

BEFORE DUNEDIN CITY COUNCIL

IN THE MATTER of the Resource
Management Act 1991
(***the RMA***)

AND

IN THE MATTER an application for
resource consent by
Otago Boys High
School for land use at
17 & 17A Melrose
Street, Dunedin, LUC
2018-428

DECISION OF COMMISSIONERS APPOINTED BY DUNEDIN CITY COUNCIL

23 MAY 2019

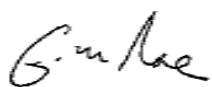
Commissioners:

Gary Rae (Chair)
Ros Day-Cleavin
Peter Bodeker

DECISION

1. Having carefully considered all the relevant reports and documentation supplied with the application, submissions received, along with expert evidence, the s. 42A report presented to us, the further information provided by the applicant under Section 41C(3) and submitters' responses to the further information provided, the Hearings Panel has resolved to **grant consent** to the application for resource consent for land use consent at 17 & 17A Melrose Street, Dunedin, **with conditions** set out in Section 10 of this Decision report. Our report, including reasons for the Decision, follows.

Dated this 23rd day of May 2019



Gary Rae, Commissioner (Chair)



Ros Cleavin-Day, Commissioner



Peter Bodeker, Commissioner

1 INTRODUCTION

- [1] Otago Boys High School (***the Applicant***) made an application to establish a car parking and recreation area on a site located at 17 and 17A Melrose Street, Dunedin.
- [2] The resource consent application was lodged with Dunedin City Council (***the DCC***) and was notified on a limited basis on 1 November 2018. Five submissions were received, two were in support (one conditionally) and three were opposed.
- [3] A table summarising the submissions lodged is attached to this Decision report as ***Appendix 1***.

2 THE APPLICATION AND SITE

2.1 The Application

- [4] The application is to establish a car parking area and entrance way on a site located at 17 and 17A Melrose Street, Dunedin. Whilst the notified application also included a proposal to use the site as a recreation area, that component of the application has been withdrawn as explained below under 'Procedural Matters'.
- [5] The application site is immediately adjacent to the existing Otago Boys High School Hostel (the hostel). The purpose of the application is to relieve pressure on street side parking and provide an attractive pedestrian entranceway to the adjacent hostel site.
- [6] The car parking area will provide vehicle parking for 15 vehicles including one mobility park. Twelve of the parks will be dedicated visitor parks, with the remaining three used for hostel van parking.
- [7] An upgraded vehicle access from Melrose Street is to be created along with a boundary treatment of a low stone wall and retractable bollards. Due to the topography of the site, earthworks and a retaining wall along the north western boundary of the site will also be required. The top of the retaining wall will be planted with a mixture of native species of differing heights and colours.

- [8] The three hostel parks at the rear of the parking area will be demarcated from the visitor parks at the rear of the site by a low garden bed and a small canopy. The canopy is proposed on the south west boundary of the site and is 6.5 metres long, 2.8 metres wide and up to 3.4 metres in height. The canopy will connect with a new pedestrian accessway on the existing hostel site (which we were advised is not part of this current application and would need to be processed as an Outline Plan of Works on the designated hostel site).
- [9] Lighting within the site is proposed via 19 bollards evenly distributed along/near the east and west boundaries. Five inground lights are proposed as well. These will be used to illuminate signs at the road edge and a sign at the canopy structure.
- [10] The applicant essentially seeks to extend the footprint of the hostel in the form of a carpark (17A), with the existing dwelling on number 17 being used as the Hostel Manager's House.
- [11] Land use consent is also sought for 405m³ of earthworks (378m³ of cut and 27m³ of fill) associated with the proposed activity.

2.2 The site and location

- [12] The subject site is located at 17 and 17A Melrose Street, Dunedin. It consists of two parcels of land. Number 17 has an area of 0.1850ha, and contains an existing dwelling, garage and gardens to the rear of the site. Number 17A has an area of 0.0713ha and is currently vacant.
- [13] An existing right of way runs along the western boundary of Number 17A, servicing Numbers 17 and 17C.
- [14] The site is relatively flat but slopes gently uphill from the street towards the rear of the site, with a crossfall downhill towards the hostel. An area that was used as a former driveway is also present through Number 17A.
- [15] The surrounding land use is residential with the exception of the hostel which is located along the south eastern boundary of the site. Surrounding residential properties typically consist of larger dwellings with mature vegetation.

