

**Central Otago District Council**  
**Report of Planning Officer**

<b>APPLICATION</b>	<b>RC 240033</b>
<b>APPLICANT</b>	<b>NATASHA WILLIAMS</b>
<b>ADDRESS</b>	<b>353 DUNSTAN ROAD, ALEXANDRA</b>
<b>LEGAL DESCRIPTION</b>	<b>LOT 1 DP 316193 (HELD IN RECORD OF TITLE 63278).</b>
<b>ACTIVITY DESCRIPTION</b>	<b>LAND USE CONSENT FOR SECOND DWELLING IN THE RURAL RESIDENTIAL AREA IN THE RURAL RESOURCE AREA (RURAL RESIDENTIAL). BREACH OF MAXIMUM HEIGHT STANDARD AND OF THE SKYLINE.</b>
<b>ACTIVITY STATUS</b>	<b>DISCRETIONARY</b>

## **BACKGROUND**

The site was created by RC 010118. No consent notice conditions were imposed on this lot as a result of this subdivision.

## **DESCRIPTION OF ACTIVITY**

The application seeks land use consent for a second residential dwelling in the Rural Residential Area (Rural Residential) at 353 Dunstan Road, Alexandra. The application proposes that the second dwelling be limited to use by family members of the consent holder. Specifically, the application identifies the applicant's parents as the likely occupants.

The proposed dwelling has three bedrooms over two storeys, with a maximum height of 9.1m above ground level. For completeness, I note that the applicant has assessed the application on the basis of the dwelling being 8.6m high. However, the chimney has a width over 750mm, and is, therefore, not exempted from Council's definition of height. 8.6m is the height to the roofline, with the chimney adding an additional 0.5m. When prompted to amend their application to reflect the actual height, the applicant opted not to do so.

Page 12 of the application states the floor area of the building as 150m<sup>2</sup>. This appears to be an error, based on the plans provided in support of the application. The applicant was invited to respond to this discrepancy as part of a broader request for further information. A landscape assessment from Mr Richard Tyler provided in support of the application in response to this request indicated that the floor area was 292m<sup>2</sup>. My measurement of the floor area of the proposed dwelling is provided below:

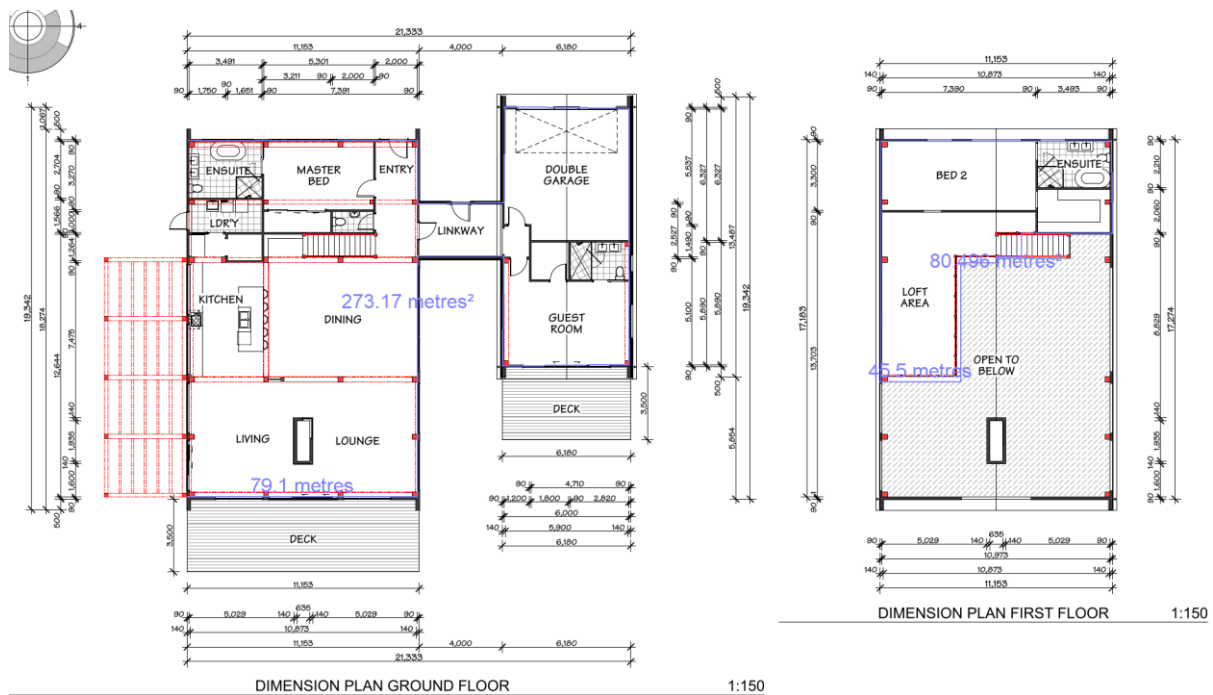


Figure One: Floor plan provided with the application annotated with floor area measurements. Measured in Objective Trapeze. Page scale set to 1:150. Total floor area based on this measurement is 353.66m<sup>2</sup>. Calculating the area of the building based on the dimensions provided on the plan (Internal floor area only, excluding wing walls) returns an area of 368.1m<sup>2</sup>.

