

**APPENDIX 4:**  
**PREVIOUS LAND USE CONSENT**  
**DECISION AND PLANS**

**Reference:** RMA2004-0260 / 5043126  
**Enquiries to:** Marc Bretherton  
**Direct Phone:** 474 3404

23 April 2004

Alistair & Samantha Montgomerie  
 351 Ravensbourne Road  
**DUNEDIN**

**Dear Alistair & Samantha,**

**RESOURCE CONSENT APPLICATION:**

**RMA 2004-0260  
 44 PORTERFIELD STREET  
 MACANDREW BAY  
 DUNEDIN**

The above application was considered by Council's Senior Planner – Consents and **granted subject to conditions** under delegated authority on 23 April 2004. The application was processed on a non-notified basis in accordance with sections 93 and 94 of the Resource Management Act 1991.

The full text of this decision commences on page 6. The consent must be given effect to within five years, in accordance with section 125 of the Resource Management Act 1991.

*DESCRIPTION OF ACTIVITY*

The proposal seeks to allow for a single residential unit to be erected on the subject site at 44 Porterfield Street, Macandrew Bay. The land is legally described as Part Section 69 Block II Otago Peninsula Survey District (CT OT271/67). The site is a 18.4916ha property with access from Gorman Street. The site slopes steeply up from the end of Gorman Street to the east. The proposed building platform is located 155m from the end of Gorman Street and 55m from the northern boundary of the site. It is proposed to erect a single storey timber dwelling with a floor area of 70m<sup>2</sup>.

*REASONS FOR APPLICATION*

**Transitional District Plan (Dunedin Section)**

Under the Transitional District Plan (Dunedin Section) the subject site is located within the **Rural A Zone**. Rule 1.15 allows dwelling houses on a separate certificate of title as a predominant use. The relevant bulk and location requirements are met. This proposal complies with all of these requirements, and is therefore assessed as a **permitted** activity.

### **Dunedin City Proposed District Plan (1999)**

The subject site is zoned **Rural** under the Dunedin City Proposed District Plan (1999). Within this zone, residential activities are permitted at a density of one residential unit per 15 hectares where part of the site is located within a landscape management area, provided the conditions contained in Rule 6.5.2 are met.

The proposal is also located within the **North West Peninsula Landscape Conservation Area**. Rule 14.6.4(b)(ii) states that within this landscape area, the erection of buildings and structures unless they are erected within 50m of an existing building that has a floor area of at least 50% greater than the floor area of the proposed structure is a restricted discretionary activity. This proposal does not comply with this rule, and is therefore assessed as a **restricted (discretionary)** activity.

#### *Planning Status*

Overall, the proposed activity is considered to be a **restricted (discretionary)** activity, with Councils discretion restricted to the visual impact arising from the activity on the landscape character and the quality of its setting.

#### *PLANNING ASSESSMENT*

##### *Affected Persons*

*No parties are considered to be adversely affected for the reasons set out in the 'Effects on the Environment' section below.*

##### *Effects on the Environment*

The following effects assessment only takes into account the effects of the proposed activity that are relevant under section 104 of the Resource Management Act 1991. The Courts have determined that the effects of an activity on the environment should be considered in relation to the existing environment.

The following assessment of the actual and potential effects of the proposed activity on the environment has been prepared on the basis that the existing environment is characterised by medium density residential activity in the suburb of Macandrew Bay at the foot of the site. The slopes above the ribbon of residential development that follows Portobello Road adjacent to Otago Harbour are rural in nature and appearance. The topography is steep, and land is largely divided into paddocks. There are many mature trees, hedges and shelter belts in the vicinity.

