

23 October 2024

Mitchell Holdings (2003) Limited
C/- Tyler Hager
Terramark Limited
330 Moray Place
DUNEDIN 9016

Via email: tyler@terramark.co.nz

Dear Tyler

RESOURCE CONSENT APPLICATION:

**SUB-2024-112_LUC-2024-289
25 GORDON ROAD
MOSGIEL**

Council has granted consent to your application for resource consent subject to conditions.

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

Consent Condition(s)

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

Consent Processing and Monitoring Fees

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

Given the nature of your proposed activity, this consent will require no inspections at this stage. However, if inspections are required in during the development, you may be invoiced at that time in accordance with Council's fees schedule.

Development Contribution Charges

Development contributions are payable for this resource consent. A development contribution notice outlining how the development contribution has been calculated and when payment is required will be sent to you soon.

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, or in writing to 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 an independent hearings commissioner. Council will then delegate its functions, powers and duties to the appointed hearings commissioner to consider and decide the objection. Please note that you might be required to pay for the full costs of the hearings commissioner.

Alternatively, you may have appeal rights to the Environment Court. Please refer to Section 120 of the Resource Management Act 1991. Council recommends you consult a lawyer if you are considering this option.

Queries and/or Additional Information

Please feel free to contact me if you have any queries or require additional information.

Yours sincerely



Ian McCabe
ASSOCIATE SENIOR PLANNER

APPLICATION SUB-2024-112_LUC-2024-289: 25 GORDON ROAD, MOSGIELDepartment: Resource Consents

DESCRIPTION OF ACTIVITY

Resource consent is sought for the following:

- Land use consent to construct a two (2) unit residential duplex comprising two habitable rooms each; and,
- Subdivision consent for a two (2) lot residential subdivision to accommodate separate records of title for each of the new residential units and allow for them to be held in separate ownership.

The subject site is located at 25 Gordon Road, Mosgiel. It comprises a new vacant allotment of 486m² (more or less) recently subdivided under SUB-2024-72.

The subject site is a generally flat rectangular site lying roughly at street level orientated in a generally northeast-southwest alignment. The underlying property is a corner site with road frontage to Gordon Road along its western boundary and to Park Street along its northern boundary. However, the subject site is the eastern allotment of SUB-2024-72 and only has frontage to Park Street.

The underlying property until recently contained a large existing brick and concrete building constructed in the 1920s and was the former home of the local Masons Lodge. The existing building occupies 370m² of the property and is located in the northwest corner immediately adjacent to both the Gordon Road and Park Street road frontages. The balance of the property is vacant and has historically been used for vehicle access and parking. The subject site will occupy all the parking space and approximately 2.5m of the site currently occupied by the existing building.

The proposed subdivision involves subdividing the subject site into two (2) new allotments. Each allotment is intended to accommodate one unit of a two-unit duplex each containing two (2) habitable rooms.

Proposed Lot 1 will be a rectangular shaped allotment comprising 243m² (more or less) and will be located over the western half of the subject site (Lot 3 SUB-2024-72). It is intended to contain Unit 2 comprising two (2) habitable rooms, open plan kitchen and living in the northwest corner of the dwelling. The proposed dwelling will respect all the relevant boundary setbacks, presents no recession plane encroachments, and will share a party wall with the residential dwelling on Proposed Lot 2. Vehicle access will be off Park Street with a short driveway along the proposed eastern boundary into an internal garage adjoining Proposed Unit 1.

Proposed Lot 2 will be a rectangular shaped allotment comprising 243m² (more or less) and will be located over the eastern half of the subject site (Lot 3 SUB-2024-72). It is intended to contain Unit 1 comprising two (2) habitable rooms, open plan kitchen and living in the northeast corner of the dwelling. The proposed dwelling will respect all the relevant boundary setbacks, presents no recession plane encroachments, and will share a party wall with the residential dwelling on Proposed Lot 1. Vehicle access will be off Park Street with a short driveway along the proposed western boundary into an internal garage adjoining Proposed Unit 2.

The applicant advises the only earthworks proposed are those necessary to provide for service trenches and for establishing new accesses to each of Proposed Lots 1 and 2. The suggestion is they would be *earthworks – small scale* and therefore permitted activities, but that there will be trenching within the setback for “*network utilities*”. For completeness, land use consent is also sought for the earthworks associated with trenching within the setback for “*network utilities*”.

Land use consent is also being sought to authorise the proposed duplex exceeding the building site coverage performance standard for the underlying zone and for potential breaches of the parking, loading and access performance standards.

The subject site is legally described as Lot 3 SUB-2024-72 (held in Record of Title OT255/205 (Ltd)).

REASONS FOR APPLICATION

Dunedin has until recently had two district plans: the Operative Dunedin City District Plan 2006 (District Plan 2006), and the Proposed Dunedin City Second Generation District Plan (Proposed 2GP). On 19 August 2024, the Proposed 2GP was made partially operative becoming the Dunedin City Second Generation District Plan 2024 (2GP) superseding the District Plan 2006 except for a limited number of specific provisions and identified areas still subject to appeal. Where these specific provisions and appeals are relevant, the District Plan 2006 must still be considered.

In this instance, no appeals are relevant, so this application has been processed with reference to the 2GP only.

Partially Operative District Plan 2024

The subject site is zoned **General Residential 2 (GR2)** in the 2GP and is located within the following overlay zones and/or mapped areas:

- **Archaeological Alert Layer Mapped Area;**
- **Mosgiel Mapped Area;**
- **Wāhi Tupuna Mapped Area (Kokika o Te Matamata (area surrounding Mosgiel));**
- **Wastewater Constraint Mapped Area;**
- **Hazard 3 (flood) Overlay Zone; and,**
- **Dunedin Airport Flight Fan.**

Land Use Activity

The proposed land use activity falls under the definitions of *standard residential activity* and *buildings and structures* under the Partially Operative District Plan 2024.

Rule 15.3.3.3 lists *standard residential* activities as permitted activities for this zone subject to meeting land use and development performance standards listed in **Rules 15.5** and **15.6**. The proposed activity meets all the relevant land use performance standards under **Rule 15.5**, but will breach the following development performance standards under **Rule 15.6**.

Rule 15.6.10.1 – Maximum Building Site Coverage and Impermeable Surfaces – Buildings and structures activities must not exceed maximum building site coverage 50% of the site area (excluding leg-in access) in the General Residential 2 zone. The proposed duplex will result in building site coverage of approximately 55% of the site area – being 268m² of site coverage on the subject site with an area of 486m² and 134m² of site coverage for each new allotment with an area of 243m² each. This represents a breach of the site coverage standard of approximately 5% of site area for both the subject site and the proposed new allotments.

Activities that breach this performance standard are **restricted discretionary activities** (refer to **Rule 15.6.10.4**). Council's discretion is restricted to the following matters (refer **Rule 15.10.4.10**):

- Effects on on-site amenity for residents;
- Effects on neighbourhood character and amenity;
- Effects on affordability of infrastructure (stormwater); and,
- Effects on stormwater from future development.

Rule 15.6.12 requires parking loading and access to comply with the performance standards set out in **Rule 6.6**.

Rule 6.6.3.2 requires a minimum sight distance from new vehicle accesses of 69m. The applicant advises the proposed new accesses for both Proposed Lots 1 and 2 will feature a new hard surfaced access and driveway that will be located less than 69m from nearby intersections – approximately 55m east along Park Street to the intersection with Gordon Road, and approximately 45m-50m west along Park Street to the intersection with Church Street.

Both new accesses and driveways will be located adjacent to each other but will be physically separated with a grass berm or landscaping.

The applicant notes the existing vehicle access sits partially within the location of the proposed new accessways and will need to be modified to accommodate the new development.

Activities that contravene these performance standards are **restricted discretionary activities** (see **Rules 6.6.3.1.d and 6.6.3.2.f**). Council's discretion is restricted to (refer **Rules 6.10.5.2 and 6.10.5.3**):

- Effects on the safety and efficiency of the transport network.

City Wide Activities – Earthworks

The application does not provide any detail about earthworks other than noting that for completeness, land use consent is sought to authorise trenching for services to be carried out within the setback for “*network utilities*” pursuant to **Rule 8A.5.6** of the 2GP.

Rule 8A.5.6 requires earthworks to comply with **Rule 5.6.2**. **Rule 5.6.2.1** requires earthworks to be set back at least 1.5m from *network utility structures*. The applicant has indicated there are several underground utility services along the Park Street frontage that may be affected by constructing new vehicle crossings and the installing new underground cables, ducting and pipework to service the proposed development.

Activities that contravene this performance standard are **restricted discretionary activities** (see **Rule 5.6.2.2**). Council's discretion is restricted to (refer **Rule 5.7.4.2**):

- Effects on health and safety; and,
- Effects on efficient and effective operation of network utilities.

Subdivision

Rule 15.3.5.2 lists *general subdivision* as being a **restricted discretionary activity** subject to performance standards listed in **Rule 15.7**. The scheme plan submitted with this application indicates the proposed subdivision will breach the following performance standards set out in **Rule 15.7**.

Rule 15.7.4.1.c specifies a minimum site size of 300m². The proposed subdivision is seeking two (2) new allotments of both 243m² in area. Both the proposed new residential allotments will not meet the 300m² minimum site size.

Rule 15.7.4.4 specifies a subdivision that contravenes the performance standard for minimum site size will be a **non-complying activity**, except the proposed subdivision can be considered a **restricted discretionary activity** under **Rule 15.7.4.3.a** where a resultant site will contain at least one residential building for which a code compliance certificate or building permit has been issued prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991 (see **Rule 15.7.4.1.j.ii.1**).

The proposed subdivision involves establishing new separate freehold records of title for the two new residential units that when constructed, are intended to meet the standards set in the Building Act 2007 and therefore qualify for the appropriate code compliance certificate. The proposed subdivision is

therefore considered a **restricted discretionary activity** in accordance with **Rule 15.7.4.3.a**. Council's discretion in deciding this matter is restricted to (**Rule 15.10.5.4**):

- Effects on neighbourhood residential character and amenity.

In addition to the specific performance standards set out in **Rule 15.7**, **Rule 15.11.4.1** sets out matters of discretion applying to all restricted discretionary subdivision activities. Council's discretion under these matters is restricted to the following:

- Effects on neighbourhood residential character and amenity;
- Risk from natural hazards;
- Effects on efficiency and affordability of infrastructure;
- Effects of stormwater from future development;
- Effects on the safety and efficiency of the transport network; and,
- Effects on cultural values of manawhenua.

National Environmental Standards

The Otago Regional Council's HAIL Register identifies the subject property as being a known HAIL site due to the presence of a fuel storage tank associated with on-site heating. A recent HAIL Search of Council records notes there remains some uncertainty as to the location of the tank and notes there may have been more than one tank on-site.

The proposed activity is therefore an activity where the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NЕСS) applies. Furthermore, any required remediation may involve soil disturbance and/or removal exceeding the permitted activity standards of the NESCS.

The applicant commissioned a Detailed Site Investigation (DSI) of the subject site in conjunction with the application for subdivision consent SUB-2024-72. Council received the completed DSI on 15 August 2024, approximately a month after SUB-2024-72 was issued. However, the DSI and subsequent Contaminated Site Management Plan (CSMP) covered the whole of the subject site and have been accepted as supporting information for this proposed land use and subdivision.

The applicant summarised the findings of the DSI as follows:

- The site is a confirmed HAIL site.
- No contamination concentrations exceeded the High Density Residential SCS/SGV.
- Based on the present sampling the site is considered unlikely to present a risk to human health under a high-density residential land use scenario, and remediation would not be required.
- Site soils up to at least 0.3 m depth cannot be considered 'clean fill' and must be disposed to an appropriately consented location.
- Given that the NESCS applies to the site, a resource consent is required from the DCC for the subdivision if proposed earthworks exceed the disturbance of more than 25m³ per 500m² or disposal off-site of more than 5m³ per 500m² per year.
- As the average contamination levels across the site are below the *Residential SCS/SGV* and guidelines protective of the environment, consent may not be required from the Otago Regional Council, however the Otago Regional Council will be consulted about the proposed development to confirm consenting requirements. If consents are required, they will be applied for.

The applicant advises that based on a site area of 486m², the maximum permitted threshold under the NESCS for off-site disposal of contaminated material is 4.86m³. The applicant anticipates a minimum of 0.15m depth of material being excavated prior to any building foundations, paths or driveways being established at site. The applicant estimates that is likely a volume of up to 54m³ will be removed and disposed of off-site.

Resource consent will be required under the NESCS for a **restricted discretionary activity** for the following:

- **Reg 8(3)(c)** – volume of disturbance of the soil of the land must be no more than 25m³ to 500m²; and,
- **Reg 8(3)(d)** – soil must not be taken away in the course of an activity except that ... (ii) a maximum of 5m³ per 500m² of soil may be taken away per year.

Reg 10(2) of the NESCS states that to be a restricted discretionary activity, a subdivision and/or change of use requires that a PSI/DSI of the piece of land exists and that it states that soil contamination exceeds the applicable standards. **Reg 10(3)** then sets out the matters over which Council has discretion as the following:

- adequacy of the DSI;
- suitability of the piece of land for the proposed activity;
- approach to remediation and ongoing management;
- adequacy of site management plan and/or site validation report;
- transport, disposal and tracking of soil and other materials take away;
- requirement for a condition of a financial bond;
- timing and nature of any review condition, and,
- duration of the consent.

There are no other National Environmental Standards relevant to this application.

Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled, and the most restrictive activity classification applied to the whole proposal.

In this case, the proposal is for separate, unlinked activities that do not overlap. As a result, each component has its own activity status, and must be considered separately in terms of the notification decision and in terms of the substantive decision on whether consent should be granted.

The land use activity is therefore considered a **restricted discretionary activity** in terms of the 2GP. Likewise, the subdivision activity is considered a **restricted discretionary activity**. Finally, both the land use and subdivision activities will also be considered **restricted discretionary activities** under the NESCS.

WRITTEN APPROVALS AND EFFECTS ASSESSMENT

Affected Persons

No affected persons forms were submitted with the application. No person or party is considered adversely affected by the activity. This is because the environmental effects of the proposal are internalised within the site boundaries, and where potentially externalised, are limited to effects on parties that are less than minor.

Effects on the Environment

Permitted Baseline

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect. This is the permitted baseline.

The 2GP does not allow any subdivision to occur as a permitted activity. All subdivisions are either restricted discretionary activities where the proposed activity meets all district plan performance standards, or

restricted discretionary or non-complying activities where the proposed activity does not. Council rarely declines consent for proposed activities that create new sites meeting the minimum lot size, access, servicing and other requirements of the District Plan. In such cases, the subdivision consent is a means of ensuring all necessary subdivision matters (e.g. infrastructure) are adequately addressed to Council's satisfaction, and is not an indication that the proposed activity is necessarily deficient in some way.

In terms of land use, residential activity is a permitted activity at a density of 1 habitable room per 100m² of site area. Constructing up to two residential units is also permitted where the building(s) can comply with all the relevant land use and development performance standards. Constructing more than two residential units is defined as a multi-unit development and necessitates a further resource consent.

This is considered the appropriate baseline against which the proposed activity should be assessed. As a result, it is the effects arising from the proposed activity beyond the permitted baseline that are the crucial elements for further consideration.

Receiving Environment

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the existing and reasonably foreseeable receiving environment comprises properties with medium to higher density residential activity and associated well-established landscaping and outdoor living spaces and amenity areas. The subject property has a residential zoning, but is currently occupied by a vacant building previously used as a meeting place and for social gatherings with associated vehicle access and parking.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises medium to higher density residential activity.

It is against these that the effects of the proposed activity beyond the permitted baseline must be measured.

Assessment Matters/Rules

Council is required to consider the relevant assessment rules in the 2GP, along with the matters in any relevant national environmental standard. This assessment is limited to the matters to which Council's discretion has been restricted. No regard has been given to any trade competition or any effects of trade competition.

1. *Effects on health and safety (Earthworks)*

This assessment looks at whether the proposed earthworks are set back an adequate distance from network utilities to avoid adverse effects on the health and safety of people.

The applicant advises all installation of utilities, including earthworks/trenching will be carried out by suitably qualified and authorised individuals. Furthermore, any works carried out within the road reserve and/or where private services are to be connected to existing public and/or service infrastructure will require separate approvals from the relevant Council departments or network utility operators, all of which involved agreement stipulating necessary and appropriate health and safety precautions.

The various utilities and services will remain readily available for maintenance and/or capital improvements using the same or similar construction techniques as for most services throughout the city – there will be nothing unique about the utilities or services requiring anything unusual or out of the ordinary for this proposed activity.

I am satisfied that the proposed activity is unlikely to have an adverse effect on the health and safety of people and that despite the breach of the setback performance standard, the adverse effects will be less than minor.

2. Effects on efficient and effective operation of network utilities (Earthworks)

This assessment matter seeks to ensure there is adequate distance from network utilities to avoid damaging the utilities and perhaps more importantly in this case, avoid obstructing access to existing underground network utilities.

The proposed earthworks involve trenching carried out by suitably qualified and authorised individuals, and shallow scraping and ground preparation for constructing the proposed new driveways. While the applicant has not provided an earthworks plan or profiles, they have provided some detail about the likely depth of earthworks on-site – a minimum of 0.15m depth of material may need to be excavated prior to any building foundations, paths or driveways being established on-site. The applicant indicated this depth 0.15m reflects a typical nominal depth of topsoil that may need to be removed. It seems to me unlikely the ground preparation for the driveways will involve earthworks deep enough to impact on existing network utility structures. I also note that any earthworks associated with the driveway likely to be of any concern would be within the road reserve and therefore subject to separate approval from Council's Transport Department.

