

22 April 2016

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Eagle Corp Limited
C/- Gallaway Cook Allan
Attention: Bridget Irving/Campbell Hodgson
P O Box 143
Dunedin 9054

Dear Sir/Madam

RESOURCE CONSENT APPLICATION

LUC-2015-548
29 QUEEN STREET
DUNEDIN

The above application for the establishment of a three storey building to be used for visitor accommodation and associated earthworks was processed on a limited notified basis in accordance with Section 95 of the Resource Management Act 1991. The Consent Hearings Committee comprising Councillors Andrew Noone (Chairperson) and Lee Vandervis and Independent Commissioner Colin Weatherall, heard and considered the application at a hearing on 6 April 2016.

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.

Following the conclusion of the hearing, a site visit was undertaken by the Hearings Committee.

The Committee has granted consent to the application on 22 April 2016. The full text of this decision commences below with a consent certificate attached to this letter.

The Hearing and Appearances

The applicants Eagle Corp Limited (Neville Butcher and Sandra Butcher) were represented by their legal advisors Campbell Hodgson and Bridget Irving.

Council staff attending were:

John Sule (Advisor to Committee), Amy Young (Processing Planner) and Wendy Collard (Governance Support Officer).

There were no submitters at the hearing.

Procedural Issues

No procedural issues were raised.

Principal Issues of Contention

The principal issues of contention are as follows:

- Is it appropriate to establish Commercial Residential Activity in a Residential Zone which is in high demand for student accommodation,
- The effects of the buildings bulk on neighbouring sites.
- The adequacy of car parking arrangements.

Summary of Evidence

Introduction from Processing Planner

Mrs Young introduced the proposal for the establishment of a three storey building with associated earthworks at 29 Queen Street, Dunedin. The proposed building is to be used for visitor accommodation and is to be known as the Bluestone Villa. It is to be a separate activity owned and operated by the owners of the Hotel Bluestone on George located at 571 George Street. The main pedestrian and only vehicle access will be off Queen Street but there will also be internal pedestrian access from the adjacent site at 571 George Street.

Mrs Young noted that the proposed building will be located 5m back from the front boundary to allow for two on-site car parks off Queen Street with a small fenced garden area located in the south western corner. The building will be approximately 6m above the footpath level at the Queen Street frontage and the maximum height of the building will be approximately 9.7m above existing ground level.

The proposed building will accommodate four bedrooms in total two on level 1 and two on level 3. Each bedroom will have a separate en-suite bathroom and small sitting area and outdoor deck. A communal kitchen, dining area, living area and laundry will be accommodated on level 2 and a communal laundry on level 1. New external stair access will be provided from the ground level of level 1 to connect the subject site with 571 George Street.

Mrs Young identified for the Committee that the site was previously occupied by a split level villa. The villa has been demolished and the site is now vacant with large exposed terraces. The removal of the building has resulted in exposing facades and lower foundation walls of the neighbouring buildings. The previous building on the site was utilised for student accommodation. The applicants purchased the property in order to gain control over the effects of the neighbouring site on their existing residence and hotel business. The building was established around 1880 and an archaeological authority was obtained by the applicant prior to demolition.

Mrs Young confirmed that the site is zoned Residential 3 in the Operative District plan and Inner City Residential in the Proposed District Plan. Commercial Residential activity in this location is a non-complying activity and is also proposed as non-complying in the proposed plan. Although at this time there are no relevant operative rules in the proposed plan. Objectives and policies of the proposed plan and operative plan had been taken into account.

The consent was notified to the owners and occupiers of 25, 31 and 33 Queen Street, these properties immediately adjoining the site. One submission in opposition was received by the close of submissions.

When considering the permitted baseline Mrs Young believes that the design and appearance of the proposed building, and associated retaining and decking structures will not have an adverse effect on the adjoining owner above what can reasonably be expected to be developed as of right. After considering the likely effects of the proposal, she considered the effects of the proposal could be appropriately mitigated by conditions of consent so as to be no more than minor.

