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Recent Case-notes - May 2016

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We would appreciate comments and suggestions from members on content, format or information about cases that might be of interest to members but may have not been reported in "Your Environment" or “Alert 24 Land”.

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Summaries of cases from Thomson Reuter’s "Your Environment" and “Alert24 – Land”.

This month we report on five court decisions covering diverse situations associated with subdivision, development and land use activities from around the country:

- A majority decision of the EC on an appeal by Central Otago District Council against refusal of consent to a proposed non-complying rural-residential subdivision at Lowburn on the grounds that it would create adverse cumulative effects;
- An unsuccessful application for judicial review of a decision by Wellington City Council to grant consent on a non-notified basis to a proposed subdivision at Houghton Bay on Wellington’s south coast;
- A declaration that enabled removal of a “notable” Norfolk Pine tree at Mount Albert, where its condition endangered the land-owner’s life and property;
- A case from Taranaki that highlights Council responsibilities for including protection of “significant natural areas” of vegetation and habitats in district plan policies, confirming that voluntary protection methods cannot be relied upon by the community;
- The final order issued for removal of a children’s play structure and fence that had been built to block views from a neighbour’s property at Roseneath, Wellington.

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CASE NOTES:

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Harris v Central Otago District Council - [2016] NZEnvC 52

Keywords: resource consent; subdivision; rural residential; district plan; precedent, travellers accommodation

G Harris ("H") appealed against the decision by Central Otago District Council ("the council") to decline his application to subdivide a rural residential allotment on State Highway 6 at Lowburn into two separate titles and to create a building platform on proposed Lot 2. The land to be divided was 2.3 hectares and the proposal was to create Lot 1 of 1.3 hectares and Lot 2 of 1.0 hectares. The minimum site size in the rural residential zone in the district plan was 2 hectares, making the application a non-complying activity. The council declined consent on the grounds that the proposal was contrary to the plan and not distinguishable from the generality of other cases, and that approval would lead to adverse cumulative effects on rural amenity.

The Court was divided, with the majority allowing the appeal. The Court noted that H proposed to surrender an existing resource consent for traveller accommodation on proposed Lot 2 if the present proposal was approved, and further that the site was of poor quality and had no productive value. The Court stated that all witnesses agreed that the landscape and visual amenity effects would be no more than minor. Addressing the objectives and policies under the plan relating to rural amenity, and the provisions relating to subdivision, the Court predicted that proposal would result in minimal reduction in open space, since the proposed building on Lot 2 was to replace the consented travellers' accommodation buildings. The Court concluded that to

grant consent in the present case would not contravene the precedent in *Dye v Auckland Regional Council* [2002] 1 NZLR 337 and that there were no relevant cumulative adverse effects which the Court should take into account under s 104(1)(a) of the RMA. Further, the Court concluded that it was not appropriate to invoke the concept of breaching the integrity of the plan in the present case. The majority therefore concluded that the objectives and policies of the plan would be better achieved by granting consent than by refusing it. In particular, the Court considered that any effects of the proposal on the landscape qualities and visual amenity, when conditions relating to landscaping and planting were taken into account, were likely to be positive rather than negative. The Court stated that there was ample room for the council to determine future applications regarding similar sites on their individual merits.

Dissenting, Commissioner Mills differed from the majority regarding other matters under s 104(1)(c), relating to precedent and plan integrity. The minority did not find the application was distinguishable from the generality of other cases which might be the subject of future applications, in Lowburn and in many other areas of the district. While accepting that each such future application was to be assessed on its own merits, the minority stated that subdivision was the facilitator of new development, as recognised by the plan provisions as to site size in the rural residential zone. The minority agreed, under s 290A of the RMA, with the council as to the importance of holding the line on subdivision with its potential to encourage intensification of associated development and adverse cumulative effects on landscape and amenity. The minority considered that the way to approach subdivision was by means of a change in the district plan and that it was inappropriate to pre-empt that process and set a precedent with the potential to undermine plan integrity. By majority decision, the appeal was allowed. Costs were reserved.

