south with views over Abbotsford to the motorway (SH1).

2.1 Short periods of noisy activity occur on the site

The ‘Affected persons information sheet’ prepared by Paterson Pitts Group provides a summary of activity on the site. We have also discussed the current usage of the site with the site operator.

The site is used for storage and maintenance of earthworks equipment including small excavators and skid steer loaders. An example of a typical noisy activity includes manoeuvring a truck on the site and driving the excavator or loader on or off the truck (see Figure 1).

Figure 1: Excavator driving off truck



Other activities include movements of utility vehicles and activity in the workshop.

Activity on site occurs for short periods – typically not more than an hour at a time – as equipment is loaded or unloaded. This occurs between 7:30am and 7pm, which puts it in the “daytime” period for the relevant noise rule (see Section 3.0). No noisy activity occurs on the site for most of the day.

2.2 The site is in a ‘Rural Residential’ zone

The site and most of the surround sites are zoned ‘Rural Residential 1’ in the Dunedin City Council Second Generation District Plan – Appeals version (2GP). Figure 2 shows the zone of the sites in the area.

The site adjacent to the south-eastern boundary of 124 Abbotts Hill Road is zoned ‘Hill Slopes Rural’. However, there are no noise sensitive activities on this site and there is currently no noisy activity conducted near this boundary.

Figure 2: 2GP Zones



3.0 NOISE PERFORMANCE STANDARDS

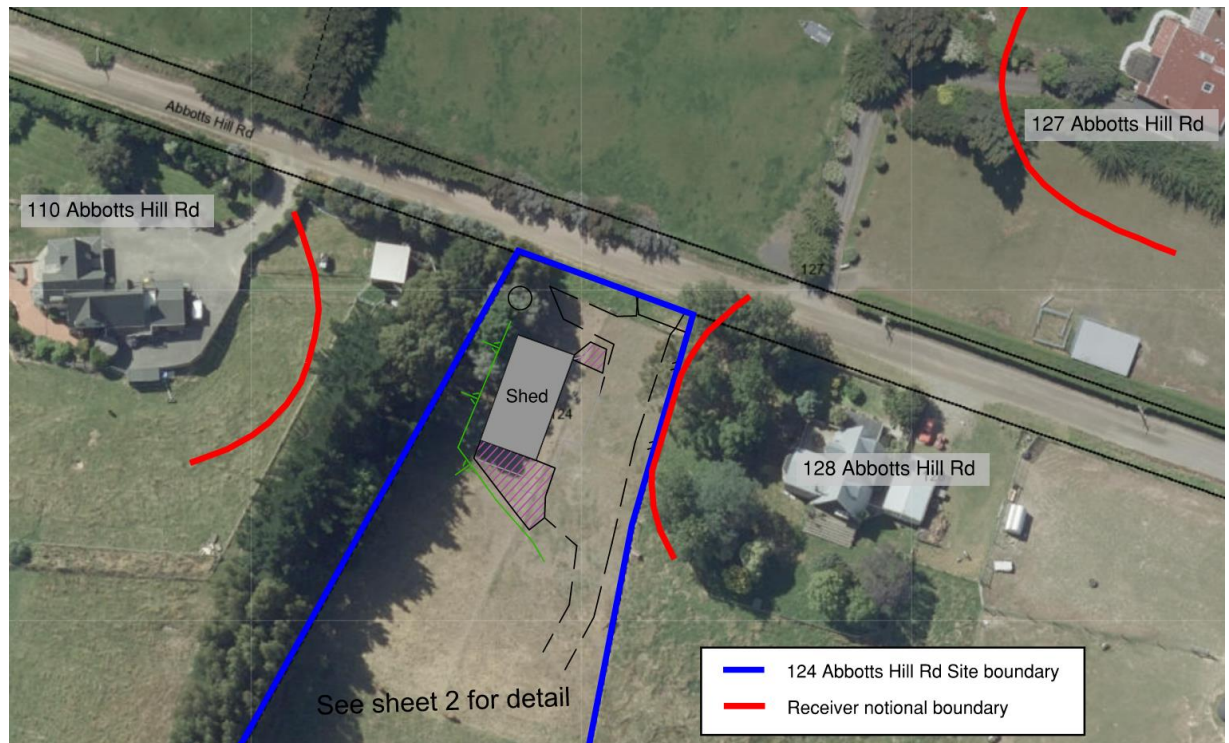
The relevant noise limits for activity on the site are contained in Section 9.3.6 (2) of the 2GP. These are summarised in Table 1.

Table 1: 2GP noise limits

Zone of receiving property	Noise limit		
	Daytime (7am-7pm)	Evening (7pm-10pm)	Night-time (10pm-7am)
Rural Residential 1, Hill Slopes Rural	55 dB LAeq (15 min)	50 dB LAeq (15 min)	40 dB LAeq (15 min) 70 dB LAfmax

The noise limits in Table 1 apply at the notional boundary of the nearby dwellings. The notional boundary is defined as “a line 20m from any side of a residential building, or the site boundary where this is closer to the residential building”. The notional boundary for the nearby dwellings is indicated in Figure 3.

Figure 3: Nearby receivers



4.0 NOISE LEVEL ASSESSEMENT

We have calculated the rating level (L_R) at the closest site boundary and assessed this against the relevant noise limits in the 2GP and the magnitude and character of noise expected in a Rural Residential area.