Mrs Young considers the proposal to be consistent with the Operative Plans relevant Objectives and Policies of the Operative Plan and the Proposed Plan. Mrs Young recommended that the Committee grant the application subject to conditions outlined in her report which are predominantly associated with the proposed earthworks.

The Committee considered existing use rights for the proposal and questioned Mr Sule about the timeframes for existing use rights in relation to the removal of the villa and the construction of a new dwelling. Mr Sule indicated that existing use rights may be able to be considered and this may be possible if the proposal was treated as an application to the Council to increase the typical 12 month period to 24 months. Mr Sule advised that the Committee could seek legal advice on this aspect and he noted that the applicant's legal team may be able to assist.

The Committee raised questions about the stability of the site. Mrs Young responded to the Committee's questions identifying that advice was sought from Council's Consultant Engineer, Lee Paterson specifically in regards to the stability of the site. Mr Paterson met with the applicant on site and has discussed mitigation measures that would need to be put in place regardless of the consent. Mr Paterson emphasised that the stability of the slope and is the owners responsibility and that they are responsible for the site stability for the duration of the project to ensure that any works carried out on the site do not undermine buildings or foundations or exacerbate any land instability on neighbouring properties.

The Applicant's Case

Campbell Hodgson, acting on behalf of the applicants presented the applicant's case to the committee. Mr Hodgson outlined the 104D gateway test to the Committee and argued that overall, any adverse effects created by this proposal can be adequately avoided, remedied or mitigated through conditions of consent or can be disregarded due to the permitted baseline. He concluded that the application passes through the effects limb of the s 104D gateway.

Mr Hodgson agreed with the Council Planner's assessment of relevant objectives and he considered that those policies should be accepted. These objectives and policies focus on:

- a) The adverse effects activities may have on amenity values in the residential area.
- b) Protecting the housing resource adjacent to campus; and
- c) Providing for commercial residential activities.

Mr Hodgson believes that the proposed development will ensure that the amenity of the area will be enhanced. It will result in the development of a currently vacant site with a new building that will be consistent with the community's expectations of a development in a residential zone.

The permitted baseline was addressed in Mr Hodgson's evidence. He agreed with the Council's Planners assessment of the permitted baseline, and also suggests that the permitted baseline should be extended to cover the definition of residential activity which permits a homestay activity of up to 5 guests. In his evidence Mr Hodgson stated that a certain degree of commercial residential activity has been identified as being acceptable within this zone. Mr Hodgson noted that should the applicants have decided to construct the same building for residential activity they would only require land use consent for breaches of performance standards. It is against that potential that Mr Hodgson wishes the application to be assessed.

Mr Hodgson noted that the height breaches associated with the proposed building were assessed as having effects that are no more than minor. The residential appearance of the proposed building is seen to mitigate any adverse effects on amenity. The hours of operation for the Bluestone Villa would be similar to the hours of activity in a residential zone. He considered that this would mitigate the adverse non-visual amenity effects on the surrounding environment.

The proposal provides one car park less than is required for Commercial Residential Activity. Two car parks are required for guests and one for staff. The shortfall of this car parking requirement can be accommodated on the adjacent site which contains the Bluestone on George Hotel which is also owned and operated by the applicants. Mr Hodgson's assessment of the effects of the proposal is the at any adverse effects can be avoided, remedied or mitigated though conditions of consent or can be disregarded due to the permitted baseline.

Mr Hodgson agrees with the Council Planners assessment and weighting given to the Proposed District Plan "2GP".

Mr Hodgson raised some concerns about the Council Planners proposed conditions 11 through to 15 as they appeared to be building consent matters. The conditions reflect engineering requirements which would be more appropriately dealt with through the building consent process. He submitted that these conditions should be removed and dealt with during the building consent process or alternatively, should form advice notes rather than conditions.

Mr Hodgson elaborated on the differences between true exception and plan integrity and determined that plan integrity and precedent effects were not relevant to this application. He concluded that the granting of the application will not imperil the Plan's integrity; therefore the "true exception" test is not relevant.