- [16] The adjoining site is designated in both the operative and proposed district plans as D024 Otago Boys High School Hostel with the designation purpose of 'Otago Boys High School Hostel – Secondary School Hostel'.
- [17] The hostel itself occupies a 0.6986ha site consisting of a number of large buildings (for a residential setting) including dormitories, laundry, kitchen, boiler and houses for the staff. On-site parking is minimal with a small parking area adjacent to the kitchen / laundry area along with parking associated with the on-site dwellings.
- [18] The main access to the hostel for all vehicles and pedestrians lies a short distance immediately south east of the subject site.

3 THE HEARING AND PROCEDURES

3.1 The Hearing

- [19] A hearing was held in the Edinburgh Room at the Dunedin City Council on 25 February 2019 before an independent panel of Commissioners, duly appointed by the DCC to make a decision on the application.
- [20] The following staff were in attendance at the hearing:
- *John Sule*, Senior Planner/ advisor to the Commissioner
 - *Shane Roberts*, Reporting Officer - Consultant Planner
 - *Peter Christos*, Urban Designer
 - *Logan Copland*, Graduate Planner – Transport
- [21] Appearances for the Applicant were by:
- *Kirstyn Lindsay*, Consultant Planner
 - *Richard Hall*, Rector of Otago Boys High School
 - *Mathew Markham*, Director of Boarding, Otago Boys High School
 - *Nathan Taylor*, Architect
 - *Darryl Swan & Des Smith* Supporters of Otago Boys High School
 - *Grant McLaughlan*
- [22] Submitters to appear were:
- *Susan Lee*, 17 Melrose Street
 - *Shelley Chadwick*, legal counsel for Susan Lee
 - *Kristina Butler*, 9 Melrose Street
 - *Ross Grimmett*, 20 Melrose Street

- [23] Submitters *Gabriel and Anastasiia Wilmshurst*, and *Adam Williams* did not appear at the Hearing.

3.2 Procedural Matters

- [24] Kirstyn Lindsay, planner representing the applicant, advised that the applicant withdraws that component of the application which relates to the use of the recreation area and seeks only the establishment and use of the area as a car park and pedestrian entranceway with associated site works.
- [25] During the course of the hearing the Chair raised a concern that the assessment of effects embodied in the application, and the evidence presented at the hearing, did not seem to address the effects arising from the intended use of the subject site as a main pedestrian entranceway to the adjacent hostel site. It appeared that the application and the evidence, including the section 42A report, had focussed almost exclusively on the effects arising from the use of the site as a car park area, and as a recreational use (which had subsequently been withdrawn).
- [26] Ms Chadwick, counsel for submitter Ms S Lee, responded by saying she considered the application as lodged was not for the subject site to be used as the main pedestrian entrance to the hostel, and therefore there was no scope for the Hearings Panel to consider that aspect. Ms Lindsay said the application clearly stated the application was for a pedestrian entrance. Mr Roberts, reporting officer, said the application included a proposed pedestrian entranceway, but he accepted that his report had overlooked that aspect of the application.
- [27] The Hearings Panel after a brief adjournment announced that it accepted the scope of the application did include the proposed use of the subject site as a pedestrian entranceway to the hostel. However, the Hearings Panel considered further information was required to allow it to fully consider the effects of that aspect of the proposal. It also became clear that some more consultation may be required with the adjoining neighbours so that the applicant could provide a final set of conditions for the consideration of the Hearings Panel.
- [28] The Chair provided oral direction at the Hearing as to the precise nature and scope of the further information required as outlined above. The applicant agreed to a time frame extension under Section 37 of the RMA for the

information to be provided. The Hearing was accordingly adjourned, at 12.35pm.

- [29] A written Minute (Minute 1) was subsequently issued by the Hearings Panel on 25 February 2019 requesting the further information under Section 41C(3) of the RMA.

3.3 Further Information Received

- [30] The applicant provided the further information on 15 March 2019 and it was sent to the submitters with an invitation to respond within two weeks.

- [31] A response was received from one submitter, Ms S Lee, on 29 March 2019.

