



Report

TO: Hearings Committee

FROM: Connor Marner, Planner

DATE: 25 September 2017

SUBJECT: **APPLICATION FOR A VARIATION TO RESOURCE
CONSENT LUC-2006-370735
15 DARNELL STREET, DUNEDIN
E & M CHAPPLE**

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 25 September 2017. This includes the information supplied in conjunction with the original land use consent LUC-2006-370735, the current application for variation of this consent; technical advice and the submission received. The purpose of the report is to provide a framework for the Committee's consideration of the application and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

SUMMARY OF RECOMMENDATION

- [2] For the reasons set out in the report below, I consider that the proposal to vary extant land use consent LUC-2006/370735 will not result in a loss of rural character and amenity compared with the existing development authorised by LUC-2006-370735. The revised proposal to allow the location of the residential activity and accessory building to be exchanged, the timing of the landscape management planting to be extended, and changes to the cladding and colours of buildings, will have environmental effects on the rural environment that are the same or similar to the current consented development.
- [3] I consider that the changes to the site development authorised by LUC-2006-370735 will not undermine the visual quality of the landscape, subject to conditions to ensure a continued visual dominance of the natural landform and elements over human imposed elements and to ensure that effects are not more than minor.
- [4] As a result, I have concluded that the proposed variation should be granted subject to the revised conditions set out in the attached certificate.

DESCRIPTION OF PROPOSAL

- [5] Resource consent is sought pursuant to Section 127 of the Resource Management Act (RMA) to vary conditions imposed on previously approved resource consent LUC-2006-370735 (previously known as RMA-2006-0973).
- [6] The extant consent, LUC-2006-370735, gives conditional land use consent for the use and development of a dwelling and associated accessory building on an under-sized rural site within an Outstanding Landscape area, located at 15 Darnell Street, Dunedin.

[7] LUC-2006-370735 is subject to five Conditions of consent, with the current application seeking to amend Conditions 1, 4 and 5 of the consent conditions.

[8] Condition 1 of the consent currently reads as follows;

‘Condition 1- That the proposed activity shall be given effect to generally in accordance with the undated plans titled ‘Proposed building siting plan’ (Figure 6) and Property Landscape Development/Management Plan’ (Figure 7) and the information submitted as part of resource consent application RMA 2006-0973 received by Council on 12 October 2006, and the undated plans of the dwelling and accessory buildings tabled at the hearing as part of Mr Christensen’s evidence, except where modified by the following conditions;’

[9] This condition is proposed to be amended to allow for the development and use that has occurred to differ from the plans originally supplied as part of the application. The originally proposed dwelling will no longer be constructed, with the accessory building having been developed as a single dwelling unit. A farm shed is proposed to be constructed in the location where the dwelling was to be constructed.

[10] Condition 4 of the consent currently reads as follows;

‘Condition 4 - Landscape development shall be implemented and maintained in accordance with the detail outlined in Mike Moore’s evidence tabled at the hearing, specifically Paragraphs 22-26, Appendix A and the attached plans. This landscape development must be undertaken in the following stages:

- (i) Stage 1 comprising, at least, the fencing of existing native bush and the waterways to prevent access by stock, and the plantings to screen the barn and the vehicle access to the buildings. This work must be completed within two years of the date of this consent and before construction on the dwelling commences.*
- (ii) Stage 2 comprising, at least, the plantings to screen the dwelling. This must be completed within 12 months of the residential occupation of the dwelling.*
- (iii) Stage 3 comprising the remainder of the landscape development and site development controls. This work should be undertaken at a steady rate and shall be completed within 10 years of the date of this consent. Note, Council staff will monitor compliance with this condition at two-yearly intervals.’*

[11] The condition is proposed to be amended to establish a new time frame for the landscape development as the majority of the required works have not been undertaken within the stated timeframes.

[12] Condition 5 of the consent currently reads as follows;

‘Condition 5 - The timber weatherboards of the proposed dwelling shall be stained or painted before fixing so that the timber does not

weather to a very light colour that would appear bright when viewed from off the site. All stained or painted surfaces of the buildings shall have a reflectivity value of 10% or less. The consent holders shall submit to Council's Architecture and Urban Design department, for the approval of the Landscape Architect, the proposed colour of any timber stain or paint to be applied to the weatherboards and the proposed colours and materials for the dwelling's roof and the exterior surfaces of the accessory buildings.'

- [13] The condition is proposed to be amended to allow for the existing accessory building that has been converted into a dwelling to be clad in Endura Colour Steel in Grey Friars colour and the proposed farming shed to have the same cladding and colour.
- [14] A separate resource consent application (LUC-2017-279) has been lodged for the proposed earthworks associated with the development of the farm shed. The processing of the earthwork application has been suspended, pending the outcome of the variation of this consent. This is to enable issues concerning the location of the farm shed to be settled before the matters concerning construction detail are examined.
- [15] Figure 1 below shows the plans endorsed as part of the extant resource consent and Figure 2 shows the proposed site plan for the application to vary conditions.

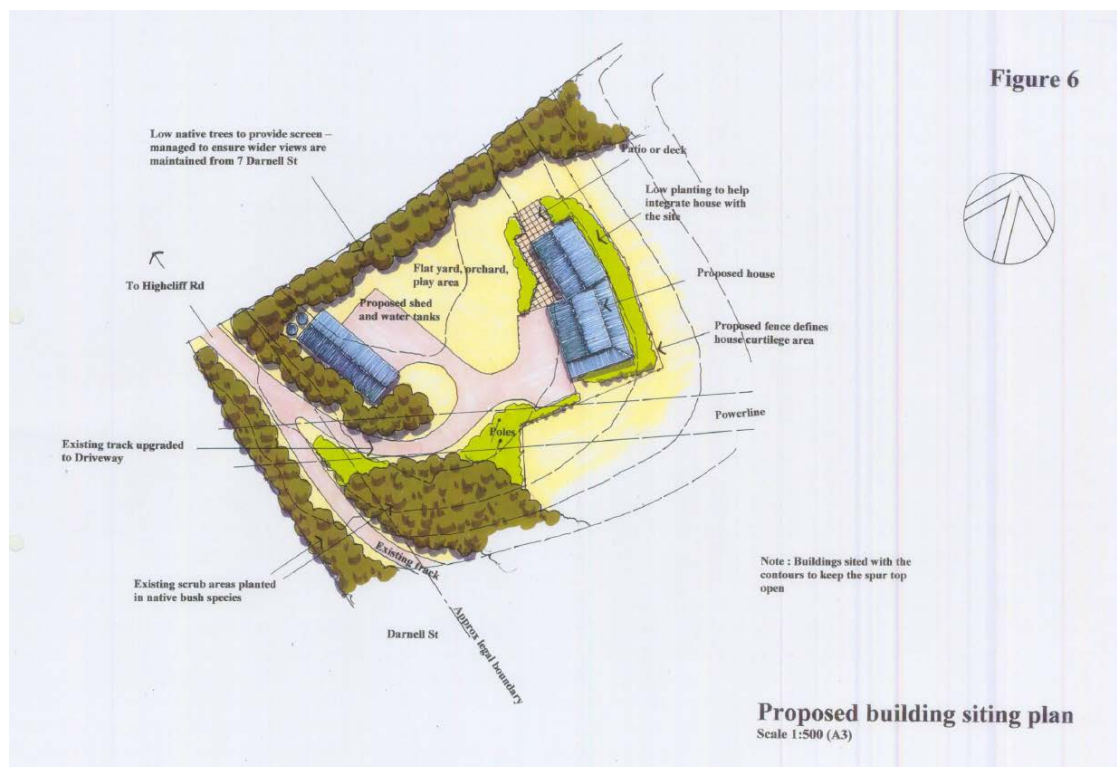


Figure 1: Building Platform Locations and Landscape approved as part of LUC-2006-370735

