

APPENDIX E

SUPPLEMENTARY INFORMATION

Melissa Shipman

From: Warren Hanley <warren.hanley@orc.govt.nz>
Sent: Friday, 19 October 2018 12:25 p.m.
To: Melissa Shipman
Cc: Dolina Lee
Subject: Alexander and Wilkinson SUB-2018-67, LUC-2018-357 - ORC comment

Hi Melissa,

I've had a look at this application. I appreciate the non-conforming nature of it under the operative and proposed district plan. The only thing I can comment on re the significant under-sizing of the proposed lots is that the proposed regional policy statement contains a policy that is relevant to the operative plan rural zoning for the site:

Policy 5.3.1 Rural activities

Manage activities in rural areas, to support the region's economy and communities, by:

- a) Enabling primary production and other rural activities that support that production;
- b) Providing for mineral exploration, extraction and processing;
- c) Minimising the loss of significant soils;
- d) Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects;
- e) Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency;
- f) Providing for other activities that have a functional need to locate in rural areas.

This policy is covered by a consent order from the Environment Court meaning it is beyond appeal and short of having full weight when the proposed RPS is made operative. I'm providing this in case you wish to cover it off in your assessment against the operative DP – provision e) is particularly relevant.

There's only a couple of other points I noted. The landscape information provided as further information notes stormwater will be discharge to gardens and natural water courses while the AEE mentions there are no natural water supplies within the site - which may not mean to express there are no watercourses on site. Regardless the applicant should be made aware stormwater discharges are controlled by the ORC water plan. If they have any questions about this they should contact ORC's consents team.

Similarly, as the proposed activities (including an existing and proposed wastewater discharge to land) are relatively close to the coast, the applicants will need to ensure no activities on the site are in conflict with the ORC coast plan. Again, they would be welcome to contact the ORC consents team if they ever have any concerns or questions.

If you have any questions, please feel welcome to call me.

Regards

Warren.



Warren Hanley
Senior Resource Planner
Liaison

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21 July 2004

Brian Alexander and Margaret Wilkinson
16 Royston Street
Northeast Valley
DUNEDIN

Dear Brian and Margaret

RESOURCE CONSENT APPLICATION: RMA: 2004-0516
BRIAN ALEXANDER AND MARGARET
WILKINSON
46 DISTRICT ROAD
ROSENEATH
DUNEDIN

Your application for resource consent for the residential use of the site at 46 District Road, Roseneath, Dunedin 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 on 21 July 2004.

I advise that the Council has **granted** consent (with conditions) to the application. The full text of this decision commences on page 8. The consent must be given effect to within five years, in accordance with section 125 of the Resource Management Act 1991.

DESCRIPTION OF ACTIVITY

Resource consent is sought to erect a dwelling, garage and storage shed on the site at 46 District Road, Roseneath. The site has an area of 4.9ha and occupies much of the vacant pastureland to the south of the residential Roseneath area on the outcrop known as Kilgours Point. The land overlooks the Otago Harbour generally and Blanket Bay to the southwest.

The residential buildings are proposed to be located approximately 30m from the esplanade reserve that separates the site from the Otago Harbour. It will therefore be approximately 200m south of the road boundary shared with District Road and approximately 160m from the nearest dwelling. I note that the application plan indicates that the dwelling will be 180m from District Road but the written application states that the dwelling will be approximately 220m from the road frontage. If the dwelling were to be 220m from the road frontage, it would encroach upon the esplanade reserve (a proposal unlikely to find favour) so I have used the information shown on the application plan (Sheet 1 of 6, dated 17/05/04) throughout my assessment.

The proposed dwelling is two-storeyed with the garage attached. The building will be constructed with coloursteel, wood and plaster exterior walls and coloursteel roofing. The exterior colour scheme of silver zincalume and blue are promoted as blending into the surroundings of the site, specifically the water and wave tops. The proposed shed will be located approximately 20m to the west of the dwelling/garage.

On-site effluent disposal and water supply are proposed. The site is identified in the Dunedin City Council Hazards Register. The applicants lodged a Hazard Register Enquiry that was assessed by Council's consultant engineers, MWH, on 8 June 2004, a copy of which was included with the application.

Access is proposed via an existing gravelled driveway from District Road.

