

9 July 2025

CC Otago Limited  
C/O Craig Horne Surveyors Limited  
PO Box 56  
Mosgiel 9053

Via email: [crhorne@xtra.co.nz](mailto:crhorne@xtra.co.nz)

Dear Applicant,

**SECTION 125 APPLICATION:                      SUB-2020-33/A**  
**(EXTENSION OF LAPSE PERIOD OF**  
**SUB-2020-33**  
**3 GOURLEY STREET**  
**DUNEDIN**

The Council has granted consent to your application to extend the lapse period of a resource consent.

The assessment of the application, including the reasons for the decision, is set out in the report attached to this letter. The consent certificate is attached to the rear of this letter.

**Consent Conditions**

The consent certificate outlines the conditions that apply to your proposal. Please ensure that you have read and understand them.

**Consent Processing Fees**

You will be contacted soon if you are due a partial refund or you need to pay additional costs for the processing of your application.

**Objection and Appeal Rights**

You can object to this decision or any condition within 15 working days of the decision being received, by applying by email to [planning@dcc.govt.nz](mailto:planning@dcc.govt.nz), or in writing to the Dunedin City Council at the following address:

Senior Planner - Enquiries  
Dunedin City Council  
PO Box 5045  
Dunedin 9054

You can request that the objection be considered by a hearings commissioner. The Council will then delegate its functions, powers and duties to an independent hearings commissioner to consider and decide the objection. Please note that you might be required to pay for the full costs of the independent hearings commissioner.

Alternatively, there might be appeal rights to the Environment Court. Please refer to Section 120 of the Resource Management Act 1991. It is recommended that you consult a lawyer if you are considering this option

**Contact for any Questions**

Please feel free to contact me if you have any questions.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Geraldine Bulatete', written in a cursive style.

Geraldine Bulatete  
**Graduate Planner**

## **APPLICATION SUB-2020-33/A TO EXTEND LAPSE PERIOD OF SUB-2020-33: 3 GOURLEY STREET, DUNEDIN**

Department: Resource Consents

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### **BACKGROUND**

Resource consent SUB-2020-33, for a fee-simple subdivision of the above site into seven lots, was issued on 21 July 2020. A consequential land use consent was also issued to authorise a multi-unit development; setback contravention of eaves in terms of Gourley Street boundary; insufficient aisle width and single lane access next to units 3 and 4; under-width access to Lot 5; and the use of a blind aisle for access to all the units (refer *LUC-2020-137*).

### **DESCRIPTION OF ACTIVITY**

Resource consent SUB-2020-33 is due to lapse on 21 July 2025. An application has been lodged to extend the lapse period of this consent by five years, to allow additional time for the current tenants to live at the property. The applicant intends to complete the subdivision works in the next two to three years. Accordingly, they are now nearing completion of the design work for the new dwellings and the subdivision.

The subject site is legally described as Pt Sec 70-71 Blk VII DP 485 Town Survey District (held in Record of Title OT296/123).

### **REASONS FOR APPLICATION**

Section 125 of the Resource Management Act 1991 states that a land use or a subdivision consent lapses on the date specified in the consent, or where no date is specified, five years from the date of commencement unless:

- It has been given effect to; or
- An application for an extension has been made before the consent lapses, and the Council decides to grant an extension.

The subdivision consent SUB-2020-33 was issued with a five year lapse period ending on 21 July 2025. The land use consent LUC-2020-137 was given a lapse period in relation the s223 certification of SUB-2020-33, which will extend automatically with the changes to the subdivision consent lapse period.

The letter requesting an extension of time was received by the Council on 6 June 2025, prior to the lapsing of the consent. The Council can therefore consider the application.

Section 125(1A)(b) allows for an extension of the lapse period of a consent provided that:

- (b) *An application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account –*
  - (i) *whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and*
  - (ii) *whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and*
  - (iii) *the effect of the extension on the policies and objectives of any plan or proposed plan.*

## **PLANNING ASSESSMENT**

### **Substantial Progress or Effort**

The applicant has stated a delay in completing the subdivision to allow the current tenants in the dwelling additional time to live at the property. It is intended to complete the subdivision works in the next two to three years, and the design work for the new residential units and the subdivision are nearly to be completed.