For the purpose of this application, I will assume the floor area is in the vicinity of 368m<sup>2</sup>, being that based on the building dimensions specified on the plans provided by the applicant. For comparison, the existing dwelling on the lot has an area of approximately 170m<sup>2</sup>.

The exterior of the dwelling is proposed to be clad in a mixture of stained timber, plaster and schist veneer, with a corrugated iron roof. The roof is proposed to be coloured “Flaxpod” a dark grey with a reflectivity value of 6%. The applicant has not specified colours for the timber stain or plaster, only noting that they would be chosen to comply with Rule 4.7.6D.a of the Plan.

Domestic water is proposed to be provided from the Dunstan Water Scheme, with wastewater and stormwater proposed to be managed on-site. Access to the site is proposed to be from the existing vehicle crossing onto Dunstan Road.

The application considers that the proposed dwelling will not breach the skyline from public view. This conclusion is reached having regard to profile poles erected on the site. During a site visit, I observed that one pole, lying on the ground, was approximately, 8.2m in height (Figure Two), some 30-40cm below the apex of the roof. The poles that remained standing were barely below the skyline when viewed from Dunstan Road adjacent to the site. During a second site visit, I measured the standing poles and stood the third pole up. The standing poles have a height of 4.8m (Figure Three). When the 8.2m high pole was stood up, significant skyline breaches were observed from Dunstan Road (Figure Four). When standing on the Rail Trail, the 8.2m tall pole was back below the skyline (Figure Five). For completeness, the profile pole is approximately 0.4m shorter than the roofline of the dwelling, and 0.9m shorter than the chimney. The pole was also bending noticeably during my site visit. Therefore, the actual building would be taller, again, than shown in Figures Four and Five. I consider that the proposed dwelling will breach the skyline when viewed from Dunstan Road.



Figure Two: Measurement of profile pole found lying on ground



Figure Three: Measurement of smaller poles that were visible standing on the site.



Figure Four: Photo from Dunstan Road showing the 8.2m tall profile pole erected on the site. The top of the pole is circled in red. Note that the pole is bent. The actual roofline of the dwelling will be higher than the top of the pole.



Figure Five: Photo of site from the Otago Central Rail Trail with 8.2m high pole standing. Top of pole highlighted by red circle.

## SITE DESCRIPTION

The application site has an area of 2.5175 hectares, and fronts Dunstan Road to the south-west. On the far side of Dunstan Road, the Otago Central Rail Trail also runs past the site. The southwestern parts of the site are mostly flat, rising up to a terrace that backdrops the site to the north-east. The site contains an existing dwelling, constructed in the 1980's, and accessory buildings. Much of the site is planted in exotic vegetation.

## REASONS FOR APPLICATION

### Central Otago District Plan

The subject site is located within the Rural Resource Area (Rural Residential) of the Central Otago District Plan (the District Plan). There are no other annotations for the site.

Residential activity where there would be more than one residential activity on a site breaches Rule 4.7.2.i.b of the Plan. Breaches of this rule are considered as discretionary activities under Rule 4.7.4.i of the Plan. I note that the Plan includes no specific provisions for residential activities accommodating family members of the occupant of a main dwelling in rural or rural residential areas.

Residential buildings in excess of 7.5m in height breach Rule 4.7.6A.f of the Plan, and are considered as restricted discretionary activities under Rule 4.7.3.i of the Plan. Under this rule, the exercise of Council's discretion is limited to the following matters:

1. *The effect on the safe and efficient operation of the roading network or airport.*
2. *The effect on the health and safety of people and communities.*
3. *The effect on the amenity values of neighbouring properties.*
4. *The effect on landscape values.*

Buildings that are visible against the skyline breach Rule 4.7.6D.b of the Plan, and are considered as restricted discretionary activities under Rule 4.7.3.iii of the Plan. Under this rule, the exercise of Council's discretion is limited to the following matters:

1. *Whether or not the building or structure can be appropriately screened from public view by topographical features, appropriate planting or other screening having regard to the open space, landscape, natural character and amenity values of the rural environment.*
2. *Whether the building or structure will breach the form of or be visually prominent in public view on any skyline or terrace edge.*
3. *The colour scheme for the building or structure which should in general be darker than the background in which it is set.*

## National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.

The application site has historically been used to grow walnut trees. Persistent application of bulk pesticides is Item A10 on the HAIL, and would trigger the NES-CS, if undertaken on the site. I understand from information provided in support of the application that the applicant planted the orchard and never used persistent pesticides or other similar chemicals. I consider

it likely that no HAIL activities have been undertaken on the site, and I do not consider that the site is subject to the NES-CS.

There are no other National Environmental Standards relevant to this application.

### Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.

In this case, there is more than one rule involved, and the effects are linked. As such I consider it appropriate that the bundling principle established in *Locke v Avon Motor Lodge* (1973) is applied, and that the application be considered, in the round, as a discretionary activity pursuant to sections 104 and 104B of the Resource Management Act 1991 ('the Act').

### Notification

The application has been publicly notified. No submissions were received on the application.

## EFFECTS ASSESSMENT

### Written Approvals

The written approval of the persons detailed in the table below has been obtained. In accordance with section 104(3)(a)(ii) of the Resource Management Act 1991, the Council cannot have regard to the effects of the activity on these persons.