I consider the proposed activity will have effects on the efficient and effective operation of network utilities that will likely be less than minor.

3. Effects on neighbourhood residential character and amenity (Subdivision)

This assessment matter relates to whether a proposed subdivision maintains the streetscape amenity, reflects existing or intended future residential character of the neighbourhood and provides for development to occur without unreasonable earthworks and engineering requirements. Subdivision should also provide for quality housing.

Neighbourhood residential character and amenity as it relates to subdivision is controlled by the minimum lot size able to accommodate activity that meets the relevant land use and development performance standards for any given zone.

In this case, the General Residential 2 zone provides for the subject property to be an unspecified number of residential units that with an area of 486m² can accommodate up to four (4) habitable rooms.

Minimum site size for the proposed subdivision of the subject property is 243m². The minimum site size for the General Residential 2 zone is 300m² but the 2GP anticipates allowing for undersized allotments in certain circumstances. In this case, the 2GP provides scope for potential undersized allotments allowing for fee simple title to accommodate residential activities, duplexes, and multi-unit developments.

Land use consent will likely be issued for the residential activity but limited to two (2) minor breaches of the development and city-wide performance standards. Each new allotment will contain a residential unit of two (2) habitable rooms each – well within the residential density for each resulting allotment. The residential activity itself is anticipated at the residential density proposed. The undersized allotments are therefore considered acceptable and unlikely to impact on the existing

residential character or intended future residential character of the neighbourhood on the basis that the overall density of the residential activity complies with and is therefore anticipated by the 2GP.

Overall, I consider both the proposed land use and subsequent subdivision are in keeping with the residential outcomes anticipated by the 2GP and that the actual and potential effects on neighbourhood residential character and amenity will likely be less than minor.

4. *Risk from natural hazards (Subdivision)*

Section 6(h) of the Resource Management Act 1991 requires Council to recognise and provide for the management of significant risks from natural hazards, as a matter of national importance. In addition, under section 106 of the Resource Management Act 1991, Council may decline the subdivision consent, or it may grant the subdivision consent subject to conditions if there is a significant risk from natural hazards.

The assessment of the risk from natural hazards requires a combined assessment of:

- (a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
- (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
- (c) *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*

Council's consulting engineer, Stantec, has reviewed the application and subject property in relation to Council's Hazards Register, relevant street files, available aerial photography and any relevant correspondence, but has not visited the site.

The subject property is listed in the 2GP as being located within the Hazard 3 (flood) Overlay Zone included in Council's Hazard Register for the following hazards:

- Hazard ID 10106 – Land Movement, Alluvial Fans Active Floodwater
- Hazard ID 12094 – Seismic (Fault Proximity – Titri)
- Hazard ID 11407 – Seismic (Liquefaction – Domain B)
- Hazard ID 10111 – Intensified shaking, Earthquake Likely Amplification
- Hazard ID 12074 – Flood Overland Flow Path (Upper Taieri Flood Level Including 500mm Freeboard)
- Hazard ID 11582 – Overland Flow Path Flood Area 20

Site investigation reports have not been provided with the application.

The ground is predominantly underlain by poorly consolidated river and stream sediments and there is a shallow groundwater table. Stantec advise there are no general potential instabilities of concern, and the proposed activity is unlikely to create or exacerbate instabilities on this or adjacent properties.

Stantec considers there is a low to moderate likelihood of liquefaction-susceptible materials being present in some parts of the general area in and around the subject and notes the area has been classified as Domain B. This will impact on foundation/testing requirements for structures established on-site, with site specific foundation design required that will likely be tested at the time of any building consents.

Stantec also comments on the need to ensure any development of the subject property is designed by appropriately qualified person(s) to ensure overland stormwater flows are not interrupted and that there are no increases in adverse effects from local ponding during storm rainfall events.

Stantec comments on the proximity of the Titri Fault noting that the fault location is mostly unknown but is classed as a “potentially active fault” with a recurrence interval requiring seismic loading to be considered at the time of building consent.

The 2GP indicates that the risk associated with inundation and/or flooding at the subject property is likely to be low. Stantec notes the characteristics of the flood hazards will likely be determined by the capacity of the urban stormwater drainage network. Heavy rainfall events that exceed the design capability of the stormwater network can result in internal runoff and ponding of flood water. A minimum floor level will likely be required at the time of building consent that meets the requirements of the Building Act to avoid potential inundation on the land on which building work is to be carried out. The proposed level should address the potential egress of water from the property via secondary flow paths to ensure construction is not proposed in low-lying areas, and that the path of stormwater is not displaced from ephemeral flow paths into neighbouring properties. Overall, the proposed activity will likely be required to address flood hazard and minimum floor levels in line with the relevant flood risk at the time of building consent.

Stantec is satisfied the application need not be declined on the grounds of known natural hazards and recommends potential conditions and advice notes. These are general conditions to address engineering and design matters as the subject property is developed for residential activity and have been included as either conditions, or where appropriate, advice notes attached to the either the subdivision or land use consents.

Having regard to this assessment, I consider that there are no significant risks from natural hazards that need addressing as part of this proposed activity, and any risks that may exist can be appropriately avoided, remedied and/or mitigated either through imposing appropriate conditions and advice notes or in detail at the time of building consent.

5. *Effects on efficiency and affordability of infrastructure (Subdivision)*

This assessment matter requires Council to consider the extent to which the proposed activity might exceed the current or planned capacity of Three Waters infrastructure or compromise its ability to service permitted activities.

Council’s Three Waters Department has considered this application. Three Waters notes the GIS records show a 150mm diameter water supply pipe and a 225mm diameter wastewater pipe in Gordon Road, and a 150mm diameter water supply pipe and a 150mm diameter wastewater pipe in Park Street.

There is no public infrastructure or private watercourses within the subject property.

Water Services

The applicant proposes retaining the new water connections service recently installed as a condition of resource consent SUB-2024-72-LUC-2024-182, and installing a second water connection ensure both new allotments are appropriated services for water. The new water service will be provided off the existing watermain situated in the Park Street road reserve.

Three Waters advise that where new connections are required at any time, an “Application for Water Supply” will be required and that any services and/or connections must be installed at least 600mm into the relevant allotment.

Fire Fighting

All aspects relating to the availability of water for firefighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies.

Three Waters advise there is a fire hydrant (WFH03274) 120m from the subject property and a second fire hydrant (WFH03312) 130m from the subject property. Based on SNZ PAS 4509:2008, a FW2 (25l/s) zone requires a fire hydrant within 135m and a second within 270m.

The fire hydrants requirements for this proposed subdivision meet the performance standard.

Stormwater Services

The applicant proposes retaining the existing stormwater connection and establishing a new stormwater connection so that both new allotments are appropriately serviced for stormwater.

The applicant further advises that stormwater flows off-site are constrained by a consent notice created by subdivision SUB-2024-72 restricting stormwater flows across the original subdivision (now being Lots 1, 2 and 3) SUB-2024-83 to a specified maximum. The applicant advises calculations for stormwater discharges from Lots 1 and 2 SUB-2024-72 have been re-assessed based on the proposed site coverage in this application. The full calculations details are included in a Terramark report *Stormwater Management Plan – Lot 3 SUB-2024-72, Park Street, Mosgiel*, which was appended to this application.

The applicant notes the findings of the above report identify climate-adjusted post-development flows as being below the pre-development flow threshold set by the relevant consent notice. Consequently, the application considers no specific on-site stormwater management is required for this proposed activity.

Three Waters confirms that any new private stormwater connection can be retained, and that there will need to be new connections for each of the new un-serviced allotments. Any new stormwater connections should be made to the curb and channel on Park Street.

If the existing stormwater connection is not to be utilised as part of the new development, it must be cut and plugged.

Three Waters notes no drains in common shall be retained, extended, or installed unless Three Waters has provided separate approval.

Three Waters has considered the stormwater management plan helpfully provided by the applicant and provided separate approval for the plan on 29 August 2024. In providing its approval, Three Waters noted that the subject property did not require stormwater attenuation – the two attenuation tanks were to be installed as part of the SUB-2024-72_LUC-204-189 with all the necessary flow/debris controls, and overflow arrangements were sufficient for the entire development; and runoff from hardstand surfaces were to flow through submerged outlet sumps before discharging off-site.

The consent notice will remain in place and be attached to both records of title for the new allotments. The consent notice remains a reasonable outcome orientated solution to balancing the ability of a landowner to reasonably carry out land uses, developments and/or redevelopment in a way where they can rely on the relevant performance standards of the 2GP, but be accountable for ensuring that when carrying their land uses, developments, and/or redevelopments they are unlikely to adversely affect the efficiency and affordability of stormwater infrastructure. Where there is a risk of adversely affecting the efficiency and affordability of stormwater infrastructure, there is an ongoing mechanism for ensuring those effects can be potentially avoided without imposing

limitations on the activity greater than what might otherwise be imposed on a landowner by the district plan.

Wastewater Services

The applicant proposes retaining the new wastewater connections service recently installed as a condition of resource consent SUB-2024-72-LUC-2024-182, and installing new connections to ensure both new allotments are appropriately serviced for stormwater.

Three Waters advise the existing wastewater connections can be retained and that there must be separate connections for each allotment.

Three Waters also confirm new private wastewater connections can be made to the 150mm diameter wastewater pipe located within Park Street. Any existing wastewater connections not being utilised as part of the proposed subdivision and development must be cut and plugged at the Council owned wastewater main.

Three Waters also advise no drains in common shall be retained, extended, or installed unless prior approval is obtained from Three Waters.

Easements

The applicant does not propose establishing any easements as part of this proposed subdivision. Three Waters notes however, that an easement may be required for any secondary flow path for stormwater along and adjacent to the southern boundary of Proposed Lot 1. This will potentially allow for stormwater from higher rainfall events to access stormwater infrastructure on Gordon Road.

Any easements will be at the consent holder's expense.

Conclusion

Overall, the proposed subdivision does not involve any fundamental changes to the nature, scale and intensity of the effects on the efficiency and affordability of infrastructure and therefore, I am satisfied the adverse effects will likely be less than minor.

Conditions and advice notes are recommended to ensure existing service arrangements remain in place and the alert to any potential future servicing requirements.

6. Effects of stormwater from future development (Subdivision)

The proposed subdivision is seeking to subdivide the subject property at or near the density anticipated by the 2GP in the General Residential 2 zone for two out of the proposed three allotments. There is likely to be further development of residential activity on the vacant allotment. However, further development would need to comply with the relevant development performance standards (including the maximum impermeable surface area performance standard). We can also seek to provide some safeguards around the long-term viability and sustainability of the stormwater infrastructure by establishing an ongoing condition seeking a threshold for when an attenuation plan and associated attenuation options must be potentially considered and implemented.

Furthermore, any future subdivisions to create additional allotments will need further authorisation by way of resource consent and the effects of stormwater from these future allotments will need to be assessed at the time of consent.

I consider that this proposed subdivision is unlikely to result in any adverse effects on stormwater from future development.

7. *Effects on the safety and efficiency of the transport network (Subdivision)*

This assessment matter seeks to ensure any actual and potential adverse effects on the safety and efficiency of the transport network can be avoided or if avoidance is not practicable, adequately mitigated.

The application was forwarded to Council's Transport Department for comment. Transport confirms Park Street is classified as a local road in the 2GP Road Classification Hierarchy, and that the nearby Gordon Road is State highway (SH86) and classified as an urban high-density corridor.

Transport confirms the proposed activity will largely comply with the relevant transport performance standards relating to access, parking and manoeuvring. Transport advises the only exceptions involve sight distance and setbacks from the intersection between Park Street (where the accesses will be formed) and Gordon Road.

Rule 6.6.3.2.b requires a minimum sight distance of 69m from a new vehicle access onto any road other than a State highway where the speed limit is 50km/h. Transport notes the sight distances to the west along the whole of the frontage of the subject property are constrained by the location of the Park Street/Gordon Road intersection. Any new vehicle access will be a technical non-compliance of this rule. Transport comment that as the limited sight lines are due to the road formation as opposed to any development of the subject property, vehicles are still expected to be able to enter and exit each resultant site safely and efficiently without conflicting with other road users or affecting the wider transport network. Transport considers these effects will be less than minor.

I note however, that Rule 6.6.3.2.c states that where a site is unable to conform with the minimum site distances in Rule 6.6.3.2.b, one vehicle crossing per site is allowed in the position that most nearly complies. The proposed vehicle crossing for Proposed Lot 1 complies with Rule 6.6.3.2.c, so the only crossing where Rule 6.6.3.2.b might apply is the proposed vehicle crossing for Proposed Lot 2, where it will be located adjacent to the crossing for Proposed Lot 1 and not the position that most nearly complies adjacent to the proposed eastern boundary.

Clearly, the proposed vehicle crossing for Proposed Lot 2 matches the configuration of the proposed duplex and therefore logically cannot be located anywhere else along the frontage of the site. More importantly though, the combined vehicle crossing means vehicles will enter and exit each separate new allotment from generally the same location making it safer for both passing vehicles and pedestrians.

Rule 6.6.3.4.e requires a minimum distance of new vehicle crossings from intersection on State highways of 20m for roads with a posted speed of less than 70km/h and where the vehicle access is onto a road other than a State highway. Transport notes the proposed vehicle crossings can only be located within this distance and are situated in the most optimal position in an attempt to comply. Transport therefore considers the proposed location is acceptable.

Transport also comments on the traffic likely to be generated by the proposed activity. Traffic generated by the proposed activity is likely to be standard for residential activity in a broadly residential area. Transport considers the effects arising from traffic generated by the proposed activity on the transport network will therefore be less than minor.

Transport has recommended conditions and advise notes to covers off some functional requirements of works carried out in the road reserve ensure vehicle accesses are fit-for-purpose, appropriately authorised and constructed to Transport's expectations.

Transport's assessment is adopted for the purposes of this report – the adverse effects of the proposed activity on the safety and efficiency of the transport network are likely to be less than

minor. Recommended conditions and advice notes will reinforce this position, but also ensure works are carried out in the road reserve to Transport's satisfaction as the relevant road controlling authority.

8. Effects on cultural values of manawhenua

The subject property is located within a Wāhi Tupuna Mapped Area (Kokika o Te Matamata (area surrounding Mosgiel) area and within an archaeological alert layer. Appendix A4.56 of the 2GP describes the mapped area as follows:

The hollow in Taieri Plain within which Mosgiel is located. This was created by the taniwha Matamata as it slithered down Whakehu and the lower Taieri River. The Taieri Plain was a significant source of food for coastal Māori from the Peninsula and further north. It was surrounded by pā, indicating its strategic importance. It was the most significant wetland south of the Waitaki River that contained both raupo and harakeke. It was also a main thoroughfare for Māori travelling north and south.

Values to be protected are listed as *repo raupo* (wetland or swamp) and *ara tawhito* (ancient trails). There are no principal threats to these values listed in the 2GP.

The proposed activity is located within the built-up area within Mosgiel township on a property already heavily modified and not characteristic of the values to be protected in the district plan. Therefore, the proposed activity is unlikely to threatened or adversely affect the listed values in any way.

Having considered the values to be protected and perhaps more importantly, the principal threat for this Wahi Tupuna mapped areas, I have reached a view that it is highly likely the adverse effects of the proposed activity on the significant values to be protected will be more than minor.

However, the proposed activity will involve earthworks within an Archaeological Alert Layer mapped area. I therefore consider it appropriate to advise the applicant as to their obligations in terms of accidental discovery. To that end, the Accidental Discovery Protocol will be included as an advice note in the decision certificate for this application.

9. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

As noted above, the subject property is listed in the Otago Regional Council's HAIL Register being a verified HAIL site (reference HAIL.02318.01). The subject property previously contained a fuel storage tank associated with on-site heating, making it HAIL Category A17: Storage tanks or drums for fuel, chemicals or liquid waste. The site has not been investigated.

The applicant commissioned a Detailed Site Investigation (DSI) of the subject site in conjunction with the application for subdivision consent SUB-2024-72. Council received the completed DSI on 15 August 2024, approximately a month after SUB-2024-72 was issued. The applicant has subsequently provided a Contaminated Site Management Plan (CSMP). Both documents covered the whole of the subject site and have been accepted as supporting information for this proposed land use and subdivision.

The applicant argues the proposed activity involves a High-Density Residential Land Use, being "urban residential with limited soil contact, including small ornamental gardens but no vegetable garden (no home-grown produce consumption); applicable to urban townhouses, flats and ground-floor apartments with small ornamental gardens, but not high-rise apartments".

Stantec, Council's environmental consultant, does not necessarily agree arguing the proposed development still reflects only a single dwelling per lot as per the proposed subdivision. However, Stantec noted that it appeared unlikely there would be 10% open soil available on any of the resulting allotment available for garden use. So, Stantec advised they would be happy with either residential or high-density residential provided:

- If any soils are to be used for home-grown produce, the soil is appropriately remediated which may include the removal of the contaminated material, capping of contaminated material, or a combination of both capping and removal) to residential SCS/SGV standards, or,
- There is a condition stating that no home-grown produce is allowed as the soil could pose a risk to human health under the residential land use scenario SCS/SGV standards.

The DSI reported three locations across the whole of the subject site and the upper confidence limit where concentrations of lead were found to exceed the Residential SCS guidelines for protecting human health, indicating that the subject site may present a risk to human health under a residential land use. However, the exceedances of the SCS for lead are low-level.

All three locations where lead concentrations exceeded that Residential SCS guidelines are all located in areas surface soils will likely be excavated in preparation for building foundations and driveways and will ultimately capped. The sites will not be available for home-grown food produce and the balance of any useful open areas are required to remain unencumbered and available as part of the quality requirements for outdoor living space. The risk to human health from residential use is likely to be extremely low.

