

Reference: RMA 20031193/ 5027572/ 115388
Enquires to: Kevin Tiffen
Direct Phone: 474 3819

215

28 January 2004

Downie Stewart Foundation
PO Box 619
DUNEDIN

Attention: Joy Ward

Dear Joy

RESOURCE CONSENT APPLICATION: RMA 2003-1193
402 HIGH STREET, DUNEDIN

Your application for resource consent to establish a training facility within the existing dwelling at the above address was processed on a non-notified basis in accordance with Sections 93 and 94 of the Resource Management Act 1991. Council's Senior Planner – Consents acting under delegated authority considered the application on 28 January 2004.

I advise that the Council has **granted** consent (with conditions) to the application. The full text of this decision commences on page 4 of this document. In accordance with this decision, the consent must be given effect to within five years from the date of this decision.

DESCRIPTION OF ACTIVITY

The subject site contains an existing two-storey dwelling. It is proposed to use the ground floor to offer training to the current residents of the Moana House Programme situated at 401 High Street across the road. The programme provides training or workshops for the residents towards gaining employment and for study opportunities. Currently, the ground floor is used as training for Community Probation Service clients and for the Moana House residents. It is intended to offer training to community groups in social services in addition to the current use. The top floor will continue to be used for accommodation for the residents.

No external or structural changes are proposed to the existing building.

The existing site is legally described as *Part Section 40, Lot 4 & Part Lot 3 DP 2281, Part Lot 5 DP 1266, Blk II Dunedin Town* and comprises an area of 509m².

REASONS FOR APPLICATION

Transitional District Plan

In accordance with Section 19 of the Resource Management Act 1991 (as amended in 2003), the provisions of the Transitional District Plan relating to the subject site are inoperative due to the provisions of the Proposed District Plan (as stated below) now being beyond challenge. Therefore, the rule(s) below is to be treated as if it is operative and there is no need to consider the Transitional District Plan in this instance. The site is not subject to a designation under the Transitional District Plan.

Proposed District Plan

The subject site is zoned **Residential 1** in the *Dunedin City Proposed District Plan (1999)* and is located within the '*High Street Heritage Precinct*' (TH14). Also, the existing dwelling is listed as a protected heritage building (B324) under Schedule 25.1. The protection relates to the 'façade and bulk appearance to High Street'.

Under the Plan, the proposal would fall within the definition of a 'community support activity'. Within the Residential 1 zone, 'community support activity' is provided for as a **discretionary activity (unrestricted)** under Rule 8.7.5.

PLANNING ASSESSMENT

Affected Persons

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

Person	Owner	Occupier	Address	Obtained
R.B. & S. Chin	4	4	408 High Street	13/11/2003
F.B. Roy	4		400 High Street	12/12/2003

These are the owners of the immediate property on each side of the subject site. As no external changes are proposed, it is considered that no other party is directly affected.

Effects on the Environment

The following effects assessment only takes into account the effects of the proposed activity in relation to the existing environment. The immediate environment is characterised with existing residential buildings with established trees and gardens apparent.

The proposal has been assessed using the assessment matters of Section 8.13 of the Proposed District Plan. Any actual or potential effects on the environment of allowing this proposal to proceed will be no more than minor for the following reasons:

1. The effect of the proposal on the neighbouring properties has been considered. The immediate neighbours have given written approval to the proposal.
2. The existing character of the immediate area is unchanged by the proposal, as there are no external changes proposed to the existing building. The present use of the building for training by the local residents is a relatively low-key operation and this is likely to continue even with the proposed activity (providing for non-residents) due to the number of participants and the number and frequency of workshops anticipated. In essence, the same effect is happening now with the current use of the ground floor by Community Probation Service clients. There is no record of any complaints having been received but the noise limits in the residential zone would apply irrespective of the type of activity being carried out. A change could occur in respect of the likely increased demand for kerb side parking for non-residents. But, overall, the proposal is not considered to cause an adverse or cumulative effect that is more than minor nor is it likely to compromise the existing amenity values of the residential zone present in this particular locality.
3. Council's Transportation Planning, Engineer has visited the site and made the following comments:

The training will take place within the existing building that is currently being utilised for training the current residents of the adjacent Moana House. The residents are not able to hold drivers licences and therefore cannot drive vehicles. Resource consent is required as workshops are now going to be provided for non-residents of Moana House. A maximum of three workshops will be held each week and last for approximately 3-5 hours.