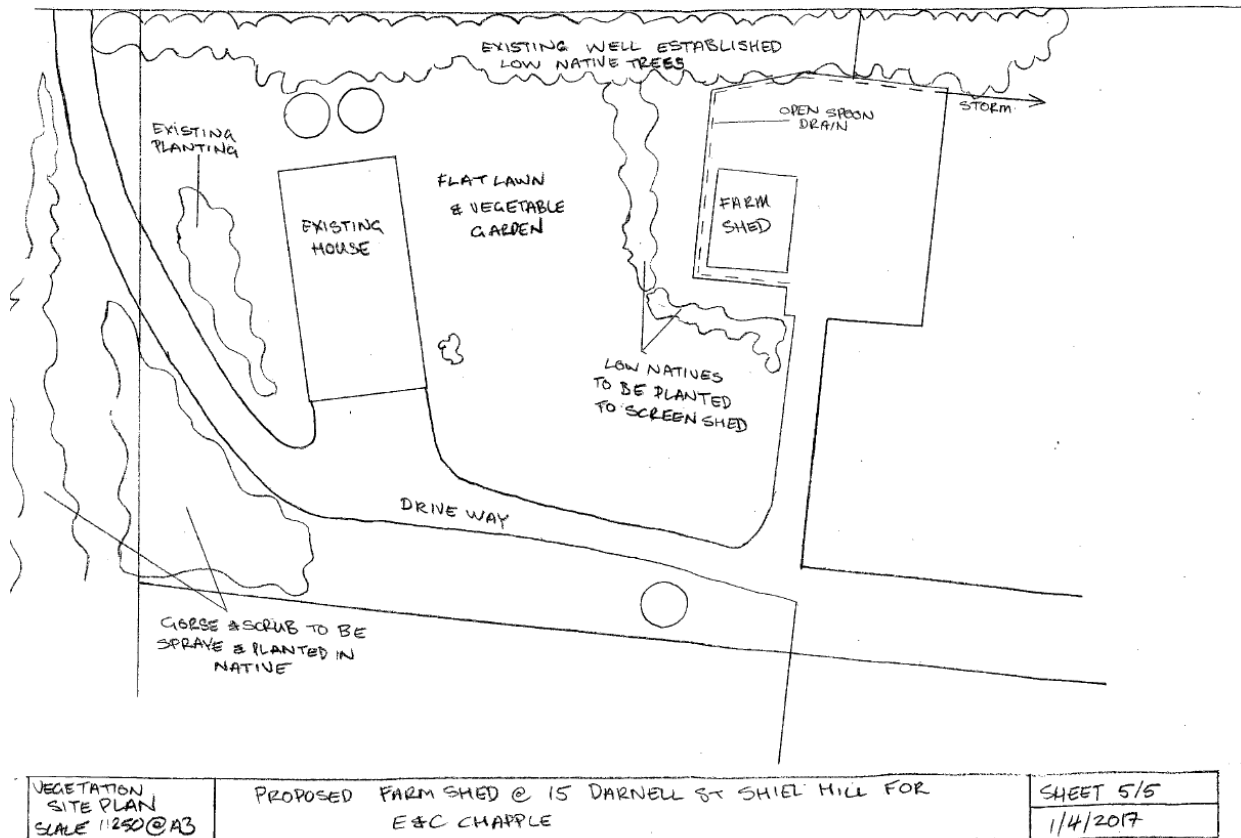


Figure 2: Proposed Building Platform Locations as part of LUC-2006-370735/A

- [16] A copy of the application, including larger copies of the figures included within this report are contained in **Appendix 1** of this report.

DESCRIPTION OF SITE AND LOCATION

- [17] The site is located at 15 Darnell Street, Dunedin. The site is legally described as Sections 5 and 6 Block VII Anderson Bay Survey District and held in one Computer Freehold Register OT275/10. The title area is 8.0937 hectares.
- [18] The site is on the rural/urban fringe, adjacent to the residential suburb of Shiel Hill to the north-west. The site is an undulating rural site with a south-westerly orientation, which adjoins rural properties generally to the north, east and south of the site. The southern boundary generally coincides with the northern reaches of the Tomahawk lagoon.
- [19] The site contains an accessory building which has been converted into a dwelling located approximately 10 metres off the Darnell Street legal boundary. The building measures 18 metres by 7 metres with a maximum height of 3.6 metres.

HISTORY OF THE SITE/BACKGROUND TO THE APPLICATION

- [20] Resource consent was originally granted in December 2006 by way of a publicly notified application for the establishment of a residential activity at 15 Darnell Street, Dunedin. The plans submitted in support of the application showed the location of the proposed dwelling and accessory building and consent was granted subject to five conditions of consent.

- [21] The accessory building was approved as part of resource consent RMA-2006-370735 in the current location with the intention that the applicants would reside within the building while the dwelling is constructed with the accessory building to cease being a self-contained residential unit at such time.
- [22] Since the issuing of the consent, the accessory building has been constructed and has been used for residential activity. Building consent ABA-2007-316238 was issued 11 June 2007. The property was on sold to the current owners/applicants in 2010.
- [23] The current applicants state they were unaware of the conditions of consent RMA-2006-370735 until such time as a building consent was lodged with Dunedin District Council in March 2017. It is noted that applicant applied for a LIM prior to the settlement date for the purchase of the property. The LIM report identified Land Use consent LUC-2006-370735 in relation to the site.
- [24] This situation has highlighted areas of non-compliance to Council, especially in regards to the landscape development required to be undertaken pursuant to condition 4 of the consent. For clarity, the issues around the present non-compliance of the extant conditions are a to be dealt with via a separate process on completion of the determination of this application.
- [25] A Code of Compliance pursuant to the Building Act was issued in 2007 for the construction of a Coloursteel shed with living areas, bedrooms, bathroom, heater and kitchen. Due to the original consent permitting the temporary residential activity within the accessory building until such time as the dwelling was constructed, the building consent was correctly signed off by the Planning Department as being approved by resource consent.
- [26] A legal opinion sought by the Council determined that the extant resource consent has been given effect to and has not expired. The advice determined that as residential activity has been established on the property, the consent had been partially given effect to but would need a variation to reflect how the development had differed and this approach was consistent with Council's historic approach in these situations.