Person	Owner	Occupier	Address	Obtained
Gordon and Julie McGregor	✓	✓	347 Dunstan Road	13 April 2024
Allan and Annette Potter	✓	✓	339 Dunstan Road	09 April 2024

### Effects on the Environment

#### Permitted Baseline

Under section 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of an activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

In this case there are no permitted residential activities, and no buildings are permitted to breach the skyline, in the Rural Resource Area (Rural Residential). I consider that there is no relevant permitted baseline to be applied to the proposal.

#### Receiving Environment

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;

- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the existing and reasonably foreseeable receiving environment comprises residential living in a rural context, which can be associated with small scale primary production activities.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises a mixture of rural residential activities and land based primary production, specifically viticultural activity.

It is against these that the effects of the activity must be measured.

### Assessment of Effects

Consideration is required of the relevant assessment matters in the District Plan, along with the matters in any relevant national environmental standard. No regard has been given to any trade competition or any effects of trade competition.

#### 1. Rural Amenity Values, Character and Visual Effects

The application is supported by landscape assessment from Richard Tyler, landscape architect. In Mr Tyler's assessment, the proposal will have very low visual impact from Dunstan Road and the Otago Central Rail Trail. He comes to this conclusion having regard to the screening provided by existing mature vegetation on the site, particularly the row of birch trees that run along the Dunstan Road boundary of the site.

Mr Tyler's expert assessment appears to be predicated on the dwelling not breaching the skyline and the profile poles that were standing at the time they visited the site (As, if the 8.2m tall pole was standing, they ought to have observed the skyline breach). Given this, I find it difficult to rely on his assessment that the visual and landscape effects of the dwelling will be very low. I agree with Mr Tyler that the row of birch trees along the Dunstan Road frontage will assist in screening the dwelling from view during summer, while the trees are in leaf. However, I consider that the dwelling would be a significant feature in the local landscape, notably taller than any other building in the vicinity and will be particularly visible in winter. I note that the applicant has not proposed any obligation to keep the row of birch trees, or any equivalent screening vegetation. Other buildings are located where they appear tucked below the skyline from public view, a situation easily achieved through the location of relatively low buildings on flat land at the same elevation as public vantage points, with a rising skyline behind. The skyline in this location is visually significant, forming the north-eastern backdrop to the Alexandra township and the majority of Dunstan Road. In this area, it is currently absent of built development against the sky, either on the terrace floor, or the top of the riser. The subdivision layout in this area has favours relatively thin lots that extend back from Dunstan Road, with dwellings typically located reasonably close to the road, increasing the useable open space behind. As the area has intensified, this has resulted in new dwellings being located towards the rear of these lots, reducing the visual prominence of the new houses, and mitigating the effects of the increased density somewhat (For example the two dwellings on 369 Dunstan Road). Visibility will be for relatively short periods from vehicles travelling at speed along Dunstan Road, with longer views for users of the Rail Trail. However, during this time, I consider that the building will stand out in the landscape due to its bulk in a way that detracts from the existing and anticipated rural character from the area, and on the character of the terrace that forms the skyline in this vicinity.



The proposed dwelling is located on flat land, at the same elevation as where it will be visible from nearby public land, has the skyline located behind it. Generally speaking, I consider that dwellings in this situation will tend to have lower effects on the character of the district's hills and ranges than an equivalent dwelling located in an elevated position, or directly on or behind the terrace or ridgeline that forms the skyline. This accepts that, in some cases, such as where a skyline is particularly low or distant, it may not always be possible to avoid a breach of the skyline. However, in this case, the proposal breaches both the skyline, and the maximum height for a dwelling of 7.5m, breaching the height standard by up to 1.6m. The skyline in this location is not particularly low, or distant. Based on the profile poles present on the site, I consider that a compliant, but still reasonably large, and still two storey, building would be able to be located entirely below the skyline. I consider that the skyline breach is an avoidable factor of the design of the dwelling, and its location on the site. Given the application fails to avoid adverse effects on the character of the skyline in this location where I consider that is reasonable and practical to do so, I do not consider the proposal to appropriately manage its effects on the character of the district's hills and ranges, or its visual effects.

## 2. Bulk and Location Effects

The proposed dwelling breaches both the maximum height standards and the skyline. For the reasons provided above, I do not consider this to have appropriate adverse effects on the character of the district's hills and ranges. More generally speaking, the District Plan provisions for the district's rural areas anticipated residential buildings being designed and constructed in a way that helps them not significantly stand out from their surrounding landscape. This includes keeping buildings relatively low in the landscape to reduce their visual impacts. The proposal fails to do this, instead presenting an over height, substantially sized dwelling, in addition to the dwelling already on the site, relatively close to the road, where it will be visually obvious from public view. While proposed screening will assist in reducing the visual impacts of this building, I do not consider these measures to be sufficient to mitigate the effects of the proposed height breach.

## 3. Provision of services and access

Domestic water is proposed to be from the Dunstan Water Scheme. A water test was provided with the application. While I note that it was commissioned in relation to another property, I understand that the samples were from this scheme. This test indicates that the supply would comply with the Water Services (Drinking Water Standards for New Zealand) Regulations 2022. Based on the number of bedrooms provided and a use rate of 200-250 litres per person per day, at least 1,000 litres of water should be supplied to the dwelling per day (In addition to any provided to the main dwelling). Provided this is undertaken, I consider that the proposed second residential activity would have adequate provision for domestic water.