Decision date 14 April 2016; Your Environment 15 April 2016

This case highlights some of the lack of clarity in the RMA where the question of precedent effects and the integrity of district plans has been of concern to communities. RHL

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Friends of Houghton Valley Inc v Wellington City Council - [2016] NZHC 234

Keywords: High Court; judicial review; subdivision; land use; effect; stormwater; reserve; jurisdiction

Friends of Houghton Valley Inc ("the Friends") applied for judicial review of the decision by Wellington City Council ("the council") to grant, on a non-notified basis, subdivision and land use applications by Kaikoura View Ltd ("KVL"). The proposal was to develop a 14 lot subdivision on KVL's land at 215 Houghton Bay Rd ("the site"). To the north east of the site lay a large reserve area owned by the council ("the upper reserve land"). The upper reserve land was zoned Open Space B in the Wellington District Plan ("the plan") and was classified as a Scenic B reserve under the Reserves Act 1977 ("the RA"). The grounds of review argued by the Friends included that the council: failed to have regard to the fact that the upper reserve land was Scenic B and to weigh the environmental effects of the proposal by reference to the higher environmental value associated with Scenic B status; failed to consider information on hydraulic effects of increased stormwater flow; erred by failing to address certain submissions; and breached natural justice by failing to provide reasons for its decision.

The Court first considered two preliminary matters. The first was whether the Friends were precluded from seeking judicial review given that the decision was made on a non-notified basis. The Court accepted argument that, if a non-notification decision was not impugned, then there was no right of appeal available to a person in the position of the Friends, under s120(1)(b) of the RMA. However, the Court did not accept that if an application was not notified, then a judicial review application of the substantive decision would also be precluded unless there was first or also a challenge to the non-notification decision itself. The council in the present case argued that the effect of s 296(1) of the RMA was that an application for review could be made only if an appeal right had been exercised and, as the Friends had no right of appeal, they could not apply for review. However, in the Court's view the objective of s 296(1) of the RMA was to regulate the sequence in which court proceedings might be pursued; any appeal right must first be exhausted. But the subsection did not purport to confine the availability of the remedy of judicial review to circumstances where an appeal right was conferred. Accordingly, the Court did not accept that s 296(1) of the RMA precluded an application for review by the Friends, in the situation where an application for consent had not been notified.
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The second preliminary issue was whether the Friends had standing to challenge a decision made prior to its incorporation date. The Friends came into existence after the decision to grant consent to KVL was made by the council. The Court adopted case authority to hold that it would be artificial to decline relief, if grounds for review were established, on the basis that eligible persons who engaged with the council in the decision-making period had, subsequent to the decision challenged, elected not to institute proceedings as individuals but had formed a body corporate to represent their interests. Accordingly, the Court found that the Friends had standing to apply for review.

Turning to consider the grounds for review, the Court stated that any environmental effect of the proposal relating to the status of the upper reserve land was already factored into the planning framework by means of its recognition in the district plan through the zoning as Open Space B. However, the RA did not govern development of land adjoining a reserve such as the site and there was no mandatory requirement to consider the upper reserve land's status other than would normally occur under the assessment under s 104(1)(a) of the RMA. Further, KVL's proposal did not relate to activities on the upper reserve land; the only works to be undertaken were on the site, which was within the Residential zone. The first ground failed. Regarding the question of whether the council failed to consider the groundwater leachate implications, the Court considered the stormwater effects as addressed in the council decision. The Court noted that the decision tried to explain the conclusion that the stormwater impacts would be minor but omitted to provide the full chronology of the basis for this conclusion. The Court concluded that the allegation of council error in this regard was not established. Similarly, the Court did not find that the council failed to provide adequate reasons for its decision. Although the notice of decision on its face merely stated that the effects were acceptable and that no parties would be adversely affected, that the proposal was in according with relevant planning provisions and there were no special circumstances, the Court found that that the council also clearly incorporated reasons relating to the stormwater impacts into its decision and, further, that it was apparent from the decision that the council considered there were no significant adverse effects on the upper reserve land. Consequently, the third ground of review failed.

The final ground was that that the council had failed to address submissions made to it. The Court found that certain unsolicited comments made to the council were not "submissions" as that term was employed in the RMA, as the Friends had no statutory entitlement to make submissions on the resource consent applications. Further, the council had received and considered all such comments in its decision, but had not accepted them. The fourth ground failed. The application for review was declined. The Court stated that the council and KVL were entitled to costs.

