

18 July 2016

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Shiel Hill Properties Ltd
C/- Don Anderson
Anderson and Co Resource Management
P O Box 5933
Dunedin 9058

Dear Sir/Madam

RESOURCE CONSENT APPLICATION

**LUC-2015-345
140 HIGHCLIFF ROAD
DUNEDIN**

The above application for the establishment and operation of a residential retirement village was processed on a notified basis in accordance with Section 95 of the Resource Management Act 1991. The Consent Hearings Committee, comprising Councillors Andrew Noone (Chairperson), Andrew Whiley and Lee Vandervis heard and considered the application at hearings on 16 March and 21 June 2016.

The Committee initially visited the site on 15 March 2016 prior to the initial hearing. At the conclusion of initial hearing the Committee requested further information from the applicant that necessitated the hearing being reconvened. A further site visit was undertaken by the Hearings Committee (excluding Cr Vandervis) to the site at 139 Highcliff Road prior to the reconvened hearing on 20 June as this site was not visited at the first site visit.

At the end of the public part of the hearing, the Committee, in accordance with Section 48(1) of the Local Government Official Information and Meetings Act 1987, resolved to exclude the public.

The Committee has **granted** consent to the application on 18 July 2016. The full text of this decision commences below with a consent certificate attached to this letter.

The Hearing and Appearances

The applicant Shiel Hill Properties Ltd was represented by:

- Don Anderson (Consultant Planner)
- Conrad Anderson (Consultant Planner)
- Ezra Eini (Director of Shiel Hill Properties Ltd)
- Avi Fadida (Director of Shiel Hill Properties Ltd)

Council staff attending were:

John Sule (Advisor to Committee), Melissa Shipman (Processing Planner), Grant Fisher (Transportation Planner), Peter Christos (Urban Designer) and Wendy Collard (Governance Support Officer).

Submitters in attendance included:

- Mel and Jeremy Forlong (initial and reconvened hearing)
- Jeremy Shearer representing Mel and Jeremy Forlong (reconvened hearing only)

- Raewyn Keane (initial and reconvened hearing)
- Ben Beck and Samantha West (initial hearing only)
- Peter Jones (initial hearing only)

Procedural Issues

No procedural issues were raised at the initial and reconvened hearing.

Principal Issues of Contention

The principal issues of contention are as follows:

- The transportation effects of the proposal and in particular the impacts on the safety of the Bone Street and Highcliff Road intersection,
- Whether the contract to purchase the property at 5 Bone Street was in effect an affected party approval,
- The amenity effects of the proposed development on neighbouring residential sites,
- The wider effects of the proposal on residential amenity values.

Initial Hearing - Summary of Evidence

Introduction from Processing Planner

The Planning Officer (Melissa Shipman) spoke to a summary of her report, giving an overview of the proposal before commenting on the notification of the application and the submissions received. Ms Shipman provided a background to the subject site and she noted that it was zoned Residential 1, with Highcliff Road being classified as a District Road and Bone Street classified as a Local Road.

Ms Shipman noted that land use consent for residential activity was sought by the applicant for 25 retirement apartments and an associated club room. She advised it was intended that the club rooms were to be operated in conjunction with the apartments and not separately as a licensed premises. She noted that the site was previously used as a licensed premises and consents were still in place for the tavern activity. Ms Shipman noted that the consent for the tavern formed part of the existing environment and it could be restarted at any time.

Ms Shipman advised that it was intended that the club rooms would be staffed and would be operated on a membership basis similar to a typical golf club. She commented that the 25 room residential activity would consist of 17 studio format apartments and eight two bedroom apartments.

Ms Shipman discussed her assessment of the objectives and policies and the effects of the proposal. She noted that in her opinion the proposal was not contrary to the objectives and policies of the operative and proposed plans but that she considered the effects of the proposal to be more than minor. Ms Shipman advised the Committee that her recommendation was that the consent be declined as the scale of proposal meant that it would not integrate successfully into the local environment.

The Applicant's Case

Don Anderson presented submission on behalf of the applicant Shiel Hill Properties Ltd. He noted that the application was a unique proposal that would allow the reuse of existing buildings and provide for redevelopment of the remainder of the site for retirement housing. Mr Anderson considered the proposal would be in line with the Council's own social housing strategy. He also noted that it was not supported by the operative plan as this plan was written 20 years ago before the housing strategy was written.

Mr Anderson outlined how the effects of the proposal would be mitigated. He noted the applicant was happy to work with the Transportation Department to finalise the appropriate solution to the safety issues with the Bone Street Highcliff Road intersection. Mr Anderson noted that the lack of on-site amenity is primarily the applicant's concern and if the applicant's offering was not of a good standard there would be no demand for the units. Mr Anderson argued that reducing the proposal would seriously affect the economics of the proposal and that providing access from Highcliff Road would use up too much of the site due to the steep terrain.

Mr Anderson indicated that the applicant would be happy to accept conditions on the final design and appearance of the buildings to Highcliff Road and Bone Street and noted the applicant was happy with the proposed conditions in the planners report with the exception of conditions 4 and 8.

Evidence of Submitters

Raewyn Keane spoke to the submission of Jason Keane raising concerns about the development. She indicated that she was speaking to support the Frasers who lived at 5 Bone Street. The Bone Street property had been in their family for over 100 years. Ms Keane noted that the Frasers were elderly and that they receive care and support services to allow them to live in their home. Ms Keane considered that vehicle access issues and increased traffic on Bone St would directly affect the Frasers. She commented that the crash statistics don't give the full picture of the safety issues with the intersection. Ms Keane expressed concerns regarding the impact of earthworks required. She was also concerned about the proposed clubrooms.