It is considered that the work detailed above is evidence that substantial progress or effort has been, and continues to be, made to meet the provision of section 125(1A)(b)(i).

### **Affected Persons**

SUB-2020-33 was processed on a non-notified basis. No parties were considered to be affected by the proposal.

Section 125(1A)(b)(ii) allows only the consideration of the effects of allowing additional time to give effect to the activity when determining who could be adversely affected by an extension of consent period.

The granting of an extension should not create any additional effect on any party beyond what is reasonably expected as a result of the original consent. Consequently, no persons will be adversely affected by the granting of the extension. The provisions of section 125(1A)(b)(ii) are therefore satisfied.

### **Objectives and Policies**

The 2GP was made partially operative on 19 August 2024. No consideration of the objectives and policies of the District Plan 2006 is required, unless the proposal relates to the specific provisions and identified areas of the 2GP that remain subject to an appeal. In this instance, none of the appeals are relevant to this application.

Section 125(1A)(b)(iii) requires the Council to consider the extension in terms of the objectives and policies of "any plan".

### 2GP

The relevant objectives and policies of the 2GP have not changed since the original decision. Therefore, the extension of time for the activity is accepted as being consistent with the objectives and policies of that plan. Allowing this extension of consent period will not introduce any inconsistencies in terms of those objectives and policies.

## **CONCLUSION**

In light of the above assessment, it is considered that the application meets all three requirements of section 125(1A)(b) of the Resource Management Act 1991 and the application to extend the lapse period can be approved.

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## **RECOMMENDATION**

After having regard to the above planning assessment, I recommend that:

1. The Council grant the extension of the lapse period for the resource consent under delegated authority, in accordance with section 125 of the Resource Management Act 1991.



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Geraldine Bulatete  
**Graduate Planner**

Date: 9 July 2025

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**DECISION**

I have read the assessment in this report. I agree with the recommendation above.

Under delegated authority on behalf of the Dunedin City Council, I accordingly approve the extension of the lapse period of the resource consent:

*Pursuant to sections 34A(1) and 125 of the Resource Management Act 1991, the Dunedin City Council **grants** the extension to the lapse period for resource consent SUB-2020-33, for a further five years, and the consent will now lapse on 21 July 2030.*



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Campbell Thomson  
**Senior Planner**

Date: 9 July 2025



**Consent Type:** Subdivision Consent – Extension of Time

**Consent Number:** SUB-2020-33, as extended by SUB-2020-33/A

**Purpose:** Seven-lot fee-simple subdivision.

**Location of Activity:** 3 Gourley Street, Dunedin

**Legal Description:** Pt Sec 70-71 Blk VII DP 485 Town Survey District (RT OT296/123).

**Lapse Date:** 21 July 2030, unless the consent has been given effect to before this date.

### Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved revised plans prepared by Craig Horne Registered Surveyor entitled, 'Proposed Subdivision of Pt Sec 70 & 71 Blk VII Town of Dunedin,' received at Council on 16 April 2020, attached to this certificate as Appendix One, and the information provided with the resource consent application LUC-2020-137 received by the Council on 11 March 2020, and further information received on 16 April 2020, except where modified by the following conditions:*

#### *Infrastructure:*

2. *If building within 2.5m of the Council-owned wastewater and/or stormwater pipe, or any manhole, within these lots, then the developer must notify Three Waters to discuss options for works and whether an encumbrance on the title is required. 'Building' includes decks, fences, garages, sheds, retaining walls and so on.*
3. *Prior to commencing earthworks for the formation of the shared access or the building foundations of Unit 6, the developer must have Intergroup undertake pre-construction CCTV filming of the Council-owned pipe or pipes within the property or properties prior to any earthworks or construction commencing. The report from Intergroup must be submitted to [rcmonitoring@dcc.govt.nz](mailto:rcmonitoring@dcc.govt.nz) as soon as it is received.*
4. *Following the completion of the driveway formation and the building of Unit 6, the developer must have Intergroup undertake post-construction CCTV filming of the pipe or pipes within the property or properties. The report from Intergroup must be submitted to [rcmonitoring@dcc.govt.nz](mailto:rcmonitoring@dcc.govt.nz) as soon as it is received.*
5. *If the post-construction CCTV filming indicates that there has been damage to the pipe or pipes as a result of the works, then the developer must restore the pipe or pipe to pre-construction standard, to Council's satisfaction, at their expense.*
6. *An "application for Water Supply - New Service" must be submitted to the Three Waters Group for approval to establish new water connections to the four rear units. Details of how the rear units are to be serviced for water must accompany the application.*