In conclusion of his evidence Mr Hodgson submits that this application allows the applicants to provide for their economic, social and cultural wellbeing while avoiding, remedying and mitigating adverse effects on the environment.

Neville Butcher one of the two directors of Eagle Corp Limited outlined his existing operations on the adjacent site at 571 George Street. He noted the applicant's main reason for purchasing the neighbouring site was to have control over the tenants and the effects that they had on their hotel business. A building report was undertaken on the villa that previously occupied the site. It was in a state of disrepair and was demolished in April 2015. An archaeological authority was obtained as the building was constructed in the 1880s.

Mr Butcher conveyed to the committee that he wanted to establish a commercial style bed and breakfast in the new building to be called Bluestone Villa and to run it in conjunction with the existing hotel Bluestone on George next door. Staff and on-site management at Bluestone on George will also service the Bluestone Villa.

He advised the Committee that Architect Philip Gilchirst was appointed by the applicant to design a building of high quality that fitted within the existing streetscape. Mr Butcher directed Mr Gilchirst to design a building within the parameters of the District Plan framework if possible. The building proposed is to be constructed to have a long life and in the future if it was not run as a commercial bed and breakfast Mr Butcher (or any future owner) could easily convert it to a residential property for a family home or student accommodation.

In response to questions from the Committee, Mr Hodgson elaborated on the reasons why he considers that the Committee should not consider plan integrity. Questions were also directed to Mr Butcher from the Committee in relation to the design and function of the proposed building. Mr Butcher confirmed that the building would be of typical residential design and would have no trouble being converted into a single residential dwelling. In response to questions from the Committee regarding transport modes to the site and car parking, Mr Butcher confirmed that there would be sufficient overflow parking provided on the adjacent site if the need arose. He also pointed out that the majority of his guests arrived by taxi or shuttle direct from the airport. He would not be operating a courtesy vehicle due to restrictive nature of the approvals required to do so. Bluestone on George hotel currently provides 15 rooms and 16 car parks. Mrs Young identified that the effects of car parking were assessed on the subject site as a standalone activity and the shortfall in car parking was considered acceptable by Council's Transportation Planner. Any overflow car parking provided by the applicant on the adjacent site should be seen as bonus and in Mrs Young's opinion did not need to be conditioned or tied to this consent in any way.

The committee questioned Mr Hodgson's reasons for suggesting that conditions 11-15 of the recommending report be converted into advice notes. Mr Hodgson believes that they only relate to building consent and are not resource management matters.

Mr Butcher confirmed that one small sign with the name Bluestone Villa would be erected to direct visitors to the site. The main reception area will be on the adjoining site which has more prominent signage which is typically associated with visitor accommodation.

Evidence of Submitters

The only submitter who was opposed to the application was not present at the hearing. The submission received by Council is summarised as follows:

- Not in favour of commercial residential activity in a residential area.
- The car parking is inadequate
- There is a height breach
- Privacy will be impacted with new windows and balconies overlooking 31 Queen Street.
- The North Façade 90% straight concrete

Processing Planner's Review of Recommendation

Mrs Young reaffirmed her recommendation to grant the consent subject to conditions. Mrs Young noted that she had considered the evidence and the submissions at the hearing. She acknowledged Mr Hodgson's request to remove conditions 11-15 and treat them as advice notes but emphasised to the Committee that the building consent process did not cover all effects in relation to earthworks. She considered that the proposal required an earthworks consent under the operative District Plan and conditions should be set as requested by Council's Consultant Engineer to mitigate potential adverse effects of the earthworks. She maintained her recommendation to the Committee to grant the consent subject to proposed conditions.