Ms Keane considered that there would be a detrimental effect on valuation of 5 Bone Street as the result of the proposal. In terms of the applicant's statements regarding the purchase of the 5 Bone Street property, it was her understanding that there was no binding agreement in place and that negotiations had stalled. She suggested that the Frasers were effectively in a Catch 22 situation and if the proposal was to be approved, it needed to protect elderly residents.

Mel and Jeremy Forlong spoke in opposition to the proposal. Ms Forlong noted that their property at 148 Highcliff Road currently has the same views as people in the restaurant on the site and their outlook would be impacted by the proposed. She noted that they had a young family and that they have had to put their development plans on hold pending the decision on this application. She noted that they had concerns in relation to shadowing and privacy. Residents would be able to look at their children playing if windows along their boundary overlooked their property reducing the privacy of their rear yard.

The Forlongs noted the issues they had previously experienced with the tavern arising from parking in the street. They noted that people don't want to walk uphill and they preferred street parking. If the proposal still has main entrance off Highcliff Road a lack of parking will cause problems for them. Concerns were raised regarding the lack of open space provided on the site.

Mr Forlong noted that they had spoken to applicants and they were told that they were in process of purchasing Bone Street. He noted that discussions about purchase of their site had not progressed. He noted that other people would not be interested in buying their property in the current situation. He commented that they were going to put extension on southern side of their dwelling and provided a concept plan. He noted the proposal would impact on their plans as the proposal result in shading and cut out the view. The Forlongs responded to question from the Committee on their development plans, interaction with the applicant and transportation issues.

Ben Beck and Samantha West spoke in opposition to the proposal. It was noted that they bought their property in 2014 to do up and sell. They were concerned about the development as they would lose privacy and shading would be worse. As the result of the application they had put on hold plans to do up their over summer and they were concerned might lose money on their house. They responded to questions from the Committee on traffic issues, drainage and shading concerns.

Peter Jones spoke in opposition to the proposal plan. He noted that in relation to providing for the elderly to continue living in community that the DCC already identified areas of Dunedin where more high density housing could be built. Highcliff Road was not such an area. He also considered that the proposed clubroom will have impact on parking and traffic flow. He identified that it is difficult to exit Bone Street onto Highcliff Road and more cars on Bone Street meant that there was greater potential for accidents. If it goes ahead, Mr Jones noted that if the car park was full there would be limited space for them to turn around on Bone Street. Shared driveways into Bone Street properties may then be used for turning.

In response to questions from the Committee Mr Jones noted that he was not opposed to the idea of using the site as a retirement complex but it was the scale of the proposal and the adverse effects that were a concern.

Council Officers

Grant Fisher outlined his concerns about the intersection and he questioned whether the proposed mitigation measures promoted by the applicant were developed on the advice on the applicant's traffic expert. Mr Fisher noted that the number one road safety issue for Dunedin is safety at intersections and he noted that Dunedin had the worst record in the country. He identified that in his view the sight distance issues with the intersection had not been adequately resolved in the applicants proposed mitigation. Mr Fisher responded to questions from the Committee on possible mitigation options.

Peter Christos noted that the principal concern about the proposed develop was the bulk of the proposed building and he noted that the bulk was accentuated as the result of the atrium. He also noted that the high site coverage on the site was combined with a lack of architectural detail for the building and an absence of landscaping. In response to a question whether design changes could mitigate the effects of bulk Mr Christos advised the Committee that it would need to be an outstanding design.

Processing Planner's Review of Recommendation

Ms Shipman noted that she had considered the applicant's evidence and submissions and the submissions from residents. She maintained her view that the application should be declined on the basis of the transportation and amenity effects that would arise. She considered the proposal represented overdevelopment of the site. She noted that she was unsure whether the contract to purchase 5 Bone Street tabled by the applicant had the same effect as an affected party approval. She noted that it may be necessary for the Committee to obtain legal advice to clarify the matter.

Applicants Right of Reply

Mr Anderson noted that the proposal was positive in providing for housing for the elderly in line with the Council's own social housing strategy. He noted that the greatest effects would be on 5 Bone Street and the contract to purchase this property was as good as an affected party approval. The only condition on the contract was in relation to the resource consent. He advised the Committee that the applicant would be comfortable providing more information on shading.

In terms of transportation effects he noted the previous use of the site by a tavern and he considered that the transportation issues could be managed by conditions. Mr Anderson considered that the proposal should not be declined because of transportation issues and he that the Committee did not need to be concerned regarding density and coverage. Mr Anderson noted that the applicant would attend to urban design issues and that this could be also managed by conditions.

Further Information Request

At the close of the hearing the Committee elected to adjourn the hearing to seek further information from the applicant as it was the Committees view that insufficient detail had been provided to enable them to determine the outcome of the application. The applicant indicated at that point that they would agree to an extension of time to allow the further information request to be met if they agreed it was appropriate to provide the further information.

Legal Opinion

An independent legal opinion was sought by the Committee following the hearing as to whether the contract for purchase of 5 Bone Street subject to obtaining resource consent could be considered to be an affected party approval under the RMA. The legal advice noted that it was unusual but it considered that it would likely be acceptable if it was clear there were no other contract conditions that would prevent the sale from being completed.

Reconvened Hearing - Summary of Evidence

Introduction from Processing Planner

Ms Shipman acknowledged that the applicant had provided additional information as requested by the Committee. She noted that the issues related to transportation had been addressed by the further information to the satisfaction of the Council Transportation Planner. In relation to amenity and urban design considerations, Ms Shipman considered that the small changes that had been made to the design not adequately address the adverse amenity effects. She remained of the view that the bulk of the development was imposing and considered that the design changed have failed to address the effects on the residential amenity values.