The proposed residence will require on-site water storage for firefighting purposes. This should consist of a 30,000 litre tank, with 20,000 litres retained as a static reserve, with firefighting connections capable of providing at least 25 litres per second, and a hard stand within 90m of the dwelling, or another arrangement agreed between the applicant and Fire and Emergency New Zealand.

Wastewater and stormwater are proposed to be managed within the boundaries of the site. The application is supported by a wastewater design assessment, which indicates that wastewater will be able to be adequately treated and disposed of within the site in accordance with AS/NZS 1547:2012. I also consider the site to be sufficiently large that stormwater will be able to be managed adequately through soakpits or re-use within the property.

Electricity and telecommunications infrastructure is available to the site. Any new connections to these services should be made underground.

Access to the site is from Dunstan Road. Dunstan Road is classified in the District Plan as a rural arterial road. The applicant proposes to utilise the existing access to Dunstan Road, that also services the existing dwelling. This access is proposed to be upgraded to comply with Part 29 of Council's Rooding Policies 2015, including sealing the access to the boundary. The proposal will increase vehicle movements to and from the site. The access location is on a straight section of road, with extensive sightlines in both directions. Council's land development engineers have confirmed that they are accepting of this additional traffic, provided the access is upgraded. I note that utilising the existing access avoids introducing a new crossing point, and associated point of conflict between vehicles turning into and out of the site, and through traffic. Provided the access is upgraded, I consider the proposal to have adequate provision for access, with less than minor effects on the safe and efficient operation of Dunstan Road.

Overall, I consider that the proposed second dwelling can be adequately serviced without notable effects on the environment.

#### 4. Reverse Sensitivity effects

The application site is in an area with rural residential activities as its current predominant use. There is an operating vineyard located to the south-west of the site, across Dunstan Road. The applicant considers that no reverse sensitivity issues are expected, without requiring any specific mitigation measures as part of the application. Permitted activities on vineyards such as movement of vehicles and plant, crop spraying, frost fighting and bird deterrent. I note that the operations of the vineyard (Particularly in terms of permitted frost fighting and bird deterring) are already constrained somewhat by the existing residential activities that surround the site on three sides. The site is also separated from the vineyard by Dunstan Road and the Rail Trail, with most of the vineyard sitting at a lower elevation than the site. In this context, I consider it unlikely that there will be significant reverse sensitivity effects from the proposal. However, I note that Rule 4.7.6E.d, which requires persons establishing a noise sensitive activity in a rural area take steps in the design and construction of buildings to reduce indoor noise levels from permitted frost protection and audible bird deterrent activities, is not proposed to be breached. If consent is granted, in order to ensure that the applicant is taking all steps required by the District Plan, compliance with this rule should be required to be demonstrated at the time building consent is lodged for the dwelling.

#### 5. Earthworks

The proposed location for the second dwelling is on mostly flat land. This means that earthworks are anticipated to largely consist of shallow earthworks for foundations and service connections. This reducing the volume of earthworks required and reducing their visual prominence in the landscape. The site is not located close to any water bodies that may be affected by sediment runoff from earthworks at this scale. I consider the earthworks associated with the proposal to have less than minor effects on the environment.

#### 6. Cumulative Effects

The average density of the private land fronting Dunstan Road between Waldron and Coates Roads is currently around 2.47 hectares per dwelling. The two titles created by RC 010118 have an average area of 2.0325 hectares. The proposal would create a pocket of much more intensive development than anticipated in the District Plan close to Dunstan Road, with four dwellings in an apparent 3 hectare area, or around 7,500m<sup>2</sup> per

dwelling (Two dwellings on 353 Dunstan Road, plus the nearby dwellings on 347 and 369 Dunstan Road). The area is already built almost up to the levels anticipated by the District Plan. The proposal will add additional residential built form and other evidence of domestication relatively close to Dunstan Road, in a location where the proposal will potentially be a significant landscape feature at a higher density than anticipated for the area when viewed in the context of other existing development in the area. The overall relatively high development density of the area, and the location of both dwellings on the site close to Dunstan Road, with the rest of the site being located directly behind, means that I do not consider the proposal to create any benefits from the clustering of buildings. I consider that the cumulative effects of the proposal will be more than minor, and will not be adequately managed by the applicant's proposed mitigation measures. I consider that relocating the dwelling towards the rear of the site, where it can be better screened by the existing dwelling and vegetation and have its visual prominence reduced further by longer viewing distances, alongside, preferably, a redesign of the dwelling to be lower in height and smaller in size, would better manage the cumulative effects of the proposal. For completeness, I note that this would invalidate the written approval of the McGregors and Potters. I consider it reasonable that these parties should be consulted in the event that the applicant of Council considers these changes to be necessary.