Applicants Right of Reply

Mr Hodgson reiterated the positive aspects of the application and asked for consent to be granted. He commented on existing use rights, permitted baseline and car parking effects. Mr Hodgson confirmed that existing use rights for this site in relation to the recently demolished villa have nearly lapsed and he did not consider Mr Sule's position to be correct. He noted the applicants could have applied for a building consent in order to maintain the existing use rights but they haven't because of the requirement for resource consent. He suggests to the Committee that they should put existing use rights to one side when making their assessment. He noted that the relevant baseline was the development of a dwelling that complied with the District Plan and he noted the design of the house largely comes within the permitted baseline and will look like a dwelling. In relation to the permitted baseline for car parking for a dwelling he noted the two car parks provided would be greater than the residential requirement and although less than the district plan requirements for a commercial residential activity the parking would still be adequate. He emphasised that would like the Committee to assess the application as a standalone activity.

He considered the application easily met both gateway tests and the effects would be no more than minor. Mr Hodgson asked for consent to be granted.

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 District Plan: 4 Sustainability, 8 Residential Zones, 17 Hazards (Earthworks) and 20 Transportation. Consideration was also given to the relevant provisions of the proposed District 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. In addition, a site visit was undertaken during the public-excluded portion of the hearing, the Committee inspected the site and this added physical reality to the Committee's considerations.

*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 establishment of a three storey building to be used for visitor accommodation and associated earthworks at 29 Queen Street, Dunedin, legally described as Lot 1 Deposited Plan 300261 (Computer Freehold Register 1972), subject to conditions imposed under Section 108 of the Act, as shown on the attached certificate.*

Reasons for this Decision

- 1 The Committee is of the view that the proposed activity is not contrary to the relevant objectives and policies of the operative and proposed District Plans and with the objectives and policies of the Regional Policy Statement for Otago.
- 2 The Committee considered that it was appropriate to apply the permitted baseline in this case. The relevant baseline for comparison with the proposed activity is the establishment of a dwelling that complies with the permitted activity conditions for the Residential 3 zone. The Committee considered that the adverse effects of the proposal will be minor when the effects of a permitted building used for a residential activity are disregarded and the effects beyond the permitted baseline are considered.
- 3 The Committee believe that the proposal will not give rise to more than minor adverse environmental effects and satisfies both gateway tests contained in Section 104D of the Resource Management Act 1991. As such, the Committee were, therefore, able to consider the granting of consent to the proposal.
- 4 The Committee noted the applicant's legal advice regarding plan integrity and true exception. It considers the "true exception" test to be a useful method for identifying distinguishing factors that will potentially prevent a plethora of like applications impacting on the integrity of the District Plan. In this case it notes that the demand for housing in the area is strong and the development can be readily converted to a residential dwelling. It agrees that that approval of this application will not threaten the integrity of the District Plan or establish an undesirable precedent for future applications.
- 5 The site inspection confirmed the presence a possible boundary encroachment from neighbouring site at 25 Queen Street where a stormwater pipe is established on the side of the dwelling. This pipe intrudes into the air space of the subject site. The Committee also observed that a window at 25 Queen Street installed through the fire wall would be blocked by the proposal. The applicant advised the Committee that they intended to set back the building from the boundary slightly to accommodate the pipe and the development would not necessitate the removal of the pipe.
- 6 The Committee noted that the window on the upper northern façade of the property at 25 Queen Street appears to have been installed some time ago but after the original fire wall along this boundary was established. It cannot be certain that the window was lawfully established. The Committee notes that there were no submissions from the owner of 25 Queen Street and it also noted that the development a permitted structure would also obscure the window.

- 7 The Committee noted the applicant's legal advice in respect earthworks conditions. It did not agree that these matters were best addressed at the building consent stage and it considered that the management of earthworks effects included in conditions within conditions 11-15 are clearly within the ambit of the earthworks approval sought under this consent. Minor improvements have been made to the conditions to improve clarity.
- 8 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

As stated in Section 116 of the Resource Management Act 1991, this consent shall 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 one inspection.