The Applicant's Presentation

Mr Anderson commented that since the last hearing the owners have taken the opportunity to do two things. They have relicensed the original kitchen to produce sushi to various outlets and reopened the public bar to serve the locals.

In relation to further information that had been provided he noted that the applicant had taken on board the urban design comments and will be using the existing façade for some of the units to save costs. Mr Anderson noted the changes that had been made to layout including the relocation of fire escapes and a greater offset to 148 Highcliff Road which will improve mitigated of amenity environmental effects.

Mr Anderson noted that he was disappointed with the Urban Designer's comments within the agenda document and he does not know what more could be done. He noted that there were no specific urban design criteria in the District Plan that is relevant to this area or site and it's only a consideration as the proposal is a non-complying activity. He also feels that it is debatable whether the character of the site is residential. He noted that he was not asked to address residential amenity concerns in the request for further information and he did not think that urban design issues should be an important matter in the Committee's considerations.

Mr Anderson noted that the Anderson Lloyd letter agrees with them in relation to the contract to purchase 5 Bone Street being the same as an affected party approval and therefore the effects of 5 Bone Street cannot be considered by the Committee.

Mr Fadida noted that the applicant was committed to providing quality accommodation for the elderly. He noted that he was a businessman that not only wanted to make money but also to look after people. The applicants responded to a number of questions from the Committee and noted that they were open to façade treatments to improve the appearance of the development.

Mel and Jeremy Forlong spoke in opposition to the proposal. They were supported by **Jeremy Shearer**. Mr Shearer noted that he had been asked to consider the further information and provide advice. He commented that the proposal would result in a large bulky development. The development would impact on the view from 148 Highcliff Road and increase shading. He considered the effects on the Forlongs were significant and noted that no offer of purchase was tabled by the applicants to allow the Forlongs to leave. He discussed the proposed changes and the proposed planting and argued that these changes would not mitigate the effects. He considered the proposal would set a precedent for future developments.

In terms of privacy concerns Mr Shearer noted that the residents in the complex would be in their dwellings for long periods of time and be able to overlook the property at 148 Highcliff Road. He also noted that a hedge would be removed as a result of the construction process.

Jeremy Forlong noted in response to a question regarding their development plans that at this stage they have only obtained concept plans. He noted that they have put on hold their plan to apply for building consent due to the proposal for next door. They do not see any benefit from extending their dwelling if the development goes ahead. He noted their property was purchased for their children, size of section and views. He commented that they cannot afford to lose money on the property.

Raewyn Keane noted that her concern was in relation to the applicant's statement that there is a sales and purchase agreement in place for 5 Bone Street subject to consent being granted. The owners and lawyers for the property at 5 Bone Street did not have that understanding. She also noted that the design changes had shifted the building closer to 5 Bone Street. Ms Keane noted in response to a question from the Committee Chair that her concerns would be met if the property at 5 Bone Street was purchased by the applicant.

Tabled Submission

A submission was tabled by Peter Jones in opposition to the proposal as he could not attend the hearing. The submission was read and considered by the Committee.

Council Officers

Grant Fisher outlined that since the initial hearing he had had discussion with the applicant's transportation expert and that he had considered the further information that had been provided by the applicant. Mr Fisher noted that he was happy with the mitigation that had been proposed by the applicant and he now considered the effects of the proposal on the roading network would only be minor. He responded to questions from the Committee on the effectiveness of the mitigation for all types of road users.

Peter Christos noted that the further information provided by the application did not change his views on the proposal. He acknowledged the changes that had been made but he considered a greater setback to Highcliff Road could have been put in place. He also noted that there was only limited room provided to provide landscape screening due to the limited setbacks and high coverage. He was also looking for textures as this is a way to help mitigate effects. Mr Christos responded to a number of questions from the Committee on potential mitigation options. Mr Christos noted that greater setback and landscape screening would be necessary to make a material difference to mitigating the effect of the bulk of the building.

Processing Planner's Review of Recommendation

Ms Shipman acknowledged in her review that the transport issues had been addressed to the satisfaction of the Transportation Planner. In terms of amenity issues she commented that the bulk of the building was still a concern and in her view the bulk was too great for the site and area. Ms Shipman considered the effects on privacy and views would be greater for 148 other than what would be expected for a permitted baseline. She noted that a green wall would soften a blank façade but the building block and mass is still there. She feels that the applicant has not made enough changes to reduce the bulk of the building and mitigate adverse effects. She maintained her position that the application should be declined.

Applicants Right of Reply

Don Anderson advised that the owners were asking for consent for what they believe is the best use of the site. If the consent was to be declined they would have to make a decision regarding the use of the site.

Mr Anderson considered that Mr Shearer did not understand the shade diagrams and in his view the diagrams prove what was stated at the March hearing and shading effects will be within the bounds of the permitted baseline.

Mr Anderson offered the opportunity for a condition that the final design should be approved by the Resource Consents Manager. Mr Anderson stated that he did not want the proposal turned down because of urban design issue. On that basis he advised the Committee that the applicant would accept an increase in the yard in relation to the Forlong's property by a further metre.

Mr Anderson indicated that they accepted the proposed transportation conditions. Mr Anderson noted that the owners must do something with the site and it was sold as it was not making money. The applicants believe that this application is best solution for the site. He noted the applicant offer for external detailing would go a long way to addressing council departments concerns.

Mr Anderson noted that in relation to Mr Jones concerns about the buying and renting of units he noted that the only alternative to the arrangements proposed by the applicant would be a unit title subdivision and that process would need a further subdivision consent.