- [32] Ms Lee's comments were sent to the parties as part of Minute 2, issued by the Hearings Panel on 2 April 2019, together with advice of the hearing to be reconvened. It also requested that the Reporting Officer prepare a supplementary report to address the additional information and comments received, and that was subsequently sent to the parties on 26 April 2019.

3.4 Reconvened Hearing

- [33] The hearing was reconvened on 10 May 2019. In attendance were

- *John Sule*, Senior Planner/ advisor to the Hearings Panel
- *Shane Roberts*, Reporting Officer - Consultant Planner
- *Kirstyn Lindsay*, Consultant Planner for Applicant
- *Richard Hall*, Rector of Otago Boys High School, for Applicant
- *Nathan Taylor*, Architect for Applicant
- *Darryl Swan*, Supporter for Applicant
- *Susan Lee*, Submitter
- *Shelley Chadwick*, legal counsel for Susan Lee
- *Shelley Porter*, Submitter.

- [34] The hearing was closed at 10.30am on 10 May 2019.

4 ACTIVITY STATUS

- [35] Mr Roberts, in his section 42A Report, noted that there are two district plans to consider, the Operative Dunedin City District Plan (**ODP**) and the Proposed Second Generation Dunedin City District Plan (**2GP**). The subject

site is zoned Residential 1 with respect to the ODP, and General Residential with respect to the 2GP.

[36] Decisions were released on the 2GP on 7 November 2018, and appeals have been lodged with respect to many of those decisions. Mr Roberts said that, in these circumstances, the rules of both plans need to be taken into account for assessing this proposal.

[37] In response to questions Mr Roberts, assisted by Mr Sule, Senior Planner, advised us that one objective (Objective 15.2.1) relating to residential zones, and two policies (Policy 2.2.6.2 and Policy 9.2.2.1) relating to Public Health and Safety are subject to a general appeal, but there were no specific appeals lodged with respect to the 2GP activity rules or zoning of the subject site in the 2GP as General Residential. Mr Roberts' view was that, in these circumstances, reasonable weight could be given to the objectives and policies of the 2GP.

[38] The section 42A Report describes the zoning and activity status of the application as follows:

ODP

- Residential I Zone
- The land use meets the definition of a community support activity and is therefore a Discretionary Activity (Unrestricted) under Rule 8.7.5
- The proposed earthworks exceed the thresholds in the plan in terms of volume and setback and is therefore a Discretionary Activity (Restricted) under Rule 17.7.5.
- The consequential yard breach arising from the retention of the garage on number 17 Melrose Street to rectify an historic oversight is a Discretionary Activity (Restricted) under Rule 8.7.4.
- The noise resulting from the initially proposed recreational activity would have breached the relevant noise standards in Rule 21.5.1(i) resulting in a Discretionary Activity (Restricted). However, that aspect of the application was withdrawn and the remaining parts of

the proposal were expected to be able to comply with the permitted activity conditions.

2GP

- General Residential Zone
- The land use meets the definition of supported living facilities and the sub-activity of student hostels and is therefore a Restricted Discretionary Activity under Rule 15.3.3.2.
- The covered structure exceeds the height in relation to boundary provisions between the proposed car park and hostel, and breaches the 2-metre boundary setback, and is therefore a Restricted Discretionary Activity under Rule 15.6.6.1.
- The car parking area exceeds the requirement that parking areas must not occupy more than 50% of the front yard setback and is therefore a Restricted Discretionary Activity under Rule 15.6.7.1.
- The car parking area is assumed to exceed the requirement that the maximum impermeable surfaces is 70% in the General Residential 1 Zone and is therefore a restricted discretionary activity under Rule 15.6.10.
- The proposed signage does not comply with the requirement that signs must not be illuminated and are assumed to exceed the maximum permitted size and is therefore a Restricted Discretionary Activity under Rule 15.6.11 and Rule 6.7.3.
- The proposed earthworks exceed the threshold in the plan in terms of volume and setbacks is therefore a Restricted Discretionary Activity under both Rules 8A.5.4 and 8A.3.2.
- The noise resulting from the initially proposed recreational activity would have likely breached the relevant noise standards in Rule 9.3.6 resulting in a Restricted Discretionary Activity. However, that aspect of the application was withdrawn and the remaining parts of the proposal were expected to be able to comply with the permitted activity conditions.

[39] The evidence from Mr Roberts was that the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protected Human Health) Regulations 2011 are not considered applicable to the proposal.