ACTIVITY STATUS

Dunedin City District Plan

- [27] The subject site is zoned Rural in the Dunedin City District Plan. The property is situated within the Peninsula Coast Outstanding Landscape Area (OLA), with the majority of the site located within the visually recessive area of the OLA.
- [28] The proposal is considered to fall within the definition of Residential Activity. Resource consent is required as the property is undersized and located within an OLA. As discussed above, resource consent was granted for the use and development of a residential activity in December 2006 and is considered to have been given effect to.
- [29] The residential activity occurring on site is not considered to be in general accordance with the approved resource consent and conditions; therefore a variation to consent is required pursuant to Section 127 of the Resource Management Act.
- [30] If granted, under Section 127(3)(a), the *'application should be treated as if the application were an application for a discretionary activity and the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.'*

- [31] In this instance, the proposed changes relate to the location of the residential activity, the timeframes associated with the landscape development and the materials and colour of the dwelling. Only the effects that arise due to the proposed changes of these requirements can be considered.
- [32] The construction of the newly proposed accessory building is considered to be a permitted activity under the zone rules. However, the site development is subject to this variation application and land use consent is required for the earthworks for which a separate resource consent has been applied for.

Proposed Second Generation Dunedin City District Plan (Proposed 2GP")

- [33] The Proposed 2GP was notified on 26 September 2015. The 2GP zoning maps indicate that it is proposed that the subject site be zoned as **Rural – Peninsula Coast**. The property is also identified as being situated partially within the **Natural Coastal Character** in the southern corner of the site and the **Peninsula Coast Outstanding Natural Landscape** on the eastern portion of the property.
- [34] The Proposed 2GP was notified on 26 September 2015, and some 2GP rules have immediate legal effect. In this instance, there are no relevant rules to consider in relation to this application.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("the NES")

- [35] The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 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
- [36] It has not been established whether any HAIL activities have been undertaken on this site. However, in this situation, there is no known evidence of HAIL activity and the proposed variation does not involve a subdivision or change of land use in regards to the existing consented activity. As such, the National Environmental Standard is not deemed applicable to the proposal.
- [37] Overall the application is considered to be a discretionary activity in accordance with the provisions of Section 127(3)(a) of the Resource Management Act 1991. Section 127(3)(b) requires that while the activity is to be a discretionary activity, only the change or cancellation of a condition and the effects arising from the change or cancellation of the condition generates.
- [38] Therefore, it is the effects from the proposed changes to Condition 1, 4 and 5 that are the subject of the report.

NOTIFICATION AND SUBMISSIONS

- [39] Written approval from the owners and occupiers of 7 Darnell Street, Stephen and Jucinda Geddes, was submitted with the application.
- [40] The application was limited notified on the 27 July 2017 to the owners and occupiers, Julie and Brent Patterson, of 2 Darnell Street. No other parties were considered to be adversely affected by the proposed variation. The period for submissions closed on 23 August 2017.

[41] A submission was received from the party notified. The submission was opposed to the variation.

[42] The submissions is summarised in the below, and a full copy of the submission is attached in Appendix 2.

- The submission in opposition was lodged by Julie and Brent Patterson who wish to be heard in support of the submission at a hearing.
- They own the neighbouring property at 2 Darnell Street, which shares road/driveway access on Darnell Street and an unobstructed view of the residential activity that they consider to be an eyesore.
- The originally proposed house should be constructed as it would enhance the area and is what was originally provided affected party consent to and was designed in consultation with a landscape architect.
- Allowing people to reside in garages should be discouraged in Outstanding Landscape Areas as it is a sub-standard type of housing.
- The proposed residential activity will breach the District Plan rules in regards to distance from a boundary which is unacceptable in the rural zone.
- In the 10+ years since the original consent was issued, little planting has been undertaken which was required by condition of consent. The applicant has likely killed off native plants originally planted by using a helicopter to spray the gorse on the property. Council should require a bond for the outstanding works.
- The proposed dwelling should be constructed using the approved cladding as the original consent was very detailed with regards to the design and cladding details for the proposed dwelling.
- Conditions 2 and 3 in regards to access have not been complied with which is causing the road carriageway in Darnell Street to be a hazard and cause dangerous situations for other users.
- The driveway should be reshaped and constructed as per the original conditions with Council retaining a bond to ensure the work is undertaken to a proper specification.
- The proposed variation of consent is materially different from the original consent which was agreed to.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

[43] Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in Section 3 of the Act as including-

- a) *Any positive or adverse effect; and*
- b) *Any temporary or permanent effect; and*
- c) *Any past, present, or future effect; and*
- d) *Any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration or frequency of the effect, and also includes –*
- e) *Any potential effect of high probability; and*

- f) *Any potential effect of low probability which has a high potential impact.*

[44] This section of the report assesses the following environmental effects in terms of the relevant assessment matters in Sections 6.7 (Rural) and 14.7 (Landscape) of the District Plan. Accordingly, assessment is made of the following relevant effects of the proposal:

- Permitted Baseline Assessment
- Amenity Values and Bulk and Location (Assessment Matter 6.7.3, 6.7.9)
- Visibility (Assessment Matter 14.7.1 and 6.7.13)
- Landscape (Assessment Matter 14.7.2, 14.7.4 and 6.7.25, 14.7.5)
- Noise (Assessment Matter 6.7.6)
- Conflict and Reverse Sensitivity (Assessment Matter 6.7.26)
- Positive Effects;
- Sustainability (Assessment Matter 6.7.1);
- Transport (20.6.8)

Permitted Baseline

[45] As part of the assessment of effects, the committee may choose to apply the permitted baseline assessment. This requires consideration of what can occur as of right on the site (permitted activity) and the determination of the existing lawfully established development of the site. Any effect from an activity that is equivalent to that generated by an activity falling within the permitted baseline can be disregarded.

[46] The site cannot be developed for residential activity as of right due to the site being an under-sized rural site within an outstanding Landscape area. However, the subject site does benefit from extant resource consent for the residential use which is subject to this variation. The applicant can, 'as of right' develop the site in accordance with the originally approved plans.

[47] The extant resource consent allows for the subject site to be utilised for residential activities with the approved plans nominating locations for the dwelling and accessory building, subject to conditions.

[48] The accessory building has been constructed with the building located in approximately the same position and similar dimensions to the building shown on the original plans. As such, the bulk and location of the accessory building was lawfully established. It is the ongoing use as a dwelling, as well as compliance with a number of associated conditions that is subject of contention.

[49] The original hearing report acknowledged the intention for the accessory building to be used as a dwelling until such time as the dwelling was constructed, when the accessory building would be decommissioned as a residential unit. However, no timeframes were set as conditions around this use but the hearing report did acknowledge that the original applicants thought this timeframe would be approximately 2 years. While this residential use was envisioned as being temporary, the period of this occupation was not defined in clear and enforceable terms.

[50] The originally proposed dwelling has not been constructed, but as the resource consent has been legally considered to have been given effect to, the dwelling could still be constructed as per the original plans which permitted a single storey dwelling with an approximate footprint of 200m² and a maximum height of 7m. This is provided that the current residence reverts to being an

accessory building as originally intended. The location of the dwelling was approved where the applicant now seeks to construct a 43.2m² farming shed.