Statutory and Other Provisions

In accordance with Section 104 of the Resource Management Act 1991, the Planner's Report detailed in full the relevant statutory provisions and other provisions the Committee considered. Regard was given to the relevant provisions of the following chapters of the operative Dunedin City District Plan: 4 Sustainability, 8 Residential Zones, 20 Transportation and 21 Environmental Issues. Consideration was also given to the proposed second generation plan. Statutory provisions considered included Sections 5, 7(c) and 7(f) within Part 2 of the Act. Regard was also given to the Regional Policy Statement for Otago.

Main Findings on Principal Issues of Contention

The Hearings Committee has considered the evidence heard, the relevant statutory and plan provisions and the principal issues in contention. The main findings on the principal issues have been incorporated within the reasons discussed below.

Decision

The final consideration of the application, which took into account all information presented at the hearing, was held during the public-excluded portion of the hearing. The Committee reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991. The Committee inspected the site on two occasions and this provided a reference to the Committee's consideration of the evidence.

*That pursuant to Section 34A(1) and 104B and after having regard to Part 2 matters and Sections 104 and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non-complying** activity being the being the establishment of 25 residential units in the form of a retirement village and a licensed clubroom at 140 Highcliff Road, Dunedin, being the land legally described as Lot 3 Deposited Plan 431251 (CFR 523050), subject to conditions imposed under Section 108 of the Act, as shown on the attached certificate.*

Reasons for this Decision

- 1 The Committee agrees with the applicant and Ms Shipman that the proposed activity is not contrary to the relevant objectives and policies of the operative and proposed District Plans and consistent with the objectives and policies of the Regional Policy Statement for Otago. The proposal therefore satisfies the gateway test contained in Section 104D of the Resource Management Act 1991 and the Committee can consider granting the consent following an assessment under Section 104 and part 2 of the RMA.
- 2 The Committee note that the existing environment includes a commercial tavern and restaurant activity that is authorised by a land use consent. The facility includes a large open car park and minimal landscaping. The Committee considers that the residential character of the site is already significantly affected by the commercial use of the site as a tavern and restaurant.
- 3 The Committee considers that the use of the site for retirement housing is an appropriate use for the site. There will be significant future demand for retirement housing and this proposal will potentially assist in providing for elderly residents from the local community to continue to reside in the area. The Committee has imposed conditions to ensure it operates as a retirement village as described in the application.
- 4 The Committee is satisfied with the mitigation proposed to address transport related effects and it is satisfied that the transport effects of the proposal will be acceptably managed by conditions.
- 5 Although the proposal significantly exceeds site coverage the Committee notes that the worst amenity effects of the proposal will be in relation to the site at 5 Bone Street that the applicant has agreed to purchase. The Committee accepts the legal advice that this contract to purchase can be considered as an affected party approval. As a consequence, the Committee has not considered the adverse effects on the property at 5 Bone Street in deciding on this application.
- 6 The Committee has considered the adverse amenity effects on the property at 148 Highcliff Road which also adjoins the site. It notes that the permitted baseline would provide for a dwelling to be established along the southern boundary of 148 Highcliff Road with a 2m setback. A complying dwelling at this location would also potentially impact on outlook to a similar extent as the proposed development. Despite this the Committee acknowledges that the length and bulk of the building are beyond what would be expected from a non-fanciful residential use. The Committee notes that the applicant has offered a 3m setback along this boundary this will assist with mitigating the bulk of the building through planting. It has imposed conditions to secure a 3m setback in relation to the boundary and to require meaningful mitigation planting to assist in softening the effects of the building.
- 7 In terms of the wider effects of the proposal the Committee agrees with the applicant that the effect of the bulk is reduced in relation to the Highcliff Road by the slope of the site. The Committee acknowledges that there is blank wall facing Bone Street and streetscape impacts. As a result, it has also imposed conditions in relation to colour, landscape planting, fencing and the treatment of the Bone Street façade to assist with the integration of the this building into its setting.

- 8 Having regard to the existing environment, the Committee considers that the effects of the proposed retirement complex with mitigation in place will be acceptable. It has also imposed conditions to ensure the effects of services and the effects during the construction phase are appropriately managed.
- 9 The Committee considers that the proposal is a "true exception" due to the land use history of the site. The site is not residential in character and has been established and operated as a commercial activity for many years. As a consequence, the Committee considers approval of the application will not in threaten the integrity of the District Plan or establish an undesirable precedent for future applications.
- 10 The Committee concluded that the granting of the consent would be consistent with the purpose of the Resource Management Act 1991 to promote the sustainable management of natural and physical resources.

Commencement of Consent

The Committee has not considered the effects on 5 Bone Street as the result of the contract to purchase this property by the applicant. Under Section 116 of the Resource Management Act 1991, it has imposed a condition deferring commencement of this consent until the purchase transaction is completed. In addition, the consent must only commence once the time for lodging appeals against the grant of the consent expires and no appeals have been lodged, or the Environment Court determines the appeals or all appellants withdraw their appeals, unless a determination of the Environment Court states otherwise.

Right of Appeal

In accordance with Section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received. The address of the Environment Court is:

The Registrar
Environment Court
PO Box 2069
CHRISTCHURCH 8140

Any appeal must be served on the following persons and organisations:

- The Dunedin City Council.
- The applicants.
- Every person who made a submission on the application.

Failure to follow the procedures prescribed in Sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

Please direct any enquiries you may have regarding this decision to John Sule, whose address for service is City Planning, Dunedin City Council, PO Box 5045, Dunedin 9058.

Monitoring

Section 35(2)(d) of the RMA requires every council to monitor resource consents that have effect in its region or district. The scale and nature of the activity, the complexity and number of the conditions needed to address the environmental effects and whether the conditions have been complied with determines the number of monitoring inspections required. Given the nature of your intended works/activity, this consent will require two inspections.