The proposal has been assessed using the assessment matters of section 6.7 and 14.7 of the Proposed District Plan. Any actual or potential adverse effects on the environment of allowing the activity are considered to be no more than minor for the following reasons:

## 1. Amenity Values and Character

The proposal is for a residential activity at the permitted density in the rural zone under the Proposed District Plan, and in this respect the effects of the activity on amenity values and the character of the area have to a large extent been anticipated by the zoning of the site. What does distinguish this site from all other sites is that the area is part of a landscape management area. While the residential activity is provided for as of right by the rural zone rules, the activity is subject to an assessment of its effects on the landscape management area. The proposal has been assessed against the identified amenity values for this area.

Council's landscape architect has visited the site and provides the comments below:

*The property of 44 Porterfield Street rises above Macandrew Bay and is prominent from various important vantage points on the western side of the harbour, from Highcliff Road and the Soldiers memorial. Because of this degree of visual prominence, a landscape development concept for the property showing the proposed structure in addition to access tracks, fencing and planting should be submitted to council for approval. The gullies should be encouraged to regenerate to native bush and additional swathes of native planting should be established at the property entrance and adjacent to the driveway and house to integrate the development into the wider setting. Plant types and mixes should be indicated with a planting implementation program.*

*The existing pine woodlot should be phased out over time and possibly some of the mature macrocarpa shelterbelts and replaced with drifts of native bush that are contextually appropriate and reflect the underlying topography.*

*The building site chosen is acceptable if undertaken with the planting as discussed.*

A landscape development concept as suggested above has since been submitted to Council and approved by Council's Landscape Architect.

A further issue with regard the location of the proposed building platform is that it is contained within a Visually Prominent Area (VPA). VPAs are areas within landscape management areas where it is considered that certain activities will have a greater impact on landscape values. Shifting the location of the house 35m toward the Gorman Street entrance would mean that the house would be located in a Visually Recessive Area (VRA). Such a shift would also mean that the house would be 10m lower than the location proposed by the application, and mean that it is likely to have less impact on landscape values. Indeed, in terms of impact on the landscape, it is Council's position that the dwelling should be sited as close to the Gorman Street boundary as possible, notwithstanding the requisite 20m yard restriction in this zone. Accordingly, this is proposed as a condition of consent.

The applicants have also indicated that it is their preference to locate the dwelling closer to the boundary with Gorman Street, but they have been advised that if the dwelling was sited too low on the site there would be significant costs associated with pumping sewage to the connection at the boundary with Porterfield Street. It is considered that the location of the dwelling as proposed by the condition of consent is unlikely to mean that sewage will have to be pumped although the applicants have been advised to confirm this with a drainage expert.

## 2. Density of Residential Activity

The Dunedin City Proposed Plan stipulates that for this zone, residential activity at a density of one residential unit per site, provided that the minimum area of the site is not less than 15ha is permitted. The subject site comfortably meets the minimum density requirements.

### 3. Hazards

Council's geo-technical consultants, Montgomery Watson Harza NZ Ltd have reviewed the application and make the following comments:

*You have requested our advice regarding any natural hazards affecting the proposal to erect a dwelling at the above address. The land has an area of 18.4916 hectares. It is situated at the eastern ends of Gorman and Porterfield Streets in Macandrew Bay, and is comprised in certificates of title 271/67 and 7A/88. The application has been submitted by the landowners, A and S Montgomerie.*

*The applicants have shown in the application the approximate location of the new dwelling, 155 metres east of the end of Gorman Street and 55 metres inside the northern boundary of the property.*

*A 'landslide potential' map for the Otago Peninsula was prepared by D M Leslie of the NZ Soil Bureau in 1974. The applicants have superimposed that map on their property, showing 'very slight' and 'slight' risk areas in the vicinity of the proposed dwelling site. They have also shown the proposed vehicle access from Gorman Street and the proposed effluent disposal pipe from the dwelling to the eastern end of Porterfield Street.*

#### *Discussion*

*We confirm from the above 'Leslie' map of the Peninsula and from a review of the aerial photographs, that the risk of landslide activity on the ridges extending from Porterfield and Gorman Streets is low. Subject to development remaining on these ridges (on slopes of less than 15° to the horizontal), landslide problems are not anticipated.*