The applicant has also submitted a CSMP to provide the appropriate level of guidance and site management during earthworks and construction that includes measures related to general earthworks, disposal health and safety, dust control, stockpiling, silt and sediment and unexpected contamination.

Both the DSI and CSMP have been completed by ES Otago by suitably qualified and experienced practitioners (SQEP).

Having regard to DSI and requirements and expectations of the subsequent CSMP (and indeed the applicant's commitment to proceed in accordance with the CSMP), I consider the risk to human health from any contaminated soils present on the subject property will be adequately managed and the actual and potential effects likely to be no more than minor.

Conditions other than potentially requiring all earthworks activity to comply with the requirements of the CSMP are likely unnecessary given the nature, scale and intensity of the proposed residential activity.

NOTIFICATION ASSESSMENT

Public Notification

Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification. Each step is considered in turn below.

Step 1: Mandatory public notification in certain circumstances

- Public notification has not been requested.
- There has been no failure or refusal to provide further information.
- There has been no failure to respond or refusal to a report commissioning request.
- The application does not involve the exchange of recreation reserve land.

Step 2: If not required by Step 1, public notification precluded in certain circumstances

- There are no rules or national environmental standards precluding public notification.
- The application does not involve: a controlled activity, nor a boundary activity. As a result, public notification is not precluded under Step 2.

Step 3: If not precluded by Step 2, public notification required in certain circumstances

- There are no rules or national environmental standards requiring public notification.
- The activity will not have, or be likely to have, adverse effects on the environment that are more than minor.

Step 4: Public notification in special circumstances

- There are no special circumstances that warrant the application being publicly notified. There is nothing exceptional or unusual about the application that makes public notification desirable.

Limited Notification

Section 95B of the Resource Management Act 1991 sets out a step-by-step process for determining limited notification. Each step is considered in turn below.

Step 1: Certain affected groups and affected persons must be notified

- The activity is not in a protected customary rights area; the activity is not an accommodated activity in a customary marine title area; and, the activity is not on or adjacent to, or might affect, land that is the subject of a statutory acknowledgement.

Step 2: If not required by Step 1, limited notification precluded in certain circumstances

- There are no rules or national environmental standards precluding limited notification.
- The application does not involve a controlled activity that is not a subdivision.

Step 3: If not precluded by Step 2, certain other affected persons must be notified

- The application does not involve a boundary activity.
- There are no persons where the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

Step 4: Further notification in special circumstances

- There are no special circumstances that warrant the application being limited notified. There is nothing exceptional or unusual about the application that makes limited notification to any other persons desirable.

SUBSTANTIVE DECISION ASSESSMENT**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 outlined above. The adverse effects on the environment arising from the proposed activity are considered no more than minor.

Offsetting or Compensation Measures

In accordance with section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

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 proposed activity involves any of the specific provisions and identified areas of the 2GP that remain subject to appeal. In this instance, none of the appeals are relevant to this application.

In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the 2GP were taken into account when assessing the application. The proposed subdivision is considered consistent with the following objectives and policies:

- **Objective 6.2.3 and Policies 6.2.3.3, 6.2.3.4 and 6.2.3.9 (Transportation)**
These seek to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.
- **Objective 6.2.1 and Policy 6.2.1.3 (Transportation)**
These seek to ensure that transport infrastructure is designed and located to ensure the safety and efficiency of the transportation network.
- **Objective 9.2.1 and Policy 9.2.1.1 (Public Health)**
These seek to have land use, development and subdivision maintain and enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.
- **Objective 9.2.2 and Policy 9.2.2.7 and 9.2.2.14 (Public Health)**
These seek to have land use, development and subdivision activities maintain or enhance people's health and safety and managed in accordance with the NESCS when necessary.
- **Objective 11.2.1 and Policy 11.2.1.13 (Hazards)**
This seeks to only allow subdivision where the risk from natural hazards, including any future development, will be avoided or no more than low.
- **Objective 15.2.2 and Policy 15.2.2.1 (Residential)**
These seek to ensure that residential activities, development and subdivision activities provide high quality on-site amenity for residents.
- **Objective 15.2.3 and Policy 15.2.3.1 (Residential)**
These seek to ensure that activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.
- **Objective 15.2.4 and Policy 15.2.4.2 (Residential)**
These seek to ensure that subdivision activities and development maintain or enhance the amenity of the streetscape and reflect the current or intended future character of the neighbourhood.

The proposed activity will not result in any significant adverse effects on the character and amenity of the surrounding area or on the safety and efficiency of the transport network and accessibility to the subject site. It will likely not create or exacerbate instabilities or any other hazard risks on the subject site or adjacent properties.

Furthermore, the proposed activity will provide fit-for-purpose reticulated services for the proposed residential activities and establish residential activity on-site that is unlikely to affect the efficiency and affordability of infrastructure.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

In accordance with section 104(1)(b) of the Resource Management Act 1991, the provisions of the National Environmental Standard were taken into account when assessing the application.

The proposed subdivision is considered consistent with the policy objective of the National Environmental Standard.

Other Matters

Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

Part 2

Based on the findings above, the proposed activity would satisfy Part 2 of the Resource Management Act 1991. Granting of consent would promote sustainable management of Dunedin's natural and physical resources.

RECOMMENDATION

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

1. This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.
2. Council grant consent to the proposed activity under delegated authority, in accordance with sections 104 and 104C of the Resource Management Act 1991.



Ian McCabe
ASSOCIATE SENIOR PLANNER

Date: 21 October 2024

DECISION

I have read both the notification assessment and substantive decision assessment in this report. I agree with both recommendations above.

Under delegated authority on behalf of the Dunedin City Council, I accordingly approve the granting of resource consent to the proposal:

Subdivision SUB-2024-112

*Pursuant to Part 2 and sections 34A(1), 104 and 104B of the Resource Management Act 1991, the provisions of the Dunedin City Second Generation District Plan 2024 and the provisions of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC), the Dunedin City Council **grants** consent to a **restricted discretionary activity** being a two-lot residential subdivision of a HAIL site at 25 Gordon Road, Mosgiel, legally described as Lot 3 SUB-2024-72 (Record of Title OT255/205 (Ltd)), subject to conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*

Land Use LUC-2024-189

*Pursuant to Part 2 and sections 34A(1), 104 and 104B of the Resource Management Act 1991, the provisions of the Dunedin City Second Generation District Plan and the provisions of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC), the Dunedin City Council **grants** consent to a **restricted discretionary activity** being a land use consent to establish a two-unit residential duplex and carry out associated earthworks and soil disturbance within the setback of network utility structures and over a HAIL site, at 25 Gordon Road, Mosgiel, legally described as Lot 3 SUB-2024-72 (Record of Title OT255/205 (Ltd)), subject to conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*



Phil Marshall
SENIOR PLANNER

Date: 23 October 2024

Consent Type: Subdivision Consent

Consent Number: SUB-2024-112

Purpose: A two-lot residential subdivision of a HAIL site.

Location of Activity: 25 Gordon Road, Mosgiel.

Legal Description: Lot 3 SUB-2024-72 (Record of Title OT255/205 (Ltd)).

Lapse Date: 23 October 2029, 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 plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by Council on 30 July 2024, and further information received on 13 September 2024, except where modified by the following conditions.*
- 2 *Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:*
 - (a) *If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.*
 - (b) *An easement in gross in favour of the Dunedin City Council is required over any proposed or existing Council owned services located within private property. The easements must be made in accordance with the relevant section of the Dunedin Code of Subdivision and Development 2010.*
 - (c) *The two-unit residential duplex building authorised under Land Use Consent LUC-2024-289 has been completed and issued with a code compliance certificate under the Building Act 2004 by the relevant building control authority (see Rule 15.7.4.1.j.ii.1 of the Dunedin City Second Generation District Plan 2024).*
- 3 *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*

Infrastructure

- (a) *A separate water service must be installed at the street boundary to serve each new allotment hereon. An "Application for Water Supply" must be submitted to Council's Three Waters Department.*
- (b) *Details of how new allotment hereon is to be served for water must be provided to Council's Three Waters Department for approval. This detail can accompany the application for water supply.*

- (c) *Any new water connection installed for the new allotments hereon must be at least 600mm inside the boundary of each allotment.*
- (d) *Any existing water connection that will not be utilised as part of this subdivision shall be cut and plugged at the water main.*
- (e) *New and separate private wastewater connections shall be provided for each new allotment.*
- (f) *Any new wastewater connections must be at least 600mm inside the boundary of each allotment.*
- (g) *Any existing wastewater connection that will not be utilised as part of this subdivision shall be cut and plugged at the wastewater main.*
- (h) *New and separate private stormwater connections and/or discharges shall be provided for each residential allotment.*
- (i) *No drains in common shall be retained, extended, or installed unless prior approval is obtained from Council's Three Waters Department.*

Advice Notes:

Transportation

- 1 Any vehicle access from the carriageway to the property boundary will be over road reserve and is to be constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (available from Council's Transport Department).

Earthworks

- 2 This consent does not address any earthworks for this subdivision. 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.
- 3 Earthworks or construction on this land must meet the requirements of the Dunedin Code of Subdivision and Development 2010 in relation to works near Council-owned infrastructure, unless otherwise approved by Council's Three Waters Department. The Code prohibits any building within 1.5m of a pipeline. If any building is proposed within 2.5m of a pipe or manhole, Three Waters must be notified to discuss options and whether an encumbrance on the record of title is required. 'Building' includes decks, fences, garages, sheds, retaining walls, etc.
- 4 The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
 - The Erosion and Sediment Control Toolbox for Canterbury found on the Environment Canterbury website at the following link <http://esc.canterbury.co.nz>; and,
 - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).

- 5 The ground is predominantly underlain by poorly consolidated river and stream sediments with a shallow groundwater table. There is considered a low to moderate likelihood of liquefaction-susceptible materials being present in some parts of the areas classified as Domain B. The site lies in an area where underlying soils have been identified as having potential for amplified movement and liquefaction during a significant seismic event and the following advice is given:
- 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, we recommend specific engineering design is likely 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.

Code of Subdivision and Development

- 6 All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.

Infrastructure

- 7 Detail of the water supply application process can be found at the following web address:
<http://www.dunedin.govt.nz/services/water-supply/new-water-connections>
- 8 Installation of services wastewater and stormwater connections will require a Building Consent under Section 40 of the NZBC 2004. These services may require pumping.
- 9 Stormwater from driveways, sealed areas and drain coils is not to cause nuisance on and adjoining properties.
- 10 For sites level with or above the road, the finished floor level of any building is to be a minimum of 150mm above the crown of the road.
- 11 For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
- 12 All aspects relating to the availability of water for firefighting 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.

General

- 13 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.
- 14 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.

- 15 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.
- 16 The lapse period specified above may be extended on application to Council pursuant to section 125 of the Resource Management Act 1991.
- 17 This is a resource consent. Please contact Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 23 October 2024

Ian McCabe
ASSOCIATE SENIOR PLANNER

Consent Type: Land Use Consent

Consent Number: LUC-2024-289

Purpose: To establish a two-unit residential duplex and carry out associated earthworks and soil disturbance within the setback of network utility structures and over a HAIL site.

Location of Activity: 25 Gordon Road, Mosgiel.

Legal Description: Lot 3 SUB-2024-72 (Record of Title OT255/205 (Ltd)).

Lapse Date: LUC-2024-289 shall lapse 5 years from the date that the s223 certificate for SUB-2024-112 is issued.

Conditions:

- 1 *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by Council on 22 May 2024, and further information received on 29 May 2024 and 20 June 2024, except where modified by the following conditions.*

Soil Contamination

- 2 *All earthworks on-site must be carried out in accordance with the Contaminated Site Management Plan (CSMP) dated 2 September 2024 and/or any subsequent amendments as approved by Council.*
- 3 *A remediation action plan (RAP) must be prepared by a suitably qualified and experienced practitioner (SQEP) for the remediation of any on-site contamination where in the event of any unexpected contamination remediation (under the CSMP) is considered necessary in accordance with the relevant Standard Residential Soil Contaminant Standards (SCS) and Council agrees a RAP is appropriate and necessary.*
- 4 *Remediation of any contaminated soils (if necessary) must be carried out in accordance with the RAP and CSMP required under Condition 5 above.*
- 5 *A Site Validation report (SVR) shall be prepared by a SQEP to demonstrate that remediation has successfully been completed in accordance with the RAP (if required).*
- 6 *The SVR must be submitted to Council at rcmonitoring@dcc.govt.nz for review to confirm remedial works have been completed successfully.*
- 7 *Conditions 3 – 6 are only required in the event the consent holder is required by Council to prepare a RAP in accordance with Condition 3.*

Earthworks

- 8 *Prior to the commencement of earthworks, the consent holder must:*

- (a) *Advise all neighbouring property owners and residents of the proposed works at least seven days prior to works commencing.*
 - (b) *Ensure all earthworks are designed and supervised by an appropriately qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development.*
- 9 *While undertaking earthworks, the consent holder must ensure that:*
- (a) *All measures (including dampening of loose soil) must be undertaken to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary.*
 - (b) *All practicable measures are used to mitigate erosion and to control and contain sediment-laden stormwater run-off from the site during any stages of site disturbance that may be associated with this subdivision.*
 - (c) *All fill must be designed, supervised and certified by a suitably qualified individual.*
 - (d) *Any areas of certified or uncertified fill within the new lots must be identified on a plan, and the plan and certificates submitted to Council for Council records.*
 - (e) *Any fill material to be carted to the site must be comprised of clean fill only.*
 - (f) *Any material trafficked onto the road carriageway must be removed as soon as possible at the consent holder's expense.*

Advice Notes:

Regional Plan: Waste for Otago

- 1 Please contact the Otago Regional Council to determine whether you also need to obtain a resource consent under the contaminated site rules of the Regional Plan: Waste for Otago.

Transportation

- 2 It is advised that any works within legal road are required to be undertaken by Council approved contractors and will require approved corridor access.
- 3 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 Council's Transport Department. The vehicle crossing must be 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

- 4 This consent authorises soil disturbance for the purposes of testing and remediation of potentially contaminated soils. It does not address any earthworks in the wider context of the authorised residential development. Should future earthworks within the new lots breach the performance standards of Rule 8A of the 2GP, 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.
- 5 The ground is predominantly underlain by poorly consolidated marine or estuarine sediments with a shallow groundwater table. There is considered a moderate to high likelihood of liquefaction-

susceptible materials being present in some parts of the areas classified as Domain C. The site lies in an area where underlying soils have been identified as having potential for amplified movement and liquefaction during a significant seismic event and the following advice is given:

- 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, we recommend 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.

Infrastructure

- 6 Water saving devices, including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers are recommended to be installed for each unit.
- 7 Stormwater from driveways, sealed areas and drain coils is not to cause nuisance on any adjoining properties.
- 8 For sites level with or above the road, the finished floor level of any building is to be a minimum of 150mm above the crown of the road.
- 9 For secondary flow paths, the finished floor levels shall be set at the height of the secondary flow plus an allowance for free board.

Cultural Values/Accidental Discovery

- 10 If an unidentified archaeological site is located during works, the following applies:
 - (a) Work must cease immediately at that place and within 20m around the site.
 - (b) The contractor must shut down all machinery, secure the area, and advise the Site Manager.
 - (c) The Site Manager must secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
 - (d) If the site is of Māori origin, the Site Manager must notify the Heritage New Zealand Regional Archaeologist and the appropriate papatipu rūnaka of the discovery and ensure site access to enable appropriate cultural procedures and tikaka to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act, Protected Objects Act).
 - (e) If human remains (kōiwi) are uncovered the Site Manager must advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate papatipu rūnaka and the above process under 4 must apply. Papatipu rūnaka will lead the management of any kōiwi tangata (human remains of a Māori person) that have been uncovered, in line with the Te Rūnanga o Ngāi Tahu Kōiwi Tangata policy 2019. Remains are not to be moved until such time as papatipu rūnaka and Heritage New Zealand have responded.
 - (f) Works affecting the archaeological site and any human remains (kōiwi) must not resume until Heritage New Zealand Pouhere Taonga gives written approval for work to continue. Works affecting a site of Māori origin or containing kōiwi tangata must not resume until papatipu

rūnaka give written approval for work to continue. Further assessment by an archaeologist may be required.

- (g) Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.
- (h) Heritage New Zealand Pouhere Taonga will advise if an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 is required for works to continue.

Network Utility Structures

- 11 The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures, buildings and activities near to overhead lines and underground cables. Compliance with this code is mandatory. Compliance with this Plan does not ensure compliance with NZECP 34:2001.
- 12 Work near Aurora Energy's overhead lines, power poles and underground cables requires a Close Approach consent. For more information contact Aurora Energy.