The City Planning Department sets out the fixed fees charged for monitoring in its schedule of fees. The fee for your scheduled inspections will be included in the invoice for your application.

It should be noted that if additional inspections are required, beyond those scheduled at the time the consent is issued, then there is the ability to apply additional charges to cover the costs of these extra inspections. Often you can reduce the need for additional inspections by complying with the conditions of consent in a timely manner and by ensuring on-going compliance with those conditions. Please ensure that you read the conditions of your consent carefully to establish your obligations when exercising your consents.

Yours faithfully

A handwritten signature in black ink that reads "Andrew Noone". The signature is written in a cursive, slightly slanted style.

Cr Andrew Noone
Chairman
Hearings Committee

Consent Type: Land Use Consent

Consent Number: LUC-2015-345

That pursuant to Section 34A(1) and 104B and after having regard to Part 2 matters and Sections 104 and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council grants consent to a non-complying activity being the being the establishment of 25 residential units in the form of a retirement village and a licensed clubroom at 140 Highcliff Road, Dunedin, being the land legally described as Lot 3 Deposited Plan 431251 (CFR 523050), subject to conditions imposed under Section 108 of the Act, as shown below:

Location of Activity: 140 Highcliff Road

Legal Description: Lot 3 Deposited Plan 431251 (CFR 523050)

Lapse Date: 15 July 2021

Pursuant to section 116 of the Resource Management Act 1991, this consent must not commence until the purchase of the property at 5 Bone Street by the applicant has been completed.

Conditions:

- 1 *The proposal must be constructed and operated generally in accordance with the relevant details submitted with the resource consent application, the evidence and submissions provided at the hearings on 16 March and 2 June 2016 and the plans and further information provided on 9 May 2016 except where modified by the conditions below:*
- 2 *The residential activity on the site must be operated as a retirement village as specified in the application details.*
- 3 *The clubroom facility must operate in the manner specified in the application as a clubroom for members. The clubroom must not operate outside of the following hours:*
 - *8am-11pm Sunday to Thursday*
 - *8am to 12midnight Friday & Saturday*

Urban Design and Landscaping

- 4 *A 3 metre yard setback is to be provided along the boundary with the property at 148 Highcliff Road.*
- 5 *A planting plan is to be prepared for the yard adjoining 148 Highcliff Road by a suitably qualified landscape architect that will assist in softening the effects of building bulk and in maintaining privacy.*
- 6 *Landscaping for the yard adjoining 148 Highcliff Road site and for the remainder of the site is to be established within 3 months of the issue of the code compliance certificate for the building and it is to be maintained on the site thereafter. Any dead or moribund plantings are to be immediately replaced.*

- 7 The large section of blank façade on the Bone Street frontage is to be provided with additional articulation to enhance its compatibility with the Bone Street residential environment. The articulation is not to be achieved through painting only and openings, materials and other architectural devices are to be considered.
- 8 The section of the new building adjoining the boundary with 5 Bone Street that is shown with a monopitch roof is to be provided with a low angle hipped roof to assist its integration with the existing built environment.
- 9 Colours for the building are to be selected and used to distinguish separate parts of the building. Colours are to be recessive and compatible with the existing built and natural environment.
- 10 The fence proposed for the Highcliff Road frontage is to have a minimum visual permeability of 40%.
- 11 The required planting plan, architectural details for the articulation of the Bone Street frontage, final colour scheme and fence details are to be submitted to the Resource Consents Manager for approval. Construction must not commence until approval is obtained.

Transportation

- 12 Detailed engineering plans for all proposed roading works must be submitted to and approved by the Transport prior to construction. The roading works must be completed prior to the activity commencing operation.
- 13 The redundant vehicle crossing on Highcliff Road must be reinstated as footpath, kerb, and channel at the applicant's cost.
- 14 The surface of all parking, associated access and manoeuvring areas must be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked in accordance with the application plans.
- 15 At least one adequately dimensioned mobility parking space must be provided within the site. The mobility parking space must be permanently marked in accordance with District Plan dimensions.
- 16 Specific provisions must be made within the site for refuse collection, in order to reduce effects of concentrating a collection point on the adjacent transport network.

Backflow Requirements

- 17 An RPZ boundary backflow prevention device must be installed by a plumber, in accordance with the Code of Practice for Boundary Backflow Prevention (June 2013) and to the approval of the Education and Compliance Officer (Water), Water and Waste Services. The applicant is advised to contact the Education and Compliance Officer if further guidance is required prior to installation of the device.

New Water Service Connections

- 18 An "Application for Water Supply" is to be submitted to the Water and Waste Services Business Unit for approval to establish a new water connection to each unserviced proposed lot. Details of how each proposed lot is to be serviced for water must accompany the "Application for Water Supply".
- 19 Upon approval by the Water and Waste Services Business Unit, water service connections must be installed in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.

Wastewater Services

- 20 The wastewater for the upper floor which is level with Highcliff Road is to be piped via a private lateral to the 150mm wastewater main on Highcliff road. The wastewater from the remainder of the development can be discharged to the Bone Street wastewater main.

Stormwater Services

- 21 A Stormwater Management Plan for the subdivision must be provided to Water and Waste Services for approval. The Stormwater Management Plan must outline how stormwater from each lot of the subdivision will be managed to ensure post-development flows do not exceed pre-development flows, and identify and address any downstream effects of the stormwater generated by the development, including any mitigation required.

Construction Noise

- 22 All construction noise must comply with the following noise limits:

Time of Week	Time Period	Leq (dBA)	L max(dBA)
Weekdays	0730-1800	75	90
	1800-2000	70	85
	2000-0730	45	75
Saturdays	0730-1800	75	90
	1800-2000	45	75
	2000-0730	45	75
Sundays and public Holidays	0730-1800	55	85
	1800-2000	45	75
	2000-0730	45	75

Note: The lower noise limits that apply on Saturday Evening, Sunday and public holidays will likely mean that no work with machinery can occur on site at these times.