This activity is classed as a Community Support Activity and as this is not a permitted activity in this zone, I have used Variation 1 for guidance on parking requirements. 1 space per 10 persons accommodated is required for visitors and 3 spaces are required for staff. The training courses are to be limited to 15 people, so a total of 5 spaces are required on-site.

As shown above, the major requirement for parking is for staff. The applicant has confirmed that no new staff will be employed to run the workshops for non-residents, as they are already employed at Moana House. This means that the increase in demand will only be from visitors to the site. The requirement for visitors is two car parking spaces. However, the site has no on-site parking and none can be provided. The area surrounding the site is a mixture of residential use, rest homes and community support activities. There is not a high demand on kerb-side parking in this area and when I visited there was adequate capacity for two additional vehicles.

Therefore, based on the reasons above, Transportation Planning is willing to relax the parking requirements and require no parking spaces to be located on-site.

CONCLUSION

Transportation Planning considers the effects of the proposal will be less than minor and require no conditions to be placed on any resource consent issued.

4. In respect of the permitted baseline principle, other activities with similar effects to that proposed can occur in the zone as provided under the definition of 'residential activity' such as halfway homes, home occupation and home stay or boarding house for up to and including 5 guests. These activities can include demand for parking and traffic

movements that are similar to the proposal.

5. Overall, taking into account, the scale of the proposal, the nature of the existing uses in the vicinity and the similar effect of permitted activities, it is considered that the effect of the proposal on the environment will be no more than minor.

CONSENT DECISION

*That pursuant to Sections 34A(1) and 104B and after having regard to Part II matters and Sections 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent for a **discretionary activity (unrestricted)** to allow the establishment of a training facility within the existing dwelling at 402 High Street, Dunedin, legally described as Part Section 40, Lot 4 & Part Lot 3 DP 2281, Part Lot 5 DP 1266, Block II Dunedin Town, subject to the following conditions imposed under section 108 of the Act:*

1. *That the proposal shall be carried out generally in accordance with the details and information submitted with the application and received by Council on 16 December 2003.*

Advice Note(s)

1. *In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through Sections 16 and 17, a duty for all persons to avoid unreasonable noise and to avoid, remedy or mitigate adverse effects created from an activity they undertake. A similar responsibility exists under the Health Act 1956.*

DURATION OF CONSENT

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

REASONS

Effects

In accordance with Section 104(1)(a) of the Resource Management Act 1991, the actual and potential effects associated with the proposed activity have been assessed and are outlined above. It is considered that the proposed activity will have a no more than minor effect on the environment.

District Plan – Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the Objectives and Policies of the Proposed District Plan was taken into account in assessing the application.

With regard to the *Dunedin City Proposed District Plan (1999)*, Objectives 8.2.1, 8.2.5, and Policies 8.3.1, 8.3.12, seek to provide for residential activities while ensuring that development does not adversely affect the character and amenity of the residential areas of the City or the health and safety of the community. Furthermore, Objective 4.2.5 and Policy 4.3.8 seek to manage the effects of use and development of resources and avoid the indiscriminate mixing of incompatible uses. Because of the nature of the existing uses in the immediate locality, it is considered that the proposal does not undermine the present amenity and provides for the general wellbeing of the community. For this reason, the proposal is not considered to be contrary to the objectives and policies.

The proposed activity is considered to be not contrary with these Objectives and Policies for the reasons outlined in the section headed 'Effects on the Environment' above. The proposal has also been assessed against the relevant Objectives and Policies of the Sustainability, Manawhenua, Transportation, Hazards and Trees section of the Proposed District Plan.

Part II Matters

The proposed activity has also been assessed in terms of Part II matters of the Resource Management Act 1991. For the reasons outlined in the above, the proposed activity is considered consistent with Section 5(2)(c); "*Avoiding, remedying, or mitigating any adverse effects of activities on the environment*", Section 7(c) "*The maintenance and enhancement of amenity values*" and Section 7(f) "*The maintenance and enhancement of the quality of the environment.*"

COMPLIANCE WITH CONDITIONS

It is the applicant's responsibility to comply with any conditions imposed on this resource consent prior to and during (as

applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.