7. *Upon approval by Three Waters Group, the water service connection must be installed in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.*
8. *The six units must have separate foul and stormwater drains.*
9. *The six units must all have water saving devices installed, including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers in order to reduce water consumption and therefore the volume of wastewater generated wastewater discharges.*

#### *Transport*

10. *The consent holder must submit a traffic management plan, prepared by a suitably qualified person, to [rcmonitoring@dcc.govt.nz](mailto:rcmonitoring@dcc.govt.nz) prior to demolition or construction works commencing **if** the proposed works risk affecting the normal operating conditions of the transport network. The traffic management plan must be approved by Transport prior to any works commencing.*
11. *If relevant, traffic management on Gourley Street must be undertaken in accordance with the approved TMP of condition 6 above.*
12. *The access, parking and manoeuvring areas must be formed, hard surfaced, and adequately drained in entirety. The shared driveway must have a minimum formed width of 5.0m up to the manoeuvring bay, and 4.5m thereafter except where only serving one unit at which point the driveway must be formed to 3.0m width.*
13. *A sign must be installed at the end of the manoeuvring bay to indicate that it is a no-parking area which is to be kept clear at all times.*
14. *The parking spaces must be permanently marked.*
15. *Any damage to any part of the footpath or road formation as a result of the demolition or construction works must be reinstated at the consent holder's cost.*

#### **Advice Notes:**

##### Transportation

1. It is recommended that the owners and users of the shared driveway enter into a formal agreement to clarify the responsibilities for maintenance.
2. The vehicle crossing, between the road carriageway and the property boundary, is within legal road and will therefore require a separate Vehicle Entrance Approval from DCC Transport to ensure that the vehicle crossing is constructed/upgraded in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).

##### Earthworks

3. This consent does not address any earthworks for this development except in regards to earthworks over Council infrastructure. Should future earthworks within the new lots breach the performance standards of Rule 8A of the Proposed Plan, further consent will be required. Land use consent will

also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.

4. When undertaking future earthworks, the developer is advised that:
  - Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development.
  - Slopes may not be filled steeper than 2h:1v (27°) without specific engineering design and construction
  - Any modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events.
5. Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check whether a site is an archaeological site, the consent holder is advised to discuss any development or earthworks proposal with Heritage New Zealand.

#### Development

6. This land use consent provides for the multi-unit development of 3 Gourley Street to proceed independently of subdivision SUB-2020-33 with development occurring before subdivision. However, should development follow subdivision, the conditions of LUC-2020-137 will still apply.
7. When developing this land:
  - The cases for seismic loading are normally addressed at building control stage.
  - The Dunedin City Council Building Control Authority will ask for verification that the site is 'good ground' in accordance with NZS3604, Section 3.1.
  - Further to this, it is recommended that specific engineering design be required to address recognised potential liquefaction hazards.
  - Specific Engineering Design, or exclusion of liquefaction risk may require investigation testing to 10m depth to quantify the potential for liquefaction for each dwelling
8. At the time of building the new units, the developer will be required to determine a minimum floor level that ensures the development will meet the Building Act 2004 requirements regarding the avoidance of inundation (including flooding, overland flow, and ponding) on the land where the building work is to be carried out. The floor level must address the potential for egress of water from the property via secondary flow paths, ensure that construction takes into account low-lying areas and that the path of stormwater is not displaced from ephemeral flow paths into neighbouring properties. Normal building requirements exist to ensure that overland stormwater flows are not interrupted and that dwelling should be situated to avoid any adverse effects from local ponding during storm rainfall events.
9. It is advised that:
  - Storm water from driveways, sealed areas and drain coils is not to cause nuisance on and adjoining properties.