Earthworks

- 23 A construction management plan should be submitted to, and approved by, the Resource Consents Manager prior to demolition/construction works being undertaken in association with the proposed development.
- 24 The consent holder must provide notice to the Resource Consent Monitoring team by email to rcmonitoring@dcc.govt.nz of the start date of the works. This notice must be provided at least five (5) working days before the works are to commence.
- 25 Earthworks must not commence until a building consent has been issued.
- 26 Surplus excavation material is to be disposed of away from the site to a Council approved destination.
- 27 The consent holder must establish a construction phase vehicle access point to the site and ensure it is used by construction vehicles. The access is to be stabilised by using a geotextile fabric and either topped with crushed rock or aggregate. The access is to be designed to prevent sediment runoff.
- 28 All walls over 1.5m, or a surcharge / slope, including terracing, require design, specification and supervision by appropriately qualified person/s.
- 29 Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development.

30 To ensure effective management of erosion and sedimentation on the site during earthworks and as the site is developed, measures are to be taken and devices are to be installed, where necessary, to:

- divert clean runoff away from disturbed ground;
- control and contain stormwater run-off;
- avoid sediment laden run-off from the site; and
- protect existing drainage infrastructure sumps and drains from sediment run-off.

Advice Notes:

1. In addition to the conditions of resource consent, the Resource Management Act establishes through Sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
2. Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
3. The lapse period specified above may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.
4. It is the responsibility of any party exercising this consent to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.
5. This is resource consent. Please contact the Building Control Office, Development Services, about the need for building consent for the work.
6. Care should be taken by the consent holder to accurately identify the position of boundaries prior to building construction. Confirmation by a licenced cadastral surveyor may be required.
7. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
 - Environment Canterbury, 2007 "Erosion and Sediment Control Guideline 2007" Report No. R06/23.
 - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).
8. In the event of any future development on the site, Council's Transportation Department would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.
9. The vehicle access, from the carriageway to the property boundary, is over legal road and is therefore required to be constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (available from Transportation).
10. All aspects relating to the availability of the water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.
11. The consent holder is encouraged to implement water saving devices, including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers. This will assist in reducing water consumption and the average volume of wastewater being disposed of from the development.

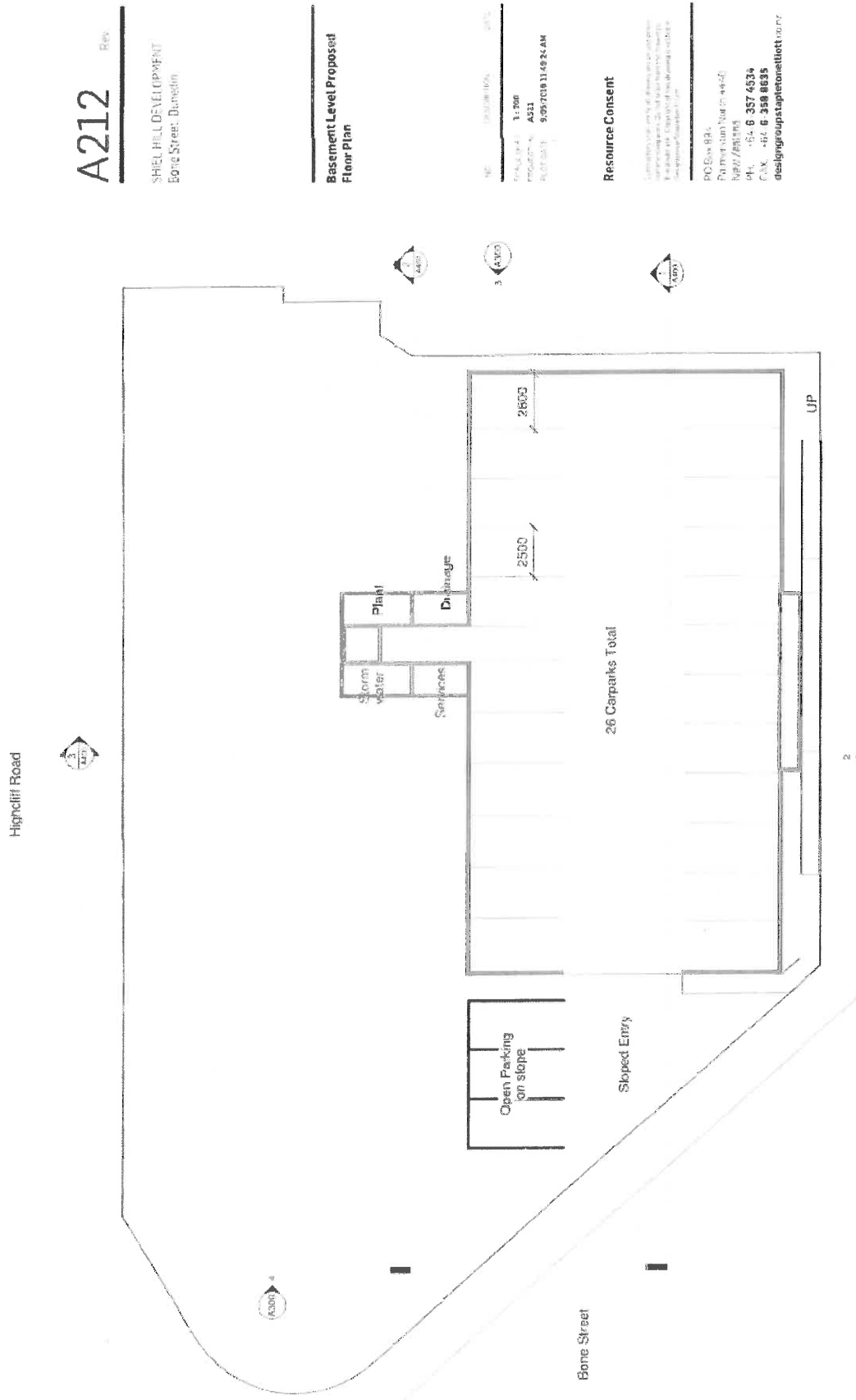
12. The applicant is advised to contact the Senior Education and Compliance Officer, Water and Waste Services, to discuss Trade Waste requirements.
13. Private drainage issues and requirements (including any necessary works) are to be addressed via the building consent process.
14. Certain requirements for building on this site may be stipulated via the building consent process and are likely to include the following points:
 - Stormwater from driveways, sealed areas and drain coils is not to create a nuisance on any adjoining properties.
 - 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.
 - For sites below the road, the finished floor level is to be no less than 150mm above the lowest point on the site boundary. Surface water is not to create a nuisance on any adjoining properties.
 - For secondary flow paths, the finished floor level must be set at the height of the secondary flow plus an allowance for free board.
 - As required by the New Zealand Building Code E1.3.2, surface water resulting from an event having a 2% probability of occurring annually, must not enter dwellings. The finished floor level must be set accordingly.
15. The installation and connection of a new water service to the existing public water reticulation system or the upgrading of an existing water service connection will be carried out after the Consent Holder has completed and submitted an 'Application for Water Supply' form to the Water and Waste Services Business Unit or an approved AWSCI, as per the Dunedin City Council Water Bylaw 2011.
16. A quote for the required work must be obtained from an approved water supply connection installer (AWSCI). The list of AWSCI's, application form and the full process can be found here <http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
17. Any ancillary signage will likely require a separate resource consent.