The City Planning Department sets out the fixed fees charged for monitoring in its schedule of fees. The fee for your scheduled inspection 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-2015-548

Location of Activity: 29 Queen Street, Dunedin

Legal Description: Lot 1 Deposited Plan 300261 (Computer Freehold Register 1972)

Lapse Date: 22 April 2021

*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 establishment of a three storey building for visitor accommodation and associated earthworks at 29 Queen Street, Dunedin, legally described as Lot 1 Deposited Plan 300261 (Computer Freehold Register 1972), subject to conditions imposed under Section 108 of the Act, as shown below:*

Conditions:

- The proposal shall be undertaken in general accordance with the plan prepared by Philip Gilchirst Architect Limited and Stephen Macknight Limited titled, 'Bluestone Villa, 29 Queen Street, Dunedin, dated October 2015, and details submitted with the resource consent application received by the Council on 13 November 2015, except where modified by the following conditions of consent.*
- Only one sign is to be installed on the site and it shall comply with the requirements specified in Rule 19.5.4 of the operative District Plan in force at 1 July 2016.*

Construction Noise

- Construction activity, this shall be limited to the times set out below and shall comply with the following noise limits as per New Zealand Standard NZS 6803:1999:*

<i>Time of Week</i>	<i>Time Period</i>	<i>Leq (dBA)</i>	<i>L max(dBA)</i>
<i>Weekdays</i>	<i>0730-1800</i>	<i>75</i>	<i>90</i>
	<i>1800-2000</i>	<i>70</i>	<i>85</i>
	<i>2000-0630</i>	<i>45</i>	<i>75</i>
<i>Saturdays</i>	<i>0730-1800</i>	<i>75</i>	<i>90</i>
	<i>1800-2000</i>	<i>45</i>	<i>75</i>
	<i>2000-0630</i>	<i>45</i>	<i>75</i>
<i>Sundays and public holidays</i>	<i>0730-1800</i>	<i>55</i>	<i>85</i>
	<i>1800-2000</i>	<i>45</i>	<i>75</i>

	2000-0630	45	75
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Water Supply

4. An "Application for Water Supply" is to be submitted to the Water and Waste Services Business Unit for approval to establish a new adequately sized water connection for the development. Details of how the proposed development is to be serviced for water shall accompany the "Application for Water Supply"
5. Upon approval by the Water and Waste Services Business Unit, water service connections shall be installed in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.
6. The new water service connection shall have a water meter installed.
7. An RPZ backflow prevention device must be installed on the Queen Street water connection servicing the development. The backflow prevention device must be installed in accordance with the Code of Practice for Boundary Backflow Prevention (June 2013) and inspected and approved by the Education and Compliance Officer (Water), Water and Waste Services.

Earthworks

8. No earthworks may be undertaken until building consent has been granted.
9. The consent holder shall advise the Council, in writing, of the start date of the earthworks. The written advice shall be provided to Council at least five (5) working days before the works are to commence.
10. The consent holder shall 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.
11. All walls retaining over 1.5m, or walls that are surcharged or supporting a slope (including terracing), require design, specification and supervision by appropriately qualified person/s.
12. Prior to undertaking the work, a professional must assess the potential for instability on adjacent properties, as a result of the works. Confirmation should be made of foundation depths for existing structures in relation to the proposed earthworks.
13. All temporary slopes shall be inspected and signed off by a suitably qualified individual and the excavation slopes shall be supported within 2 months of commencing the earthworks.
14. To prevent concentrated run off from the site in a heavy rain event temporary drainage connections from the proposed building to an approved stormwater outlet are to be installed should the roof of the new building be established prior to the commissioning of stormwater drainage for the new building.
15. If fill is to be reused on the site it is to be deposited in accordance with best practice and keyed into any slopes. Any additional batter slopes not addressed in this consent shall comply with the setback requirements of Section 17.7 of the operative District Plan in force on 1 April 2016 or a further land use consent will be required.
16. Any areas of certified or uncertified fill shall be identified on a plan, and the plan and certificates submitted to Council to be recorded against the property file.
17. Any change in ground levels is not to cause a ponding or drainage nuisance to neighbouring properties.