- For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
- As required by the New Zealand Building Code E1.3.2 surface water resulting from an event having a 2% probability of occurring annually, shall not enter dwellings, The finished floor level shall be set accordingly.

10. As a guide to suitable floor levels for residential development, Council has a data map at:

<https://dunedin.maps.arcgis.com/apps/webappviewer/index.html?id=56b2956ed47f4e94b39f54eecaed0a8c>

### Infrastructure

11. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
12. Detail of the water supply application process can be found at <http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
13. All aspects relating to the availability of 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.
14. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
  - Environment Canterbury, 2007 "Erosion and Sediment Control Guideline 2007" Report No. R06/23.
  - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).

### General

15. 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.
16. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
17. 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.
18. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
19. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

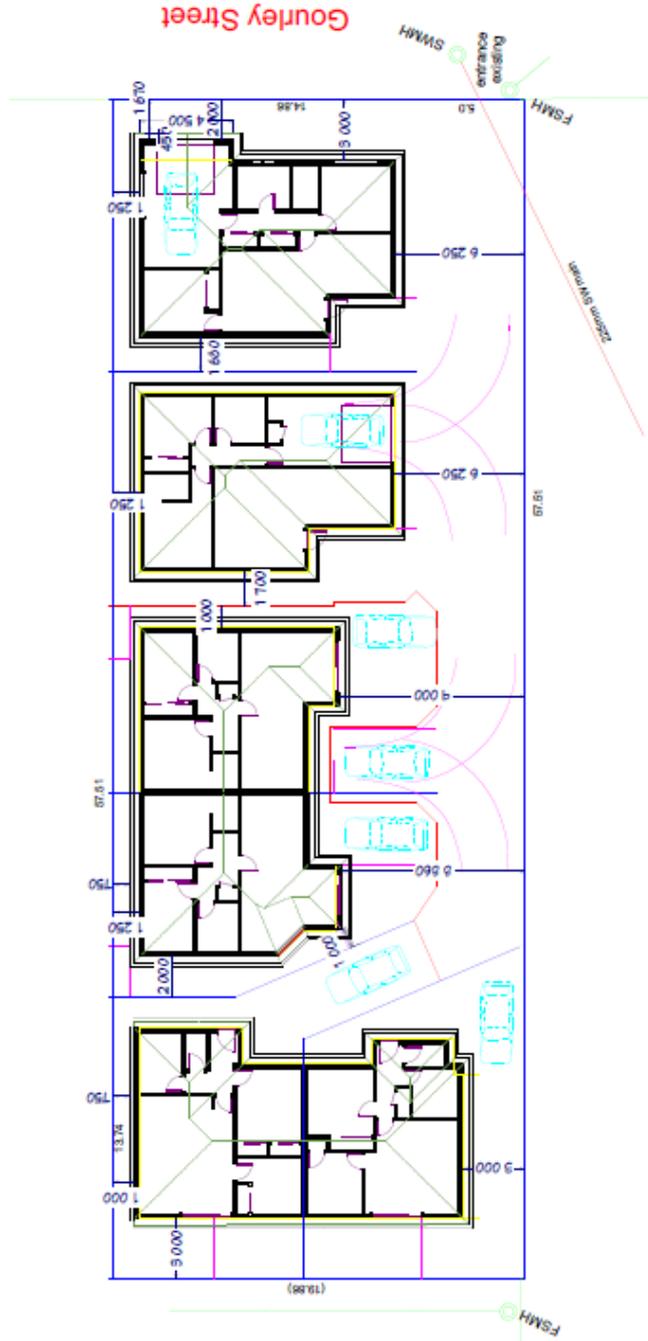
Issued at Dunedin on 21 July 2020

Reissued at Dunedin on 9 July 2025 with the lapse period extended pursuant to section 125 of the Resource Management Act 1991.