*We note the applicants intend connecting their domestic effluent disposal to a Council sewer in Porterfield Street. In the event that Council refuses connection of this 'rural' property to the sewer, it is recommended as noted above that the on-site disposal system be situated on slopes of less than 15° to the horizontal.*

#### *Recommendation*

*It is recommended that the above land use application not be refused because of the risk of landslide movement on the Otago Peninsula. It is however recommended that all development including the access road, the building platform and the on-site effluent disposal be situated on slopes of less than 15° to the horizontal.*

*It is similarly recommended that excess stormwater from roofs, hardstanding areas and the access road be carefully disposed of so that slope stability will not be compromised.*

#### 4. Water and Waste Services

Council's Water and Waste Unit has considered the application and made comments as follows:

*Consent is sought from Council for the construction of a dwelling at the subject site which is zoned Rural under the Proposed Dunedin District Plan.*

*Approval has been given for this dwelling to connect to the water reticulation and drainage reticulation in Porterfield Street.*

*An application for a water supply has already been received by Water and Waste. Any drainage issues can be dealt with at time of Building Consent.*

*The Water and Waste Services Business Unit has no issues with this Resource Consent.*

#### 5. Transportation Effects

The Technical Engineer, Transportation Planning, has visited the site and considered the application. Her comments are as follows:

*I have visited the site and considered the above land use consent application to erect a dwelling at 44 Porterfield Street.*

*The subject site is zoned Rural and located within the North West Harbour Conservation Area in the Dunedin City Council Proposed District Plan 1999 (PDP).*

*The site currently contains a farm shed and no vehicle access exists to the site. Vehicle access to the dwelling is proposed to be via Gorman Street. As Gorman Street is hard surfaced, the first 5.0 metres of the driveway is required to be hard surfaced. The remainder of the driveway shall have an all weather surface. The driveway is required to be formed to a minimum width of 3.5 metres.*

##### *Conclusion*

*Transportation Planning considers the effects of this application to be less than minor provided the following conditions are placed on any resource consent issued:*

1. 1. *The driveway shall be formed, adequately drained and hard surfaced from the edge of seal on Gorman Street to a point at least 5.0 metres within the boundary;*
2. 2. *The full length of the driveway shall be formed in an all weather surface to a minimum width of 3.5 metres.*

*In addition, Transportation Planning recommends that the following advice note is placed on any resource consent issued:*

1. 1. *The vehicle access from the carriageway to the property boundary is over road reserve and is therefore required to be built in accordance with the Dunedin City Council Vehicle Entrance Specification (to be obtained from Roding).*

#### 6. Permitted Baseline

The Courts have determined that the effects of an activity on the environment should be considered in relation to the 'permitted baseline'. That is, an application must be assessed in relation to the existing environment and development that could take place on the site as of right, but excluding development that is fanciful.

Due to its location in a landscape management area, there is actually very little development that could take place on this site as of right. Any new building or structure will require a resource consent unless it is erected within 50m of an existing building that has a floor area of at least 50% greater than the proposed structure.

This becomes the permitted baseline.

#### 7. Overall Assessment of Effects on the Environment

Taking into consideration the effects of the proposal on rural amenity and the visual impact arising from the activity on the landscape character and quality of its setting, the effects of constructing a dwelling on the subject site are considered to be no more than minor.