[40] Overall, the proposed activities are to be considered as a Discretionary Activity.

4 PRINCIPAL ISSUES IN CONTENTION

4.1 Summary

[39] Having heard all the evidence and submissions, the principal issues in contention are considered to be those relating to effects on residential amenity, in particular:

- (a) The noise effects arising from the use of the site for car parking and as a main pedestrian entrance into the hostel site; and
- (b) The visual effects and effects on residential character arising from the use of a site in the residential zone as a carpark with associated structures and signs.

4.2 Noise Effects

[41] Ms Lee's primary concern with regard to noise effects is that the proposal would result in the introduction of significant number of pedestrian movements over 17 and 17A Melrose Street every day during the school year, as well as periods before and after school and during the weekends. Ms Lee expressed further concern that it would be difficult for the School to control any congregating activity of schoolboys at the proposed main pedestrian entrance and under the proposed canopy.

[42] Ms Lee's view is that given the introduction of pedestrian activity over 17 and 17A Melrose Street at the scale proposed, a specific noise assessment for this aspect of the proposal was required to be provided by the applicant.

[43] In response to the submitter concerns, the Applicant referred to the expert acoustic noise assessment undertaken for the application as originally sought and compared the type and scale of effects in its assessment of the relocated entrance to the hostel.

- [44] The Applicant highlighted that the recreational use of the site (as originally proposed) was assessed as being located a minimum of 3.5 metres from the boundary shared with 15 and 17C Melrose Streets. The proposed entranceway will be located at a greater distance being approximately 16 metres from the boundary shared with 15 Melrose Street and approximately 18m from the dwelling within that site and would also be at a lower elevation by some 2.0 metres.
- [45] The Applicant, through Mr Hall and Ms Lindsay, assured us the use of the entranceway will be intermittent and staggered and will not therefore result in a consistent duration or level of noise. Use on the weekends is expected to be reduced, and further staggered and intermittent. There is expected to be only low use of the entranceway by boys after 7pm at night, and no use will be permitted after 9pm at night.
- [46] Mr Hall confirmed that the boys will not be lingering within 17A Melrose Street but travelling the 30 metres from the canopy to Melrose Street. To provide a level of assurance to the submitter, the applicant offered the installation of a security camera and monitoring of the area to ensure there is no loitering in the carpark area.
- [47] In addition, the Applicant volunteered a complaint management condition for how complaints regarding the use of the carpark and entranceway will be managed. Whilst the hostel operates on a separate site to that which is subject to this application and is subject to a designation, the Applicant also offered a similar management procedure for any complaints relating to the effects arising from the hostel to be included as an advice note for 25 Melrose Street.
- [48] The applicant also offered a review condition which provides for the conditions of consent to be reviewed should demonstrable noise effects associated with the use of the carpark and pedestrian entranceway be identified.
- [49] Mr Roberts' s42A Report and Supplementary s42A Report assessed the proposed activity against the noise levels set in the Operative District Plan and the 2GP. Mr Roberts concluded that any noise effects from the proposed activity are acceptable in the context of the site. Critical to his assessment was that the expert acoustic assessment undertaken for the proposal as originally lodged predicted that the recreational use of the site

area (now withdrawn) would comply with the permitted activity noise standard for the residential zone and that this assessment assumed a greater intensity of noise than what is now proposed.

- [50] The Panel considered the evidence provided and is satisfied there is agreement across the expert planning evidence on all relevant noise matters under consideration. Accordingly, we are prepared to adopt Mr Roberts' evidence on what we consider are the key assessment matters in determining noise effects.
- [51] We are impressed by the Applicant's willingness to address submitter concerns and consider the suite of conditions volunteered by the applicant as suitable. These conditions include restricting the hours of use of the carpark area, a complaint management condition for how complaints regarding the use of the carpark and entranceway will be managed, and electronic monitoring of the car park. A review condition was also volunteered, to provide for the conditions of consent to be reviewed should demonstrable noise effects associated with the use of the carpark and pedestrian entranceway be identified.
- [52] We agree that any noise effects will not constitute a sustained noise, rather intermittent noise originating from people entering and exiting a site. We accept that any noise effects would not represent new sounds being introduced into the environment and we are satisfied that any other residual noise effects resulting from the proposal clearly fall within the normal expectations for a residential area with a student hostel present.
- [53] Ms Lee appeared to accept the conditions volunteered by the Applicant as going some way to addressing her concerns.
- [54] We are also conscious of the 'permitted baseline' comparison provided by the Applicant in its supplementary assessment of the relocated pedestrian entranceway. We note a new pedestrian entrance to the hostel could be established on the hostel site but right next to the boundary with the subject site at 17A Melrose Street, and may not even require an Outline Plan approval if no structures are proposed. Mr Roberts agreed with Ms Lindsay that this would have a similar level of noise effects to the proposal to utilize the subject site and would additionally require removal of some screening trees between the sites.