- [51] The following parts of this report represent my views on the effects of the proposal, having regard to the application, the submission, and my visit to the site.

Landscape

- [52] The site is located in a visually recessive area of the Peninsula Coast Outstanding Landscape Area. The relevant features and characteristics of this Landscape to be protected include;
- *The general visual dominance of the natural landscape elements over human landscape elements, (e.g. buildings or shelter plantings) giving the area a sense of maturity or harmony.*
 - *The integrity, extent, coherence and natural character of the landform, streams and remaining areas of indigenous vegetation.*
 - *The minimal influence of any large scale structures or exotic plantings to diminish the impact of the natural landscape form and features.*
- [53] The Hearing Committee, in granting the original consent stated in the reasons for the decision, that the effects of the proposal on the Outstanding Landscape Area will be no more than minor and in many respect, the landscape will be enhanced by the landscape development plans. The Committee acknowledged the limitations of the property in terms of rural production and that the site made a more significant contribution to sustainability through the enhancement of the landscape and ecological values.
- [54] It is not considered that any effects beyond those considered with the original application will be generated as a result of the variation. The variation will result in significantly reduced building development within the Outstanding Landscape Area, with the overall footprint and elevation of structures on the site being reduced as part of the variation.
- [55] The original resource consent was supported by evidence provided by Mr Mike Moore who acted as a landscape architect on behalf of the applicant. The evidence provided by Mr Moore detailed native plantings and other works to be undertaken to mitigate any potential effects and enhance the surrounding area. These plantings were adopted as a condition of consent which is sought to be varied, in regards to the timeframes in which the works should be completed by.
- [56] The lack of compliance to date with the requirements to undertake planting is a concern, but there is no physical impediment to the completion of the planting areas recommended by Mr Moore.
- [57] The variation of the landscape development requirements does not seek to reduce the scope and intent of the requirements and the works to be undertaken. The conditions of consent required the plantings and works to be undertaken within a specific timeframe which has not occurred. As such, the only way to comply with this condition is to have the condition amended to reset the timeframes within which completion of the plantings must be achieved.
- [58] As previously determined, as part of the original consent condition, the proposed landscaping development associated with the site will mitigate any effects on the surrounding Outstanding Landscape area and may enhance it. It

will serve to screen the built elements and vehicle access, and add to the existing native vegetation already on site. Once the planting is implemented the non-compliance with the original timing required will become irrelevant.

- [59] The variation seeks to reduce the scale and overall area of the foot print of structures within the site from what was previously approved, which will reduce the visual impact on the surrounding landscape.
- [60] Overall, the proposed variation is considered to not generate any effects above those considered with the original consent. The lack of compliance with the landscape development to date leads to concern, but can be addressed through a closer monitoring process in conjunction with this variation.

Amenity and Bulk and Location (assessment matters 6.7.3 and 6.7.9)

- [61] The approved dwelling was to be located approximately 18 metres from the boundary to the north with 7 Darnell Street and approximately 40 metres from the boundary adjoining the Darnell Street road reserve. The accessory building was approved approximately 7 metres from the boundary with 7 Darnell Street and 10 metres from the boundary with Darnell Street road reserve. The owners of 7 Darnell Street have provided affected party consent, therefore any localised effects on this party have not been considered further.
- [62] The bulk and location of the accessory building is consistent with what was originally approved with the effects from the bulk and location being considered as part of the original approval.
- [63] The intended use of the structure has changed and therefore any change in amenity effects related to the change of the use from an accessory building to a residential activity needs to be considered.
- [64] The property owners and occupiers of the land on the opposite side of Darnell Street have submitted on the application in regards to the residential activity now being located significantly closer to the property at 2 Darnell Street than previously approved.
- [65] As the building used for residential activity was legally established as an accessory building and 'temporary' residence, the bulk and location of the structure have previously been considered. It is only the effects of the structure being used on a permanent basis as a dwelling instead of as an accessory building in relation to the proximity of 2 Darnell Street that need to be considered.
- [66] The building is located approximately 27m to the closest point of 2 Darnell Street and approximately 120m from the dwelling established on 2 Darnell Street. The dwelling at 2 Darnell Street sits at a higher elevation than the subject site, but views of the structure are obscured by existing vegetation within the road reserve and on the subject site. However, it is acknowledged that there are direct views of the structure from the southern portion of the 2 Darnell Street property.
- [67] The landscape development was required to help mitigate the visual impact on the surrounding area, including that on 2 Darnell Street. It is considered that this can still be achieved through the revised conditions, which will require the landscape development to be undertaken and completed within an amended timeframe which is practical and enforceable.
- [68] Given the separation distances between the existing building and 2 Darnell Street the use of the structure as a dwelling is not considered to generate effects above and beyond those that would be associated with an accessory

building usage. Residential activity is permitted by LUC-2006-370735 (albeit in the new proposed farm shed location). Which building is used for residential use and which for accessory building purposes makes little or no difference to the off-site effects on 2 Darnell Street. The fact that the residential use has been occurring for the previous 10 years with no complaint to Council suggests that the activity has exhibited a low profile in relation to the environment.

- [69] As discussed earlier, the site is located on the urban fringe with the dwelling on 2 Darnell Street located within the Residential 1 zone (the southern portion of the property is within the Rural zone) and in closer proximity established residential activities than the subject site.
- [70] Therefore, the effects of varying the location of the residential activity to the existing position are considered less than minor.

Visibility

- [71] The Council's Landscape Architect, Barry Knox, has made the following comments in regards to the application;

'The original application was in 2006, with substantial inputs by Landscape Architect Mike Moore for the applicant, and submissions from several opposed residents. The section 42A report initially recommended not granting the consent, but the proposed conditions provided some certainty that effects would be mitigated. It is reasonable to say that after ten years there has been significant non-compliance with these conditions.'

The current property owners note in their application that they "only became aware of the conditions of the granted resource consent RMA 2006-0973 during the process of applying for a building consent for the proposed shed". Unfortunately my experience with landscape related conditions which need to be administered over several years is that non-compliance often occurs.

If the condition variations are approved I consider the original plans by Mike Moore should be referred to more extensively than they are in the proposed new conditions, and the times for work completion needs to be made more definite than "within 12 months of the completion of the farm shed". In my opinion any timeframe should be related to the approval date of new conditions, should this occur, rather than a "completion" time, which could be variable.

I perhaps should not comment on what is predominantly a planner prerogative, but it appears that the activity now proposed for an accessory building rather than a new dwelling is so different from the original that a new application may be more appropriate. (I consider this may apply even although the new proposal would potentially create fewer adverse effects on the PCOLA than the original 2006 application).

The application is for variation to conditions from an earlier consent, and the potential adverse effects on the PCOLA of the consented activity would be similar. In my original comment I noted that these would be:

"..no more than minor. Several factors contribute to this conclusion. These include the relatively low visibility from key viewing points, the location of the building platform as close as feasible to existing urban development, protection of the native vegetation and rural character of the bulk of the site, and proposed conditions which would ensure an appropriate dwelling design."