The applicant considers that building a second dwelling could overcapitalise a property. They argue that this would be a factor against other lots in the area wanting to establish their own second residences, and minimises the likelihood that this proposal would create a precedent that results in notable cumulative effects in the area. I do not consider this line of argument to be useful. If the overcapitalisation of a property is a significant limitation on adding additional residential activities to an allotment, then, presumably, the applicant would not be seeking resource consent to do just that. I also note that Council cannot have regard to whether a proposal is financially viable.<sup>1</sup> I consider it reasonable to extend the Court's reasoning in this case to indicate that Council's role is not to prevent an applicant from making decisions that may negatively impact in them financially, such as overcapitalising their land. If this logic is not to be applied to the applicant, I do not consider there to be a good reason to apply it to anyone else in the district.

## 7. Positive Effects

The proposal will have a positive economic and social effect for the applicant by providing additional accommodation, specifically for members of the applicant's family.

## **SUBSTANTIVE DECISION ASSESSMENT**

### **Effects**

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. The proposed height of the dwelling results in a skyline breach where one could otherwise be avoided by the construction of a dwelling that complied with Rule 4.7.6A.f. The scale of the dwelling is considered to be significant for its intended purpose. It is located in a visible location where it will have cumulative effects on the anticipated rural residential character of the area when viewed in conjunction with other existing development on the site and in the wider area. I do not consider the proposal to have acceptable effects on the anticipated rural character of the area.

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<sup>1</sup> *NZ Rail Ltd v Marlborough District Council* [1994] NZRMA 70 at 88.

## Offsetting or Compensation Measures

In accordance with section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

## Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the following objectives and policies of the Central Otago District Plan are considered to be relevant to the proposal:

### Objectives:

- 4.3.1 – Needs of the District’s People and Communities
- 4.3.3 – Landscape and Amenity Values

### Policies:

- 4.4.2 – Landscape and Amenity Values
- 4.3.3 – Sustainable Management of Infrastructure
- 4.4.5 – Effects on Water Quality
- 4.4.8 – Adverse Effects on the amenity Values of Neighbouring Properties
- 4.4.9 – Effects of Rural Activities
- 4.4.10 – Rural Subdivision and Development

The proposal is able to be adequately serviced without significant effects on the water resource. I consider the proposal to be consistent with Policies 4.4.3 and 4.4.5.

Objective 4.3.3 and Policy 4.4.2 seek to maintain the rural amenity values created by open space, landscape natural character and built environment values of the districts rural areas, and maintain the character of the district’s hills and ranges. Development should also be compatible with the surrounding environment, be located and designed to not compromise the landscape and amenity values of prominent hillsides and terraces, and be able to manage wastewater on-site. For the reasons provided in my assessment of effects, I do not consider that the proposed location and design of the second residential activity adequately manages its adverse effects on the rural character of the landscape, or on the character of the terrace that forms the backdrop to the site and its cumulative effects on rural character due to increasing the density of development in this area. I do not consider the proposal to be consistent with Objective 4.3.3 and Policy 4.4.2.

Both immediately adjoining landowners have provided their written approval of the proposal. I note that no other nearby landowners submitted for or against the proposal. The owners and occupants of 339 and 345 Dunstan Road would likely experience the proposed second residential activity from their land. However, due to a mixture of distance from outdoor spaces, existing screening and in light of neither party submitting on the application, I consider that these effects are unlikely to be so significant that the proposal should be considered inconsistent with Policy 4.4.8.

The surrounding land use is predominantly rural residential, with a production vineyard located towards the south-west of the site. Provided Rule 4.7.6E.d is complied with, I consider that the proposal will adequately manage potential effects from the vineyard operation, recognising the primacy of this existing rural activity, and being consistent with Policy 4.4.9.

Policy 4.4.10 is a catchall objective intended to ensure development in rural areas appropriately manages its adverse effects on a range of matters. Of particular relevance to this application, these include open space, landscape and natural character of the rural environment, the production and amenity values of neighbouring properties, and the operation of the roading network. For the reasons provided throughout this assessment, I do not consider that the proposal adequately manages its adverse effects on open space, landscape and

natural character values of the surrounding rural residential environment. I do consider that the proposal can adequately manage its effects on the roading network and nearby landowners and land users, subject to compliance with conditions. The site is not in an area with identified elevated ecological, historic, archaeological or cultural significance. The matters listed in Policy 4.4.10 are linked by “and” clauses. This means that they would all need to be addressed for a proposal to comply with the policy. Given the proposal fails to adequately manage its effects on open space, landscape and natural character of the rural environment, I cannot consider it to be consistent with this policy.

Objective 4.3.1 is intended to allow for a broad range of activities that support the wellbeing of rural communities, provided that those activities maintain the rural character of the area they are proposed to be located in. In this case, I consider that the proposal will help in providing for the wellbeing of the applicant and their family. However, for the reasons provided in my assessment of effects, I consider that it fails to appropriately maintain the rural residential characteristics of the area. I consider the proposal to be inconsistent with Objective 4.3.1.

Taken on balance, I consider that the proposal should be considered inconsistent with the objectives and policies of the Rural Resource Area. While I consider that the proposal can be adequately serviced, and is unlikely to result in significant effects on neighbouring landowners, I do not consider that the proposal is consistent with the character anticipated by the District Plan, as outlined in Objectives 4.3.1 and 4.3.3, and Policies 4.4.2 and 4.4.10.