### CONSENT DECISION

*That pursuant to section 34A(1) and 104C and after having regard to Part II matters and section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being the construction of a single residential dwelling to be erected on the property at 44 Porterfield Street, Macandrew Bay legally described as Part Section 69 Block II Otago Peninsula Survey District (CT OT271/67) subject to the following conditions imposed under section 108 of the Act:*

- 1. That the proposal shall be undertaken generally in accordance with the untitled plans, and other details submitted with the application received by Council on 6 April 2004.*
- 2. The driveway shall be formed, adequately drained and hard surfaced from the edge of seal on Gorman Street to a point at least 5.0 metres within the boundary.*
- 3. The full length of the driveway shall be formed in an all weather surface to a minimum width of 3.5 metres.*
- 4. The building platform shall be located as low as is reasonably possible on the site to achieve a gravity fed sewage connection to Porterfield Street. This platform shall under no circumstances be located more than 120m from the Gorman Street boundary of the site.*

### ADVICE NOTES

- 1. In addition to the conditions of a 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. A similar responsibility exists under the Health Act 1956.*
- 2. The vehicle access from the carriageway to the property boundary is over road reserve and is therefore required to be built in accordance with the Dunedin City Council Vehicle Entrance Specification (to be obtained from Roadings).*
- 3. It is recommended that all development including the access road, the building platform and the on-site effluent disposal be situated on slopes of less than 15° to the horizontal.*

4. 4. *It is recommended that excess stormwater from roofs, hardstanding areas and the access road be carefully disposed of so that slope stability will not be compromised.*

#### REASONS

##### *Effects*

In accordance with section 104 of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and are outlined above. It is considered that the proposed activity will have no more than minor adverse effects on the environment.

##### *District Plan – Objectives and Policies*

In accordance with section 104 of the Resource Management Act 1991, the objectives and policies of the Proposed and Transitional District Plans were taken into account in assessing the application.

##### Transitional District Plan (Dunedin section)

- Ordinance 2.3 of the Rural A zone states that buildings, structures and their access drives shall be sited, designed and finished that they are generally unobtrusive in the landscape.

##### **Dunedin City Proposed District Plan (1999)**

- **Objective 6.2.3** and **Policy 6.3.4** provide for rural residential development in a sustainable manner having regard to the location of potential natural hazards, Landscape Management Areas and the sustainable provision of infrastructure.
- **Policy 6.3.6** is to avoid, remedy or mitigate the adverse effects of buildings, structures and vegetation on the amenity of adjoining properties.
- **Policy 6.3.7** is to recognise and maintain significant landscapes within the district by limiting the density of development within Landscape Management Areas.
- **Objective 14.2.1** and **Policy 14.3.1** seek to ensure that the City's outstanding landscapes are identified and protected.
- **Objective 14.2.3** and **Policy 14.3.3** seek identify characteristics which are generally important in preserving landscape quality and to ensure that land use and development do not affect the quality of the landscape.
- **Objective 14.2.4** and **Policy 14.3.4** seek to encourage the maintenance and enhancement of the quality of Dunedin's landscape and to encourage development which integrates with the character of the landscape.

The Sustainability section was considered with regard to the proposal. The objectives of this section relate to the protection of amenity values and the protection of the significant natural and physical resources. The relevant policies seek to protect the amenity values, avoid mixing of incompatible activities, avoid the unnecessary expansion of infrastructure and to

adequately consider activities that could give rise to adverse effects. The proposal sits comfortably against the relevant provisions of the Sustainability section of the Plan.

The proposal has also been assessed against the relevant provisions identified by sections 6.7 and 14.7. These are the objectives and policies of the Manawhenua, Transportation, and Environmental Issues sections.

As the proposal is a permitted activity in terms of the Proposed District Plan, it is considered to be consistent with the relevant objectives and policies.

#### *Part II Matters*

The proposed activity has also been assessed in terms of Part II matters of the Resource Management Act 1991. For the reasons outlined in the above, the proposed activity is considered consistent with Section 5(2)(c); "Avoiding, remedying, or mitigating any adverse effects of activities on the environment", Section 7(c) "The maintenance and enhancement of amenity values" and Section 7(f) "The maintenance and enhancement of the quality of the environment."

#### *COMPLIANCE WITH CONDITIONS*

It is the applicant's responsibility to comply with any conditions imposed on this 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.

#### *DURATION OF CONSENT*

It is brought to the consent holder's attention that under the terms of Section 125 of the Resource Management Act 1991, this consent shall lapse if effect has not been given to it within five (5) years or Council has not granted an extension of time.