Finding:

- [55] For these reasons our finding is that any noise effects arising from the use of the site for car parking and as a main pedestrian entrance into the hostel site are acceptable in the context of the site and existing environment, subject to conditions of consent as discussed above.

4.3 Visual and Residential Character Effects

- [56] Residential amenity and character may be determined with respect to what is on the ground, and also by the expectations provided by the zoning of the site and surrounds.
- [57] Through the submission process a key concern related to the effects of the proposal on visual amenity for the adjoining residences at 15 and 17C Melrose Street due to the non-residential nature of the car park. There was also concern expressed by submitters that the hostel may seek future expansion. There was also tension between the proposed mitigation screening planting and the potential of the screening planting to compromise the harbour views and amenity enjoyed from other properties.
- [58] Mr Taylor, architect for the Applicant, presented the detailed plans for development of the site and we were impressed with the level of attention on paved surface treatments for the car parking area and pedestrian path, entrance canopy, stone wall, and planting proposals. All of those measures are designed to soften the visual and character impact on this location.
- [59] From this, and the planning evidence which was that the change in character and visual effects are acceptable with appropriate conditions, we are satisfied there is agreement across expert evidence on all relevant matters under consideration relating to residential amenity and character, including advice from Council's Urban Designer, Mr Christos.
- [60] Mr Swann, the landowner, also discussed how the site may be able to be developed if this application was to be unsuccessful. He said that up to five residential dwellings or apartments could be built on the site, and Ms Lindsay confirmed this could be done in accordance with rules in the 2GP. We did not consider this comparison was particularly helpful in comparing the effects of the proposed carpark and pedestrian entranceway, as residential development of that kind is permitted and encouraged in terms of the zoning of the site, whereas a car parking area for an adjacent hostel

is something that might not be anticipated. In any event we have found that the visual and character effects of the proposed development are acceptable in this environment.

- [61] In reaching a determination on the proposal we also note the Applicant and Ms Lee reached agreement during the Hearing with regard to screen planting conditions, and we accept that any concern centred upon the loading and unloading of the vans has been resolved and is reflected in the conditions offered by the Applicant.

Finding:

- [62] For these reasons our finding is that any amenity or character effects on the neighbourhood arising from the proposal are considered to be at an acceptable level in the context of the existing environment.

5 EFFECTS ON THE ENVIRONMENT

- [63] A wide range of effects on the environment were assessed in the section 42A Report, based on the relevant rules and assessment matters in the ODP and the 2GP for land use activities in the Residential Zone.
- [64] Our findings above with respect to the Principal Matters in Contention address the effects of noise, and also effects on visual and residential character. Our findings are that those effects are no more than minor for the reasons given.
- [65] Mr Roberts' section 42A Report also addressed matters relating to hazards, safety and earthworks, and the provision of services. He assessed transportation effects as being less than minor. Mr Copland, a Council transportation planner reported that the effects on the transport network will be no more than minor, subject to conditions relating to the need for a traffic management plan during construction, and a requirement that the stone wall at the front of the site be no higher than 800mm to avoid visibility issues for vehicles exiting the site.
- [66] We note that none of those matters are in dispute by any parties to the application. Ms Lindsay, planner for the Applicant, advised that she agreed with Mr Roberts' assessment of those matters.

[67] There was some discussion at the reconvened hearing on the appropriate standard of access to the site by construction traffic. Mr Roberts said the suggested condition would enable Council to assess the standard of the existing vehicle crossing and impose an appropriate level of control or upgrade to accommodate trucks and heavy vehicles and to prevent debris from being tracked onto the road surface.