Existing vegetation on the site includes areas of remnant natives and of broom and native regrowth. Further plantings are included as part of the proposal, consisting entirely of native species and building upon the areas of existing vegetation. These additional plantings are promoted as mitigating the visual impact of the dwelling with the applicants' ultimate intention to revert most of the site to native bush.

REASONS FOR APPLICATION

Transitional District Plan

The site is zoned **Rural** in the Port Chalmers section of the Transitional District Plan.

Dwellings are discretionary activities provided that certain conditions are met. One of those conditions is a requirement for connection to water, foul drainage, electricity and telephone reticulation (Rural Rule 1.2(c)(ii)). As the proposed dwelling will not be connected to reticulated water supply or foul drainage, the proposal does not meet this condition. The proposed residential use of this site is therefore a **non-complying** activity in terms of the Transitional District Plan.

It is noted that Council now restricts the ability for rural properties to connect to reticulated services through the Water and Waste Services Business Unit's Operational Standard. Specific approval is required from Council's Executive Management Team if connection is to be made.

Proposed District Plan

The subject site is zoned **Rural** in the Proposed District Plan. The site does not lie within a Landscape Management Area and the land is not known to include High Class Soils.

Residential use is permitted in the Rural zone at a density of one dwelling per site provided that the site has a minimum area of 6ha and is not located in a Landscape Management Area. As the subject site is smaller than 6ha, Rule 6.5.6(i) applies. This rule states that any residential activity that fails to comply with the minimum area requirement and is not located in an area that contains High Class Soils is a **discretionary (unrestricted)** activity.

Planning Status

Overall, the residential use of the site is a **non-complying** activity by virtue of the allotment not being connected to reticulated services, an option no longer permitted by the Council.

PLANNING ASSESSMENT

Affected Persons

The written approval of the people listed in the following table has been obtained. In accordance with section 104(3) of the Act, where written approval has been obtained from affected parties, the consent authority cannot have regard to the effect of the activity on that person.

Person	Owner	Occupier	Address	Date obtained
Timothy Buchanan and Jacqueline Scott	✓		2 Clyde Street	19/08/2003
Maurice Holdings Ltd	✓	vacant	6A Clyde Street	05/07/2003
James Wellington and Irene Goodwin	✓	✓	42 District Road	27/07/2003
Terrence Richardson and Carolyn Richardson	✓	✓	40 & 40A District Rd	11/08/2003
Andrew and Lana Morrison	✓	✓	34 District Rd	29/07/2003

Gary Scott	✓	✓	24A District Rd	02/08/2003
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A letter from Kai Tahu ki Otago advises that Te Runanga o Otakou (the kaitiaki runanga whose takiwa includes this site) does not oppose the application proceeding on a non-notified basis.

No other parties are considered adversely affected by the proposal for the reasons discussed below under 'Effects of the Environment'. The above parties comprise the owners and occupiers of all land that adjoins the subject site. Whilst the site is visible from a number of properties and from public viewpoints it has been determined below that any adverse effects associated with the proposed activity will be no greater than the effects that would arise from a permitted activity. The site is not within a Landscape Management Area.

Effects on the Environment

The following effects assessment only takes into account the effects of the proposed activity that are relevant under section 104. 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 environment is characterised by the medium-density residential properties of the Roseneath settlement to the north. The land adjoining the site to the east and west are a 1.7ha allotment and a 9,000m² allotment respectively, both vacant of structures and consisting of open grassland with patchy vegetation of mixed species. Roseneath is located on the headland of Kilgour Point, a small promontory extending into the Otago Harbour separating Blanket Bay from Sawyers Bay. The subject site comprises the lower reaches of the headland, the site being separated from the waters' edge by a 20m wide esplanade reserve.

The proposal has been assessed using the relevant assessment matters of sections 6.7 (Rural), 17.6 (Hazards) and 20.6 (Transportation) 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:

(i) Sustainability (6.7.1)

The proposal is consistent with the objectives and policies of the Sustainability section of the District Plan. Those objectives and policies seek to ensure that the infrastructural services are sustainably managed and that mixing of incompatible activities is avoided. They provide for development that maintains or enhances amenity values and seek to ensure that significant natural resources are appropriately protected to maintain their productive capacity. In this instance, there is no need for any extension of infrastructural services to serve the proposed dwelling. Water supply will be collected from rainwater and effluent will be disposed of on-site. The residential use of the site will not be incompatible with surrounding land uses as the predominant land use in the area is residential activities. Use of the site for a rural-based activity would, in fact, have the potential to be more incompatible with the adjoining residential development. In any event, the site is small and isolated from other rural land, and of limited use due to topography. Use of the land for a non-rural use will therefore not result in a significant loss and is, in fact, expected to give rise to positive effects due to the significant plantings proposed. There are no operational farming activities in the vicinity that could be adversely affected by reverse sensitivity by the presence of an additional dwelling.