General

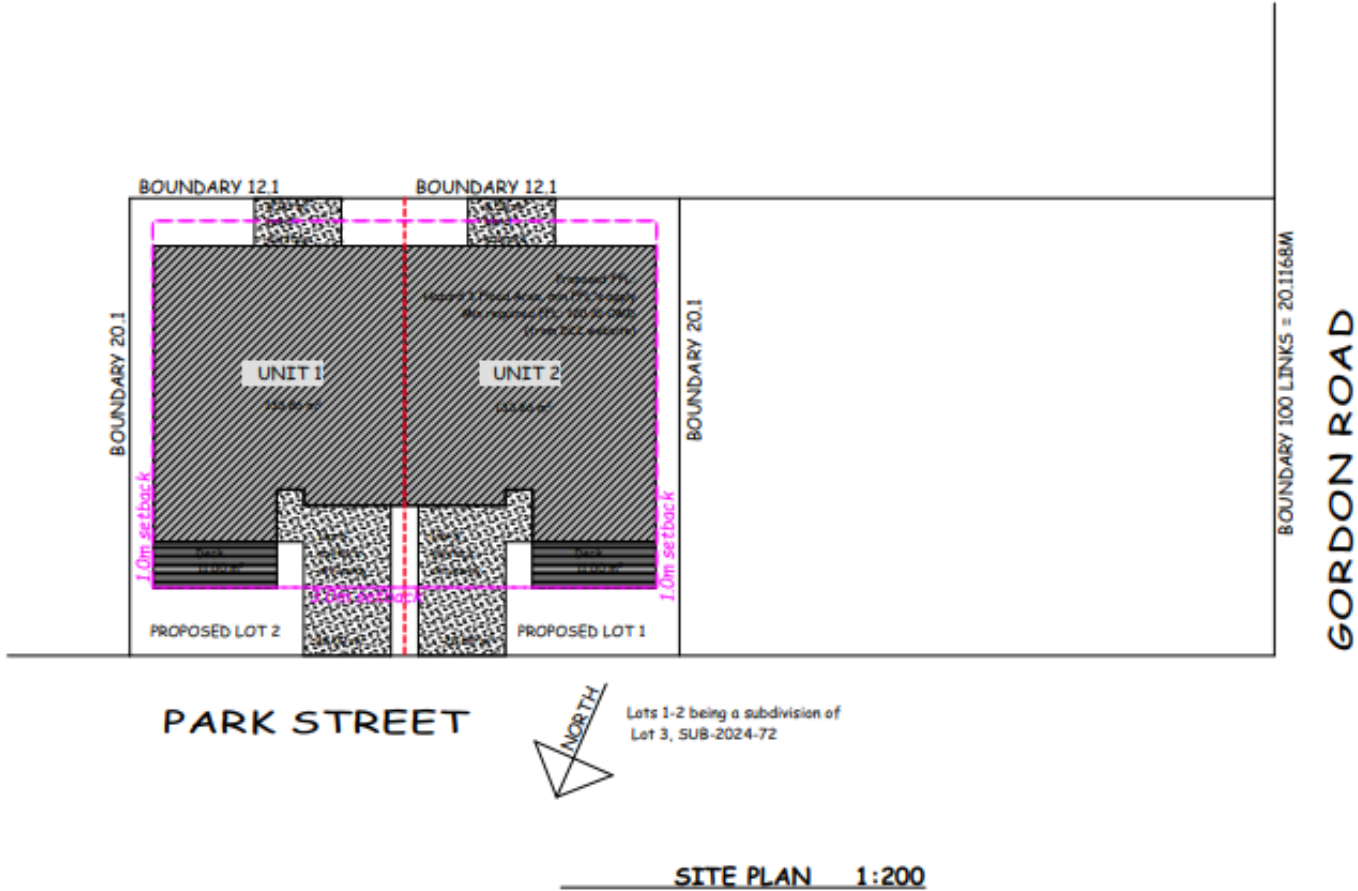
- 13 In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
- 14 Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
- 15 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.
- 16 The lapse period specified above may be extended on application to Council pursuant to section 125 of the Resource Management Act 1991.
- 17 This is a resource consent. Please contact Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 23 October 2024

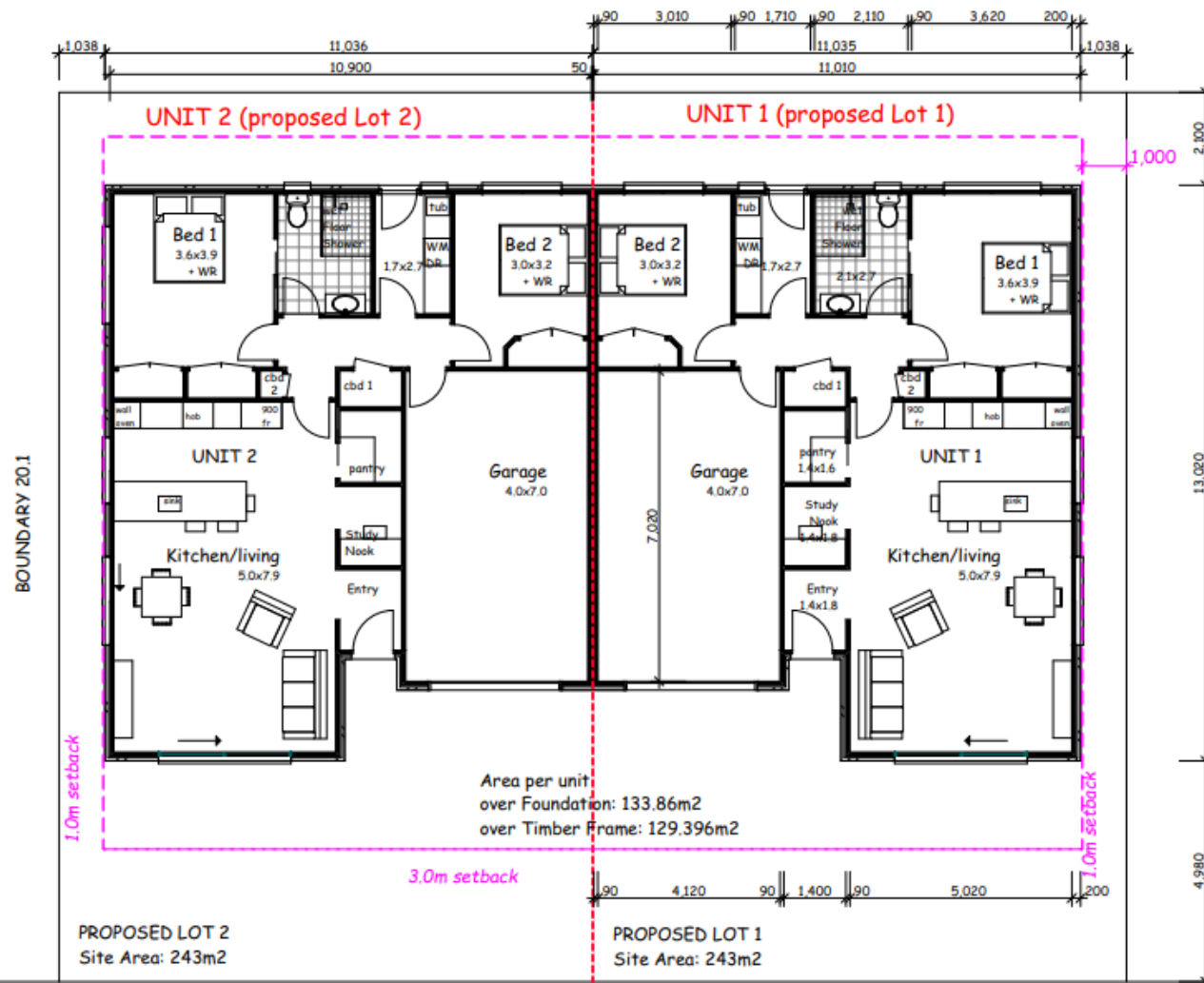


Ian McCabe
ASSOCIATE SENIOR PLANNER

Appendix One: Approved Plan/s for SUB-2024-112_LUC-2024-289 (scanned image(s), not to scale)

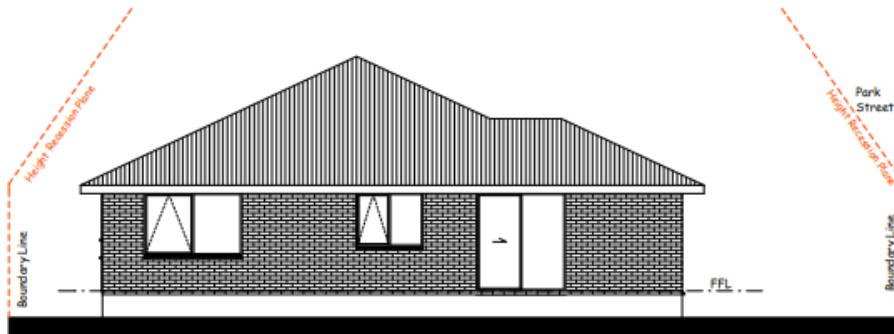


ALISON CAREY ARCHITECTURAL DESIGNER 3 Kilmarnock Close, Wray Kneives, Waiukuville, DUNEDIN Phone: 080 2177 Mobile: 027 699 8363 Email: alisoncarey@xtra.co.nz DO NOT SCALE OFF THESE DRAWINGS. CONFIRM ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES IMMEDIATELY.	APNZ Professional Member	ALISON CAREY HOLDING PRACTITIONER www.alisoncarey.co.nz	Proposed New Residences for: Mitchell Holdings (2003) Ltd at Lot 1-2: (Being Subdivision of Lot 3, SUB 2024-72 25 Gordon Road, Mosgiel)	Design Parameters: Wind Zone: High Earthquake Zone: 1 Climate Zone: 5 Exposure Zone: 8 Altitude: 40m	Revision Details:	Date: 22.7.24 Job No.: A926 Sheet No.: 1 of 3
--	--	---	--	---	--------------------------	--

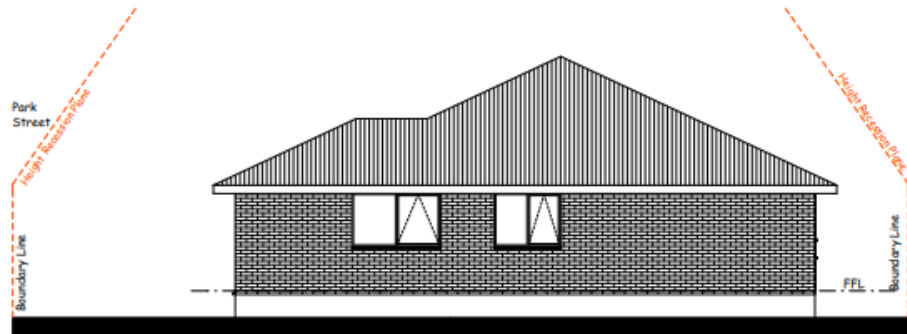


Floor Plan 1:100

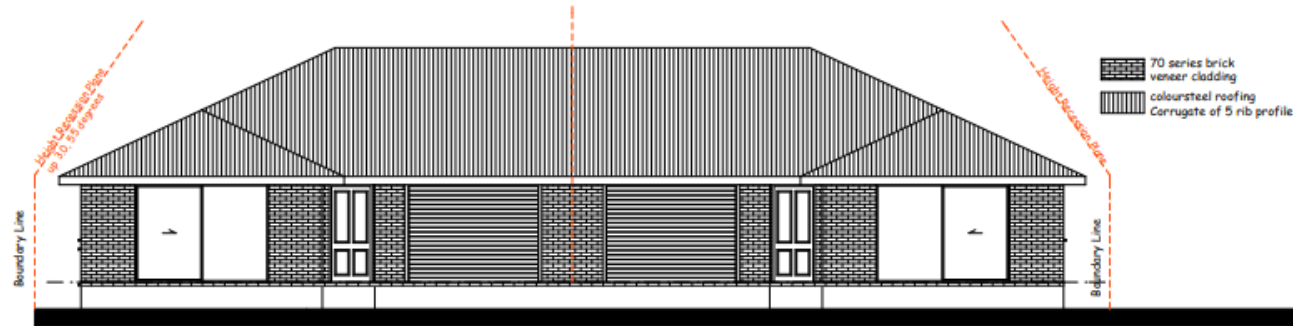
ALISON CAREY ARCHITECTURAL DESIGNER 3 Kilmarlock Close, Wray Knowes, Wadsworthville, DUNEDIN Phone: 488 2177 Mobile: 027 699 0363 Email: alisoncarey@stra.co.nz DO NOT SCALE OFF THESE DRAWINGS. CONFIRM ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES IMMEDIATELY.	APNZ Professional Member	LICENSED BUILDING PRACTITIONER www.dbb.govt.nz	Proposed New Residences for: Mitchell Holdings (2003) Ltd at Lot 1-2: (Being Subdivision of Lot 3, SUB 2024-72 25 Gordon Road, Mosgiel)	Design Parameters: Wind Zone: High Earthquake Zone: 1 Climate Zone: 5 Exposure Zone: B Altitude: 40m	Revision Details:	Date: 22.7.24 Job No: A926 Sheet No: 2 of 3
---	--	--	--	---	--------------------------	--



EAST ELEVATION - Unit 3 1:100

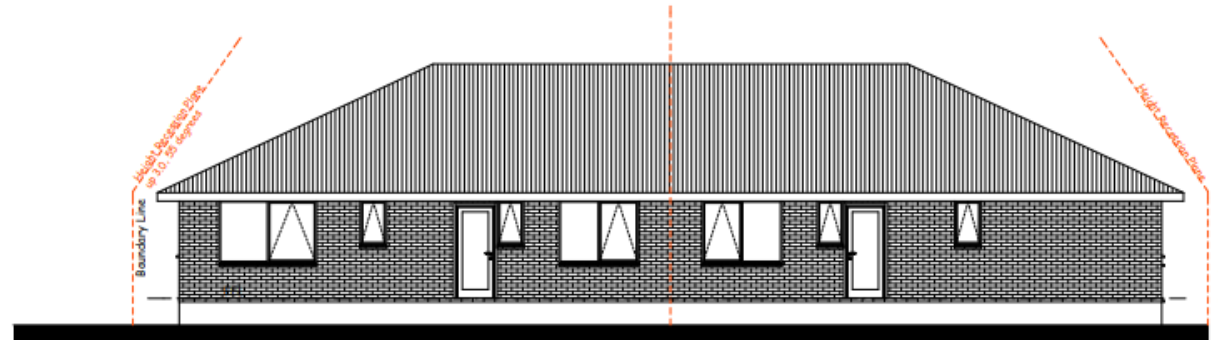


WEST ELEVATION 1:100



NORTH ELEVATION 1:100

(View from Park Street)



SOUTH ELEVATION 1:100

ALISON CAREY ARCHITECTURAL DESIGNER 3 Kilmarnock Close, Waiy Kneves, Wairomville, DUNEDIN Phone: 488 2177 Mobile: 027 499 0163 Email: alisoncarey@stra.co.nz DO NOT SCALE OFF THESE DRAWINGS. CONFIRM ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES IMMEDIATELY.	ARNZ Registered Professional Architect Professional Member	REGISTERED BUILDING PRACTITIONER www.rbp.co.nz	Proposed New Residences for: Mitchell Holdings (2003) Ltd at Lot 1-2: (Being Subdivision of Lot 3, SUB 2024-72 25 Gordon Road, Mosgiel)	Design Parameters: Wind Zone: High Earthquake Zone: 1 Climate Zone: 5 Exposure Zone: 8 Altitude: 40m	Revision Details:	Date: 22.7.24 Job No.: A926 Sheet No.: 3 of 3
--	--	---	--	--	--------------------------	---

PROVISIONAL ONLY
DETAIL, AREAS & DIMENSIONS
SUBJECT TO RESOURCE CONSENT,
FINAL DESIGN & FINAL SURVEY

DRAWING STATUS:
CONCEPT

Site Coverage - Pre-Development

Lot 3 - As assessed under SUB-2024-72

Total Site Area: 486m²
Building Cover: 243m² (50%)
Total Impervious Cover: 389m² (80%)
Total Pervious Cover: 97m² (20%)

Site Coverage - Post Development

Lot 1 - 2 Bedroom Unit

Total Site Area: 243m²
Building Cover: 134m² (55%)
Total Impervious Cover: 181m² (74%)
Total Pervious Cover: 62m² (26%)

Lot 2 - 2 Bedroom Unit

Total Site Area: 243m²
Building Cover: 134m² (55%)
Total Impervious Cover: 181m² (74%)
Total Pervious Cover: 62m² (26%)

Total Site

Total Site Area: 486m²
Building Cover: 268m² (55%)
Total Impervious Cover: 362m² (74%)
Total Pervious Cover: 124m² (26%)

Title Information:

RT Reference: OT255/205 Ltd
Legal Description: Allotment 1 Block II
Deeds Plan 195
Area: 1012m²
Registered Owners: Mitchell Holdings (2003) Ltd
Property Address: 25 Gordon Road, Mosgiel

Datum Information:

Coordinate System: North Taieri 2000

Proposed Easements

Purpose	Shown	Serv. Ten	Dom. Ten
Party Wall	(A)	Lot 1 Hereon	Lot 2 Hereon
Party Wall	(B)	Lot 2 Hereon	Lot 1 Hereon

Scale:
1:300 @ A4

Job No:
240108

Date:
July 2024

Plan No:
240108/3



Lots 1-2 being a Subdivision of
Lot 3 SUB-2024-72

5 November 2024

Blue Sky Property Group Limited
C/- Paterson Pitts Group
PO Box 5933
Dunedin 9054

Via email: jared.brensell@patersons.co.nz

Dear Blue Sky Property Group Limited

CERTIFICATE OF COMPLIANCE:

**COC-2024-15
45 BEACH STREET
DUNEDIN**

Your application for a certificate of compliance for the demolition of all the buildings on the site 45 Beach Street, St Clair was processed in accordance with section 139 of the Resource Management Act 1991. A Senior Planner considered the application and authorised the issue of a certificate of compliance under delegated authority on 5 November 2024

The assessment of the application is set out in the report attached to this letter and advice notes are included at the end of this letter. The certificate of compliance itself is attached to the rear of this letter.