[68] Overall, as for the findings on effects of noise and visual effects we are satisfied that the evidence on other effects, including transportation, earthworks, services, hazards and safety was thorough and in agreement and we find those effects will be no more than minor, with appropriate conditions imposed.

6 REGIONAL POLICY STATEMENTS AND PLANS

[69] Mr Roberts, in his section 42A and supplementary reports, assessed the proposal against the operative Regional Policy Statement for Otago 1998, as well as the proposed Regional Policy Statement for which decisions are currently under appeal but for which the relevant provisions can be given significant weight.

[70] His evidence was that the proposal is consistent with all relevant provisions of the operative RPS, and the relevant provisions of the proposed RPS, and in particular those to do with urban growth and development, and urban design.

[71] Ms Lindsay concurred with Mr Roberts' assessment on all relevant objectives and policies.

7 OBJECTIVES AND POLICIES OF DISTRICT PLANS

[72] Mr Roberts' section 42A Report and supplementary assessment provides a very comprehensive assessment of the relevant objectives and policies of both the ODP and the 2GP.

[73] His assessment was that, without the recreational use aspect which was deleted from the proposal, the proposal is consistent with the relevant objectives and policies of both the ODP and the 2GP to do with residential zones, residential amenity, hazards, transportation, signs and earthworks. Ms Lindsay concurred with that assessment.

[74] We are satisfied therefore that the proposal, as modified and with appropriate conditions, is overall consistent with the relevant objectives and policies of the relevant planning documents.

8. DECISION MAKING FRAMEWORK

[75] The proposal is to be considered pursuant to sections 104 and 104B of the RMA.

[76] Section 104B enables us to grant or refuse consent to a discretionary activity and if granted, to impose conditions of consent. Section 104(1) of the RMA outlines the matters that we must have regard to when making our decision. The following sections address these matters.

[77] We accept Mr Roberts' assessment that it is not necessary to assess the proposal in terms of Part 2 of the RMA, as the relevant objectives and policies are very recent and we have found the proposal is consistent with those. In addition we have found that the effects of the proposal are able to be mitigated, and the proposal has positive effects in terms of relieving pressure for street-side parking and will provide an attractive entrance to the hostel site.

[78] In terms of Section 104(1)(a) we have found that the proposal will have no more than minor adverse effects on the environment.

[79] In terms of Section 104(1)(b) we have found the proposal is, overall, consistent with the relevant provisions of the operative and proposed RPSs, and the ODP and the 2GP.

[80] Section 104(1)(c) requires the consent authority to have regard to any other matters relevant and reasonably necessary to determine the application. Here Mr Roberts' evidence drew the attention of the Committee to a history of noise and behavioural complaints associated with the hostel, which was also a matter raised by some of the submissions. We are satisfied, after hearing from Mr Hall, that any behavioural issues will be appropriately managed by the hostel, particularly with a staff member residing in the dwelling at the site, and with additional safeguards such as the complaints procedure and security camera to be installed.

9. CONCLUSION

[81] For all of the reasons outlined above we consider the proposal meets all the statutory requirements for consideration of a Discretionary Activity, and accordingly grant consent subject to conditions outlined below.

10. CONDITIONS

General

1. The proposed activity must be undertaken in general accordance with the information provided with the resource consent application received by the Council on 30 July 2018, and further information received on 19 September 2018 and 24 October 2018 and the reduction in the scope of the application as confirmed in the evidence of K Lindsay dated 2 February 2019, except where modified by the following conditions:

Carpark and Entranceway Use

2. Entry and exit from the car park is only available between the hours of 7.00am to 9.00pm, except for the school vans and for emergency vehicles, and the bollards must be lifted outside of these hours.
3. The carpark must be fully constructed, fenced and planted prior to its use for parking.
4. The pedestrian entranceway must not be used by hostel boarders between the hours of 9.00pm and 7.00am except in an emergency event.
5. Loading of the hostel vans or any other mini-vans must occur entirely within 17A Melrose Street and adjacent to the canopy for the pedestrian walkway.
6. Trucks or other heavy vehicles are not to be parked on the site once the activity has commenced.

Security and Complaints

7. The consent holder shall install a security camera to monitor the carpark and entranceway area prior to the entranceway being used.