### **Operative and Proposed Regional Policy Statements**

The Otago Regional Policy Statement 2019 (RPS2019) was declared operative on 04 March 2024. Decisions on the Proposed Otago Regional Policy Statement 2021 (PRPS2021) were notified on 30 March 2024. This decision is subject to a number of appeals.

#### RPS2019

Objective 1.1 – Otago’s resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities

Policy 1.1.1 – Economic wellbeing

Policy 1.1.2 – Social and cultural wellbeing and health and safety

Objective 5.3 – Sufficient land is managed and protected for economic production

Policy 5.3.1 – Rural activities

#### PRPS2021

UFD-O4 – Development in rural areas

UFD-P7 – Rural areas

UFD-P8 – Rural lifestyle development

The proposal is on land identified in the District Plan for rural residential development. Provided conditions related to the risk of reverse sensitivity are complied with, I consider that the proposal would adequately account for nearby primary production activities. The proposal would provide an economic and social benefit to the applicant. The area is not in an area identified in the Plan as having outstanding or highly valued landscape characteristics, meaning Objectives 3.2 and NFL-O1, and associated policies, are not relevant to the proposal. I consider that the proposal would be consistent with the relevant provisions of both Regional Policy Statements

### **Other Matters**

Council’s land development engineers have calculated the following development and financial contributions for the proposal, to be payable prior to the consent being given effect to, pursuant to Council’s Development and Financial Contributions Policy:

Reserves: \$1,034.78 + GST  
Roading: \$1,494.68 + GST  
Total: \$2,529.46 + GST

Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

## **Part 2**

Based on the findings above, I consider that the proposal fails to adequately provide for the rural character of the area. I consider that the proposal would not satisfy Part 2 of the Resource Management Act 1991. Granting of consent would not promote the sustainable management of District's natural and physical resources.

### **RECOMMENDATION**

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

1. The Panel refuse consent to the proposed activity under delegated authority, in accordance with sections 104 and 104B of the Resource Management Act 1991.
2. In the event that the Panel resolves to grant consent, I have drafted a suite of conditions, attached as Appendix One, that I consider appropriate to impose on the consent.



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Adam Vincent  
**Planning Officer - Consents**

Date: 11 November 2024

## **APPENDIX A: SUGGESTED CONDITIONS**

Note: Square brackets indicate placeholders or additional commentary regarding the possible wording of specific conditions.

### **Conditions:**

1. The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 28 February 2024, and further information received on 22 August 2024, except where modified by the following conditions.
2. The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:
  - a) Administration, monitoring and inspection relating to this consent; and
  - b) Charges authorised by regulations.
3. The dwelling must be located behind the existing dwelling to where it is fully screened from public view and the entirety of the dwelling is located below the skyline. [Exact location to be confirmed but could be approximately in this area



4. [Placeholder landscaping condition if required to screen dwelling]
5. The exterior walls of the dwelling must be clad in a mixture of vertical timber with a natural stain, schist and plaster, or similar, and thereafter maintained accordingly.
6. The roof of the dwelling must be clad in profiled iron coloured “Flaxpod”, or similar, and thereafter maintained accordingly.
7. At the time building consent is lodged for the dwelling, the consent holder must provide evidence demonstrating that the dwelling has been designed to achieve an indoor design sound level of 45 dBA  $L_{max}$  within any habitable room where the exterior noise source is within the class of sources described in sub-clauses b and c of Rule 4.7.6E of the Operative Central Otago District Plan taking into account any noise associated with

the operation of nearby viticultural activities. The indoor design level shall be achieved with windows and doors open unless adequate alternative ventilation means is provided, used, and maintained in operating order.

8. Domestic water must be provided from the Dunstan Water Supply or a similar, secure, source provided that at least 1,000 litres of water must be made available to supply the dwelling (In addition to that supplied to the existing dwelling).
9. At the time residential activity is constructed and thereafter maintained in perpetuity minimum domestic water and firefighting storage is to be provided by;
  - a) Minimum 30,000 litre capacity tank storage. Of this total capacity, a minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve. Alternatively an 11,000 litre firefighting reserve is to be made available to the building in association with a domestic sprinkler system installed to the building to an approved standard. A firefighting connection is to be located within 90 metres of any proposed building on the site. In order to ensure that connections are compatible with Fire and Emergency New Zealand (FENZ) equipment the fittings are to comply with the following standards:
    - i. Either: For flooded sources, a 70 mm Instantaneous Couplings (Female) NZS 4505 or, for suction sources, a 100 mm and 140 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder shall provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for firefighting purposes.
    - ii. All connections shall be capable of providing a flow rate of 25 litres per second at the connection point
    - iii. The connection shall have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area shall be located at the centre of a clear working space with a minimum width of 4.5 metres. Access shall be maintained at all times to the hardstand area.
    - iv. Underground tanks or tanks that are partially buried (provided the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank, removing the need for couplings.

