

CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC240033
353 Dunstan Road, Alexandra

INTRODUCTION

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 and a gross floor area of 384m² over two storeys (This included areas enclosed by the wing walls on the eastern and western sides of the house), with a maximum height of 9.1m above ground level. For completeness, I note that the maximum height includes the chimney, which has a width over 750mm, and is, therefore, not exempted from Council’s definition of height. The applicant assumed a lower height and, when prompted to amend their application to reflect the actual height, opted not to do so. The roofline is 8.6m high, which aligns with the applicant’s assessment. I also note that Page 12 of the application states the floor area of the building as 150m². This appears to be an error, based on the plans provide 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 provided in support of the application in response to this request indicated that the floor area was 292m². My measurement of the floor area of the proposed dwelling is provided below:

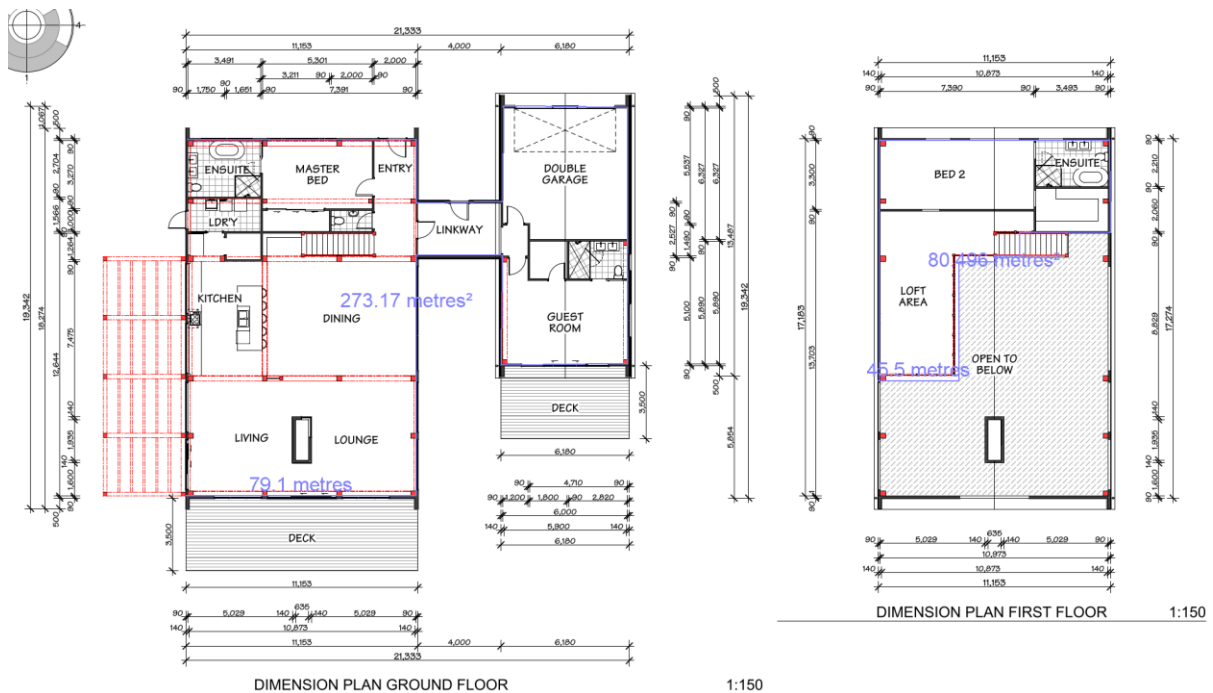


Figure One: Floor plan provided with the application annotated with floor area measurements. Measured in Objective Trapeze. Page scale set to 1:150. Total floor area based on this measurement is 353.66m². Calculating the area of the building based on the dimensions provided on the plan (Internal floor area only, excluding wing walls) returns an area of 368.1m².

For the purpose of this application, I will assume the floor area is in the vicinity of 368m², being that based on the building dimensions provided by the applicant. For comparison, the existing dwelling on the lot has an area of approximately 170m².

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 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 application requires resource consent under the following rules in the District Plan:

- Rule 4.7.4.i for residential activity where there is more than one residential activity on the site, breaching Rule 4.7.2.i.b. Discretionary activity
- Rule 4.7.3.i for a breach of Rule 4.7.6A.f for a residential building over 7.5m in height. Restricted Discretionary Activity
- Rule 4.7.3.iii for a building visible against the skyline when viewed from a public place, breaching Rule 4.7.6D.b. Restricted Discretionary Activity.