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

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

Yours faithfully



John Sule
Consultant Planner

ADVICE NOTES

1. It is recommended that the applicant undertake a survey of buildings in relation to possible lead and asbestos contaminants prior to any demolition works being undertaken. The applicant should ensure demolition follows best practice to avoid contamination occurring during the demolition process.
2. The site is identified as being possible HAIL for accidental lead contamination. If asbestos is found within the buildings Categories E1 and/or I on the HAIL may also be applicable in relation to asbestos in relation to future development.
3. Any unanticipated soil disturbance must be undertaken in accordance with the permitted activity standards in Regulation 8 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 or a resource consent will be required.
4. There is evidence in the HAIL Report 2024-125 that there was a residence established on the site before 1900. If that is the case the proposed demolition will require an Archaeological Authority from Heritage New Zealand prior to any demolition. Please ensure appropriate authorisation for demolition is obtained from Heritage New Zealand prior to any demolition of the residential buildings on the site commencing.

APPLICATION COC-2024-15: 45 BEACH STREET, DUNEDIN

Department: Resource Consents

BACKGROUND

This application, similar to a number of recent Certificate of Compliance applications, appears to have been precipitated by the proposed upgrading of the list of scheduled heritage buildings in the District Plan by the DCC through Plan Change 1 that is to be notified in November 2024.

The application identifies that the applicant Blue Sky Property Group Limited is a potential purchaser of the site and following purchase it is seeking certainty that the buildings on the site can be demolished to allow redevelopment. The applicant has been involved in several multi-unit infill developments within Dunedin. An acoustic report was provided on 23 October 2024 and an amended application on 29 October 2024.

A HAIL search undertaken by the applicant (HAIL-2024-125) has identified a potential soil contamination source through painting and repainted of the substantial brick and plaster building on the site and the site is identified as possible HAIL. The proposal for the first redevelopment stage will be demolition down to foundations of the buildings on 45 Beach Street to avoid soil disturbance that will potentially contravene the permitted soil disturbance thresholds in the NES-CS. The potential NES-CS issues will be addressed as part of the next development stage.

DESCRIPTION OF ACTIVITY

The proposal is to demolish all the buildings on the site at 45 Beach Street, St Clair. The HAIL report identifies the initial residence was constructed in 1895 and substantial alterations were undertaken in 1912. The main residence is two storeys in height and constructed in brick and plaster. The site is located on the corner of Beach and Albert Street. There are also outbuildings on the site. The aerial photograph in Figure 1 below shows the existing development on the site.



Figure 1: Aerial Photograph of the site 2023/24 (Source – DCC GIS)

Figures 2 and 3 below show the northeastern and northwestern elevations of most of the buildings on the site. The main entrance to the residence is from Beach Street and the vehicle entrance is off Albert Street.



Figure 2: Photograph of the northeastern elevation from Beach Street (Source - Google Maps Sept 2023)



Figure 3: Photograph of the northeastern elevation from Albert Street (Source - Google Maps Sept 2023)

The applicant considers the demolition is currently permitted by the District Plan but seeks to preserve redevelopment rights should the residence be listed in the partially operative 2GP as a scheduled heritage building through proposed Plan Change 1 to the 2GP.

The 1045m² subject site is legally described as Lot 1 Deposited Plan 5912 (held in Records of Title OT314/136). It should be noted that there is a stormwater running through the northeastern part of the site. However, as this application involves demolition down to foundation level only, no resource consent requirements are triggered at this point.

CERTIFICATES OF COMPLIANCE

Sections 139(2) and 139(5) of the Resource Management Act 1991 state that a person may request the consent authority to issue a certificate of compliance; and that the authority must issue the certificate if the activity can be carried out lawfully in the particular location without a resource consent, and if the person pays the appropriate administrative charge.

DISTRICT PLAN RULES

Dunedin has two district plans: the Operative Dunedin City District Plan 2006 (the “District Plan 2006”), and the Proposed Second Generation Dunedin City District Plan (the “Proposed 2GP”). However, from 19

August 2024, the Proposed 2GP became partially operative and almost completely superseded the District Plan 2006, except for specific provisions and identified areas that are still subject to appeal. Where these provisions and appeals are relevant, the District Plan 2006 must still be considered.

In this case there are no identified areas or specific provisions that are subject to appeal. Accordingly, this application has been processed with reference to the 2GP only.

Partially operative 2GP

The subject sites are located within the General Residential 1 zone, and it is also located with an Archaeological Alert Mapped Area. There are no other relevant planning overlays or mapped areas that apply to the site.

Beach Street and Albert Street are local roads under the 2GP roading hierarchy.

Assessment of Compliance

Demolition of the Buildings

Demolition falls within the category of development activities, and it is defined in the 2GP as:

Demolition

The complete or partial destruction of a building or structure.

Demolition is an activity in the building and structures sub-category, which is in the development activities category.

The residential zone activity status table for development activities that identifies whether a development activity is permitted is contained in Rule 15.3.4. The rule table has a number of rows which the proposal needs to be assessed against. Demolition is identified as restricted discretionary activity under Rule 15.3.4.8 when buildings are visible from a public place and located within a heritage precinct and under Rule 15.3.4.18 demolition is a non-complying activity when it affects the protected part of a heritage building. Neither of these rules apply in this case as the buildings are not in a precinct and were not scheduled at the date the application was lodged.

As demolition is not covered by the rules discussed above or any other rules in Rows 5 to 22 of the rules table for development activities, the proposal is assessed as being subject to Rule 15.3.4.4 shown in the table below. This rule identifies the activity as permitted subject to compliance with performance standards.

All buildings and structures activities not covered in rows below		Activity status	Performance standards
3.	Signs attached to buildings and structures	P	a. Number, location and design of ancillary signs

4.	All other buildings and structures activities not covered in rows 5 to 22 below	P	a. Fence height and design b. Number, location and design of ancillary signs
----	---	---	---

In addition to the specific performance standards in the row there are general standards that apply to all development and buildings and structures activities as follows:

1.	Performance standards that apply to all development activities	a. Natural Hazards Performance Standards b. Maximum building site coverage and impermeable surfaces c. Setback from scheduled tree d. Structure plan mapped area performance standards (where relevant) e. Service connections - stormwater for development (in a new development mapped area)
2.	Performance standards that apply to all buildings and structures activities	a. Boundary setbacks b. Building length c. Firefighting d. Height in relation to boundary e. Maximum height f. Setback from coast and water bodies g. Setback from National Grid h. Setback from Critical Electricity Distribution Infrastructure i. Setback from designated rail corridor j. Area of buildings and structures (SNL Overlay Zone) k. Reflectivity (SNL Overlay Zone)

These development performance standards have been assessed in the application and reviewed. No signs are proposed, and the remaining performance standards do not apply to the proposed demolition activity as they relate to new activities or establishment of new buildings. Following a review, I am satisfied that the proposal is a permitted activity under the Residential Zone rules in the 2GP.

I also note that demolition is an activity that is also subject to temporary activities rules related to construction which is defined as follows:

Construction

The use of plant, tools, gear or materials as part of the erection, installation, repair, maintenance, alteration, dismantling or demolition of any building or structure; or site development. This definition includes all work from site preparation to site restoration.

This definition does not include any resultant buildings, structures or site development activities (including demolition or removal for relocation), which are separately defined under development activities or city-wide activities.

Construction is an activity in the temporary activities category

The proposal will therefore be subject to relevant temporary activity rules. Rule 4.3.2.2 identifies construction (demolition) as a permitted activity subject to performance standards. Development Standards, Light Spill and Noise are all applicable to demolition works. The application provides information to identify there will be compliance with temporary activity development and light spill standards and has supplied an acoustic report from Marshall Day Acoustics that confirms compliance with construction noise limits for a *short duration* demolition activity at the closest noise sensitive receiver. This report assumes that an excavator with a pulveriser or grapple attachment will be used to demolish the buildings, and trucks used to transport the waste off the site. No specific mitigation is identified as necessary to achieve compliance but a noise barrier around the site during the works is identified in the report as an appropriate measure under the applicant's duty to undertake the best practicable option to keep noise to a reasonable level. Compliance with construction noise rules is dependent on the demolition only being undertaken from 7.30am to 6pm Monday to Saturday. This is specified in the application.

I have reviewed the relevant temporary activity performance standards relevant to a demolition activity and I am satisfied that the proposed activity can comply with the relevant rules and is a permitted activity in relation to the construction rules in the 2GP.

NATIONAL ENVIRONMENTAL STANDARDS

National environmental standards may trigger a requirements for a resource consent and therefore they are considered relevant under the Section 139 assessment requirements. The only relevant national environmental standard in relation to the proposed demolition activity is the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).

NES-CS

The NES-CS is considered applicable in this case as the process of demolition may lead to the disturbance of soil which is regulated under the NESCS where the soil is potentially contaminated by an activity on the Hazardous Activities and Industries List (HAIL) and a potential risk to human health. The applicant's agent has obtained a HAIL search of the subject sites (HAIL-2024-125). This report identifies that the soils in proximity to the main residence is likely to be contaminated with lead from painting and repainting the building given its age. The site at 45 Beach Street is therefore a HAIL activity under the following category:

I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.

If asbestos is present within the buildings to be demolished, I also note that the demolition process itself could result in widespread contamination of the site with asbestos if care is not undertaken with the demolition and the site clean-up. Building products containing asbestos were widely used in New Zealand. If any buildings containing asbestos are not demolished in accordance with best practice, then Categories E1 and/or I on the HAIL may be applicable to the sites in relation to future development.

E1: Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition

I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment

In this case the applicant advises that the demolition will be down to foundation level and disturbance of the soil is not proposed as part of the demolition activity at 45 Beach Street. It may be possible to demolish the buildings to floor slab without disturbing the soils, but some potential disturbance appears possible as part of the process. I note that disturbing up to 25m³ of soil per 500m² of site area is a permitted activity subject to compliance with the standards in the regulations. As the proposal specifies that ground disturbance is not proposed and demolition is only proposed to be to floor slab level on the site that has a HAIL, then it appears more likely than not that the proposal will not trigger consent under the NES-CS for soil disturbance.

Having considered the proposal demolition of dwellings and outbuildings on the subject sites, I am satisfied that the demolition can occur as a first stage in the redevelopment of the site without triggering a requirement for a resource consent under the NES-CS if the demolition is undertaken down to the foundation levels of the buildings on 45 Beach Street as proposed. I have recommended that advice notes be included regarding the potential for contamination of the site during the demolition process.

CONCLUSION

The above compliance assessment identifies that the proposed demolition of the dwelling and outbuildings at 45 Beach Street is a permitted activity under the requirements of the partially operative 2GP and the NES-CS at 10 October 2024, the date the Council received the proposal. The Council is therefore able to issue a Certificate of Compliance for the proposed work.

RECOMMENDATION

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

1. The activity is a permitted activity in terms of the partially operative 2GP as at date that the application was lodged (10 October 2024).
2. The activity is a permitted activity in terms of Regulation 8 of National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health as at date that the application was lodged (10 October 2024).

3. The activity can be carried out without a resource consent at the date of application lodgement and the Council is therefore able to issue a certificate of compliance under section 139 of the Resource Management Act 1991.



John Sule
Consultant Planner

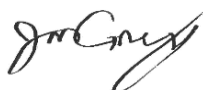
Date: 30 October 2024

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 issuing of a certificate of compliance because:

The proposal is consistent with the provisions of section 139 of the Resource Management Act 1991, in that the activity is a permitted activity in terms of the partially Operative Second Generation Dunedin City District Plan and any relevant National Environmental Standards as at 10 October 2024 when the application proposal was received and lodged by the Council.



Jeremy Grey
Senior Planner

Date: 5 November 2024

CERTIFICATE OF COMPLIANCE
SECTION 139 RESOURCE MANAGEMENT ACT 1991

Certificate of Compliance Number: COC-2024-15

Property Address: 45 Beach Street, Dunedin

Applicant: Blue Sky Property Group Limited

Operative Dunedin City District Plan: General Residential 1 Zone

Date Received: 10 October 2024

The applicant seeks a certificate of compliance for the demolition of all the buildings at 45 Beach Street, Dunedin. The subject sites are legally described as Lot 1 Deposited Plan 5912, comprising approximately 1045m² more or less and held in Records of Title OT314/136.

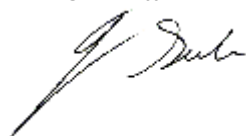
The proposal is the demolition of all the dwellings and outbuildings at 45 Beach Street, Dunedin. To comply with relevant 2GP rules and ensure compliance with the NES-CS the application identifies that the demolition will:

- *Only be undertaken between the hours of 7.30am and 6pm from Monday to Saturday,*
- *Ensure noise limits within Rule 4.5.4.1 are adhered to, and*
- *Only demolish the buildings on 45 Beach Street down to foundation level at Stage 1 of the redevelopment.*

The proposed activity is considered to constitute a development activity in accordance with the partially operative 2GP Plan definition of *demolition* and is authorised as a permitted activity in terms of the provisions contained in Rules 15.3.4 (Residential Section) and 4.3.2 (Temporary Activity Section) of the Partially Operative Second Generation Dunedin City District Plan:

- 4.3.2.2 Activity Status Rule for Construction (includes Demolition)
- 4.3.2.2.a Performance Standard for construction noise
- 4.3.2.1 Performance Standards that apply to all temporary activities
- 15.3.4.4 Activity Status Rule for Demolition in Residential zones
- 15.3.4.1 Performance Standards that apply to all development activities in Residential zones
- 15.3.4.2 Performance Standards that apply to all buildings and structures activities
- 15.3.4.4.a & b Performance Standards for demolition

The certificate of compliance is effective from the date that the Dunedin City Council received the request for this certificate and will lapse in accordance with section 125 of the Resource Management Act 1991 if it is not given effect to within five years from the date of issue on this certificate.



John Sule
Consultant Planner

Issue Date: 5 November 2024

15 November 2024

J & J Copland
C/O Darryl Sycamore, Terramark Limited
300 Moray Place
Dunedin Central
Dunedin, 9016

Via email: darryl@terramark.co.nz

Kia ora,

RESOURCE CONSENT APPLICATION:

**LUC-2024-336
62 QUEEN STREET
DUNEDIN**

The Council has granted consent to your application for 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 Condition

The consent certificate outlines the condition that applies to your proposal. Please ensure that you have read and understand it.

Consent Processing and Monitoring 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, 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 'Finn Campbell', written in a cursive style.

Finn Campbell
Graduate Planner

APPLICATION LUC-2024-336: 62 QUEEN STREET, DUNEDIN

Department: Resource Consents

BACKGROUND

When this application was lodged there were no issues being identified upon the initial assessment. During processing it was uncovered that the land being proposed to access the site via Kyle Street was Council owned reserve land as part of the town belt. The intended “road” to be used to access the site was not legal road, but a public access for the Cosy Dell Tennis Courts; and that this property was part of a number of houses relying on this public access for vehicular access to the rear of their properties. An investigation into prior decisions revealed

1. A history of informal access across a number of sites relying on the reserve for vehicle access.
2. Prior issues with achieving legal access rights via easements.

LUC-2007-745 62 Queen Street

When investigating the prior decision for this site, LUC-2007-745, I was able to find legal opinions, committee decisions, and an environment court decision which pointed to issues with access rights.

These all pointed to, and affirmed, the legal/statutory authority Parks has in being able to grant access rights. And that the existing informal arrangements are “at council’s leisure”.

Despite Park’s authority, within the context of the strip between Kyle Street and Cosy Dell Road there are technical barriers to the road formation due to its width that trigger a breadth of legislative provisions and considerations which renders formalising access rights, and associated obligations as unviable/impractical.

To put my own words here: it appears that allowing the existing informal situation was appropriate considering the scale of the required works to formalise access to be unjustified for an arrangement that did not have any pressing problems.

A Community Development Committee report (9 June 2009) considered an application for formalising access rights by the owner of 62 Queen Street. This was in conjunction with an application to increase development (new encroachment) for 6 vehicles. The prior vehicle arrangement involved 1 garage. This application was declined, but the minutes were not readily available to determine why it was declined.

Which is to say, this is not a standard policy being applied regarding access rights over reserve land, but, this specific stretch of land is incompatible with being upgraded to suitable road and access compliant with current roading standards. Especially so with an increase in development, as was the case with the historic proposals (LUC-2007-745) which were declined due to this specific portion of reserve land as it stands in its own context.

Letters to neighbours

In letters to adjacent properties to 62 Queen Street (sent 2009), it appears that the Parks Department’s past approach for the reserve strip has been agreed to continue “at the pleasure of council” for existing uses. That the accessway will remain in place until such times as the Tennis Club no longer exists of the Council determines there is no longer any public benefit for this accessway to be in place.

These letters do not provide formalisation of access, at it appears to not be able to be granted; nor does it encourage any increase of use. But they do affirm the pragmatic position required to be taken in this

ambiguous/informal arrangement related to the historic uses and the technical barriers to formalising access.

Discussion resolution

The access of the site was discussed in meeting between the Planning, Transport, and Parks and Recreation Department with respect to being able to carry out the consent as it is proposed and to demolish the existing dwelling and to construct the new dwelling.

In keeping with consistent decision making, it was determined that the carrying out of the works on the site and allowing for continued vehicle access, the legal status still remains “at the pleasure of council” but that it will be acceptable.

It was noted that for construction vehicle movement and vehicle parking within the reserve the applicant is expected to take reasonable steps to ensure best practices are followed. An access agreement will be required from the Parks and Recreation Department, as landowners, to manage the access across reserve land.

DESCRIPTION OF ACTIVITY

The Site

62 Queen Street is an irregular shaped site with an area of approximately 1046m² that is predominantly flat. It is accessible by car from Kyle Street, a small lane off-shooting from Cosy Dell Road. This area of Kyle Street appears to be formed over a site identified as Town Belt and no legal rights are established in favour of this site over that town belt reserve land.