18. *The earthworks shall be undertaken with the principles of industry best practice applied at all stages of site development including site stability, stormwater management, traffic management, along with dust and noise controls at the sites.*
19. *To ensure effective management of erosion and sedimentation on the site during earthworks and as the site is developed, measures are to be taken and devices are to be installed, where necessary, to:*
 - a) *divert clean runoff away from disturbed ground;*
 - b) *control and contain stormwater run-off;*
 - c) *avoid sediment laden run-off from the site; and*
 - d) *protect existing drainage infrastructure sumps and drains from sediment run-off.*
 - e) *ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to all associated erosion and sediment control plans and methodology*
20. *Should the consent holder cease, abandon, or stop work on site for a period longer than 6 weeks, the consent holder shall first take adequate preventative and remedial measures to control sediment discharge/run-off and dust emissions, and shall thereafter maintain these measures for so long as necessary to prevent sediment discharge or dust emission from the site. All such measures shall be of a type and to a standard which are to the satisfaction of the Resource Consent Manager.*
21. *If at the completion of the earthworks operations, any public road, footpath, landscaped areas or service structures that have been affected/damaged by contractor(s), consent holder, developer, person involved with earthworks or building works, and/or vehicles and machineries used in relation to earthworks and construction works, shall be reinstated to the satisfaction of Council at the expense of the consent holder.*

Transportation

22. *The vehicle access shall be formed to a width of 6.0m, hard surfaced from the edge of the carriageway of Queen Street to a distance not less than 5.0m inside the property boundary, and be adequately drained for its duration.*

Advice Notes

1. In addition to the conditions of a 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. 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).
7. Should any stormwater discharge from the site not connect to the Council's reticulated network, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of stormwater will enter any waterway and what level of treatment and/or discharge permit, if any, may be required.
8. Parts 4, 5 and 6 (Stormwater Drainage, Wastewater and Water Supply) of the Dunedin Code of Subdivision and Development 2010 must be complied with.
9. 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.
10. The proposed activity includes significant earthworks on a contained property, with other land and dwellings close to the proposed works:
 - a) Temporary stability may be a concern on this project, and remains the responsibility of the developer.
 - b) Appropriate third party liability insurances shall be in place which identify nearby structures prior to undertaking any excavation that might affect others' land.
11. It is recommended a photographic condition record shall be made for all nearby or adjacent structures prior to undertaking any work, to avoid misplaced blame for any defects or damage identified in the future.
12. The Health and Safety Reform Bill that was passed by Parliament on 27 August 2015. The new law, named the Health and Safety at Work Act, comes into effect on 4 April 2016.
 - a) Safety in design has now also been legislated through the Health and Safety at Work Act, and the whole life of a structure must now be considered. Where the long-term stability of other's land or structures may rely upon the continued stability of retaining works, the designer must confirm that the retaining structure can be safely demolished or serviced following a complete design life without creating hazards for neighbouring properties. This should be a normal Building Consent process, in line with the new Law.
13. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
 - a) Environment Canterbury, 2007 "Erosion and Sediment Control Guideline 2007" Report No. R06/23.
 - b) Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).
14. 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.
15. As the proposed building extends to the boundaries of the site 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.