Issued at Dunedin this 18 Day of July 2016



Andrew Noone
Chair
Hearings Committee

Appendix 1: Copy of Approved Plan/s for (insert consent number):
(Scanned image, not to scale)



A211

Rev

SHELL HILL DEVELOPMENT
Bone Street, Dunedin

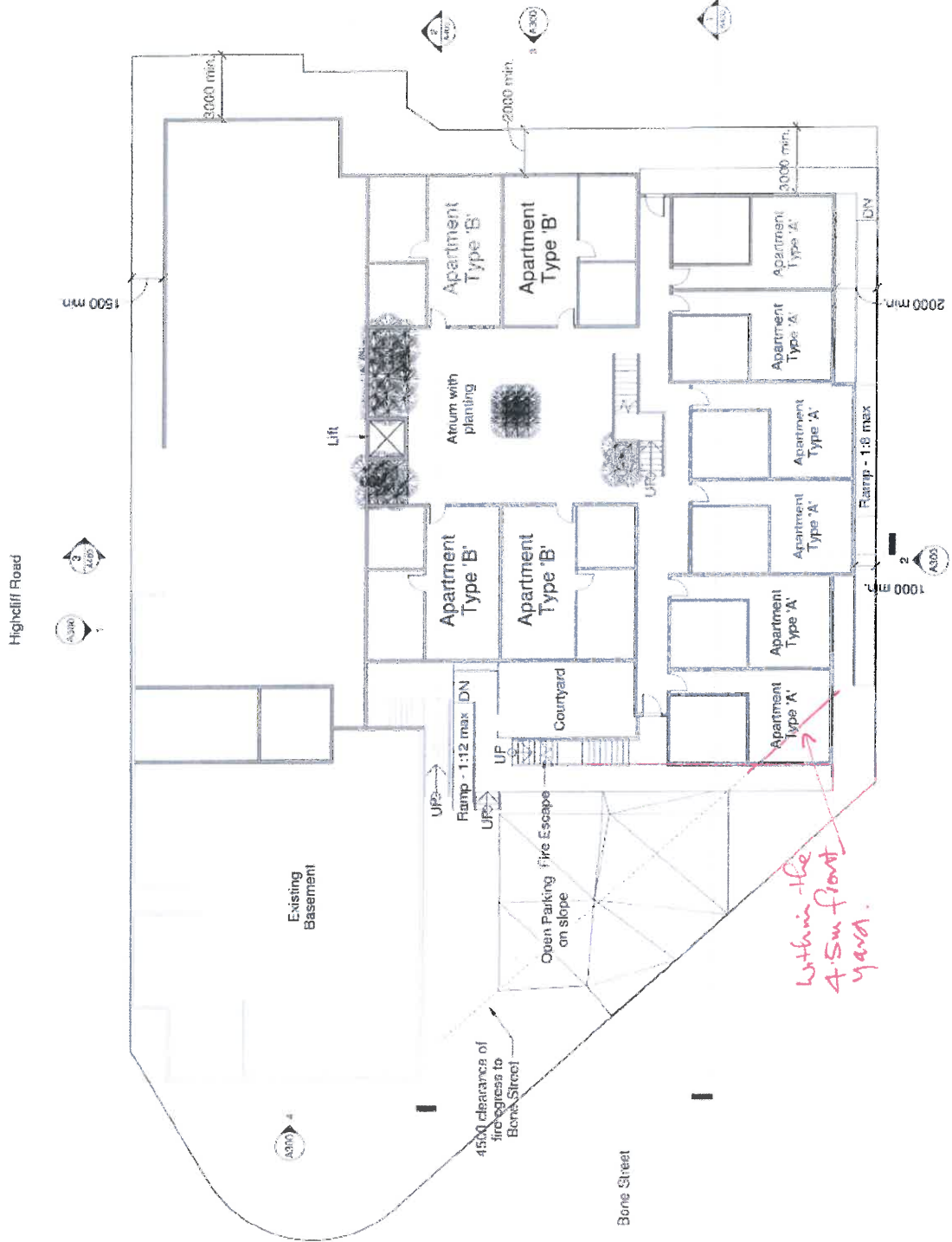
Lower Level Proposed Floor
Plan

NO. 15/01/2014 DATE
SCALE 1:200
PROJECT No. A551
PLOT No. 9052018 11-252A A4

Resource Consent

100% compliance with all provisions of the Resource Management Act 1991 and the Resource Management Act 1991 Regulations 2002. The proposed development is in accordance with the Resource Management Act 1991 and the Resource Management Act 1991 Regulations 2002.