The status of the vehicle access is informal and ‘at the leisure of council’ but there is no anticipated change to the current access arrangement. That being said, if this access is removed, the site will not become landlocked, with two separate frontages with pedestrian access.



Figure 1. 62 Queen Street existing site.

The Proposal

The existing dwelling and the existing shed adjacent to Kyle Street are to be demolished and the site is to be prepared for new development. The existing site arrangement has an encroachment into council managed reserve.

A new dwelling is then proposed to be constructed. It comprises three habitable rooms. The dwelling will comprise an area of 214m². Site coverage is proposed to be 26%.

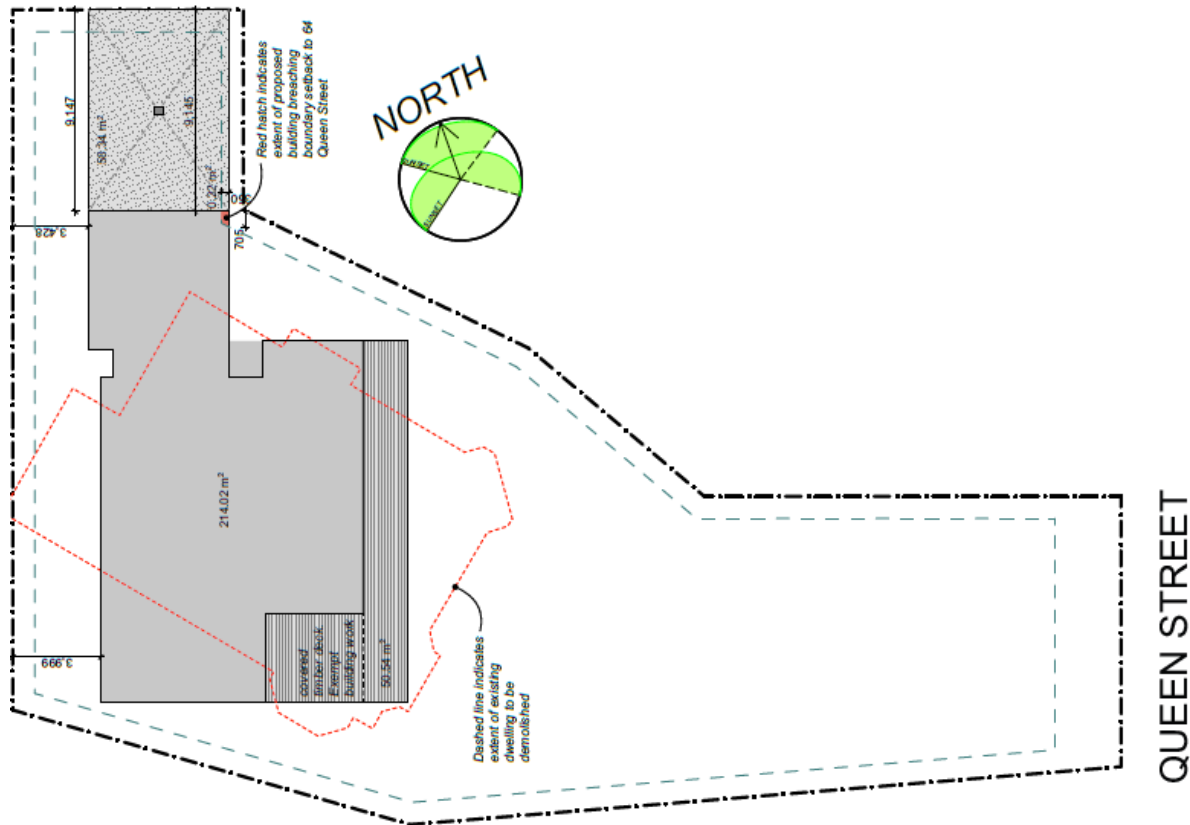


Figure 2. Proposed site plan. Existing dwelling shown in red.

The subject site is legally described as Lot 2 DP 5077 (held in Record of Title OT289/215).

REASONS FOR APPLICATION

Dunedin currently has two district plans: the Operative Dunedin City District Plan 2006 (the “District Plan 2006”, and the Proposed Dunedin City Second Generation District Plan. On 19 August 2024, the Proposed Dunedin City Second Generation District Plan became partially operative and now supersedes the District Plan 2006, except for limited specific provisions and identified areas that are still subject to appeal. Where these provisions and appeals are relevant, the District Plan 2006 must still be considered.

In this instance, there are no relevant appeals, and this application has been processed with reference to the 2GP only.

The activity status of the application is fixed by the rule provisions in place when the application was first lodged, pursuant to section 88A of the Resource Management Act 1991. However, it is the rule provisions in force at the time of the decision that must be had regard to when assessing the application.

Partially Operative Dunedin City Second Generation District Plan 2024 (the “2GP”)

The subject site is zoned Inner City Residential and subject to the following planning overlay:

- Archaeological Alert Layer Mapped Area

The proposal falls under the definition of *standard residential*. Under the 2GP, activities have both a land use activity and a development activity component.

Land Use Activity

The proposal complies with light spill, noise, density, and outdoor living space. Therefore, it can be considered that this is a permitted standard residential activity.

Development Activity

The proposal does not comply with the following performance standards:

Rule 15.3.4.2(a) & 15.3.4.2(d) requires that new buildings and structures to comply with the boundary setback rule.

Rule 15.6.13.1 Boundary Setbacks. New buildings must have a minimum setback of 1.0m from any side or rear boundaries.

- The proposed dwelling will breach the 1.0m setback against the boundary of 64 Queen Street by a total footprint of approximately 0.15m².
- Pursuant to Rule 15.3.6.13(1)(b) this is a **restricted discretionary activity**.

Pursuant to rule 15.10.4(1) Council's discretion is restricted to:

- Effects on surrounding sites residential amenity.
- Effects on neighbourhood residential character and amenity.

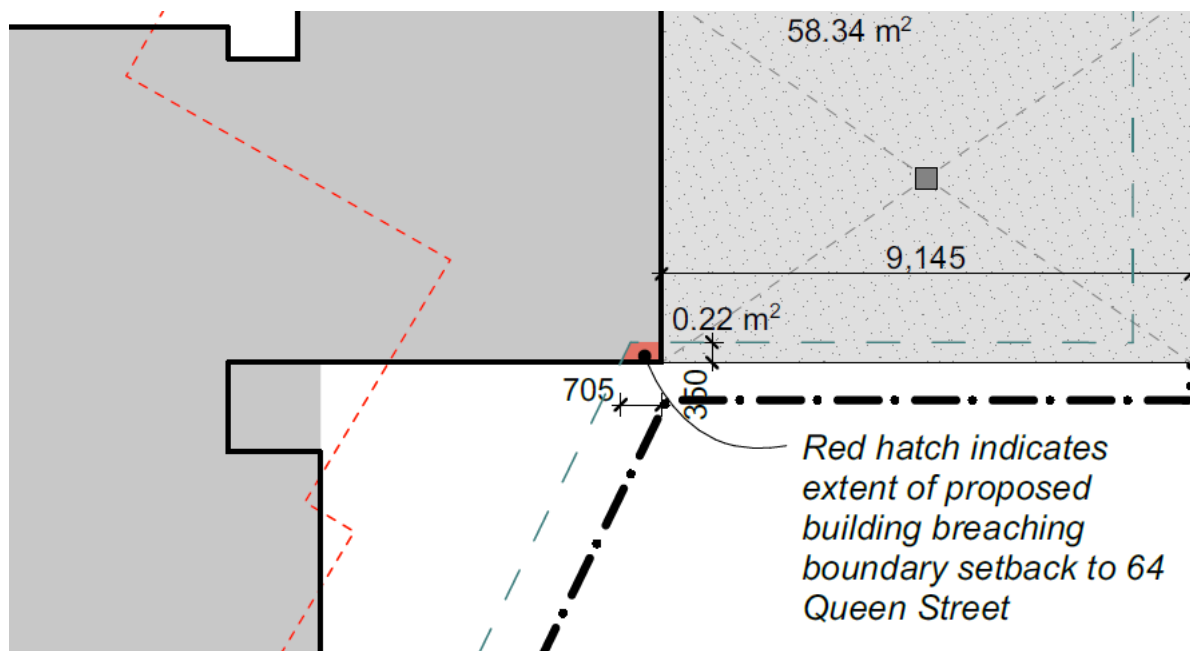


Figure 3. Proposed side yard breach with boundary of 64 Queen Street.

HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

An Archaeological Authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan, or a resource consent or building consent has been granted.

Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.

Council records indicate that the current building on site was established in 1905 and thus these provisions do not apply.

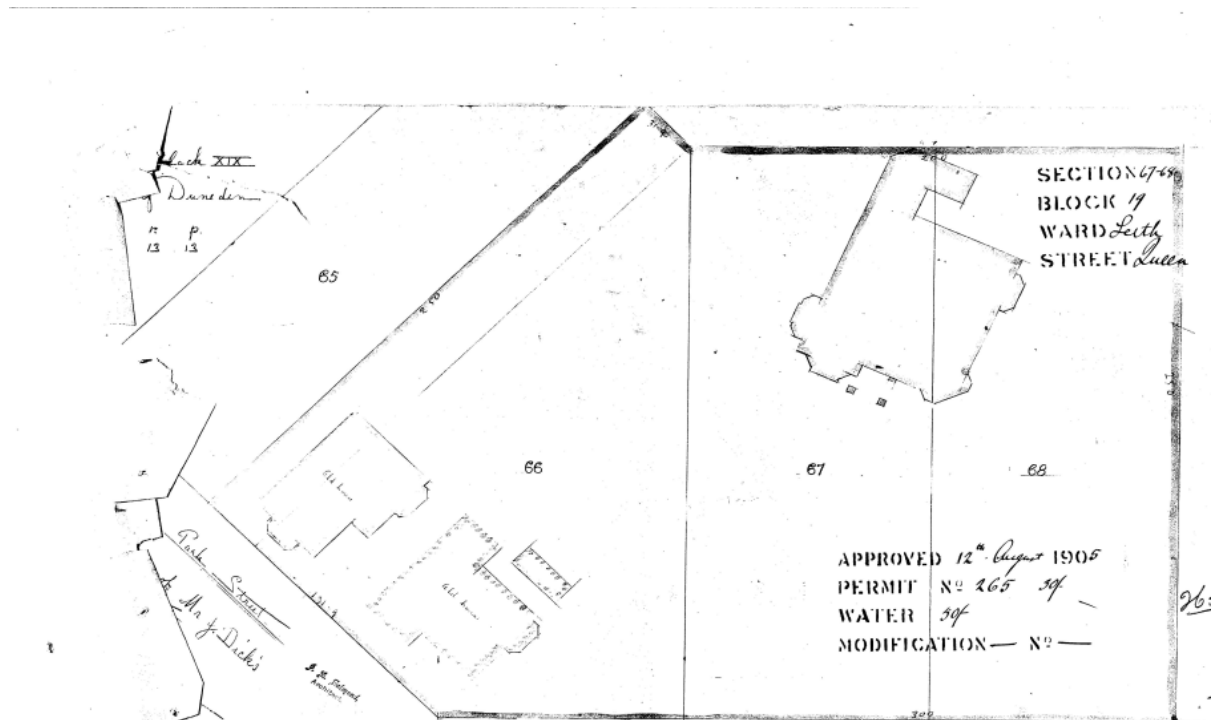


Figure 4. 1905 site plan. Retrieved from record H-1905-1404 AAB19050091 0265 - Erect Dwelling, Plan (Dick) 12/08/1905.

National Environmental Standards

There are no National Environmental Standards relevant to this application.

There is a clear site history dating back to 1905 that show a dwelling on site. The construction is of brick and therefore there are no anticipated lead contamination of the soil as would normally be associated with a pre-1945 dwelling with a weatherboard or stucco exterior. Therefore, there is no indication that the NES-CS would apply to this site. None the less, a precautionary approach is always advised, and this is reflected by an advice note in the consent document.

Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.

In this case, the rules all have the same activity status. The proposal is therefore a restricted discretionary activity.

WRITTEN APPROVALS AND EFFECTS ASSESSMENT

Affected Persons

No affected persons forms were submitted with the application. No person or party is considered to be adversely affected by the activity. This is because the environmental effects of the proposal limited to effects on parties that are less than minor.

Effects on the Environment

Permitted Baseline

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect.

This is the permitted baseline. In this situation it comprises dwelling complying with the standard residential land use performance standards set 1.0m from the side boundary.

It is considered that this is the appropriate baseline against which the activity should be considered. As a result, it is the effects arising from the proposal, beyond the permitted baseline, that are the crucial elements for consideration.

Receiving Environment

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the existing and reasonably foreseeable receiving environment comprises an existing residential site with a historic minor encroachment into the adjacent reserve land.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises standard residential sites of an area between 300m² and 1000m² adjacent to a tennis court in the town belt reserve land.

It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment Matters/Rules

Consideration is required of the relevant assessment rules in the 2GP, along with the matters in any relevant national environmental standard. This assessment is limited to the matters to which the Council's discretion has been restricted. No regard has been given to any trade competition or any effects of trade competition.

1. Effects on surrounding sites residential amenity.

The proposed breach by the garage on the north-east corner of 62 Queen Street is technical in nature. Constituting an area of approximately 0.4m² encroaching into the side yard shared with 64 Queen Street. As such the proposed works can be identified as being consistent with the following planning principles:

- The building height and setback from the boundary ensures that there will be a less than minor impact on the sunlight access of current and future residential buildings and the outdoor space at 4 Queen Street.
- The existing residential building at 64 Queen Street does not have any windows to private areas in proximity to the encroachment and the existing building will continue to enjoy adequate natural light and privacy. This is supported by the west-east cardinal orientation between the buildings on both sites meaning their location will not result in blocking of sunlight on either building.
- With respect to the surrounding residential sites, there are a number of existing dwellings, both historic and recent (>20 years old) where there are side yard breaches resulting in dwellings that are against the boundary, or within 1.0m of the boundary. This means the new dwelling will result in a less than minor breach that is not inconsistent with the surrounding sites dwelling locations.
- There are no windows from living or sleeping areas proposed along the wall of the new building nor exist along the wall of any adjacent parallel residential building.

Thus, it can be determined that the proposed works are consistent with the anticipated characteristics of a permitted residential activity and that the potential effects on the surrounding sites residential character and amenity are less than minor and acceptable.

2. Effects on neighbourhood residential character and amenity.

The proposed dwelling at 62 Queen Street has a height, boundary setback and scale that is consistent with the residential zone performance standards for an Inner City Residential zoned site. The proposed dwelling is consistent with the existing residential character in that there are a number of single or two storey buildings that are appropriately setback from the property boundaries. These surrounding sites provide an appropriate benchmark for considering residential scale and character. The proposed dwelling will be consistent with the surrounding dwellings and provides a smaller scale than what is fully capable of being utilised on the site.

The rule breach for the side yard breach is minor in nature and does not warrant mitigation measures to screen or soften the visual effect of the building. It is considered that it is at the discretion of the landowner to take appropriate steps to create an outdoor landscape that is appropriate with their tastes and that any appropriate plantings would be acceptable.

The proposed design is a departure from the materials and form of the existing building, but it is considered that building and design practices have shifted in the 115 years since that dwelling has been established. When compared to the surrounding developments, which have varied histories and have been built in a variety of eras, the design is not inconsistent in form, material or scale to these dwellings. Thus, this new design will be able to reasonably integrate with the residential character and amenity of the surrounding neighbourhood.

Thus, I anticipate that any effects on neighbourhood residential character and amenity will be less than minor and acceptable.

NOTIFICATION ASSESSMENT

Public Notification

Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification. Each step is considered in turn below.

Step 1: Mandatory public notification in certain circumstances

- Public notification has not been requested.

- There has been no failure or refusal to provide further information.
- There has been no failure to respond or refusal to a report commissioning request.
- The application does not involve the exchange of recreation reserve land.

Step 2: If not required by Step 1, public notification precluded in certain circumstances

- There are no rules or national environmental standards precluding public notification.
- The application is for the following, but no other, activities: a controlled activity; a boundary activity. As a result, public notification is precluded under Step 2.

Step 3: If not precluded by Step 2, public notification required in certain circumstances

- There are no rules or national environmental standards requiring public notification.
- The activity will not have, or be likely to have, adverse effects on the environment that are more than minor.

Step 4: Public notification in special circumstances

- There are no special circumstances that warrant the application being publicly notified. There is nothing exceptional or unusual about the application that makes public notification desirable.

Limited Notification

Section 95B of the Resource Management Act 1991 sets out a step-by-step process for determining limited notification. Each step is considered in turn below.

Step 1: Certain affected groups and affected persons must be notified

- The activity is not in a protected customary rights area; the activity is not an accommodated activity in a customary marine title area; and, the activity is not on or adjacent to, or might affect, land that is the subject of a statutory acknowledgement.

Step 2: If not required by Step 1, limited notification precluded in certain circumstances

- There are no rules or national environmental standards precluding limited notification.
- The application does not involve a controlled activity that is not a subdivision.

Step 3: If not precluded by Step 2, certain other affected persons must be notified

- The application does not involve a boundary activity.
There are no persons where the activity's adverse effects on the person are minor or more than minor (but are not less than minor).
- Step 3 does not apply because limited notification is precluded under Step 2.

Step 4: Further notification in special circumstances

- There are no special circumstances that warrant the application being limited notified. There is nothing exceptional or unusual about the application that makes limited notification to any other persons desirable.

SUBSTANTIVE DECISION ASSESSMENT

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 outlined above. It is considered that the adverse effects on the environment arising from the proposal are no more than minor.