Geraldine Bulatete  
**Graduate Planner**





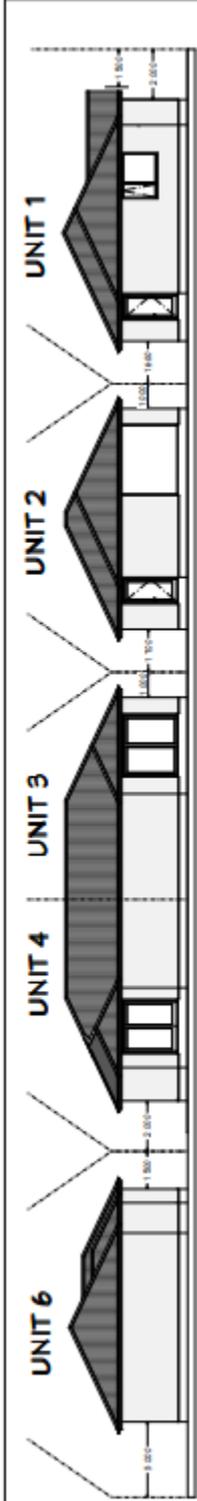
Lee Preston Design  
 MCB: 0215520150  
 leepreston@leepr.com  
 co. nz

ALL CONSTRUCTION TO COMPLY WITH NZBC REGULATIONS. ALL MATERIALS TO BE  
 FREED IN STRICT ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.  
 FINISHES TO BE SPECIFIED IN DRAWINGS. FINISHES NOT SPECIFIED  
 EXPRESSED OR IMPLIED THAT EACH AND EVERY DETAIL IS SHOWN.  
 SHOULD THERE BE ANY OMISSION, DOUBT OR AMBIGUITY AS TO THE MEANING OF  
 ANY PART OF THE DRAWINGS & SPECIFICATIONS, CONTACT THE DESIGNER BEFORE  
 CONTINUING FURTHER WORK.

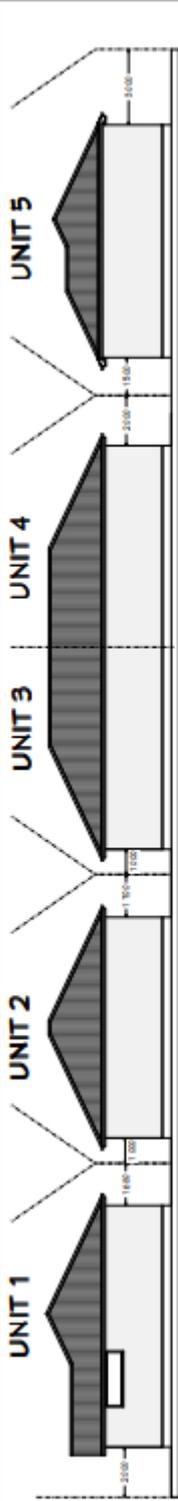
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 CLADDING: Heavy  
 WIND ZONE: HIGH  
 EARTHQUAKE ZONE: 5  
 SNOW LOAD: 1.0 kPa  
 CONSTRUCTION MUST CONFIRM  
 ALL DIMENSIONS ON SITE

5 X NEW DWELLINGS FOR CC OTAGO  
 6 GOURLEY ST  
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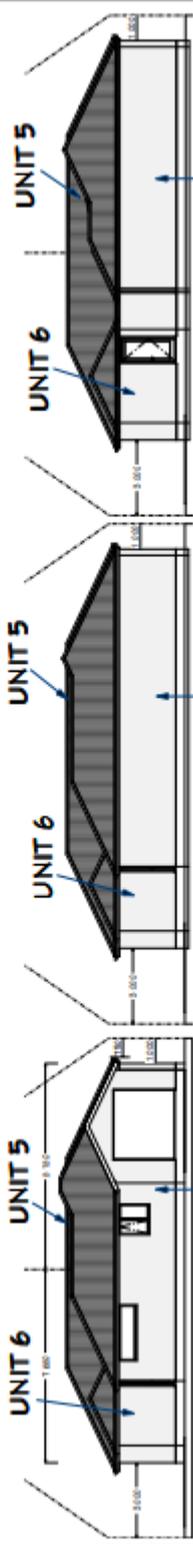
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 SHEET: 1