Effects on the amenity of the area are discussed fully below under Item (iii). It has been determined that any adverse effects on the rural amenity will be no more than those arising from a permitted activity and will be no more than minor.

The site is not located within a Landscape Management Area, is not comprised of high class soils and is not considered to be of cultural significance to the local iwi.

(ii) Manawhenua (5.5, 6.7.2)

The applicant was asked to consult with KTKO Ltd to determine whether the site is of cultural

significance to the relevant Manawhenua. The Manager of KTKO Ltd advises that Te Runanga o Otakou, the kaitiaki runanga whose takiwa includes the subject site, has no concerns with the application proceeding on a non-notified basis.

(iii) Amenity values (6.7.3, 6.7.9, 6.7.13, 6.7.15)

The amenity values of the Rural zone include aspects such as predominance of natural features over human-made; high ratio of open space relative to built environment; significant areas of pasture, vegetation, crops etc; presence of farm animals; noises, smells and effects associated with the use of rural land by rural-based activities; low population densities; narrow, unsealed roads; and the absence of urban infrastructure.

It is worthwhile to consider the permitted baseline as a comparison when considering the effects of the proposed residential use on the amenity. Permitted baseline is a combination of the existing environment, activities permitted by the District Plan and may include any existing resource consents are likely to be given effect to. The residential use of a site of less than 6ha is not permitted in the Plan. Activities that are permitted are limited to farming activities, forestry activities, certain recreational activities, and accessory buildings associated with the foregoing permitted uses. It is feasible that farm buildings could be erected on the site. The only size restriction on such buildings is a maximum height of 10m. They can be located only 6m from side and rear boundaries and 20m from the road boundary. They can be clad in any material, including unpainted zincalume. The effects of the proposed dwelling are unlikely to be significantly greater than those of such a shed in the same location.

There are mitigating features that further reduce the adverse effects of the dwelling on the rural amenity. The application includes a planting plan demonstrating significant planting of native species to integrate the dwelling within the site. This planting will build upon the existing native vegetation on the site. The application states that it is the applicants' intention to ultimately cover the majority of the site in native bush. The exterior of the dwelling is to be clad in wood, plaster and coloursteel. Roofing will also be coloursteel. The proposed colour scheme of zincalume (silver) and blue are promoted as blending in with the surrounding sea and wave tops. Whilst it is acknowledged that many shades of blue blend well with the environment, zincalume is not usually a colour promoted as being sympathetic to the rural environment. No information has been provided on the proportion of the building that will be coloured zincalume, or on the shade of blue. However, it is considered that the significant plantings proposed will reduce any visual effects arising from the dwelling such that they are no more than minor. Again, when considered in terms of the permitted baseline, a large farm shed of pure zincalume could be erected on the site as of right. Furthermore, the site is not included within a Landscape Management Area.

The dwelling is set back some distance from the residential development of the urban Roseneath area. The surrounding grassland, and eventually the surrounding native plantings will continue to provide a dominance of natural elements over human-made elements at this site. There are no dwellings on the land adjoining the subject site to the east or the west. The proposal therefore retains the feeling of spaciousness on the site.

The residential use of the site is unlikely to give rise to noise or smells that would be more objectionable than such emissions from a permitted rural activity. Given that the Kilgours Point headland is almost entirely occupied by residential activities, the residential use of one of the remaining undeveloped sites is less likely to create conflict between activities. The site has frontage to District Road which is hard surfaced and serves the Residential 1 zoned land to the north, northwest and northeast of the subject site. The large number of residential dwellings in the area, including dwellings on much smaller Rural-zoned sites to the northeast, has already compromised the rural amenity values and character of the area. The amenity values are therefore not typical of a rural zone. It is recognised that the subject site and surrounding sites are isolated from the wider rural area.