Offsetting or Compensation Measures

In accordance with section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

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.

In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the 2GP were taken into account when assessing the application. The proposal is considered to be consistent with the following objectives and policies:

- **Objective 15.2.2 and Policy 15.2.2.1 (Residential Zones)**
These seek to ensure that residential activities, development, and subdivision activities provide high quality on-site amenity for residents.
- **Objective 15.2.3 and Policy 15.2.3.1 (Residential Zones)**
These seek to ensure that activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.

Objectives and Policies Assessment

The proposal is consistent with the objectives and policies detailed above because the sole breach associated with this activity is technical and results in a less than minor effect. There are no discernible impacts on light or privacy, nor departure from anticipated residential scale bulk and location, which could render the proposed works to be inconsistent with the objectives and policies of the 2GP. As such the proposed works are considered to be consistent with the relevant objectives and policies of the 2GP.

Other Matters

Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

Part 2

Based on the findings above, it is evident that the proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of consent would promote the sustainable management of Dunedin's natural and physical resources.

RECOMMENDATION

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

1. This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.
2. The Council grant consent to the proposed activity under delegated authority, in accordance with sections 104 and 104C of the Resource Management Act 1991.
3. The time limits for the processing of this consent be extended pursuant to sections 37A(2)(a) and 37A(4)(b)(ii) of the Resource Management Act 1991.



Finn Campbell
Graduate Planner

Date: 15 November 2024

DECISION

I have read both the notification assessment and substantive decision assessment in this report. I agree with both recommendations above.

Under delegated authority on behalf of the Dunedin City Council, I accordingly approve the granting of resource consent to the proposal:

*Pursuant to Part 2 and sections 34A(1), 104 and 104C of the Resource Management Act 1991, and the provisions of the Partially Operative Dunedin City Second Generation District Plan 2024, the Dunedin City Council **grants** consent to a **restricted discretionary activity** being the demolition of an existing dwelling and establishment of a new dwelling with a side yard breach on the site at 62 Queen Street, Dunedin, legally described as Lot 2 DP 5077 (Record of Title OT289/215), subject to the conditions imposed under section 108 of the Act, as shown on the attached certificate.*

and

That, having taken into account:

- *The interests of any person who may be adversely affected by the time extension,*
- *The interests of the community in achieving an adequate assessment of effects of a proposal, policy statement or plan, and*
- *Its duty under section 21 to avoid reasonable delay,*

the Council has, pursuant to sections 37A(2)(a) and 37A(4)(b)(ii) of the Resource Management Act 1991, extended the requirement outlined in section 115 regarding the time in which notification of a decision must be given after the date the application was first lodged with the Council.



Jeremy Grey
Senior Planner

Date: 15 November 2024

Consent Type: Land Use Consent

Consent Number: LUC-2024-336

Purpose: The demolition of an existing dwelling and establishment of a new dwelling with a side yard breach.

Location of Activity: 62 Queen Street, Dunedin.

Legal Description: Lot 2 DP 5077 (Record of Title OT289/215).

Lapse Date: 15 November 2029, 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 plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 23 September 2024, except where modified by the following conditions.*
2. *The boundary line shared by the subject site with the Reserve Land, identified as Town Belt "Pt Town Belt Town of Dunedin (CT 702732)", must be demarcated with a fenced, established in accordance with the 2GP performance standards for fences adjoining reserve land, in order to rectify the current occupation of Reserve Land.*

Notes:

- a) As of 154 November 2024, the fencing rule [15.6.2.2(a)] for visual permeability, reads:

"Fences along road boundaries or boundaries adjoining a reserve (including within the boundary setbacks required by Rule 15.6.13) must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level."

- b) It is advised that a licensed cadastral surveyor should identify the boundary.

- c) Please refer to the following guidance for sharing the costs of fencing a DCC boundary:

https://www.dunedin.govt.nz/_data/assets/pdf_file/0018/632205/Sharing-the-Costs-of-Fencing-a-DCC-Boundary.pdf

Advice Notes:

Reserve Access

1. This resource consent is not an access agreement over the reserve land. Any access or use arrangements over the reserve land for construction and/or demolition works, and removal or

modification of any vegetation within the reserve, will require the approval by the Parks and Recreation Service of the Council.

2. If the demolition and construction works are to be carried out at different times, a separate approval may be required where appropriate.

Transport

3. It is advised that any damage to any part of the road formation as a result of the demolition or construction works must be reinstated at the applicant's cost.
4. It is advised that any works within legal road are required to be undertaken by a DCC approved contractor and will require an approved corridor access request.
5. 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).
6. It is advised that applicant must seek permission from the respective operator as the vehicle access will likely be constructed with less than 1.0m separation to the existing utility pole.
7. It is advised that any changes to the existing on-street parking provisions along Kyle Street if requested in the future must be applied for through the Dunedin City Council Transport Department, sit outside of the resource consenting process, and are subject to any decision made by wider Council committees.

Boundary Proximity

8. The entire building including roof eaves and guttering (and associated drainage) must be contained within the property boundaries. As the proposed building extends to the side boundary, care should be taken by the consent holder to accurately identify the position of these boundaries prior to building construction. Confirmation by a licensed cadastral surveyor may be required.

Heritage

9. 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 their proposal with Heritage New Zealand.

General

10. 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.
11. 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.

12. 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.
13. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
14. 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 15 November 2024

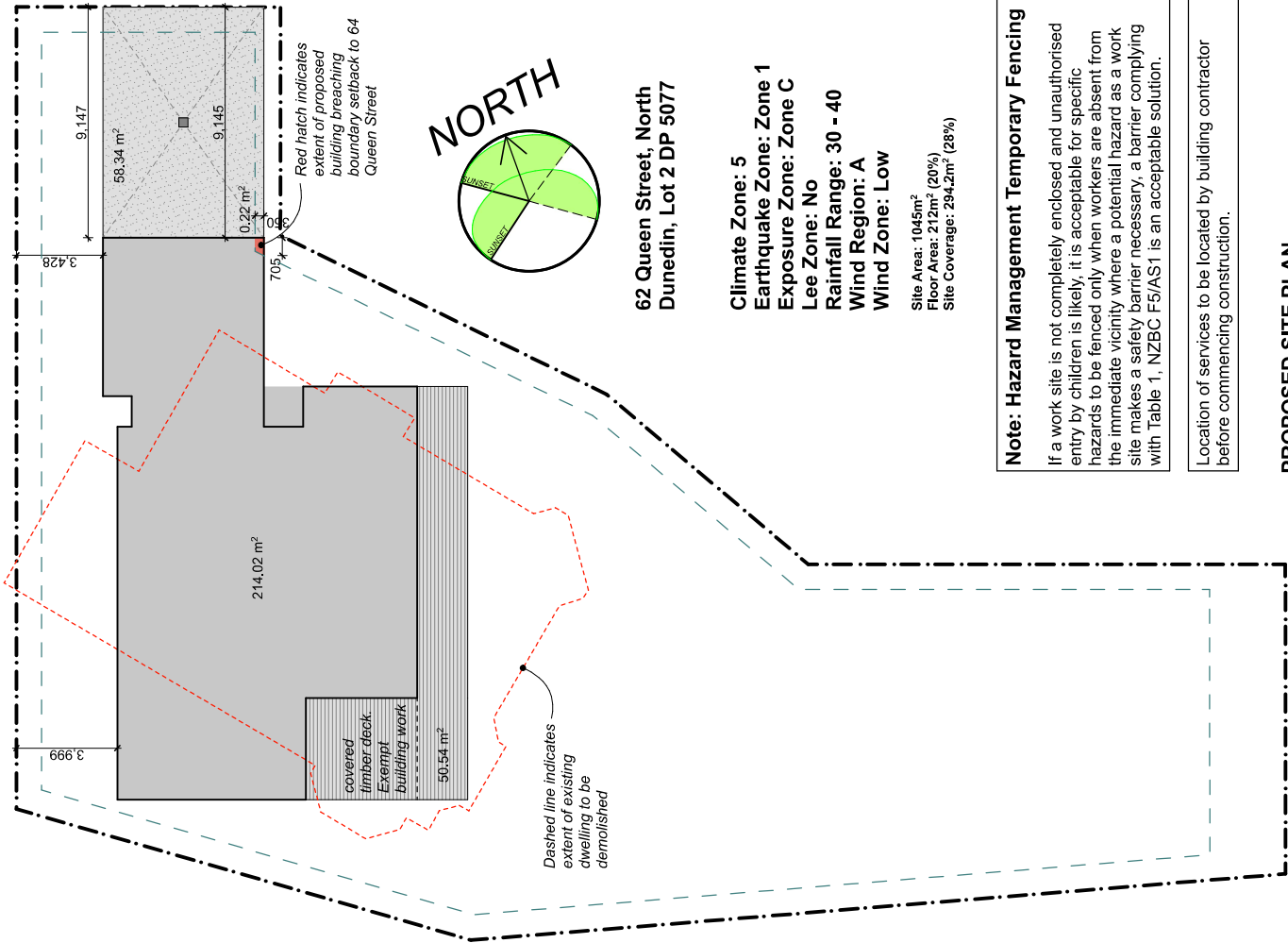
A handwritten signature in black ink, appearing to read 'Finn Campbell', written in a cursive style.

Finn Campbell
Graduate Planner

Appendix One: Approved Plans for LUC-2024-336

(scanned images, not to scale)

See PDF version for plans



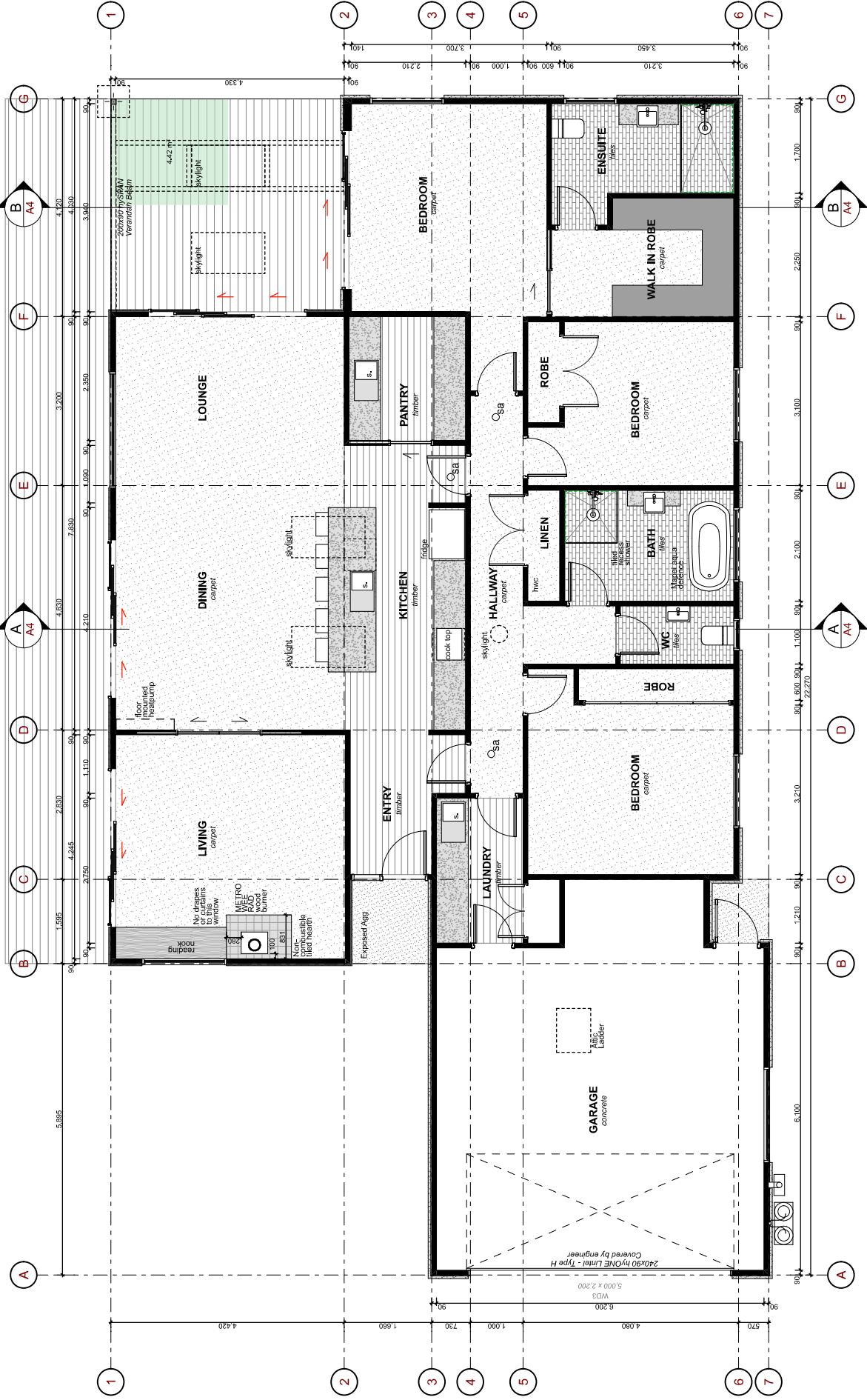
Note: Hazard Management Temporary Fencing

If a work site is not completely enclosed and unauthorised entry by children is likely, it is acceptable for specific hazards to be fenced only when workers are absent from the immediate vicinity where a potential hazard as a work site makes a safety barrier necessary, a barrier complying with Table 1, NZBC F5/AS1 is an acceptable solution.

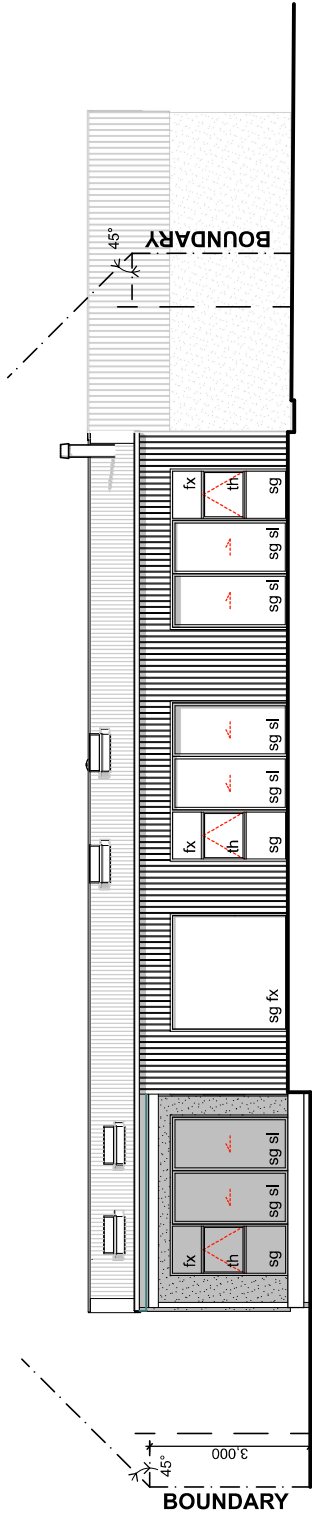
Location of services to be located by building contractor before commencing construction.

PROPOSED SITE PLAN
1:200 @ A3, 1:400 @ A4

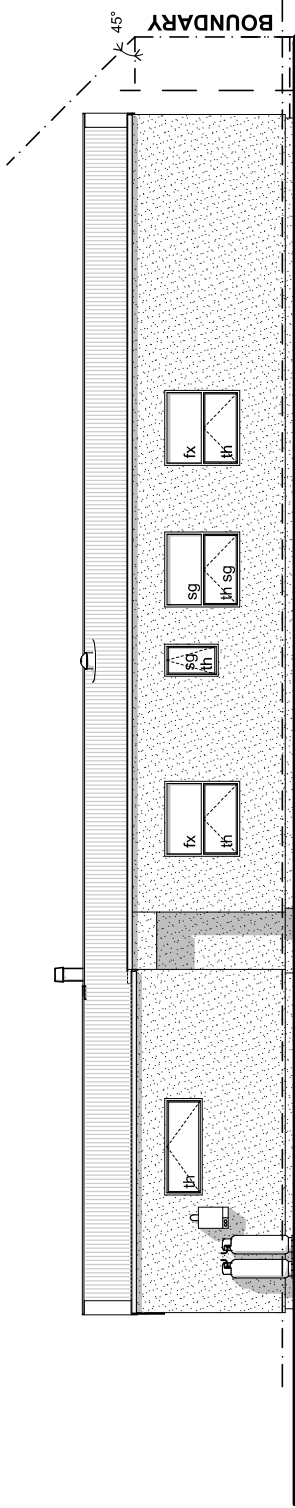
QUEEN STREET



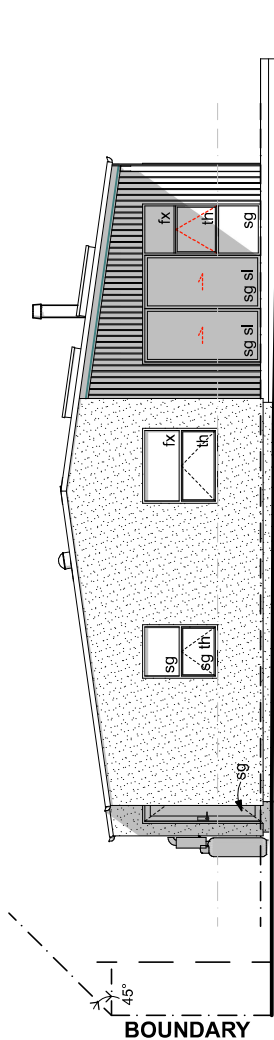
PROPOSED FLOOR PLAN
1:75 @ A3, 1:150 @ A4



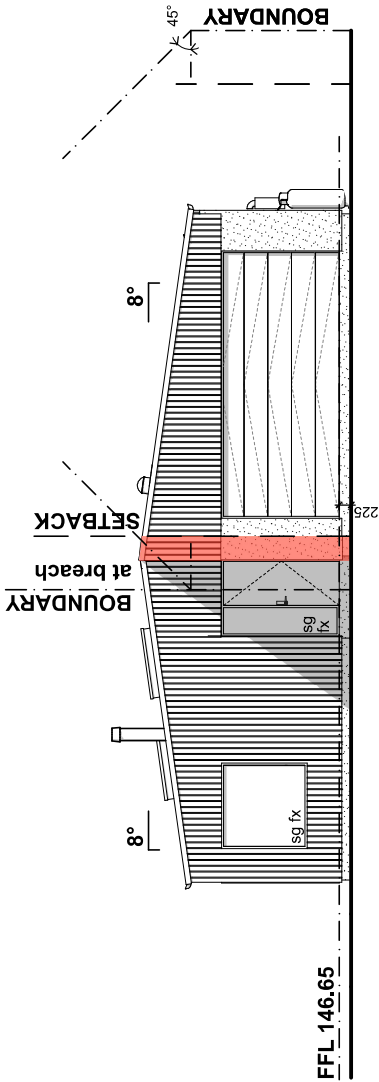
EAST ELEVATION
1:100 @ A3, 1:200 @ A4



WEST ELEVATION
1:100 @ A3, 1:200 @ A4



SOUTH ELEVATION
1:100 @ A3, 1:200 @ A4



NORTH ELEVATION
1:100 @ A3, 1:200 @ A4

9 October 2024

The Roman Catholic Diocese of Dunedin
C/O Anderson and Co
PO Box 5933
Dunedin, 9054

Via email: conrad_a@xtra.co.nz

Dear Conrad,

Certificate of Compliance details	COC-2024-11 91 CHURCH STREET MOSGIEL
-----------------------------------	--

Your application for a certificate of compliance for **Alterations to St Mary's/Verdon Chapel Building** was processed in accordance with section 139 of the Resource Management Act 1991. A Senior Planner considered the application and authorised the issue of a certificate of compliance under delegated authority on 9 October 2024.