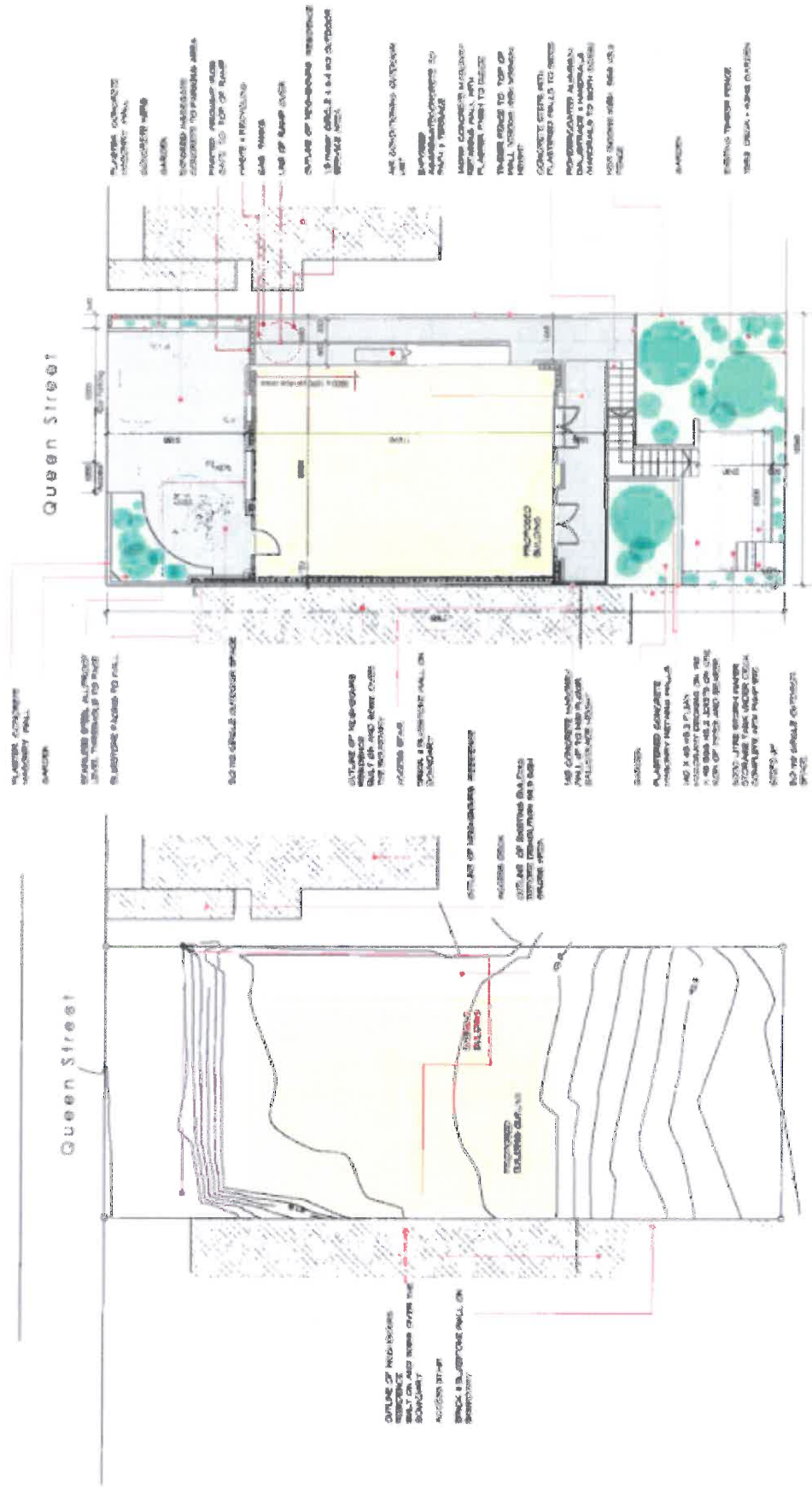
16. This resource consent does not give the consent holder permission to undertake work on adjoining sites. Work on adjoining property can only occur with the express permission of the relevant property owner/s. The consent holder is advised to familiarise themselves with the legal requirements for undertaking construction works on adjoining sites, including temporary excavations.
17. Private drainage issues and requirements (including any necessary works) are to be addressed via the building consent process.
18. Certain requirements for building on this site may be stipulated via the building consent process and are likely to include the following points:
 - i. Stormwater from driveways, sealed areas and drain coils is not to create a nuisance on any adjoining properties.
 - ii. 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.
 - iii. 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.
 - iv. For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
 - v. As required by the New Zealand Building Code E1.3.2, surface water resulting from an event having a 2% probability of occurring annually, shall not enter dwellings. The finished floor level shall be set accordingly.