8. The consent holder must provide residents at the following addresses the details of the person(s) to be contacted in the event of a noise issue arising from the use of the carpark or entranceway:

- 9 Melrose Street;
- 10 Melrose Street;
- 11 Melrose Street;
- 12 Melrose Street;
- 15 Melrose Street;
- 17C Melrose Street; and
- 20 Melrose Street.

9. In the event a noise issue associated with the use of the car park and pedestrian entranceway on 17A Melrose Street is raised, the consent holder must advise the complainant of the outcome of the investigation into the complaint and any action taken to resolve the noise issue.

10. The consent holder must maintain a written record of any noise complaints received, detailing:

- (a) the name and address of the complainant;
- (b) details of the complaint including time, date and nature of the complaint.
- (c) the action undertaken to deal with the complaint.

Construction Noise

11. All construction noise must comply with construction noise limits as per New Zealand Standard NZS 6803:1999

Transportation

12. The vehicle access must be a maximum 6.0 metres formed width, hard surfaced, and adequately drained for its duration.

13. The surface of all parking, associated access and manoeuvring areas must be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked in accordance with the consented application plans.
14. The parking area must have clearly defined access and the remainder of the property road boundary shall have a physical barrier which separates the parking area from the road.
15. The car parking layout must comply with Appendix 6B, Figure 6B.1 – On-site car parking dimensions.
16. The proposed stone wall along the front of 17A Melrose Street must not exceed 800mm in height.

Earthworks

17. Earthworks must not commence until a building consent for the retaining works has been issued.
18. The consent holder must establish a construction phase vehicle access point to the site to the satisfaction of the Manager Resource Consents and ensure it is used by construction vehicles. The access is to be wide enough to accommodate the construction vehicles expected to be used in the construction phase and stabilised by using a geotextile fabric and either topped with crushed rock or aggregate. The access is to be designed to prevent runoff.
19. All walls retaining over 1.5m, or a surcharge / slope, including terracing, require design, specification and supervision by appropriately qualified person/s.
20. Where the long-term stability of other's land or structures may rely upon the continued stability of retaining works, the designer must confirm in writing to Council's Manager – Resource Consents, that the retaining structure can be safely demolished following a complete design life without creating hazards for neighbouring properties prior to works commencing.
21. Slopes must not be cut steeper than 1:1 (45°) without specific engineering design and construction.

22. Slopes must not be filled steeper than 2h:1v (27°) without specific engineering design and construction.
23. Any change in ground levels is not to cause a ponding or drainage nuisance to neighbouring properties.
24. Any fill material to be introduced to the site must comprise clean fill only.
25. To ensure effective management of erosion and sedimentation on the site during earthworks and as the site is developed, measures are to be taken and devices are to be installed, where necessary, to:
 - (a) divert clean runoff away from disturbed ground;
 - (b) control and contain stormwater run-off;
 - (c) avoid sediment laden run-off from the site'; and
 - (d) protect existing drainage infrastructure sumps and drains from sediment run-off.
26. All loading and unloading of trucks with excavation or fill material is to be carried out within the subject site.
27. The consent holder must:
 - (a) be responsible for all contracted operations relating to the exercise of this consent; and
 - (b) ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to all associated erosion and sediment control plans and methodology; and
 - (c) ensure compliance with land use consent conditions.
28. Should the consent holder cease, abandon, or stop work on site for a period longer than 6 weeks, the consent holder must first take adequate preventative and remedial measures to control sediment discharge/run-off and dust emissions, and must thereafter maintain these measures for so long as necessary to prevent sediment discharge or dust emission from the site. All such measures must be of a type and to a standard which are to the satisfaction of the Resource Consent Manager.
29. If at the completion of the earthworks operations, any public road, footpath, landscaped areas or service structures that have been affected/damaged by contractor(s), consent holder, developer, person involved with earthworks or building works, and/or vehicles and machineries used in relation to earthworks and construction works,

must be reinstated to the satisfaction of Council at the expense of the consent holder.

30. If the consent holder:

(a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:

- i. notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
- ii. stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site works may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

(b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:

stop work within the immediate vicinity of the discovery or disturbance; and

- i. advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and

- ii. arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site works may recommence following consultation with the Consent Authority.

Landscaping

31. Prior to commencement of construction activities on site the applicant must supply to Council's Manager – Resource Consents for certification a landscaping plan that details:
 - (a) The species to be planted onsite and the density of planting to maximise the screening to 15 and 17C Melrose Street;
 - (b) The consultation undertaken with the owners of 15 Melrose and 17C Melrose Street. The timing of planting; and
 - (c) A maintenance and management regime.
32. The certified planting plan must be implemented within 6 months of giving effect to the consent.