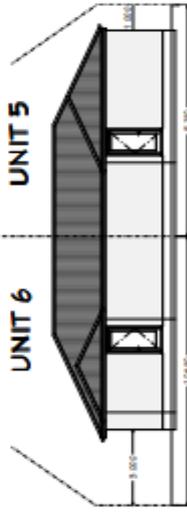
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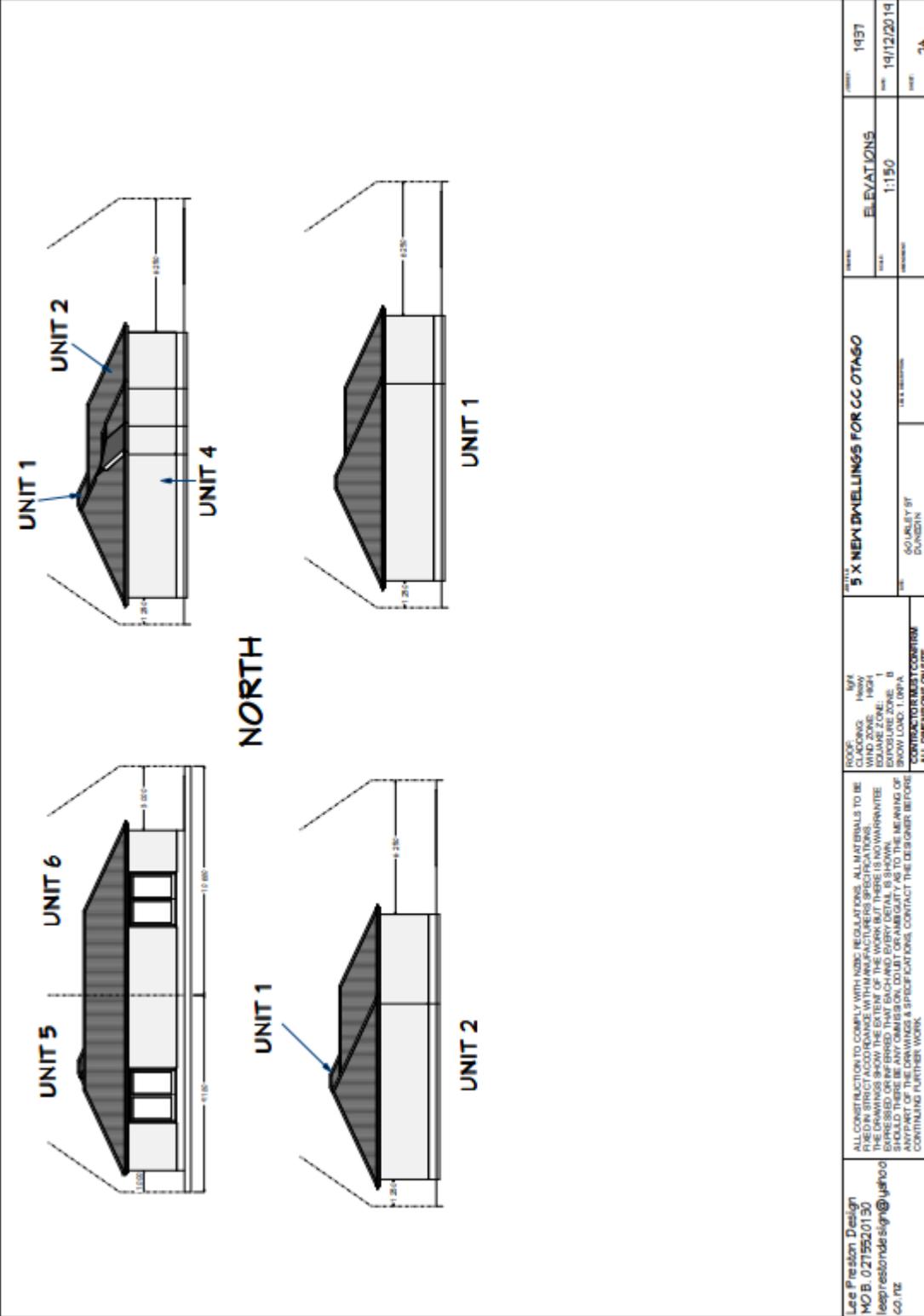
**EAST**