Issued at Dunedin 22 April 2016

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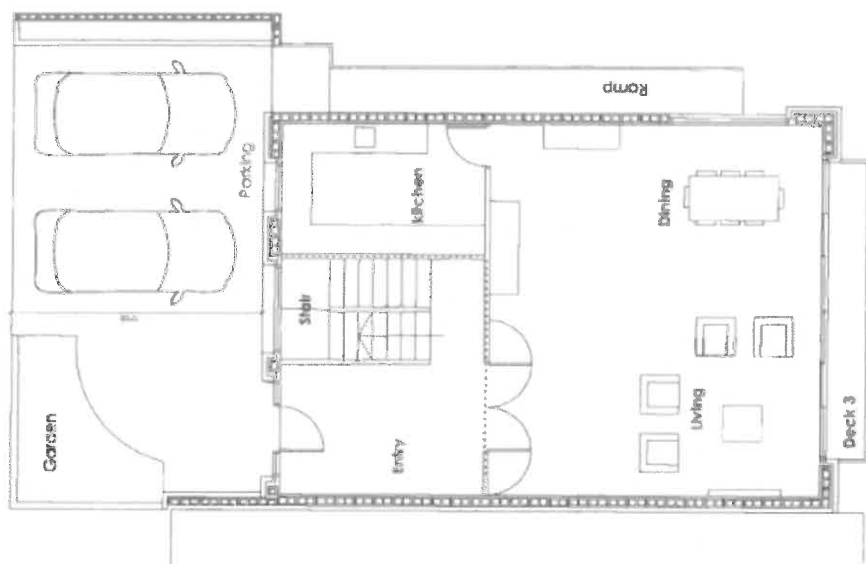
Andrew Noone
Chair
Hearings Committee

Appendix 1: Copy of Approved Plans for LUC-2015-548
(Scanned image, not to scale)

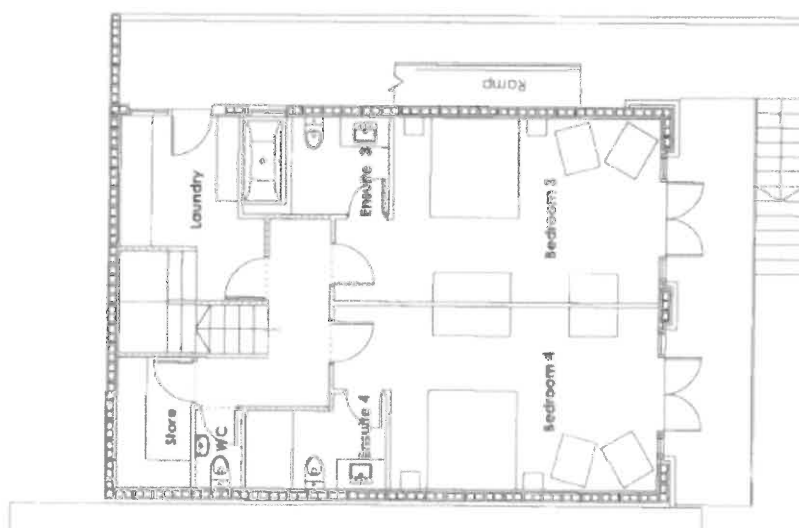


Existing Site Plan

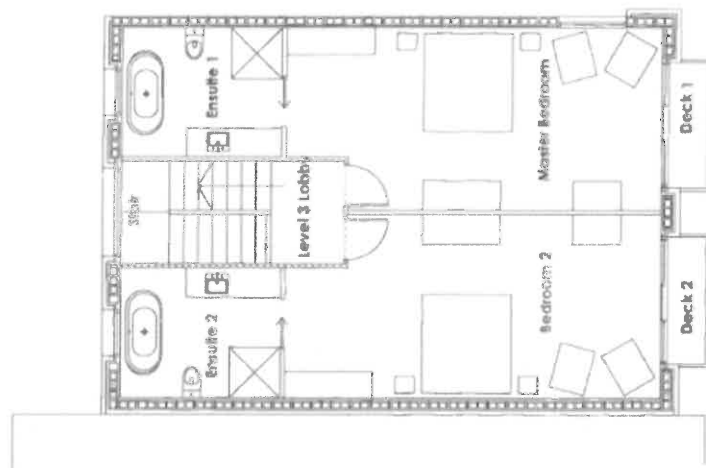
Proposed Site Plan



Level Two Plan



Level One Plan



Level Three Plan