#### *BUILDING CONSENT*

This is only a resource consent and a separate application for building consent may be required before any work is undertaken on the site. Please check with the Building Control Office, Development Services.

#### *RIGHTS OF APPEAL*

In accordance with Section 357 of the Resource Management Act 1991, the consent holder may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

The Chief Executive  
Dunedin City Council  
P O Box 5045  
DUNEDIN

Attn: Senior Planner – Enquiries 1<sup>st</sup> Floor

Yours sincerely

Marc Bretherton  
PLANNER

AREAS TO BE PLANTED



- ① Planting Stage 1: Immediately - COMPLETE      Gradual Removal of Pine Trees
- ② Planting Stage 2: Years 1-3 - COMPLETE
- ③ Planting Stage 3: Years 3-30 - UNDEVELOPED

19 September 2008

A W Montgomerie  
34 Gorman Street  
Macandrew Bay  
Dunedin 9014

Dear Alistair

**RESOURCE CONSENT APPLICATION:      LUC-2008-454**  
**34 GORMAN STREET**  
**DUNEDIN**

Your application for land use consent to extend a dwelling in a landscape conservation area was processed on a non-notified basis in accordance with sections 93 and 94 of the Resource Management Act 1991. The application was considered by a Senior Planner – Consents, under delegated authority, on 19 September 2008.

I advise that the Council has **granted** consent to the application. The decision is outlined below, and the decision certificate is attached to this letter.

#### **DESCRIPTION OF ACTIVITY**

The applicant has applied to extend their dwelling located at 34 Gorman Street. The extension will increase the dwelling floor area from 70 square metres (m<sup>2</sup>) to 213 m<sup>2</sup>. The colour of the extension will be in keeping with the existing dwelling being: natural timber walls and a Colour Steel "moss green" roof. The proposed extension will also include a mezzanine floor.

The applicant obtained a resource consent (RMA-2004-0260) to establish the house in 2004. The 2004 consent identified that the proposed building platform was appropriate, providing substantial planting was undertaken to mitigate the effects of the dwelling. This planting has been carried out in accordance with the agreed timeframes and is ongoing.

The site is legally described as Part Section 69 Block II Otago Peninsula Survey District (Computer Freehold Register OT271/67) comprising 18.4916 hectares (ha) more or less.

#### **REASONS FOR APPLICATION**

The subject site is zoned **Rural** in the Dunedin City District Plan. The site is also located within the **North West Peninsula Landscape Conservation Area** (NWPLCA) and also as being a **Visually Prominent Area** (VPA). Gorman Street is classified as a Local Road in the Plan's Roading Hierarchy. The site is identified as having land stability issues on the hazards register. It is noted that there are high class soils located on the property but in an area remote from the building platform.

The proposed extension requires consent pursuant to Rule 14.6.4(b)(iii), which states that consent is required for any additions to existing buildings that increase the floor area of the building by more than 100%. In this instance, the proposed extension will increase the floor area of the dwelling from 70 m<sup>2</sup> to 213 m<sup>2</sup>.

As such, in accordance with Rule 14.6.4(b)(iii), the proposal is a **restricted discretionary** activity. The Council's discretion is restricted to the visual impact arising from the activity on the landscape character and quality of its setting.

## PLANNING ASSESSMENT

### Affected Persons

No affected persons forms were submitted with the application. No person or party is considered to be adversely affected by the activity for the reasons outlined below in the section headed 'Effects on the Environment'.

### Effects on the Environment

The following assessment of effects on the environment has been carried out in accordance with section 104(1) of the Resource Management Act 1991. It addresses those assessment matters listed in Section 6.7 of the District Plan considered relevant to the proposed activity, and is carried out on the basis that the environment is characterised by medium density residential activity in the suburb of Macandrew Bay at the foot of the site. The slopes above the ribbon of residential development that follows Portobello Road adjacent to Otago Harbour are rural in nature and appearance. The topography is steep, and land is largely divided into paddocks. There are many mature trees, hedges and shelter belts in the vicinity.