Decision date 18 March 2016; Your Environment 21 March 2016

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Gilderdale v Auckland Council - [2015] NZEnvC 224

Keywords: declaration; tree protection; safety

J Gilderdale ("G") applied on an urgent basis for a declaration concerning an old, large and dangerous Norfolk Pine tree, which was scheduled in the Operative District Plan and the proposed Auckland Unitary Plan as a notable tree. The tree stood on G's property 10 Woodward Rd, Mt Albert. G submitted expert evidence that the tree overhung his house and had become structurally unreliable to the extent that it was a danger to life and property. G asked for a declaration that the statutory defence in s 341(2)(a) of the RMA would apply to the immediate removal of the tree.

The Court reviewed the history of the matter and noted that Auckland Council ("the council") had maintained an "awkward" stance: not opposing the application outright but requesting that G should complete his application for resource consent to demolish the tree. While acknowledging the evidently serious and short-term health and safety issues, the council withheld consent to the making of the declaration sought by G because felling of the tree might be used as a precedent.

The Court considered the provisions of, and relevant case authority relating to, s 341(2)(a) of the RMA concerning defences to strict liability offences under the Act. The Court concluded, with regret, that it would be inappropriate to make the declaration sought, because it should not purport to pre-empt the jurisdiction of the District Court in proceedings not yet brought, or to pre-judge issues in such a case. However, the Court was prepared to record that the considerable
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agreement between the expert arborist evidence, and the undeniable risk to human life and property on the facts, would very likely offer a defence to a prosecution concerning the removal of the tree. In particular, the Court believed that the removal of the tree would be reasonable in the circumstances. The Court emphasised that every case must stand on its own facts and stated that serious risk to life or health should have considerable paramountcy over the council's expressed anxiety about precedent issues. Costs were reserved.

Decision date 2 February 2016; Your Environment 3 February 2016

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Royal Forest and Bird Protection Society of New Zealand Inc v New Plymouth District Council - [2015] NZEnvC 219

Keywords: declaration; enforcement order; district plan; natural character; forest indigenous; council procedures

Royal Forest and Bird Protection Soc of New Zealand Inc ("FB") applied for declarations and enforcement orders under ss 311 and 316 of the RMA. The matter concerned the New Plymouth District Plan ("the plan") which FB submitted failed to adequately recognise or provide for areas of significant indigenous vegetation and significant habitats of indigenous fauna, contrary to statutory obligations. Such areas were referred to as Significant Natural Areas ("SNAs") and FB submitted that the council should change the plan to remedy such failure.

The Court considered the outstanding issues which were: what constituted a SNA; the extent of SNAs in the district; the extent of indigenous habitat loss in the district; methods provided by the council for protecting SNAs, and whether these provided the level of protection required by the RMA; the declarations sought by FB; and the enforcement orders sought by FB. After considering the plan criteria and the relevant provisions of the RMA, the Court concluded that SNAs were areas identified as such by applying the criteria in the relevant plan Appendices and the identified SNAs were significant areas of indigenous vegetation and/or significant habitats for the purposes of s 6(c) of the RMA. As to the extent of such areas in the district, the Court found from the evidence presented that there were probably between 326-361 SNAs which were not identified in the plan Appendices and accordingly not subject to the rules protecting SNAs from inappropriate development. The Court found that SNAs occupied an approximate area of 21,900 ha in the district. Turning to consider evidence relating to the extent of loss of indigenous habitat, the Court concluded that, although there had been only a small loss in the SNAs, the loss of indigenous vegetation had been in the areas most vulnerable to such loss, because further clearance would mean permanent loss of indigenous cover and the extinction of local species.

The Court stated that the issue of the methods provided by the council for the protection of SNAs was at the heart of the proceedings. The council stated that it met its obligations under ss 6(c) and 31(1)(b)(iii) of the RMA through a "palette" of specified measures. The Court noted that the word "protection" was not defined in the Act, and adopted case authority that it meant to keep safe from harm, injury or damage, although the Court added a gloss on that meaning to imply that "adequate" such protection was required. It was clear that s 6(c) of the RMA imposed a duty on the council to protect SNAs. However, the Court found that a territorial authority was not necessarily obliged to achieve such protection by incorporating rules in its plan; the nature of the protection required was to be determined by the authority when preparing or reviewing its plan under s 32 of the Act. In the light of that finding, the Court considered the methods, other than rules, provided in the plan for the protection of SNAs. The Court concluded that, viewed in their entirety, the range of methods, which included rules, now in the plan provided the protection of SNAs required by s 6(c) of the RMA. However, reliance primarily on QEII Covenants and associated methods to protect SNAs on private land did not provide the protection required by s 6(c) of the Act. Further, the Court found that reliance on community attitude to protect SNAs on such land was not adequate because it did not take account of differences in community attitudes and the high vulnerability identified of some SNAs.