*Note: For more information on how to comply with this Condition or on how to provide for FENZ operational requirements refer to the Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008. In particular, the following should be noted:*

*For more information on suction sources see Appendix B, SNZ PAS 4509:2008, Section B2.*

*For more information on flooded sources see Appendix B, SNZ PAS 4509:2008, Section B3.*



- b) Firefighting water supply may be provided by means other than that provided for in a) if the written approval of the Fire and Emergency New Zealand is obtained for the alternative method.
10. At the time of construction of a dwelling, an on-site wastewater disposal system that complies with the requirements of AS/NZ 1547:2012 "On-site Domestic Wastewater Management" shall be designed by a suitably qualified professional.
  11. The designer shall supervise the installation and construction of the system and shall provide a construction producer statement to the Chief Executive.
  12. An operation and maintenance manual shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as-built of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owner's maintenance and operating manual have been supplied to the Chief Executive. The maintenance and operating manual shall be transferred to each subsequent owner of the disposal system.
  13. Disposal areas shall be located such that the maximum separation (in all instances greater than 50 metres) is achieved from any water course or any water supply bore.
  14. Stormwater from buildings and impervious surfaces must be managed within the boundaries of the site by appropriately designed and constructed soakpits, or through storage and beneficial re-use within the site.
  15. Any new power and telecommunication services within the site shall be located underground.
  16. Prior to occupation of the dwelling the existing access to the site must be upgraded as necessary to comply with Part 29 of Council's Roading Policy, January 2015.
  17. Payment of a reserves contribution of \$1,034.78 + GST calculated in terms of Rule 15.6.1 of the Operative Central Otago District Plan.

**Advice Notes:**

Infrastructure

1. Development contributions of \$1,494.68 + GST are payable for roading purposes pursuant to the Council's Policy on Development and Financial Contributions contained in the Long Term Council Community Plan. Payment is due within 90 days of the issue of the Building Consent, or prior to the issue of the Code of Compliance certificate under the Building Act, whichever comes first.

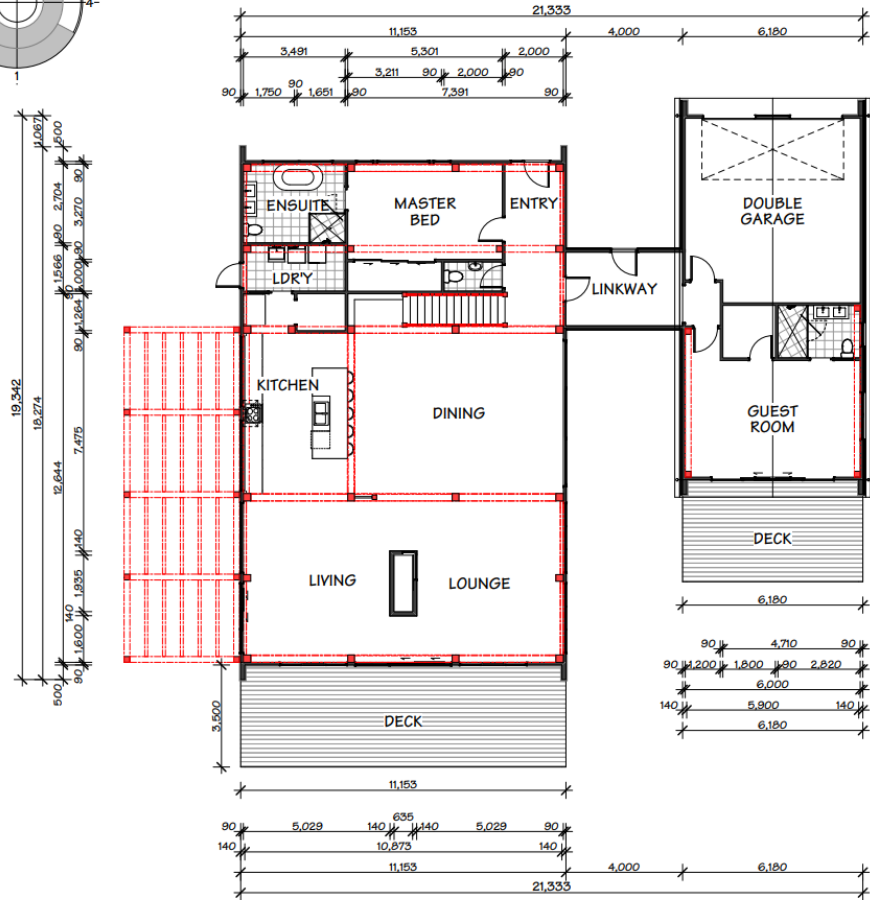
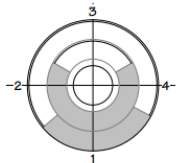
General

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

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

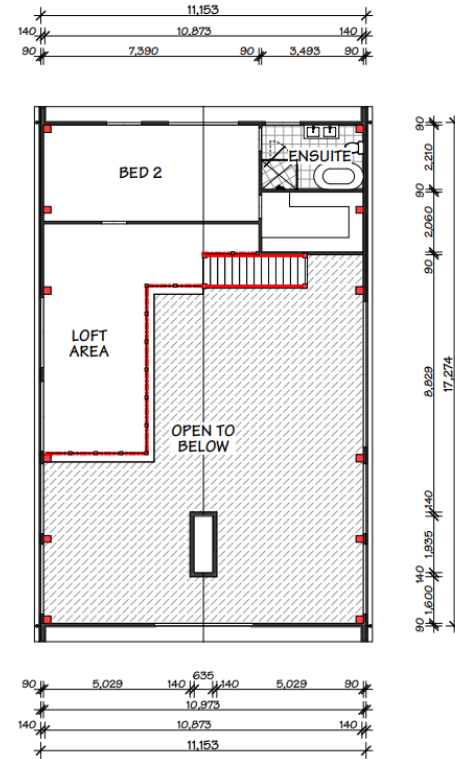
# Appendix One: Approved Plan/s for RC240033 (scanned image(s), not to scale)