In terms of effects on the characteristics of the PCOLA, I consider maintaining the existing building as a permanent residence and constructing an accessory building where the proposed new residence was to be, will lead to effects which would be no more than minor, assuming the mitigation alluded to in conditions is carried out.'

- [72] I concur with Council's Landscape Architect assessment that the relevant viewpoints are limited of the development and the proposed variation may even result in fewer adverse effects due to the reduced scale in structures and footprints in comparison to what was previously approved.
- [73] The amendment of condition 5 related to the appropriate cladding of the previously approved dwelling. As that dwelling is not intended to be constructed, Council's Landscape Architect has raised no concerns with the condition being amended to allow for the accessory building/dwelling to be clad in 'Endura Colour Steel' in a "Grey Friars colour." It is considered this cladding will reduce the visual effects and allow for the structures to blend in with the existing environment.
- [74] Overall, the visual effects of the proposal are considered to be minor, subject to conditions of consent ensuring additional mitigation is provided to better integrate the dwelling into the site and monitoring of the conditions to ensure compliance within the set time frames.

Noise Effects and Conflict and Reverse Sensitivity

- [75] It is my opinion that the proposal is unlikely to have significant consequences for the well-being of the neighbours and generate reverse sensitivity effects. There is no other residential use within close proximity of the site with the closest dwelling being located at 7 Darnell Street, approximately 60m from the site. It is noted that all of the dwellings within a 200m radius of the site are located within the Residential 1 zone with the exception of 7 Darnell Street who have provided Affected Party Consent to the variation.
- [76] The proposal will not result in any noticeable increase in noise effects beyond what could be established on the site as part of the extant consent. The residential activity being located 23m closer to the boundary of Darnell Street road reserve still provides a 27m separation of the residential activity to the property boundary of 2 Darnell Street.
- [77] Vehicle movements to and from the site will not increase slightly from what is currently being undertaken on the site. The reduction in the front yard from 20m is not considered to introduce noticeable adverse effects on adjoining land.

Sustainability

- [78] Sustainability relates to the protection of amenity values and the protection of significant natural and physical resources, the avoidance of mixing of incompatible activities, and the avoidance of the unnecessary expansion of infrastructure. It is my opinion, as expressed above, that the proposal will have some adverse effects on the openness of the rural hillside in this location. However, there is no subdivision proposed, and consequently, no further fragmentation of the Rural Zone which could adversely affect the sustainable management of natural and physical resources.
- [79] This application is not an opportunity to reassess if the site is suitable for residential development, but to vary the conditions attached to the existing authorised development. It is not considered that the variation will have

effects on sustainability above and beyond those considered in the original assessment.

Transport

- [80] The submission received in opposition of the variation detailed existing issues with the access of the property. Specifically within the portion of Darnell Street road carriageway up to the subject property due to the steepness of the slope.
- [81] Conditions 2 and 3 of the extant consent dealt with the access provisions required for the residential development of the site. No proposed change to these conditions has been applied for and compliance with them is required in accordance with the original consent.
- [82] In the original decision it is not clear if the conditions were associated with the internal driveway access to the property or the Darnell Street carriageway. Clarification from Council's Transport Planner has been sought in regards to the intentions behind the Conditions 2 and 3, and to determine whether they have been complied with.
- [83] As the Dunedin City Council maintains approximately the first 90m of Darnell Street from Highcliff Road, Transport considers the remainder of the vehicle access formation within Darnell Street to be privately maintained domestic vehicle access within legal road. This privately maintained section of vehicle access is generally considered to be the primary subject of the original application conditions for access.
- [84] In regards to condition 2 of the extant consent, Transport has recommended the condition be amended to provide clear guidance in relation to the design expectations of the original consent conditions. However the amended condition is considered outside of the scope of this application, as it is not sought to be varied. Further, the changes sought relate to the internal site development and have nothing to do with the use and formation of Darnell Street.
- [85] Any private access within a road is subject to approval of Council's Transport Department as asset managers for the Council. The amended condition can be adopted as an advice note and Transport is still able to rely on Roading Bylaw 11.11 to require such detailed design information to be submitted for approval, to ensure the acceptable construction of vehicle access to site and compliance with extant conditions.
- [86] Council's Transport Planner stated that Transport is unaware of any specific vehicle access design that has been undertaken to satisfy Condition 2 of the consent and stated that it would be useful to provide guidance on the appropriate standard to apply to the design to achieve compliance.
- [87] With regard to Condition 3 of the extant consent, it should be noted that the condition does not relate to the maximum gradient of the vehicle access as contended by the submitter. Instead, it relates to the maximum change of gradient along the vehicle access.
- [88] Regardless, as no proposed changes are associated with these conditions; these conditions are required to be complied with. Compliance with these conditions can be achieved through monitoring and enforcement provisions of the RMA.
- [89] Redressing these conditions is considered outside of the scope of this S127 application which can only consider effects generated by the proposed variation which do not apply to the access provisions.

Effects Assessment Conclusion

- [90] After considering the likely effects of this proposal above, overall, I consider the effects of the proposal can be appropriately mitigated by conditions of consent so as to be no more than minor. The application does not seek any additional development above what is already consent to and will reduce the overall footprint and bulk of the approved structures, reducing the impact on the Outstanding Landscape area. Conditions of consent would necessitate the ongoing maintenance of the site and additional landscaping which would have benefits on the immediate surrounds. The revised timeframes associated with the landscaping will enable compliance with this requirement to be reset to a timetable that can be achieved. Compliance would otherwise be impossible as the timeframes have expired. The change in the requirements for the cladding of the development is in keeping with the intent of the original consent which sought to have claddings and colours which would minimise the visual impact.

OBJECTIVES AND POLICIES ASSESSMENT

Assessment of Objectives and Policies of the District Plan (Section 104(1)(b)(vi))

- [91] In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Dunedin City District Plan and the proposed 2GP were taken into account in assessing the application.

Dunedin City District Plan

- [92] The following objectives and policies of the Dunedin City District Plan were considered to be relevant to this application:

Sustainability Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 4.2.1 Enhance the amenity values of Dunedin.	I consider that the proposal is not inconsistent with the policy framework set out in the sustainability section. Sufficient infrastructure (self-sustaining water supply and effluent and storm water disposal) is provided to cater for the activity without compromising the demands of future generations. Additionally the proposal encourages the protection of the natural and physical resources and the maintenance or enhancement of amenity values subject to conditions of consent. As determined for the original consent, the site may not be economic farm unit, however, allowing the applicant to provide for residential living may provide for increased on-site management, particularly for bush regenerating areas which has a positive effect on the landscape and ecological values within the site which are of benefit to the wider area. The variation sought does not change the consistency of the proposal with regards to the sustainability objectives and policies as determined for the original consent.
Policy 4.3.1 Maintain and enhance amenity values.	
Objective 4.2.3 Sustainably manage infrastructure	
Objective 4.2.5 Provide a comprehensive planning framework to manage the effects of use and development of resources.	
Policy 4.3.5 Require the provision of infrastructure services at an appropriate standard.	
Policy 4.3.7 Use zoning to provide for uses and developments which are compatible within identified areas.	
Policy 4.3.8 Avoid the indiscriminate mixing of incompatible uses and developments.	
Policy 4.3.10 Adopt an holistic approach in assessing the effects of the use and development of natural and physical resources.	