If the allotment had an area of 6ha the construction of a residential dwelling would be a

permitted activity. The subject site falls short of this minimum by less than 20%. If the land to the northwest were to be amalgamated with this site the combined area would be 6ha. As a dwelling cannot be constructed on that adjoining site as of right, in effect it provides a buffer and creates the visual impression that the site is 6ha in area. Furthermore, as the site 'wraps around' the headland, there is no viewpoint from which the entire site can be seen. Therefore, it is difficult to discern from off the site that the site is not 6ha in area.

For the above reasons, it is considered that the proposal will not result in adverse effects that are more than minor on the amenity or character of the area.

(iv) Cumulative effects (6.7.4, 6.7.15)

Various assessment matters of the Rural section relate to consideration of the cumulative effects arising from a proposal. The effects of one activity may not be significant in isolation. However, when those same effects are considered in addition to the effects established by the existing environment then the sum of the effects may be significant. Similarly, some effects may not presently seem an issue, but after having continued over time those effects may have significant impact on the environment. In both of these scenarios, the effects can be considered to be 'cumulative'. Assessment Matter 6.7.4 of the Rural section lists particular areas where cumulative effects could be an issue:

- (i) amenity values
- (ii) rural character
- (iii) natural hazards
- (iv) provision of infrastructure
- (v) roading, traffic etc.

As discussed above, many of the amenity values and the character usually associated with rural land are not prevalent at this site due to the small amount of isolated rural land adjoining a medium-density urban area. As discussed below, the land is unlikely to be able to be utilised productively for a rural-based activity or be amalgamated with other land to form a practical productive unit. Council's consultant engineer is satisfied that the proposed dwelling is unlikely to suffer from natural hazards, nor will it worsen any existing hazards at the site. There is no requirement to extend or upgrade infrastructure to service this development. The standard of the road serving the site is satisfactory and one additional dwelling will not adversely affect the efficient operation of the roading network in this area. Overall, an additional dwelling in the area is not considered to give rise to effects that could be more than minor when considered cumulatively.

(v) Water and effluent disposal (6.7.10, 17.6.7)

Council's Water and Waste Services Business Unit has considered the proposal in consultation with Building Control. The Technical Support Section Leader, Water and Waste Services, advises that the dwelling can be served for foul drainage by way of a Council approved septic tank and effluent disposal system. Stormwater can be used for domestic water supply with a minimum storage tank size of 20,000 litres. A fire hose coupling should be connected to the storage tank for fire fighting purposes. It is appropriate to include these requirements as advice notices on the consent.

(vi) Hazards (6.7.11, 6.7.23, 17.6.1-8, 17.6.11)

The District Plan Hazards Register highlights the presence of a hazard within the subject site. The applicants obtained a brief report on the nature of the hazard from Council's consultant engineers, MWH. The resource consent application was also forwarded to MWH for comment. MWH's Senior Engineer advises that the site was investigated in 2000 and an earthworks permit was issued in 2001 for construction of the access road (permit E1199). The road construction was supervised by Hanlon and Partners. The Senior Engineer makes the following comments:

The current application is to locate the dwelling on the stable ridge well clear of the south-easterly facing basin where some creep movement may have previously

occurred. It appears from the application that the owners have planted and intend to further plant out the property in native trees. These will enhance slope stability. We confirm that there is not a site hazard affecting the current land use application...

(vii) Conflict and reverse sensitivity (6.7.15(ii), 6.7.26)

Reverse sensitivity is where a non-rural-based activity is allowed to establish in the rural zone and subsequently affects the ability for legitimate rural activities to operate. It is unlikely that reverse sensitivity will occur at this site. The predominant activity in the area is residential properties. The existing areas of rural-zoned land on the headland are not actively farmed. The proposal does not include subdivision of land and is not fragmenting rural land. Amalgamation with adjoining sites would not increase the potential for the site to be actively farmed. Its isolated location between the Residential 1 area and the harbour results in the inability to practically undertake a rural-based activity on the site. This is compounded further by the topography of the site and the presence of slumping on the eastern slopes of the site. Indeed, the proximity to the adjoining medium-density residential properties means that the residential use of this site is less likely to cause conflict or reverse sensitivity than a permitted rural activity. All owners of adjoining sites have provided their written approval of the proposal.