NOTE: THIS PLAN IS SUBJECT TO DEVELOPER'S APPROVAL AND LOCAL DISTRICT COUNCIL VERIFICATION AND APPROVAL



DIMENSION PLAN GROUND FLOOR

1:150




DIMENSION PLAN FIRST FLOOR

1:150

	JOB TITLE:	DRAWING TITLE:	LEGAL DESCRIPTION:	NOTES:	DATE OF ISSUE:	DESIGNER:	SCALE:	SHEET:
	#Project Name	DIMENSION PLAN	LOT: TBC DP: TBC ADDRESS: TBC	<ul style="list-style-type: none"> <li>- Subject to council approval</li> <li>- All measurements to be confirmed on site by the contractor prior to the commencement of work.</li> <li>- All construction to comply with the NZBC/NZS-3604, alongside with all standards alike.</li> </ul>	28 NOV 23	HTC	1:150	
					AMENDMENT DATE:	DRAWN:	JOB#:	3
					231128.2230	JON	23071	
					VERSION:	REV NO:	CHECKED:	
					PL-01	02	JON	

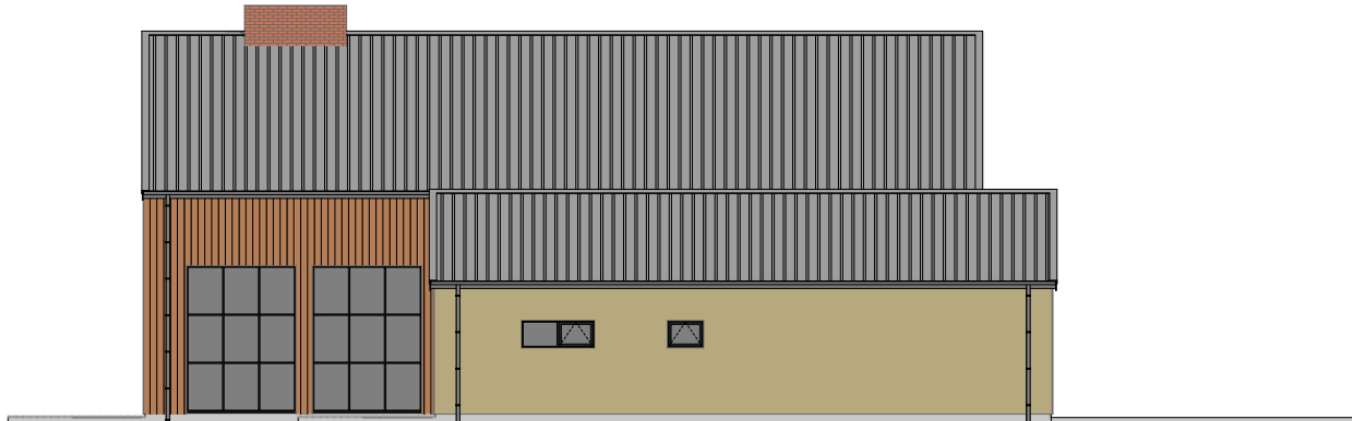
NOTE: THIS PLAN IS SUBJECT TO DEVELOPER'S APPROVAL AND LOCAL DISTRICT COUNCIL VERIFICATION AND APPROVAL




	JOB TITLE:	DRAWING TITLE:	LEGAL DESCRIPTION:	NOTES:	DATE OF ISSUE:	DESIGNER:	SCALE:	SHEET:
	#Project Name	ELEVATIONS	LOT: TBC DP: TBC ADDRESS: TBC	<ul style="list-style-type: none"> <li>- Subject to council approval</li> <li>- All measurements to be confirmed on site by the contractor prior to the commencement of work.</li> <li>- All construction to comply with the NZBC/NZS:3604, alongside with all standards alike.</li> </ul>	28 NOV 23	HTC	1:100	4
					AMENDMENT DATE:	DRAWN:	JOB#:	
					231128.2230	JON	23071	
					VERSION: PL-01	REV NO: 02	CHECKED: JON	

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NOTE: THIS PLAN IS SUBJECT TO DEVELOPER'S APPROVAL AND LOCAL DISTRICT COUNCIL VERIFICATION AND APPROVAL.



	JOB TITLE:	DRAWING TITLE:	LEGAL DESCRIPTION:	NOTES:	DATE OF ISSUE:	DESIGNER:	SCALE:	SHEET:
	#Project Name	ELEVATIONS	LOT: TBC DP: TBC ADDRESS: TBC	- Subject to council approval - All measurements to be confirmed on site by the contractor prior to the commencement of work. - All construction to comply with the NZBC/NZS:3604, alongside with all standards alike.	28 NOV 23	HTC	1:100	5
					AMENDMENT DATE:	DRAWN:	JOB#:	
VERSION:	REV NO:	CHECKED:						
PL-01	02	JON					23071	/07