The Court addressed the declarations sought by FB, together with s 310 of the RMA and found that the issue of the appropriate degree of protection required for areas of significant indigenous vegetation and significant habitats of indigenous fauna was an issue which it was empowered to consider under s 310(h) of the RMA. The Court found further that the council's duty to protect SNAs required application of the full range of methods provided in the plan, including identification of SNAs in the plan Appendices and the consequent application of rules to them, because the other methods relied on (covenanting under the QEII process and voluntary
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protection) did not provide an adequate level of protection. Accordingly, the Court made declarations that: council had a duty to recognise and provide for the protection of SNAs identified in the district; the plan methods, including application of rules, if implemented in their entirety, gave effect to the provisions of the New Zealand Coastal Policy Statement ("NZCPS") and Taranaki Regional Policy Statement ("TRPS") which sought to protect indigenous biodiversity; and the omission by the council to include in the plan Appendices the identified SNAs contravened the council's duty under ss 6(c) and 310(a), (c) and (h) and also failed to give effect to relevant provisions of the NZCPS and TRPS. The Court declined to make the enforcement orders sought by FB. Costs were reserved.

Decision date 12 February 2016; Your Environment 15 February 2016.

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Aitchison v Walmsley - [2016] NZEnvC 13

Keywords: ***enforcement order; fencing; height; effect; residential; amenity; view; district plan rules***

P and S Aitchison ("A") and Wellington City Council ("the council") applied for enforcement orders against H and D Walmsley ("W") and Walmsley Enterprises Ltd ("WEL"). The orders required W and WEL to remove the play structure and fence ("the structure") erected on 11 Maida Vale Rd, Roseneath. A resided at 2/11 Maida Vale Rd, in a ground floor apartment, overlooking an adjoining the property owned by WEL. WEL erected the structure on the boundary, a 2-metre high concrete retaining wall, between its property and A's property. This had the effect of forming a 20 metre long fence which totally obscured A's view.

The Court reviewed the history of the litigation and stated that the present applications were based on the provisions of ss 17 and 319 of the RMA. The Court made findings on the issues of whether the effects were offensive and objectionable. While A no doubt considered the effects of the structures to be offensive and objectionable, the test the Court applied was whether the ordinary reasonable person, representative of the community at large, would do so. The Court applied the four step process identified by the Court of Appeal in *Watercare Services Ltd v Minhinnick* [1998] 1 NZLR 294. First, the Court determined that A's assertion that the matter was offensive or objectionable was honestly made. The second step was to determine whether in the opinion of the Court the subject matter was likely to be objectionable or offensive. The third was whether this was likely to have an adverse effect on the environment. The fourth was whether to exercise the Court's discretion to make the enforcement orders sought. The Court now stated that in the present case, the second and third steps involved consideration of effects on residential amenity relating to the dominance of an overbearing structure affecting privacy, views and shading. The Court considered evidence regarding such effects before making findings as follows: the structure was dominant and overbearing and this had severe adverse effects of itself; the walkway on the top of the structure had a significant adverse effect on the privacy previously experienced by A; the structure had significant and severe adverse effects on A's residential amenity and views; and the loss of sunlight was profound and the structure had significant adverse effects on sunlight amenity. The Court accordingly concluded that the actions which were the subject matter of the proceedings were offensive and objectionable, and were so to such an extent that they had an adverse effect on the environment.