(viii) Trees and indigenous vegetation (6.7.21, 6.7.22)

The application includes a plan showing intended plantings for the site. All species referred to are native to New Zealand. The applicants also refer to their intention to ultimately revert the whole site back to native bush. There is a small amount of existing native vegetation on the site and the planning plan builds upon those areas. Overall, the proposal will have the positive effect of enhancing the landscape through significant replanting and regeneration of native bush. The additional planting proposed has the added benefit of enhancing the stability of the site which may have had some creep movement in the southeastern basin.

(ix) Transportation (6.7.24, 20.6.1, 20.6.5, 20.6.8)

The Technical Engineer, Transportation Planning, has considered the proposal and visited the site. She reports that there is an existing vehicle access to the site which was formed in 2001. The vehicle access is not presently up to standard as a vehicle crossing was not constructed and consequently, the kerb has been damaged. The vehicle access is currently gravelled and a new crossing will be required. As District Road is hard surfaced, the vehicle access is also required to be hard surfaced for a minimum distance of 5m within the property boundary to prevent gravel being tracked onto the road and damaging the seal. As the site is in the Rural zone there are no minimum requirements for carparking. However, the proposal includes a double garage and adequate on-site manoeuvring area. No vehicles will be required to reverse onto or off District Road. The Technical Engineer notes that there is restricted visibility from the driveway due to the topography of the road – District Road travels steeply up the hill to the northwest. However, as District Road is a ‘Local Road’ in the District Plan’s Roading Hierarchy and is a low speed and low traffic environment this is considered acceptable in this instance.

(x) Precedent

The proposal is a non-complying activity. This is by virtue of the site not being connected to the reticulated services which was apparently a requirement in the Port Chalmers section of the Transitional District Plan. However, Council now works within an Operational Standard that restricts connection of Rural-zoned properties to the reticulated services. Permission for connection needs to be sought from Council’s Executive Management Team and is only granted in certain circumstances. In general, in order to consider granting consent to a non-complying activity the Council must be satisfied that there are aspects of the proposal that are truly exceptional to avoid the creation of an undesirable precedent. However, in this instance, the aspect that makes the proposal non-complying is an outdated provision of the Transitional District Plan. Little weight is now placed on the Transitional District Plan due to the extent to which the Proposed District Plan has progressed through the hearings process. The activity is a discretionary (restricted) activity in the Proposed District Plan and is therefore contemplated to a certain extent. In any event, Council is satisfied that this proposal can be distinguished from the norm in that it is a site that is less than 20% smaller than the minimum area and has unique

geographical features that prevent its ability to be utilised for a permitted activity. The site is not within an Landscape Management Area.

(xi) Permitted baseline

The concept of permitted baseline was raised with reference to amenity values in Item (iii) above. The proposal is unlikely to result in adverse effects over and above those that could be generated by a permitted activity. Rural use of the site could involve construction of farm buildings with little aesthetic design value or the operation of noisy and/or odorous activities. Leaving the land unutilised, also permitted, could result in lack of management of gorse and other invasive unwanted plants.

(xii) Summary

Overall, it is considered that the proposal is unlikely to give rise to adverse effects over and above those of a permitted activity. Significant replanting of native species is proposed which will enhance the amenity values of the area and the stability of the site. The land is not utilised for a productive rural-based activity at present and its geographical location makes it difficult to do so. The dominant land use on the headland is residential; the proposal is therefore unlikely to give rise to reverse sensitivity.

CONSENT DECISION

*That pursuant to sections 34A and 104B and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent to the **non-complying** activity being the construction and occupation of a dwelling on the site at 46 District Road, Roseneath, Dunedin, being the land legally described as Lot 1 DP 23139 (Certificate of Title OT15B/52), subject to the following conditions imposed under section 108 of the Act:*

- 1 That the proposal is undertaken in general accordance with the plans titled 'Proposed Dwelling and Storage Shed 46 District Road, Township of Roseneath, Dunedin' Sheets 1-6 dated 17/05/04 and planting schedule plan titled 'Proposed Dwelling 46 District Road Planting Schedule', undated, prepared by Brian Alexander and details submitted with resource consent application RMA20040516 received by Council on 11 June 2004, except where amended by the following conditions.*
- 2 The vehicle access shall be formed, hard surfaced and adequately drained from the edge of the seal for a minimum length of 5 metres within the property boundary.*

ADVICE NOTES

- 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 Specifications (to be obtained from Dunedin City Council Roading department).
- 2 Stormwater can be used for domestic water supply. A minimum storage tank of 20,000 litres with a fire hose coupling is likely to be required at the time of building consent.
- 3 In addition to the conditions of a resource consent, the Resource Management Act establishes through Section 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effects created from an activity they undertake. A similar responsibility exists under the Health Act 1956.