6.1.8

BUILDING CONSENT

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

RIGHTS OF OBJECTION

In accordance with Section 357 of the Resource Management Act 1991, the consent holder may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

The Chief Executive
Dunedin City Council
P O Box 5045
DUNEDIN

Attn: Senior Planner – Enquiries 1st Floor

Yours faithfully

Kevin Tiffen
PLANNER

CONTAMINATED LAND INVESTIGATION - ASSESSMENT FORM

Reviewer: Simon Beardmore

Date: 11/09/2017

1 Report Details

Report Title:	Assessment of Environmental Effects for Undertaking Earthworks on a HAIL Site at 403 High Street Dunedin for Downie Stewart Foundation.
Date Produced:	7 July 2017
Report Author:	Bernice Chapman, Environmental Consultants Otago Ltd
SQEP Sign-off:	Bernice Chapman and/or Ciaran Keogh, Environmental Consultants Otago Ltd
Date Received:	5/09/2017
Objective Reference:	A1033388

2 Property Information

Current Owner:	Downie Stewart Foundation		
Legal Description(s)	Lot 1 DP 4266		
Territorial Authority:	DCC		
Relevant ORC Consents:	Number	Purpose	Status
	-	-	-



Figure 2: The property at 403 High Street, outlined with a turquoise line, showing the site to the rear of the property outlined with a red dashed line.

Site Plan from Report

3 Potential Receptors

3.1 Human Health

Current Land Use:	Residential	Comment: Site used as residential therapeutic accommodation catering for adult male offenders.
Current Surface Cover:	Unpaved	Comment: NA
Proposed Land Use:	Residential	Comment: Current proposal involves construction of building over large portion of back yard, and continued use of front building.
Proposed Surface Cover:	Proposed construction will reduce the area of exposed soils.	Comment: NA
Soil Type(s):	Fill	Comment: Uncontrolled fill up to 1.1 m depth.

3.2 Ecology

Nearest Surface Water:	Dunedin Harbour	Comment: 1.2 km East
Surface Water Uses:	Recreation, Ecological	Comment: NA
Depth to Groundwater:	Not encountered	Comment: NA
Groundwater Flow Direction:	Not Assessed	Comment: NA
Aquifer type:	Not Assessed	Comment: NA
Groundwater Used:	☐ Yes ☒ No	Comment: NA
On-site Eco-receptors critical?	☐ Yes ☒ No	Comment: NA

4 Environmental Site Assessment Summary

4.1. HAIL land uses and Site History Investigation

Land Uses (from HAIL)

Hazardous Activity	Activity Duration		Whole site or part of site?
	Period From	Period To	
G3: Landfill sites	Unknown	Unknown	Part (rear section)

Comments: Geotechnical investigation identified the presence of uncontrolled fill on the rear section of the property. Subsequent analysis of soils on site confirms the presence of contaminants, and the area of fill is considered to be a Verified HAIL site.

Otherwise, there has been no detailed site history investigation to establish any other contaminative land uses.

Proposed HAIL Status: Verified HAIL

Adjacent Sites (within 100 m): None

Site Number	Hazardous Activity	HAIL Status	Contamination Status	Distance / Direction

4.2 Sampling and analysis

Investigation purpose: Not stated - but presumably to assist in determining appropriate soil management requirements (e.g. off-site disposal)

Sampling design:	Meets CLMG # 5	
	YES	NO
☐ Targeted ☐ Systematic ☐ Stratified ☒ Random ☐ Adaptive ☐ Other:	☒	☐
Comments: The rationale for the sampling design is not stated, but it is presumed to be random sampling within the area of fill.		

Sampling methodology:	Comments: 15 samples were collected from 0.2 to 0.5m depth and composited into 5 groups of three for analysis. The samples provide broad coverage of the area of proposed disturbance.	☒	☐
Analyte selection:	☒ Metals ☐ TPH ☒ PAH ☐ BTEX ☐ OCP's ☐ ON/OP's ☐ VOC's ☐ Asbestos ☐ Other: Comments: PAH and Metals are representative of a wide range of potential contaminants, but in the absence of a more detailed site history, it is not possible to confirm whether there are additional contaminants which may be of concern (e.g. petroleum hydrocarbons, asbestos).	☐	☒
Field / Lab QA / QC :	Comments: No QA or QC protocols were described in the report.	☐	☒