Rural Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 6.2.1 Maintain the ability of the land resource to meet the needs of future generations.	The variation does not result in any new conflict with the objective and policies. The proposal remains generally consistent with this objective and policy. The land has limited value as rural productive land because of its size. While the placement of a dwelling on this site is not based on the productive use of the site, a dwelling will support the continued maintenance required for regenerating bush areas and for pest control.
Policy 6.3.1 Provide for activities based on the productive use of rural land.	
Objective 6.2.2 Maintain and enhance the amenity values associated with the character of the rural area.	Ensuring the sustainability of the native bush on the site will enhance amenity values. While the landscape structure plan ensures that the area around the area of domestication is vegetated to maintain amenity values associated with the rural area. The variation sought does not seek to remove the requirement of the landscape development but simply seeks a new timetable.
Policy 6.3.5 Require rural subdivision and activities to be of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner that avoids remedies or mitigates adverse effects on rural character. Elements of the rural character of the district include, but are not limited to: a) a predominance of natural features over human made features; b) high ratio of open space relative to the built environment; c) significant areas of vegetation in pasture, crops, forestry and indigenous vegetation; d) presence of large numbers of farmed animals; e) f) Low population densities relative to urban areas; g) Generally unsealed roads; h) Absence of urban infrastructure.	
Policy 6.3.6 Avoid, remedy or mitigate the adverse effects of buildings, structures and vegetation on the amenity of adjoining properties.	
Objective 6.2.4 Ensure that development in the rural area takes place in a way which provides for the sustainable management of roading and other public infrastructure.	
Policy 6.3.8 Ensure development in the Rural and Rural Residential zones promotes the sustainable management of public services and infrastructure and the safety and efficiency of the roading network.	As set out in the original effects assessment, the development is self-sufficient and will not result in additional demand on infrastructure. The variation does not change this situation. The variation is considered to be consistent with this objective and policy.
Policy 6.3.7 Recognise and maintain significant landscapes within the rural zone by limiting the density of development within landscape management areas.	
Policy 6.3.11 Provide for the establishment of activities that are appropriate in the Rural Zone if their adverse effects can be avoided, remedied or mitigated.	The proposed development still results in a dwelling on an undersized rural allotment. The recommended mitigation measures can ensure the landscape qualities of the site when viewed from distant views are maintained. The variation is considered to be consistent with this policy as it does not seek further development that what is already authorised by existing consent. Residential activity is an expected component in the Rural Zone, although not on a site of this size. The issue is not so much whether the residential activity is inappropriate for the zone as consent has already been granted but the location of the activity on the site. The proposal should not adversely affect the amenity and operation of neighbouring land to undertake productive rural activities or the established residential activities. The relocation of the residential activity will have potentially have adverse effects on the amenity of one neighbouring

	properties; however, with conditions as outlined in the effects assessment of this report, it can be consistent with this policy.
Policy 6.3.14 Subdivision or land use activities should not occur where this may result in cumulative adverse effects in relation to: (a) amenity values. (b) rural character (c) natural hazards, (d) the provision of infrastructure, roading, traffic and safety, or (e)	The proposal as presented is considered to have some adverse effects on amenity and rural character, which were addressed at the time of original consent, but not in regard to hazards or infrastructure. The proposal is considered to be generally consistent with this policy.
Objective 6.2.5 Avoid or minimise conflict between different land use activities in rural areas.	The proposal is considered to be consistent with this objective. The proposed residential activity is not expected to conflict with the adjoining activities and or adjoining property owner's enjoyment of their own undersized allotments for more lifestyle oriented activities.
Policy 6.3.9 Ensure residential activity in the rural area occurs at a scale enabling self-sufficiency in water supply and on-site effluent disposal.	The proposal is considered to be consistent with this policy. The residential dwelling is self-sufficient for services.
Policy 6.3.12 Avoid or minimise conflict between differing land uses which may adversely affect rural amenity, the ability of rural land to be used for productive purposes, or the viability of productive rural activities.	The inclusion of residential use within the site is sufficiently separated from surrounding properties to negate any potential conflict between differing land uses. The submitters concerns about loss of privacy and amenity on the southern portion of their property within rural zoned land is noted but when compared with the activities that could occur on the subject site, the residential use is not considered to impact adversely on that continued enjoyment of the submitters land.

Landscape Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 14.2.3 Ensure that land use and development do not adversely affect the quality of the landscape.	The proposal is considered to be consistent with this objective subject to conditions of consent which will ensure that adverse effects on the landscape are no more than minor. The mitigation measures proposed both by the Applicant and those recommended in the effects assessment above, can achieve development that is sufficiently integrated with the landform and landscape surrounding to ensure this objective is achieved.
Objective 14.2.4 Encourage the maintenance and enhancement of the quality of Dunedin's landscape.	The protection afforded to the landscape development requirements will if successful, foster an enhancement of the quality of a small area of the wider landscape. The approved structures and amended details have nominated cladding and colours which will reduce the visual impact of the structures and not dominate the landscape. The development of the subject site can be achieved while conserving the characteristics which give the landscape its quality in this area. Therefore, subject to condition, the proposal is consistent with this objective and policies.
Policy 14.3.3 Identify those characteristics which are generally important in maintaining landscape quality in the rural area (as listed in part 14.5.3 of this section) and ensure they are conserved.	
Policy 14.3.4 Encourage development which integrates with the character of the landscape and enhances landscape quality.	

Manawhenua Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 5.2.1 Take into account the principles of the Treaty of Waitangi in the management of the City's natural and	The proposal has been assessed using the protocol established between Kai Tahu ki Otago and the Dunedin City Council. The proposal is considered to

physical resources.	be consistent with this objective and policy.
Policy 5.3.2 Advise Manawhenua of application for notified resource consents, plan changes and designations.	

Transportation Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 20.2.2 Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.	The proposed residential activity is not considered to adversely affect the transportation network where the access can be re-configured to achieve improved sight lines. The upgrade of the Darnell Street road reserve is considered outside of the scope of this application as there are no proposed changes to the existing conditions or changes that would affect how the transportation requirements were originally assessed. The proposal is consistent with these objectives and policies.
Objective 20.2.4 Maintain and enhance a safe, efficient and effective transportation network.	
Policy 20.3.4 Ensure traffic generating activities do not adversely affect the safe, efficient and effective operation of the roading network.	
Policy 20.3.5 Ensure safe standards for vehicle access.	
Policy 20.3.8 Provide for the safe interaction of pedestrians and vehicles.	

Environmental Issues Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 21.2.2 Ensure that noise associated with the development of resources and the carrying out of activities does not affected public health and amenity values.	Residential noise is anticipated on allotments of 15hectares. The site is deficient by approximately 8.1 hectares with the use for residential activities having already been approved. Residential development within the proposed building platform can be accommodated without affecting the closest adjoining property owner's health or amenity values. Subject to condition regarding fire safety and fire fighting water supplies, the proposal is considered to be consistent with this objective and policy.
Policy 21.3.3 Protect people and communities from noise and glare which could impact upon health, safety and amenity.	