Review Condition

33. On each anniversary of this consent, or if a demonstrable effect relating to noise or lighting within the car park or pedestrian entranceway is identified, the consent authority may, after providing written notice to the consent holder, review the conditions of consent pursuant to Section 128(1)(iii) of the Act.

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. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.*

3. *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.*
4. *The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.*

Hostel Site – 25 Melrose Street (advice notes as volunteered by Applicant)

1. *The consent holder should provide residents at the following addresses the details of the person(s) to be contacted in the event of a noise issue arising from the use of the carpark or entranceway:*
 - *9 Melrose Street;*
 - *10 Melrose Street;*
 - *11 Melrose Street;*
 - *12 Melrose Street;*
 - *15 Melrose Street;*
 - *17C Melrose Street; and*
 - *20 Melrose Street.*
2. *In the event a noise issue associated with the use of the car park and pedestrian entranceway on 17A Melrose Street is raised, the consent holder must advise the complainant of the outcome of the investigation into the complaint and any action taken to resolve the noise issue.*

3. *The consent holder should maintain a written record of any noise complaints received, detailing:*

(a) the name and address of the complainant;

(b) details of the complaint including time, date and nature of the complaint.

(c) the action undertaken to deal with the complaint.

APPENDIX 1 – SUBMISSIONS

Name of Submitter	Support/Oppose	Summary of Submission
Kristina Butler	Support	On-street parking is an issue on Melrose Street, this would be improved if the OBHS hostel had its own parking lot.
Murray Ross Grimmett	Support (Conditional)	- Submitter support for the application is conditional. - Proposal should not allow an increase in intensity of use of the site. - Notes the use of term “recreation” is vague. - Submitter requests: additional stipulations including requirements for buses and minivans; additional information about the likely timeframe for site works; and requests a means of registering complaints should they arise and a time-frame for responses. - Concern about construction activity.
Adam Francis Williams	Oppose	- Carpark/recreation area will detract from the attractiveness of the street. - Negative impacts on amenity due to noise and light pollution. - Proposal does not fit with the Operative District Plan. - OBHS already have 6 vehicle parks, and a recreation wing. - Many recreational facilities already exist within close proximity of the hostel (e.g., OBHS tennis courts, Roberts Park, and Moana Pool). - Concerns regarding lack of trust in policing the increased recreational activity. - Increased visitor parking will not solve the congestion issues caused by lack of student parking. - Planting will obstruct views of the harbour.
Susan Lee	Oppose	DCC 2GP: - Applicant must provide further planning assessment that fully considers the effects against the decisions version of the DCC2GP. Unauthorised use of the site: - There are existing compliance issues and unauthorised use of a garage on residential site for a rowing club facility. - This unconsented activity leads to concerns whether additional facilities

		will adhere to conditions. Significant Amenity Effects: • The buffer area (residential section at number 17) is essential to mitigate existing effects of the hostel. • Recreation aspects of the proposal negatively impact amenity and would be hard to police. • Nature of noise needs to be assessed in detail in application/noise report. Lighting: • Negative impact on amenity, this is not adequately outlined or assessed within the application. Future Expansion of hostel activity: • Concerns regarding potential for future expansion of the hostel activity. Traffic: • Traffic effects have not been adequately assessed. Carparking: • Submitter observes there is often available carparking on the street. • Submitter may be able to accept the proposal if adjusted for only carparking uses. • Requests conditions on the consent to restrict students from congregating on the site. • Request hours of construction to be limited to 8.30am – 4pm on weekdays.
Gabriel and Anastasiia Wilmshurst	Oppose	• Site currently serves as a buffer-zone to protect the amenity of the surrounding area (from noise, inappropriate language etc.,) • The proposed carpark will lead to increased pollution in the street (both noise and emissions from exhaust fumes). • Concerns the carpark area will be used for afterhours loitering that will likely be unmonitored.

[illegible]

title

Scale 1:100 on A1 sheet or 1:200 on A3 sheet

drawn	date	revision
Taylor's Spices Ltd	June 2018	
scale	as shown	
contract no.	1000	