The assessment of the application is set out in the report attached to this letter. The certificate of compliance itself is attached to the rear of this letter.

Fees

Fees are set each year under Resource Management Act requirements. For more information on these fees, visit <https://www.dunedin.govt.nz/services/resource-consents/fees>.

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

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

Yours faithfully,



Finn Campbell
Graduate Planner

APPLICATION COC-2024-11: 91 CHURCH STREET, MOSGIEL

Department: Resource Consents

DESCRIPTION OF ACTIVITY

The site is 5551m² and flat. It contains one building, the St Mary's/Verdon Chapel. There is some greenery and trees dispersed across the site. There are two vehicle entrances accessing the site from Church Street and which lead to on-site parking.



Figure 1. Aerial of 91 Church Street. Retrieved from application.

The proposed works are for alterations to interior and exterior of the chapel in order for it to be re-roofed. This includes:

- removing the existing ridge skylight and associated framing;
- removing the existing dormer/roof light windows and associated framing;
- removing the existing tile roof;
- re-roofing the entire structure, including the removed ridge skylight and the removed dormer/roof light windows, with roofing iron of an profile and any colour;
- interior alterations to allow for the removed ridge skylight and the removed dormer/roof light windows.



Figure 2. Proposed area of works. Retrieved from application.

The works will be carried out between 7:30am and 6pm, and undertaken on weekdays and Saturdays.

The subject site is legally described as Lot 2 Deposited Plan 592509 (held in Record of Title OT1137765).

CERTIFICATES OF COMPLIANCE

Sections 139(2) and 139(5) of the Resource Management Act 1991 state that a person may request the consent authority to issue a certificate of compliance; and that the authority must issue the certificate if the activity can be carried out lawfully in the particular location without a resource consent, and if the person pays the appropriate administrative charge.

DISTRICT PLAN RULES

Dunedin has two district plans: the Operative Dunedin City District Plan 2006 (the “District Plan 2006”), and the Proposed Second Generation Dunedin City District Plan (the “Proposed 2GP”). However, from 19 August 2024, the Proposed 2GP became partially operative and almost completely superseded the District Plan 2006, except for specific provisions and identified areas that are still subject to appeal. Where these provisions and appeals are relevant, the District Plan 2006 must still be considered. Accordingly, this application has been processed with reference to the 2GP only.

The subject allotment is zoned **General Residential 1** in the Proposed 2GP. The site is subject to the following planning overlays:

- Dunedin Airport Flight Fan D274
- Hazard 3 (flood) Overlay Zone
- Wāhi Tupuna Mapped Area

Church Street is classed as a local road in the 2GP Road Classification Hierarchy.

The site is not associated with any known HAIL activity to be managed under the NES-CS.

The site is associated with the following known hazards. These hazards do not trigger any rules in the Proposed 2GP.

Hazard ID: 10106 Class: Land Stability – Land Movement Subclass: alluvial fans – active floodwater – dominated 50000_1999_100m.
Hazard ID: 10111 Class: Seismic - Intensified Shaking Subclass: Earthquake Likely Amplification 1:100000 Map
Hazard ID: 10458 Class: Land Stability - Subsidence Subclass: un-engineered/uncontrolled fill
Hazard ID: 11407 Class: Seismic - Liquefaction Subclass: Domain B
Hazard ID: 11582 Class: Flood - Overland Flow Path Subclass: Flood Hazard Area 20
Hazard ID: 12094 Class: Seismic - Fault Proximity Subclass: Titri

City-wide activities

The proposal is for ‘construction’ as a temporary activity.

Under the Proposed 2GP, activities have both a land-use activity and development activity component.

Land use activities

This proposal does not include any new land use activities. There is an existing community and recreation activity that has been long established for the use of the chapel as a place of worship.

Development activities

The definition of the proposed development activity in the Proposed 2GP is stated as:

Additions and Alterations. Which is a sub-activity of *Buildings and Structures Activities*.

As such, the activity is assessed under Rule 15.3.4 Development Performance Standards of the Proposed 2GP.

15.3.4 Development Activity Status Table.	Activity status	Performance standards	
15.3.4.1 Performance standards that apply to all development activities		a. Natural Hazards Performance Standards b. Maximum building site coverage and impermeable surfaces c. Setback from scheduled tree d. Structure plan mapped area performance standards (where relevant) e. Service connections - stormwater for development	Assessment below.

		(in a new development mapped area)	
15.3.4.2 Performance standards that apply to all buildings and structures activities		a. Boundary setbacks b. Building length c. Firefighting d. Height in relation to boundary e. Maximum height f. Setback from coast and water bodies g. Setback from National Grid h. Setback from Critical Electricity Distribution Infrastructure i. Setback from designated rail corridor j. Area of buildings and structures (SNL Overlay Zone) k. Reflectivity (SNL Overlay Zone)	Assessment below.
15.3.4.3 Signs attached to buildings and structures	Permitted	a. Number, location and design of ancillary signs.	No signage is proposed.
15.3.4.4 All other buildings and structures activities not covered in rows 5 to 22 below	Permitted	a. Fence height and design b. Number, location and design of ancillary signs	No fencing is proposed.
15.3.4.5 New buildings and additions and alterations that result in: - a building that is greater than 300m² footprint or - a multi-unit development	Restricted Discretionary		Complies. Building is an existing structure and not being assessed for footprint.
<u>Buildings and structures activities in a heritage precinct that are visible from an adjoining public place</u>			The building is not in a heritage precinct. The rules 15.3.4.6 – 15.3.4.12 do not apply.
<u>Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure</u>			The building has no heritage status. The rules 15.3.4.13 – 15.3.4.19 do not apply.
<u>Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site</u>			The subject site is not a scheduled heritage site. The rules 15.3.4.20 – 15.3.4.22 do not apply.

<u>Buildings and structures activities in the former brickworks structure plan mapped area</u>			The subject site is not in the former brickworks structure plan mapped area. Rule 15.3.4.23 does not apply.
<u>Site development activities in all areas</u>	Activity Status	Performance Standard	
15.3.4.24 Parking, loading and access	Permitted	a. Parking, loading and access standards b. Location and screening of car parking	N/A. There are no proposed parking loading or access works.
15.3.4.25 New or additions to parking areas that result in 50 or more new parking spaces.	Restricted Discretionary	a. Parking, loading and access standards b. Location and screening of car parking	N/A. The proposal is not for a new parking area.
15.3.4.26 Storage and use of hazardous substances	Permitted	a. Hazardous substances quantity limits and storage requirements b. Setback from coast and water bodies	N/A. The proposal is not for the storage or use of hazardous substances.
15.3.4.27 Outdoor storage	Permitted	a. Location and screening of outdoor storage	The proposal is likely to include temporary outdoor storage for the use of construction equipment and roofing material. There is no part of the proposed works that indicates storage of material in the parking or access areas.
15.3.4.28 Vegetation Clearance	Permitted	a. Vegetation clearance standards	N/A. This rule relates to vegetation clearance in: the Urban Biodiversity Mapped Areas and the Hazard 1 & Hazard 2 land instability mapped areas. Neither of these planning overlay are related to this site.
15.3.4.29 All other site development activities	Permitted		Complies

Rule 15.3.4.1 and 15.3.4.2 prescribe the relevant rules to assess for all development activities and all buildings and structures activities. These are found below:

15.6.4 Natural Hazards Performance Standards	Permitted.	There is a Hazard 3 (flood) overlay on the site. This overlay has restrictions relating to small-scale earthworks thresholds and not related to this activity.
15.6.10 Maximum building site coverage and impermeable surfaces	Permitted.	There is no proposed change to the site coverage or impermeable surfaces on the site.
7.5.2 Setback from scheduled tree	N/A	There is no scheduled tree on this site.
15.8 Structure plan mapped area performance standards	N/A	This site is not subject to a structure plan mapped area.
9.3.2.7 Service connections - stormwater for development (in a new development mapped area)	N/A	This site is not a new development mapped area.
15.6.13 Boundary setbacks	N/A	There is no proposed change to setback.
15.6.1 Building length	N/A	There are no proposed changes to the building length.
15.6.3 Firefighting	N/A	There are no proposed new buildings nor subdivision.
15.6.6.1 Height in relation to boundary	Permitted.	This building can be considered to be lawfully established and as such any existing contraventions, if they are present, can be considered to be part of a lawfully established existing use. As there are no discernible changes to the bulk, scale or location of the activity, these rights can continue to be enjoyed.
15.6.6.2 Maximum height	Permitted.	This building can be considered to be lawfully established and as such any existing contraventions, if they are present, can be considered to be part of a lawfully established existing use. As there are no discernible changes to the bulk, scale or location of the activity, these rights can continue to be enjoyed.
10.3.3 Setback from coast and water bodies	N/A	There are no water bodies associated with this site.
5.6.1 Setback from National Grid	N/A	There is no National Grid planning overlay associated with this site.
5.6.X Setback from Critical Electricity Distribution Infrastructure	N/A	There is no Critical Electricity Distribution Infrastructure planning overlay associated with this site.
6.7.4 Setback from designated rail corridor	N/A	There is no rail corridor designation associated with this site.
10.3.5.X Area of buildings and structures (SNL Overlay Zone)	N/A	There is no SNL overlay associated with this site.
10.3.6 Reflectivity (SNL Overlay Zone)	N/A	There is no SNL overlay associated with this site.

The proposed works relate to construction as a temporary activity when replacing the roof. The relevant performance standards are set out in the table 4.3.2 Activity Status Table – Temporary Activities. See below.

4.3.2 Activity Status Table – Temporary Activities			
4.3.2.1 Performance standards that apply to all temporary activities.		a. Development Standards b. Light Spill	
Activity	Activity status	Performance standards	

4.3.2.2 Construction	Permitted	a. Noise	
----------------------	-----------	----------	--

These performance standards prescribed by the Temporary Activities - Activity Status Table can be found below.

4.5.1 Development Standards	Permitted	There are no anticipated buildings, structures, or earthworks associated with the temporary construction activity that will breach the relevant rules for height, setbacks, hazard exclusion areas, vegetation clearance, or earthworks.
4.5.8 Light Spill must comply with (Rule 9.5.3)	Permitted	Light is not an anticipated element of the construction as works will be carried out during daylight hours.
4.5.4 Noise	Permitted	The manner of construction is not expected to breach the relevant noise limits for a “typical duration” activity of more than 14 calendar days but less than 20 weeks. The works to be carried out will be ‘light-weight construction’ per the application. It will not require the use of large equipment, but rather it will be done at a height that will require care and time to complete the works. There is no requirement for ‘noisy activities’ such as jack hammering, concrete breaking, or concrete cutting.

CONCLUSION

The proposal is consistent with the provisions of section 139 of the Resource Management Act 1991, in that the activity is a permitted activity in terms of the Proposed 2GP as of 30 August 2024, the date the Council received the proposal. The Council is therefore able to issue a Certificate of Compliance for the proposed work.

RECOMMENDATION

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

1. The activity is a permitted activity in terms of the Proposed 2GP as at 30 August 2024.

2. The Council is therefore able to issue a certificate of compliance under section 139 of the Resource Management Act 1991.



Finn Campbell
Graduate Planner

Date: 3 October 2024

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 issuing of a certificate of compliance because:

The proposal is consistent with the provisions of section 139 of the Resource Management Act 1991, in that the activity is a permitted activity in terms of the Proposed Second Generation Dunedin City District Plan as at date that the application was lodged, the date the Council received the proposal.



Jeremy Grey
Senior Planner

Date: 9 October 2024

CERTIFICATE OF COMPLIANCE
SECTION 139 RESOURCE MANAGEMENT ACT 1991

Certificate of Compliance Number: COC-2024-11

Property Address: 91 Church Street, Mosgiel

Applicant: The Roman Catholic Diocese of Dunedin

District Plan Zoning General Residential 1 (Partially Operative 2GP)

Date Received: 30 August 2024

The applicant seeks a certificate of compliance for Alterations to St Mary's/Verdon Chapel Building at 91 Church Street, Mosgiel. The subject site is legally described as Lot 2 Deposited Plan 592509, comprising approximately 5551m² more or less and held in Record of Title OT1137765.

Alterations to the roof and internal roof structure of St Mary's/Verdon Chapel Building

The proposed activity is considered to constitute an *additions and alterations activity* in accordance with the District Plan definition and is authorised as a permitted activity in terms of the provisions contained in the Rules of the Proposed Second Generation Dunedin City District Plan:

PARTIALLY OPERATIVE SECOND GENERATION DISTRICT PLAN.

The subject site is within the **General Residential 1** Zone in the Partially Operative 2GP.

The site contains no scheduled items.

Land use

As long standing and lawfully established *Community and Recreation* activity the land use associated with this activity is considered to enjoy existing use rights and the land use rules are complied with (Rules 15.3.3 Land Use Activity Status).

The following performance standards apply to Community and Recreation Small and Large Scale. These performance standards are not considered to be required to be assessed as the proposed works do not include changes the existing land use. Notwithstanding, the following land use performance standards are complied with.

- 15.5.8 Minimum Mobility Parking
- 15.5.4 Hours

Development

The proposed alterations to the St Mary's/Verdon Chapel building are considered to meet the definition of 'development' activities and 'buildings and structure' activities.

Pursuant to Rule 15.3.4, all other building and structure activities are a permitted activity in the Residential Zone, subject to compliance with the relevant development performance standards.

The proposal does not meet the definition of any activity listed within the activity status table that affects a scheduled heritage building. Therefore, the heritage provisions are not relevant.

As a 'development' and 'buildings and structures' activity, the proposal has been assessed as compliant with the following development rules:

- 15.6.10.1 Maximum building site coverage and impermeable surfaces.
- 15.6.13.1 Boundary setbacks
- 15.6.1 Building Length
- 15.6.6.1 Height in relation to boundary
- 15.6.6.2 Maximum height

TEMPORARY ACTIVITIES – SECTION 4

As a temporary 'construction' activity the proposal is considered to comply with the following rules:

- 4.5.1 Development standards for temporary buildings, structures, earthworks, and site development activities associated with temporary construction.
- 9.3.5 Light Spill
- 4.5.4 Construction Noise.

The certificate of compliance is effective from the date that the Dunedin City Council received the request for this certificate and will lapse in accordance with section 125 of the Resource Management Act 1991 if it is not given effect to within five years from the date of issue on this certificate.



Finn Campbell
Graduate Planner

Issue Date: 9 October 2024

From: Paula Wylie
Sent: Tuesday, 6 May 2025 2:57 pm
To: Peter Rawson
Subject: ABA-2018-1582 - 580 Highgate

Hello Peter

Further to our telephone conversation today 06.05.2025 – I can confirm that Ext-2024-347 for the above building consent, was actioned and a confirmation letter sent on the 09.09.2024 advising that a further 6 month extension to commence had been granted (the note in the description was not updated but Joe Fitzsimmons had reviewed and approved the extension request).

On the 06.01.2025 (approximately one month prior to the expiry date of the extension) a reminder letter was sent advising that the consent would lapse if work had not commenced by the expiry date of the 01.02.2025.

No reply was received to the letter and on the 05.02.2025 the consent was Lapsed.

If the property owner wishes to carry out building/plumbing work, they will need to apply for a new building consent.

Regards

Paula

Building Services Administration Team

P 03 477 4000 | DD 03 474 3483 |
Dunedin City Council, 50 The Octagon, Dunedin
PO Box 5045, Dunedin 9054
New Zealand
www.dunedin.govt.nz