Proposed 2GP

- [93] The proposed zoning of the site is Rural Peninsula Coast under the Proposed 2GP and is identified within a Landscape Overlay Zone – Peninsula Coast Outstanding Natural Landscape.
- [94] Decisions are pending on the rules of this zone and on the rules applying to these zones. The outcome of any submissions on the plan to the rules is not known therefore the final makeup of the rules is unclear. While decisions on the Proposed 2GP rules, are notified, decisions are yet to be made.
- [95] The objectives and policies of the 2GP must be considered alongside the objectives and policies of the current district plan. The following 2GP objectives and policies were considered to be relevant to this application:
- [96] **Objective 10.2.1 and Policy 10.2.1.1 (Natural Environment)** seek to ensure areas of indigenous vegetation and the habitats of indigenous fauna are maintained and enhanced by encouraging conservation activity. The proposal is considered to be **consistent** with this objective and policy.

- [97] **Objective 10.2.5 and Policies 10.2.5.8 and Policy 10.2.5.12 (Natural Environment)** seek to protect outstanding landscape areas from inappropriate development and ensure that their values are maintained or enhanced by requiring new buildings and structures in the OLA overlay zones to have exterior colours and materials that avoid, or if avoidance is not possible, minimise adverse visual effects caused by reflectivity. Policy 10.2.5.12 seeks to provide for smaller buildings (no larger than 60m²) in landscape overlay zones but only where they are limited in number and clustered together with each other or with existing large buildings. The proposal is considered to be **consistent** with this objective and these policies subject to conditions of consent.
- [98] **Objective 16.2.1 and Policies 16.2.1.1, 16.2.1.5 and 16.2.1.7 (Rural Zones)** seeks to reserve rural zones for productive rural activities and for the protection and enhancement of the natural environment along with certain activities that support the well-being of rural communities. There is a strong directive within objective 16.2.1 and within Policies 16.2.1.5 and 16.2.1.7 which limits residential activity in rural zones to that which directly supports farming or which is associated with papakaika and that do not comply with the density standards for the zone. The use of the site for residential activities has already been permitted and is not being re-visited by this application, only the proposed location of the activity. Allowing residential activity to achieve a conservation benefit is considered to be enabling where the adverse effects can be mitigated to no more than minor.
- [99] **Objective 16.2.2 and Policies 16.2.2.1, 16.2.2.3 and Policy 16.2.2.7 (Rural Zones)** seek to minimise the potential for conflict between the activities within the zone. Given the separation distances from the proposed residential activity and any existing or any known approved building platform, the proposal is considered to be consistent with this objective and policy. Policy 16.2.2.7 requires forestry and tree planting to be set back an adequate distance to avoid significant effects from shading on residential buildings on surrounding properties. As there are no such buildings established or able to be established within close proximity of the proposed building platform the proposal is also considered to be consistent with this policy also.
- [100] **Objective 16.2.3 and Policies 16.2.3.1, 16.2.3.2, 16.2.3.9 (Rural Zones)** seek to maintain or enhance rural character values and amenity of the rural zone. The protection of regenerating bush and the required landscape development maintains the existing amenity that this provides on the site. The introduction of residential activity was accepted at the time of the original consent as promoting a better protection for this area of bush within the site. However, it is acknowledged that under new indigenous cover provisions of the Proposed 2GP, the removal of indigenous bush cover is likely to necessitate a resource consent so the impact of this can be assessed in this landscape at that time. Subject to conditions of consent requiring landscaping around the residential activity (as originally required) within the site promoting the enhancement of the landscape values the proposal is considered to be consistent with this objective and policies.
- [101] **Objective 16.2.4 and Policy 16.2.4.4 (Rural Zones)** seeks to avoid residential activity in rural zones at a density that may over time cumulatively reduce rural productivity by displacing rural activities. The proposal is considered to not be inconsistent with this objective and policy despite being undersized, as the use has previously been approved and this application does not seek to revisit that issue. The scale of the residential buildings is reduced from the authorised development.

Overall Objectives and Policies Assessment

- [102] The objectives and policies associated with the Rural Peninsula Coast Zone of the Proposed 2GP, while having legal effect, have been submitted against and I have therefore given them little weight.
- [103] The key objectives and policies are those outlined within the rural and landscape sections of the Operative Plan. Those seeking to maintain and enhance the amenity values associated with the character of the rural area and the maintenance and enhancement of the life supporting capacity of land and resources. Having regard to the relevant objectives and policies, the above assessment indicates that the application is generally **consistent** with those provisions, as the application simply seeks to revisit the location of the residential activity, not to re-authorise the use of the site for residential activity as it is considered to have been given legal effect to.

Assessment of Regional Policy Statements (Section 104(1)(b)(v))

- [104] The Operative and Proposed Regional Policy Statements for Otago are a relevant consideration in accordance with Section 104(1)(b)(v) of the RMA. The Proposed Regional Policy Statement (notified 23 May 2015) is in the appeals phase. Given their regional focus, the regional policy statements do not have a great bearing on the current application.
- [105] However, Chapter 5: Land is considered relevant in that it seeks to promote the sustainable management of infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.
- [106] Under the Proposed Regional Policy Statement, Part B: Chapter 1 seeks to recognise and provide for the integrated management of natural and physical resources to support the well-being of people and communities in Otago which includes economic wellbeing. Part B: Chapter 3 is considered to be relevant in that it seeks to recognise and provide for natural resources and processes that support indigenous biological diversity (Policy 3.1.9(e)) and to control the adverse effects of pest species (Policy 3.1.9(g)). Policy 3.1.10 seeks to recognise the values of natural features and landscapes are derived from biophysical sensory and associative attributes. The landscape development within the site will be consistent with this policy. Policy 3.1.12 seeks to encourage, facilitate and support activities which contribute to enhancing the natural environment. Once again, the requirement for the landscape development to be undertaken in conjunction with the proposal is considered to be consistent with policies within this chapter subject to conditions of consent.
- [107] As such, the proposal is considered to be consistent with the relevant objectives and policies of both the operative and proposed regional policy statements.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [108] Given there is no ambiguity, incompleteness or illegality in the Operative Dunedin City District Plan, it may not be considered necessary to go back to Part 2 Matters of the Resource Management Act 1991.

Section 104

- [109] Section 104(1)(a) states that the Council shall have regard to any actual and potential effects on the environment of allowing the activity. This report

assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposed development overall will be no more than minor subject to compliance with recommended conditions of consent.

- [110] Section 104(1)(b)(vi) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concluded that the application would be generally **consistent** with the key objectives and policies relating to both the Dunedin City District Plan and the Proposed 2GP subject to conditions of consent.
- [111] Section 104(1)(b)(v) requires the Council to have regard to any relevant regional policy statement. In this report it was concluded that the application is consistent with the relevant objectives and policies of the Operative and Regional Policy Statement for Otago.