The Court then considered whether to make the orders sought under s 319 of the RMA. First, the Court determined that s 319(2)(b), which prohibited an enforcement order being made if the adverse effects identified were expressly recognised by the council, did not act as a jurisdictional bar and found that that provision was not directed at properties, but at adverse effects. The plan set standards to control various effects across the Wellington district. Sections 17 and 319 of the Act recognised that on occasions application of the standards might lead to adverse effects in particular situations. In the present case the Court asked the question whether the plan expressly recognised the types and the severity of effects generated by the structure, and the Court accepted evidence that there was no evidence that the council had done so. Accordingly, the Court held that s 319(2) of the RMA did not restrain it from making the enforcement orders sought. Sections 17 and 319 of the Act enabled persons adversely affected by otherwise legal activities to challenge their effects on them and to challenge the continuation of such activities. The Court needed to recognise both the ability to avoid, remedy or mitigate adverse effects of lawfully undertaken activities, and also the need for certainty for persons undertaking activities. In this the Court recognised the need to balance the need for privacy on the part of both W and A. The Court found a number of factors supported the making of orders
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in the present case. First was the extreme nature of the adverse effects in their totality. While the plan did not guarantee views, the degree of loss of A's view and the grossly offensive effects of the structure were severe. Second was the artificial nature of the structure, which the Court found from the evidence to be a contrivance undertaken to get around rules preventing the construction of a fence. The third factor was the deliberate refusal by W to consider avoidance, remedy or mitigation of the adverse effects on A; in fact, the structure was designed and located in a manner which maximised such adverse effects. Fourth, Plan Change 72, notified in 2009, contained the provisions now at issue and a council hearings committee had recommended that an investigation should be undertaken on recession plane requirements in residential areas. However, this had not been done. Had this taken place, the Court was unable to say whether the present litigation might have been avoided.

By an overwhelming margin, the Court determined that it was appropriate and necessary to make the orders sought. The council and A were requested to file an order on such terms for execution. Costs were reserved in favour of A and the council.

Decision date 21 March 2016; Your Environment 22 March 2016.

(For the previous reports see Newslink December 2015 and April 2016 – RHL.)

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This month's cases were selected by Roger Low, rlow@lowcom.co.nz, and Hazim Ali, hazim.ali@aucklandcouncil.govt.nz.

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Other News Items for May 2016

$250 million Queenstown retirement village proposal

The *Otago Daily Times* reports that a $250 million retirement village proposal will be considered as a special housing area by the Queenstown Lakes District Council. Tauranga's Sanderson Group proposal would have 227 villas, 72 serviced apartments and a 72-bed care facility, with rest home, hospital and dementia care.

Read the full story here.

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Owner faced with demolition of other half of his duplex

The New Zealand Herald reports that Auckland Council has granted consent to demolish one side of a semi-detached building in Remuera, without letting the owner of the other half know about the plan. Consent was given to knock down one side of the property and build a free-standing house in its place. The owner of the other half is seeking an injunction to prevent this happening.

Read the full story here.

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South Dunedin flood risk _

The *Otago Daily Times* reports that Environment Commissioner Jan Wright has warned a conference of the New Zealand Planning Institute in Dunedin that areas like South Dunedin are at risk from flooding and liquefaction within the next 50 years if, as is expected, the sea level rises by 30cm within that period. This was because the area is low-lying and was historically marshland. Dr Wright said that more thought is needed on how New Zealand would cope with rising sea levels.
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Read the full story here.

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Cost to Wellington City Council ratepayers of leaky homes

The Dominion Post reports that Wellington City Council has released figures showing that leaky building repairs have cost ratepayers $40 million over the past five years. The council has in addition 58 more outstanding claims, and is expected to pay out another $41m over the next five years for those, bringing the cost to $82m.

Read the full story here.

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Hopes that Opotiki harbour plan will revive region's economy

Radio New Zealand reports that expressions of interest have been sought for a design and construction partner to build a navigable harbour entrance in Opotiki. It is hoped the $50 million project will help to create jobs in a developing aquaculture industry and generate income for the region.

Read the full story here.

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Rena clean up declared over

One News reports that the clean up of the wreck of the cargo ship *Rena* is officially completed, four and a half years after the grounding. Maritime New Zealand has removed two hazard notices on the wreckage, allowing small vessels back into the area.

Read the full story here.

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Alternative wastewater options for Te Anau considered by Southland District Council _

The Southland Times reports that Southland District Council is investigating alternatives for the Te Anau sewerage scheme. The council now has consents for the Kepler option which would upgrade the existing plant at Te Anau with the disposal of treated wastewater near Te Anau Airport. However, the council will consider other options, while the Kepler proposal is under appeal in the Environment Court.

Read the full story here.

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Locals oppose Ashburton District Council selling water extraction rights for 30 years

Radio New Zealand reports that a bottled water company might obtain rights to extract billions of litres of water from Ashburton's aquifers for selling outside the district. The council wants to sell a property to which are attached resource consents to extract unlimited water until 2046. Local resident Jennifer Branji says the council had entered the deal without consulting ratepayers and the area was drought-prone.