Any actual or potential effects on the environment of allowing this proposal to proceed will be no more than minor for the following reasons:

#### 1. Baseline Considerations

Under sections 94A(a) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

In this situation, the existing building could be extended to a floor area of 140 m<sup>2</sup> (double the existing floor area) as a permitted activity. It is considered that this is the appropriate baseline against which the activity should be considered, and against which the proposal has been assessed. As a result, it is the effects arising from the proposal, beyond the permitted baseline, that are the crucial elements and these are considered further below.

#### 2. Visibility and Adverse Effects (14.7.1 & 14.7.2)

The application has been assessed by the Council's Landscape architect who notes that the proposed new dwelling would be of a significantly larger scale than the dwelling on site at present. The site is on a relatively elevated broad ridge above Macandrew Bay. It is visually prominent from some nearby viewpoints, and readily visible from more distant viewpoints across Otago Harbour and from further south west on the peninsula.

A site visit confirms that an extensive program of planting has been carried out, and that this planting has in the main been established successfully, as required by the original consent. It is noted that it will be some time before a visually softening effect will be apparent from this planting, but it is clear that this form of mitigation will be successful in the medium to longer term. It is considered appropriate, to continue with this planting programme.

With regard to the larger scale of the proposed dwelling, it is noted that the applicant proposes to use the same natural timber finish appearance for the main cladding as has already been used, and that the roof is to be of a "ColorSteel" "Moss Green" shade. These design details are important in the context of immediate visual effect, and it is considered that they would be appropriate.

Consequently, the Landscape Architect considers that the proposed extension will not impose visually from public vantage points and any adverse effects will be mitigated by the proposed landscaping.

#### 3. Sympathetic Siting and Design (14.7.3)

The building platform was already identified during a previous consent process. It has been determined that the platform was the most sympathetic to the area while retaining availability for services and access. The applicant has chosen recessive colours for the proposed extension, which are also in keeping with the colours of the consented dwelling.

Accordingly, it is considered that the design and siting of the proposed extension is sympathetic to the forms, character and scale of the area and will not have an adverse effect on the landscape.

5. Landscape Features and Characteristics and Compatibility of Scale and Character (14.7.5 & 14.7.4)

The extended dwelling would be located on rural land relatively close to the existing Macandrew Bay residential area. The site has a number of existing structures, open paddocks, groups of mature trees on the site perimeter and recently planted native vegetation within the site. Although the extensions to the dwelling would increase its scale and elevation, it is not considered that this would compromise the existing balance between natural and human made elements to any significant extent, particularly if proposed materials and colours would be sympathetic to the surrounding area.

With regard to views in, the site is quite prominent. The effect on views was considered as part of the earlier consent, and there was a requirement to undertake planting to mitigate the visual effect of a dwelling and enhance biodiversity in this location. As far as the Landscape Architect can ascertain, this planting has been successfully established, and the continued growth of these plants will assist with integrating the dwelling into the landscape. Future applications for development in the area, beyond that permitted 'as-of-right' by the District Plan, will be assessed as and when they arise and the potential for compatibility will be considered again at that time.

Based on the assessment above, I consider that the effects of the proposal on the landscape features and characteristics will be no more than minor.

6. Natural Hazards

The site is annotated in the Hazards Register as being subject to prone to land instability. The application was consequently considered by the Council's Consultant Engineer, MWH Ltd. The Senior Engineer advised that MWH reported on the original land use application to erect a dwelling at this site in 2004. At that time, they stated that it was within an area having a low risk of instability and recommended that the access road and building construction be on slopes less than 15 degrees to the horizontal. They also recommended surplus stormwater from roofs and hard standing areas be carefully disposed of to mitigate the risks of erosion or slippage. They have not inspected the site to confirm the performance of the site works, drainage, or the soil conservation planting. However, the proposed building additions will also be on a level site and, therefore, not at risk from slope instability. The application details show staged planting near the building site and further planting is we understand, now underway. These measures will further enhance long term stability.