**SOUTH**



Lee Preston Design MOB. 0219520130 leeprestondesign@yahoo.com CO. NZ	ALL CONSTRUCTION TO COMPLY WITH NZBC REGULATIONS. ALL MATERIALS TO BE PRELIM STRICT ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS. CONTRACTOR TO VERIFY ALL DIMENSIONS AND FINISHES. EXPERIENCE OR IMPROVED THAT EACH AND EVERY DETAIL IS SHOWN. SHOULD THERE BE ANY OMISSION, DOUBT OR AMBIGUITY AS TO THE MEANING OF ANY PART OF THE DRAWINGS & SPECIFICATIONS, CONTACT THE DESIGNER BEFORE CONTINUING FURTHER WORK.	ROOF CLADDING: SP4 WIND ZONE: HIGH SEISMIC ZONE: B SOIL CLASS: 1.0/1.0/1.0 SNOW LOAD: 1.0/1.0/1.0 CONTRACTOR MUST CONFIRM ALL DIMENSIONS ON SITE.	NO. OF UNITS 5 X NEW DWELLINGS FOR CC OTAGO	DATE: 19/12/2019	NO. OF SHEETS: 2
				SCALE: 1:150	ELEVATIONS



Lee Precision Design MO B. 0275520130 leeprecisiondesign@junho.co.nz	ALL CONSTRUCTION TO COMPLY WITH NZBC REGULATIONS. ALL MATERIALS TO BE FIVE STAR ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS. ALL DIMENSIONS UNLESS OTHERWISE STATED. ALL FINISHES TO BE WHITE UNLESS OTHERWISE EXPRESSED OR REFERRED. THAT EACH AND EVERY DETAIL IS SHOWN. SHOULD THERE BE ANY OMISSION, CLASH OR AMBIGUITY AS TO THE MEANING OF ANY PART OF THE DRAWINGS & SPECIFICATIONS, CONTACT THE DESIGNER BEFORE CONTINUING FURTHER WORK.	ROOF: 5/12 CLADDING: HAWA WIND ZONE: HIGH EXPOSURE ZONE: I SNOW LOAD: 1.0 RPA CONTRACTOR MUST CONFIRM ALL DIMENSIONS ON SITE	PROJECT: 1937
			ELEVATIONS SCALE: 1:150 DATE: 19/12/2019 SHEET: 2A



Lee Preston Design  
 MOB. 0215520130  
 leepreston@design@juno.co.nz

ALL CONSTRUCTION TO COMPLY WITH NZBC REGULATIONS. ALL MATERIALS TO BE FIXED IN STRICT ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS. THE DRAWINGS SHOW THE EXTENT OF THE WORK BUT THERE IS NO WARRANTY FOR THE ACCURACY OF THE INFORMATION PROVIDED. ANY OMISSIONS OR AMBIGUITY AS TO THE MEANING OF ANY PART OF THE DRAWINGS & SPECIFICATIONS, CONTACT THE DESIGNER BEFORE CONTINUING FURTHER WORK.

COOR: 14.110° S  
 LONG: 173.411° E  
 WIND ZONE: HIGH  
 SQUARE ZONE: HIGH  
 SUPPLY ZONE: HIGH  
 DRAINAGE ZONE: HIGH  
 CONSTRUCTION CONSTRAINTS  
 ALL DIMENSIONS ON SITE

**5 X NEW DWELLINGS FOR CC OTAGO**

DATE: 14/12/2014  
 DRAWN BY: DUNSDEN  
 SCALE: 1:150  
 PROJECT: FLOOR PLAN  
 NO: 1937

DATE: 14/12/2014  
 DRAWN BY: DUNSDEN  
 SCALE: 1:150  
 PROJECT: FLOOR PLAN  
 NO: 1937