Read the full story here.

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Residents in $700 million Orewa development told to evacuate

The New Zealand Herald reports that urgent remedial work is underway on 22 dwellings in Kensington Park, Orewa, following the discovery of structural problems in the Kensington Properties housing project which might make the buildings unsafe.

Read the full story here.

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New Special Housing Areas announced for Auckland _

The *New Zealand Herald* reports that Auckland Mayor Len Brown and Building and Housing Minister Nick Smith have announced 36 new Special Housing Areas in the Auckland region. Six existing Special Housing Areas will be extended to accommodate more houses.
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Read the full story here.

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Ngai Tahu Property may withdraw from Christchurch convention centre _

The Press reports that Ngai Tahu Property has indicated it may pull out of the Christchurch convention centre precinct proposal. However, the consortium Plenary Conventions New Zealand's director Paul Crowe said it would continue to negotiate with the Government in good faith. The Government has committed $284 m to the scheme but deadlines for the start of construction have been repeatedly pushed back.

Read the full story here.

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Whanganui District Council may continue pumping sewage out to sea for the next three years _

The *Manawatu Standard* reports that Whanganui District Council bypasses the sewage treatment process to discharge straight to water about 1.8 kilometres off South Beach on the coast of Whanganui. A consent hearing was held in March to determine whether the council would be allowed to continue doing this while it builds a new $39 million treatment plant.

Read the full story here.

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Solar panel charge _

Radio New Zealand reports that Hawke's Bay lines company Unison is putting an extra charge on most householders that have solar panels on their roof. The scheme will affect the company's consumers in Hawke's Bay, Taupo and Rotorua who use their panels to generate surplus power and feed it back into the national grid.

Read the full story here.

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$12 million apartment and office block in Hamilton

The *Waikato Times* reports that an independent commissioner for Hamilton City council has granted consent to developer Ross Vernall for construction of a nine-storey $12 million office and apartment block in Cook St, East Hamilton.

Read the full story here.

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$2.2b to replace NZ's asbestos pipes _

Radio New Zealand reports that the cost of replacing the country's asbestos water supply pipelines could reach over two billion dollars. Asbestos cement pipes were installed for local water supply networks from the 1950s to the 1970s. Water New Zealand estimated the total length of this country's water supply pipelines at 36,436 km and that 9000 km of those pipes were made of asbestos cement.

Read the full story here.

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$5.25m roundabout for Te Puna _

The *Bay of Plenty Times* reports that the NZ Transport Agency has announced that the contract for constructing the new $5.25 million roundabout at Te Puna has been awarded to Downer Group and that the project could reduce the number of crashes at the spot, currently a T-junction, by up to 80 per cent.

Read the full story here.

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Fraser River hydro plan delayed

The *Otago Daily Times* reports that any decision as to the future of the $15 million Central Otago hydro-electric scheme on the Fraser River will be delayed due to the uncertain regulatory
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environment. Pioneer Energy's chief Executive Fraser Jonker said that, although the hydro scheme has received resource consents from Central Otago District Council and Otago Regional Council, the company has not yet made a decision to proceed with the project.

Read the full story here.

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Auckland Council to demolish homes for carpark

Radio New Zealand reports that fourteen households are being evicted so that the houses can be demolished by Auckland Council in order to build a carpark as part of its project to expand Monte Cecilia Park in Mt Roskill. As part of the same scheme, the council is progressively purchasing the 25-unit Liston Village for the elderly, also in order to demolish the village buildings.

Read the full story here.

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Auckland volcanic view shafts not to change _

The New Zealand Herald reports that Auckland Council's development committee has voted to keep the existing protected view-shafts of Auckland's volcanic cones across the city. Council officers had recommended that 10 of the city's present 87 view-shafts should be downgraded because some were no longer considered to be of significance and others had local, rather than regional significance. An independent hearings panel will consider the issue prior to a final decision being made.

Read the full story here.

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Residents oppose Dunedin subdivision in rural zone _

The *Otago Daily Times* reports that Dunedin City Council is hearing an application by RPR Properties Ltd for consent to subdivide land in Dalzeil Rd which is zoned rural. Council planner Lianne Darby supports the application, saying that although the rural character of the area would be diminished, it was not a typical rural-zoned area. Local residents submitting against the proposal argue that their lifestyle would be adversely affected.

Read the full story here.

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