4.1 Noisy activity was identified

We have conducted noise measurements of the noisy activity that takes place on the site. We visited the site on 22 August 2022 from 08:30am to 09:30am. During this visit, the site operator conducted the activities that were identified as the generating the greatest levels of noise. We measured the following activities:

Table 2: Measured activities

Activity	Description
Unloading equipment from truck	Truck moved from accessway and reversed up to the unloading pad. Small excavator was driven off the back of the truck and moved around accessway to park in the equipment storage area.
Utility vehicle movements	Ute turning around on the accessway and driving off the site.
Handheld blower	Handheld blower operated in the shed for cleaning floors
Grinding in workshop	Grinding of steel plate at the workbench in the workshop. Workshop doors open.
Loader operating	Loader started up, idled and engine revved to simulate use

The activities were selected based on the summary of activity in the 'Affected persons information sheet' prepared by Paterson Pitts Group, and through discussion with the site operator.

The results of the noise measurements are presented in Appendix B.

4.2 The calculated rating level exceeds the daytime noise limit by 3 dB

We have calculated the rating level at the closest boundary with 128 Abbotts Hill Road. The rating level is based on a 15 minute period that includes the following activity:

- Unloading one item of equipment from truck
- 2 utility vehicle movements on the site
- Loader operating for 5 mins

We understand that this scenario represents a “worst case” 15 minute period. During most of the day there will be significantly less activity on the site – noisy activity will occur for less than 30% of the daytime period. Based on this, it is appropriate to apply a -5 decibel duration adjustment, in accordance with NZS 6802:2008 ‘*Environmental noise*’ (NZS 6802).

We do not consider that the noisy activities measured on site included any special audible characteristics that would require a +5 decibel adjustment, in accordance with NZS 6802.

The calculated rating level at the closest boundary is 58 dB L_R . This is 3 decibels higher than the daytime noise limit of 55 dB $L_{Aeq}(15 \text{ min})$.

We note that a full day of noisy activity, such as grinding, in the workshop may also exceed the noise limit. However, we understand that this situation does not occur.

4.3 Activity on the site can comply with noise limits if the fence is upgraded

To reduce the rating noise level to 128 Abbotts Hill Road, we recommend that the existing fence is upgraded to provide an effective noise barrier. The fence currently has gaps between the palings that reduce its effectiveness as a noise barrier. These gaps may be covered with overlapping palings. Figure 4 indicates the area where the fence should be upgraded.

Figure 4: Recommended upgraded fence



We predict that this would provide a 7-8 decibel reduction in noise to 128 Abbotts Hill Road. Based on this, the rating noise level would be 50 dB L_R which comfortably complies with the daytime noise limit of 55 dB $L_{Aeq}(15 \text{ min})$.

5.0 ASSESSMENT OF NOISE EFFECTS

We have recommended that the existing boundary fence is upgraded to reduce noise to 128 Abbotts Hill Road. With an effective barrier in place, we predict that the noise level from the 'worst case' 15 minute period used in our assessment would be 55 dB $L_{Aeq(15\text{ min})}$ and the duration adjusted rating noise level would be 50 dB L_R .

The average noise level throughout the daytime period from activity on the site would be considerably less than this, but NZS 6802 only allows a maximum duration adjustment of 5 decibels from the worst case 15 minute period to the rating noise level.

During our site visit, we measured the residual noise level (noise without the activity on the site) in the area. The measured noise level was 47 dB L_{Aeq} . This included noise from distant traffic, dogs, and birds.

The duration of noisy activity during the daytime period is relatively short. During these periods, noise from activity is likely to be audible at the neighbouring site. However, with an effective barrier in place, noise levels in outdoor areas will be 55 decibels or less and internal noise levels in the dwelling at 128 Abbotts Hill Road would be less than 35 dB L_{Aeq} (assuming partially open windows).

The character of the noise sources on the site (vehicles and equipment) is consistent with agricultural machinery and is not unreasonable for the rural residential environment.

Based on this, we consider that, with the inclusion of an effective noise barrier, noise effects from the current operation are reasonable.

APPENDIX A GLOSSARY OF TERMINOLOGY

A-weighting	A set of frequency-dependent sound level adjustments that are used to better represent how humans hear sounds. Humans are less sensitive to low and very high frequency sounds. Sound levels using an “A” frequency weighting are expressed as dB LA. Alternative ways of expressing A-weighted decibels are dBA or dB(A).
dB	Decibel. The unit of sound level.
LAeq	The equivalent continuous A-weighted sound level. Commonly referred to as the average sound level and is measured in dB.
Noise	A subjective term used to describe sound that is unwanted by, or distracting to, the receiver.
Notional boundary	A line 20 metres from any side of a dwelling, or the legal boundary where this is closer to the dwelling. This definition is from NZS 6802:2008.
Rating level	A derived level used for comparison with a noise limit. Takes into account any and all corrections described in NZS 6801 and NZS 6802, e.g. duration, special audible character, residual sound etc. This definition is from NZS 6802:2008.
Residual sound	The total sound remaining at a given position in a given situation when the specific sounds under consideration are suppressed or are an insignificant part of the total sound. This definition is from NZS 6802:2008.
Special audible characteristics	Distinctive characteristics of a sound that make it more likely to cause annoyance or disturbance. A penalty of up to 5 decibels can be applied when assessing sounds with SAC Examples are tonality – a hum or a whine) and impulsiveness – bangs or thumps.

APPENDIX B NOISE MEASUREMENT RESULTS

Table 3: Measured noise levels

Activity	Distance to measurement position	Duration of measurement	Sound pressure level (L _{Aeq})
Background level (no activity)	N/A	5 mins	47 dB
Unloading equipment from truck	9m	6 mins	68 dB
Utility vehicle movements	5m	25 sec	62 dB
Handheld blower	14m (to door of shed)	1 min	60 dB
Grinding in workshop	14m (to door of shed)	2 mins	60 dB
Loader operating	4m	12 sec	71 dB