Other Matters

- [112] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.
- [113] Cumulative effects, bulk and location, visual impact, reverse sensitivity, amenity and sustainability have also been considered earlier in this report.
- [114] It is noted that the variation is discretionary and the gateway test under section 104D does not apply. Neither does it have to be demonstrated that the proposal is a 'true exception'. Nevertheless, I do not consider that the proposed variation represents a challenge to the integrity of the Dunedin City District Plan for the following reasons:
- Residential activity has already been approved and established on the site with the application seeking to amend the conditions associated with the development.
 - The proposed location of the dwelling is considered a reasonable distance that any adverse effects on the amenity of the area are able to be mitigated to a level that the effects are considered less than minor and in keeping or no greater than, those envisioned with the existing consent.
 - Effects can continue to be managed subject to conditions of consent which seek to ensure development within the approved building platform is sufficiently integrated with the character of the landscape (by way of cladding and colour requirements) and that the landscape quality of the site is maintained and potentially enhanced.
 - The site is the only site (with the exception of 7 Darnell Street) located between the residential zone and Tomahawk lagoon which limits further development to occur within the immediate area. This situation remains unchanged by the variation.
- [115] I consider that the variations potential approval would be unlikely to undermine public confidence in the plan's provisions, subject to compliance with conditions of consent.
- [116] For the above reasons, I consider that approval of the proposal will not undermine the integrity of the Plan as the activity will produce effects that are no more than minor, subject to compliance with conditions of consent. I therefore do not consider that the Committee needs to be concerned about the potential for an undesirable precedent to be set in this regard.

CONCLUSION

[117] Having regard to the above assessment, I recommend that the application be granted subject to appropriate conditions. If the Panel are minded to grant consent, I have set out recommended conditions below.

RECOMMENDATION

*That pursuant to section 34A(1) and 104B and sections 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **discretionary** activity being the variation of Conditions 1, 4 and 5 of Resource Consent LUC-2006-370735, imposed under Section 108 of the Act:*

Location of Activity: 15 Darnell Street, Dunedin

Legal Description: Section 5-6 Block VII Anderson Bay Survey District (Computer Freehold Register CT OT275/10)

Lapse Date: XX October 2022, unless the consent has been given effect to before this date.

Conditions:

- 1 ~~That the proposed activity shall be given effect to generally in accordance with the undated plans titled 'Proposed building siting plan' (Figure 6) and Property Landscape Development/Management Plan' (Figure 7) and the information submitted as part of resource consent application RMA 2006 0973 received by Council on 12 October 2006, and the undated plans of the dwelling and accessory buildings tabled at the hearing as part of Mr Christensen's evidence, except where modified by the following conditions;~~ The proposal shall be constructed generally in accordance with the plans and relevant details submitted with the variation to resource consent application received by Council on 2 June 2017 and the Landscape/Management Plan submitted as part of the original resource consent LUC-2006-370735 received by Council on 12 October 2006, except where modified by the following conditions:
- 2 The vehicle access shall be designed to minimise longitudinal gradients.
- 3 The maximum change in gradient without transition shall be no greater than 8°.
- 4 Landscape development shall be implemented and maintained in accordance with the detail outlined in Mike Moore's evidence tabled at the hearing, specifically Paragraphs 22-26, Appendix A and the attached plans. This landscape development must be undertaken in the following stages:
 - (i) Stage 1 comprising, at least, the fencing of existing native bush and the waterways to prevent access by stock, and the plantings to screen the barn/dwelling and the vehicle access to the buildings. ~~This work must be completed within two years of the date of this consent and before construction on the dwelling commences.~~ This work must be completed within two years of the date of acceptance of the condition variation.
 - (ii) Stage 2 comprising, at least, the plantings to screen the dwelling. ~~This must be completed within 12 months of the residential occupation of the~~

~~dwelling. This must be completed within two years of the date of acceptance of the condition variation.~~

(iii) Stage 3 comprising the remainder of the landscape development and site development controls. This work should be undertaken at a steady rate and shall be ~~completed within 10 years of the date of this consent~~ completed within five years of the date of acceptance of the condition variation. Note, Council staff will monitor compliance with this condition at two-yearly intervals.

- 5 ~~The timber weatherboards of the proposed dwelling shall be stained or painted before fixing so that the timber does not weather to a very light colour that would appear bright when viewed from off the site. All stained or painted surfaces of the buildings shall have a reflectivity value of 10% or less. The consent holders shall submit to Council's Architecture and Urban Design department, for the approval of the Landscape Architect, the proposed colour of any timber stain or paint to be applied to the weatherboards and the proposed colours and materials for the dwelling's roof and the exterior surfaces of the accessory buildings. The dwelling and proposed accessory building shall be clad in Endura Colour steel and the colour shall be Grey Friars in keeping with the existing structure. All stained or painted surfaces of the buildings shall have a reflectivity value of 10% or less~~

Advice Notes:

1. In addition to the conditions of resource consent, the Resource Management Act 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.
2. Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
3. The lapse period specified above may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.
4. It is the responsibility of any party exercising this consent to comply with any conditions imposed on their 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. This is resource consent. Please contact the Building Control Office, Development Services, about the need for building consent for the work.
6. The vehicle access, from the carriageway to the property boundary, is over legal road and is therefore required to be constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (available from Transportation).
7. The vehicle access shall be designed to minimise longitudinal gradients. Detailed design plans for the vehicle access shall be submitted to, and approved by, the DCC Transport Group. The design shall be prepared by a suitably qualified professional, and shall be generally in accordance with AS/NZS 2890.1:2004, Clause 2.6.2. The vehicle access shall be upgraded in accordance with the approved plans within 3 months of the consent being given effect to.

vehicle access shall be upgraded in accordance with the approved plans within 3 months of the consent being given effect to.

8. In the event of any future development on the site, Council's Transport Department would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.
9. Fire-fighting Requirements
All aspects relating to the availability of the water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.

REASONS FOR RECOMMENDATION

- [118] Provided that the recommended conditions of consent are implemented, I consider that the likely adverse effects of the proposed activity can be adequately mitigated and will be no more than minor.
- [119] The proposal is considered to be inconsistent with the key relevant objectives and policies of both the Dunedin City District Plan and the Proposed 2GP.
- [120] The proposal is considered to be consistent with the objectives and policies of the Operative and Proposed Regional Policy Statement for Otago.
- [121] As the proposal is considered likely to give rise to adverse effects that will be no more than minor, and will not be contrary with the objectives and policies of the District Plan.
- [122] Overall, the proposal is generally consistent with the extant land use consent development. The proposed changes reduce the overall foot print of the approved development will not alter the requirements of the landscape management plan with the exception of times and the proposed colour considered to reduce the visual impact. The proposal has been assessed as not being likely to give rise to more than minor adverse effects on those natural elements of the Peninsula Coast Outstanding Landscape Area which the Dunedin City District Plan seeks to protect, subject to conditions being complied with.

Report prepared by:



Connor Marner
Planner

12 September 2017

Report checked by:



Campbell Thomson
Senior Planner

12 September 2017