The Senior Engineer notes that the land use consent should not be refused because of any risk of erosion or slippage at the site. The applicants should, however, be advised to maintain soil conservation planting within the land and control all concentrated stormwater runoff to further mitigate the risk of instability.

Based on the comments above, I consider that the effect of natural hazards on the proposal will be no more than minor, subject to recommended conditions of consent.

## CONSENT DECISION

That, pursuant to sections 34A(1) and 104C and after having regard to Part 2 matters and section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **discretionary (restricted)** activity being the extension of a dwelling within a Landscape Conservation Area on the site at 34 Gorman Street, legally described as Part Section 69 Block II Otago Peninsula Survey District (Computer Freehold Register OT271/67), subject to the condition imposed under section 108 of the Act, as shown on the attached certificate.

## REASONS

### Effects

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activities have been assessed and outlined above. It is considered that the proposal will have no more than minor adverse effects on the environment.

### District Plan – Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the District Plan were taken into account when assessing the application. The proposal is considered to be consistent with the following objectives and policies:

- **Objective 4.2.1 and Policy 4.3.1 (Sustainability Section)** that seek to enhance and maintain the amenity values of the Dunedin area.
- **Objective 6.2.2 and Policy 6.3.5 (Rural Section)** that seek to maintain and enhance the amenity values associated with the character of the rural area.

The proposal is also considered to be consistent with the anticipated environmental results of Section 6.8 and 14.8, for the reasons outlined under the heading 'Effects on the Environment' above.

### Part 2 Matters

It is also considered that the proposal meets Part 2 matters of the Resource Management Act 1991. For the reasons outlined above, the proposal is considered consistent with sections 5(2)(c) – "Avoiding, remedying, or mitigating any adverse effects of activities on the environment", section 7(c) – "The maintenance and enhancement of amenity values", and section 7(f) – "The maintenance and enhancement of the quality of the environment".

## RIGHTS OF OBJECTION

In accordance with section 357 of the Resource Management Act 1991, the consent holder may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

The Chief Executive  
Dunedin City Council  
PO Box 5045  
Moray Place  
**Dunedin 9058**

**Attention:** Senior Planner - Enquiries 1<sup>st</sup> Floor

Yours faithfully

Kirstyn Lindsay  
**Planner**

**Consent Type:** Land Use Consent

**Consent Number:** LUC-2008-454

*Pursuant to sections 34A(1) and 104C and after having regard to Part 2 matters and section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **discretionary (restricted)** activity being the extension of a dwelling within a Landscape Conservation Area on the site at 34 Gorman Street, legally described as Part Section 69 Block II Otago Peninsula Survey District (Computer Freehold Register OT271/67), subject to the condition imposed under section 108 of the Act.*

Location of Activity: 34 Gorman Street

Legal Description: Part Section 69 Block II Otago Peninsula Survey District (Computer Freehold Register OT271/67)

Lapse Date: 19 September 2013, unless the consent has been given effect to before this date.

*Conditions:*

- 1 *The proposed activity shall be undertaken in general accordance with the site plan, elevations and the information provided with the resource consent application, received by the Council on 21 August 2008 and further information submitted on 3 September 2008.*
- 2 *The extension shall be "ColorSteel" colour "Moss green" on the roof, and a natural timber finish for the predominant cladding.*
- 3 *The landscaping required by RMA-2004-0260 shall be continued.*

*Advice Notes:*

- 1 In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
- 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 the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
- 5 This is a resource consent. Please contact the Council's Building Control Office, Development Services, about the building consent requirements for the work.

Issued at Dunedin this 19<sup>th</sup> day of September 2008

Kirstyn Lindsay  
**Planner**

## LOCALITY PLAN