The application site includes a former orchard. 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 do not consider that the site requires resource consent under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Overall, the proposal is a discretionary activity.

SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification

Public notification has not been requested. (s95A(3)(a)).

There has been no failure or refusal to provide further information or the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The application does not involve the exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2 – Public notification precluded

There are no rules or national environmental standards precluding public notification (s95A(5)(a)).

The proposal is not exclusively for controlled activities or boundary activities (s95A(5)(b)).

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

The application is not for a resource consent for one or more activities, where those activities are subject to a rule or national environmental standard that requires public notification (s95A(8)(a)).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment under s95D is therefore made below.

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

MANDATORY EXCLUSIONS FROM ASSESSMENT (S95D)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline, refer to section below)).*
- C: *In the case of a restricted discretionary activity, any adverse effect that does not relate to a matter for which a rule or national environmental standard has restricted discretion (s95D(c)).*
- D: *Trade competition and the effects of trade competition (s95D(d)).*
- E: *Adverse effects on any parties who have provided written approval must be disregarded (s95D(e)). In this case, the written approval of the following parties has been obtained:*

Allan and Annette Rutter
339 Dunstan Road

Gordon and Julie McGregor
347 Dunstan Road

PERMITTED BASELINE (S95D(B))

Under Section 95D(b) of the RMA, an adverse effect of the 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 in rural residential areas under the Central Otago District Plan. There is no permitted baseline to be applied.

ASSESSMENT: EFFECTS ON THE ENVIRONMENT

The proposed dwelling is significant in scale, both in terms of floor area and height. I consider that it is also beyond the density of residential development anticipated by the District Plan. Anticipated density has been taken as one dwelling per two hectares based on the application of controlled activity Rules 4.7.2.ii.a and 4.7.2.i of the Plan, which relate to subdivision and residential activity in rural residential areas, respectively and set an expectation that subdivision will achieve an average area of 2 hectares, with one dwelling typically on each lot (Unless required to accommodate persons working on the site). I consider that the provision for additional accommodation for on-site workers is largely self-regulating, with additional accommodation typically only required on larger allotments.

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.

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).



Figure Two: Measurement of profile pole 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.

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. Visibility will be for relatively short periods from vehicles travelling at speed along Dunstan Road, longer for users of the Rail Trail. However, during this time, I consider that the building will, more likely than not stand out in the landscape 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 applicant has argued that a desire to overcapitalise a property would be a general factor against other lots in the area minimises the likelihood that this proposal result in notable cumulative effects in the area. I do not consider this line of argument to be useful. The average density of the private land fronting Dunstan Road between Waldron and Coates Roads is

currently around 2.47 hectares per dwelling. 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 a 2.5 hectare area, or 6,200m² per dwelling (Two dwellings on 353 Dunstan, 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. 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 am not satisfied that the cumulative effects of the proposal will not be more than minor.

In this context, I consider that the proposed second dwelling will have a notable effect on the rural character of the landscape. Given my conclusions about the assessment of Mr Tyler and my assessment of the cumulative effects of the proposal, I am not satisfied that the effects of the proposal will be no more than minor. Given the combination of increased density of development, the scale of the building, and its protrusion above the skyline, I consider that the proposal is likely to have more than minor adverse effects on the rural residential landscape character of the area.

Based on information provided by the application, the proposed dwelling will have adequate provision of services, with minor effects on the environment, at most.

DECISION: EFFECTS ON THE ENVIRONMENT (S95A(2))

Overall, the proposed activity is likely to have adverse effects on the wider environment that are more than minor. Therefore, public notification is required under Step 3.

Given my recommendation is to publicly notify the application under Step 3 of Section 95A, further consideration of whether any parties are adversely affected by the proposal is unnecessary.

OVERALL NOTIFICATION DETERMINATION

Given the decisions made under s95A and s95B, the application is to be processed on a publicly-notified basis. It is noted that the determination, as to whether an application should be notified or not, is separate from the issues to be considered in making a decision on the application itself.

Prepared by:



Adam Vincent
Planning Officer – Intermediate

Date: 26 August 2024

Approved under Delegated Authority by:



Tanya Copeland
Team Leader – Planning

Date: 28 August 2024