4.3 Risk assessment

Selection of SGV's:	Results were compared with the standard residential soil criteria, which is appropriately conservative. Results were adjusted for the number of sub-samples in each composite sample.
Comparison of results to SGV's:	All samples exceeded the adjusted (and unadjusted) residential SCS for lead. One sample exceeded the adjusted SCS for Benzo(a)pyrene, with reanalysis of individual samples confirming two exceedances.
Overall Comments:	The report briefly outlines the results from sampling. While additional detail in the report would be required to meet the expectations of CLMG#1 and #5, the results do provide enough information to confirm that there are widespread exceedances of the standard and high density residential criteria for lead. Benza(a)pyrene also exceeds the residential criteria in at least 2 out of the 15 samples. Given the specific nature of use, a site specific guideline value (in conjunction with more detailed reporting) could be derived to account for less sensitive receptors (no children on site) and reduced exposure duration; however, given the current proposal will involve the removal of the fill material, this additional step is not necessary.
Proposed Contamination Status:	Contaminated for High Density Residential Land Use
Proposed Mitigation Status:	Not Completed

Was contaminated material removed from the site? ☐ YES ☒ NO - as part of application 200m ³ planned for removal.			
Type:	Volume:	Disposal location	Transport or disposal documentation provided? ☐ Yes ☐ No

5 Conclusions

<u>Conclusions:</u> The 'Assessment of Effects' does not contain the level of detail and assessment expected from a Detailed Site Investigation, and opts to go through the Discretionary consent pathway, rather than the Restricted Discretionary. Although not to the standard of a DSI, the report does include the results from a preliminary sampling exercise completed on site. The results indicate that lead is present on site in concentrations that exceed both the standard and high density residential scenarios. In the absence of site specific guideline value for this property, the contamination status is considered to be 'Contaminated for High Density Residential Land Use.' (Because the high density residential scenario is less conservative, this status reflects that the site is contaminated for the standard residential scenario also). This suggests there may be an exposure risk under the site's current use. As a full DSI has not been completed, it also not possible to rule out other contaminants or areas for concern. However, given the development plans involve the excavation and off-site disposal of contaminated fill material, it is expected that long-term risks will be effectively mitigated. As part of the development works, documentation should be kept that confirms that all fill material

(and any underlying natural material that has been contaminated) has been removed from the site and that imported material is free of contaminants. Provision of this confirmation to ORC would result in an update to the contamination status of the site to either Managed (contaminants exceed guideline values but are isolated at depth), Acceptable (contaminants exceed natural background, but are below the relevant guideline values), or At or Below Background (all contaminants have been removed).

A contaminated soils management plan has been created for the site development. The plan is generally comprehensive and covers all of the main topics for consideration. Given the incomplete nature of the site investigation, particular emphasis should be placed on the unexpected discovery protocols (i.e. the presence of asbestos containing materials, underground storage tanks, or other significant areas of contamination on-site have not been ruled out.) and to the control of dust on site to mitigate against the possible presence of asbestos fibres in soil.

It may be implied as part of the general health and safety practices, but management plans often include a component on worker inductions. The plan should also be updated slightly prior to commencing works to include specific Site Manager, Health and Safety Officer, SQEP, Downie Stewart and emergency contact details, as well as to allow for more specific plans on site access, "clean" and "dirty" areas, stormwater controls to be included as more detailed construction plans and methodologies become available.

Testing of soils for off-site disposal should be done as per the receiving facilities requirements, and consideration should be given to whether any testing of soils remaining on site should be completed to assist in determining the future disposition of the site. It is possible that if the excavations are deep enough, a photographic record would be sufficient.

Site number:	HAIL.01533.01
Site name:	403 High Street Fill Area
HAIL Status:	Verified HAIL
Contamination Status:	Contaminated for High Density Residential Land Use
Mitigation Status:	Not Completed




 Simon Beardmore
 Senior Environmental Officer
 Disclaimer

Our Ref: A1034701 File No: fA71353

The above decision was based on the information contained in council files and reflects the Regional Council's understanding of the contaminants associated with the site detailed reports received on this date. The Regional Council accepts no liability for any inaccuracy in, or omission from, information provided to it by the land owner or any other party associated with the above mentioned site, or for any information provided by the land owner or any other party associated with the above mentioned site after the date on which the above decision was made.