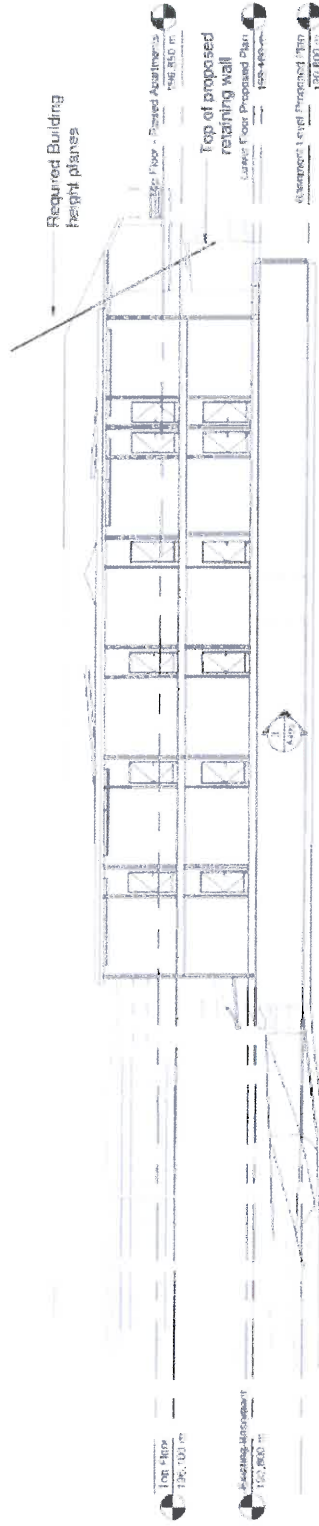
PP No. 924
Partnership North 4410
New Zealand
P.O. Box 357 4534
FAX: +61 6 358 8835
designgroup@opticonline.co.nz



A400

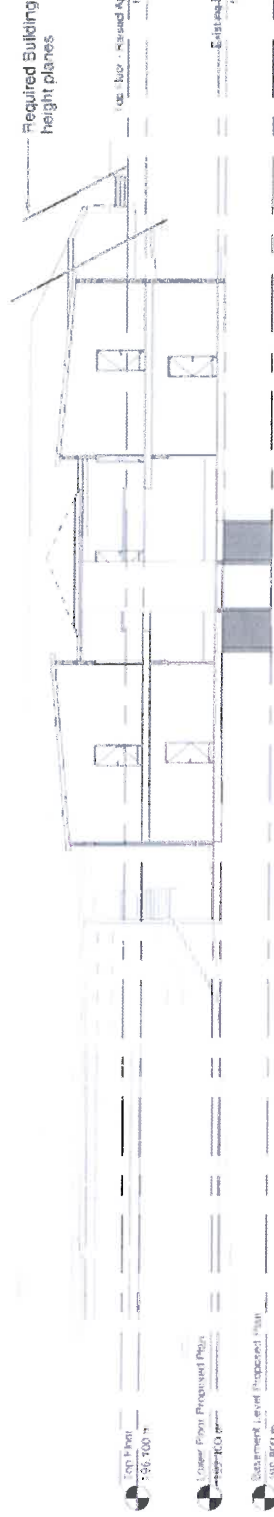
Rev

SHEL HILL DRIVE DRIVE Y7
Bony Street, Dunedin



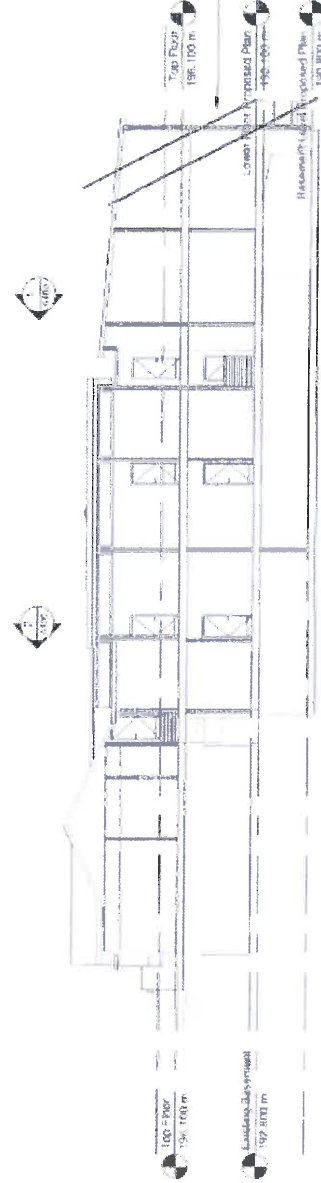
Section 1

Scale @ A3: 1:200



Section 2

Scale @ A3: 1:200



Section 3

Scale @ A3: 1:200

DATE: 05/09/2018 (01)

SCALE: A3
PROJECT: A31
BUILD DATE: 05/09/2018 11:45:28 AM

Resource Consent

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SPECIAL DEVELOPMENTS

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