DURATION OF CONSENT

This consent shall expire after a period of 5 years from the date of this decision unless the consent has been given effect to during this time. This period may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.

REASONS

Section 104 Matters

Effects

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and 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(1)(b)(iv) of the Resource Management Act 1991, the objectives and policies of the Proposed District Plan were taken into account in assessing the application.

The proposal was considered with regard to the objectives and policies of the Transitional District Plan. The Rural Zone Policy seeks to maintain the opportunity for food production and preservation of passive amenity provided by the zone. Some Rural Residential development is permitted where that style of residential living can comply with zone controls. The Transitional District Plan requires the site to be connected to reticulated services, a concept not now provided for by the Dunedin City Council. Little weight is now placed on the provisions of the Transitional District Plan. Notwithstanding this, the proposal does not conflict with the zone policy. The site is not presently capable of food production. The significant plantings proposed will improve the amenity afforded by the site and mitigate the visual effects of the dwelling. The zone statement refers to some areas making a passive contribution to the community through provision of vegetation cover enhancing slope stability and open space to compliment adjoining residential zones. The site will continue to achieve these objectives following the development. Rural Residential development is provided for in the zone where “undue loss of the amenity” is able to be achieved.

The following objectives and policies of the Proposed District Plan were considered in relation to the application:

Rural zone section

Objectives 6.2.1 and 6.2.4 seek to maintain the ability of the land to meet the needs of future generations. Objective 6.2.2 seeks to maintain or enhance the character and amenity of the rural area. Objective 6.2.3 and Policies 6.3.8 and 6.3.9 provide for rural residential development in a sustainable manner having regard to hazards and sustainable provision of infrastructure. Policy 6.3.1 seeks to provide for rural-based activities. Policy 6.3.2 seeks to sustain the productive capacity of the rural area. Policy 6.3.6 seeks to minimise the adverse effects of buildings and structures on the rural environment by limiting the density of development in the Rural Zone. Objective 6.2.5 seeks to avoid or minimise conflict between different land use activities in rural areas. Policy 6.3.12 seeks to minimise conflict between differing land uses by controlling the density of residential development in the Rural Zone. Policy 6.3.14 notes the cumulative effects of a number of individual developments often outweigh adverse effects of each individual development.

It is considered that the adverse effects of the proposal will be sufficiently avoided or mitigated to allow the activity to establish on the site without conflicting with the existing activities in the area. The land is not productively utilised at present and does not lend itself to productive uses in the future due to its size, location and topographical features. The proposal is unlikely to give rise to significant cumulative effects.

Sustainability section

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 objectives and policies of the Manawhenua, Transportation, and Environmental Issues sections were also considered with regard to the application.

The proposed activity is considered consistent with these objectives and policies, with the provisions of sections 6.7 and 19.6 and the anticipated environmental results of sections 4.5, 6.8 and 19.7 for the reasons outlined under the heading 'Effects on the Environment' above.

Section 104D

In accordance with section 104D of the Resource Management Act 1991, Council can only grant consent to a non-complying activity unless either:

- a) the adverse effects of the activity will be no more than minor; or
- b) the proposal will not be contrary to the objectives and policies of the District Plans.

It has been determined that the adverse effects of the activity will be no more than minor, in the issues addressed under the heading 'Effects on the Environment' above. The activity is not inconsistent with the objectives and policies of the District Plans as discussed above under the heading 'District Plan – Objectives and Policies'. Therefore, Council can consider granting consent to the proposal.

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 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.

BUILDING CONSENT

This is a resource consent only. A building consent may be required before any work is undertaken on the site. Please check with the Building Control Office, Development Services to establish whether or a not a building consent is required.

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
P O Box 5045
DUNEDIN

Attn: Senior Planner – Enquiries 1st Floor

Yours faithfully

Jo Oranje
PLANNER