

TO: Hearings Committee

FROM: Shane Roberts, Planner

DATE: 18 April 2019

SUBJECT: **ADDENDUM - RESOURCE CONSENT APPLICATION
LUC-2018-428
17 & 17A MELROSE STREET
OTAGO BOYS HOSTEL**

INTRODUCTION

- [1] This report has been prepared following an adjournment of the Council Hearing on 21 February 2019 to request further information from the Applicant under s41C (3) of the RMA. Further information was requested from the Applicant on 25 March 2019 and a response from the Applicant was received on 15 March 2019 (see **Appendix 1**).
- [2] Further submitter comment was received on 1 April 2019 (see **Appendix 2**).
- [3] The purpose of the report is to provide Officer updates on the responses received and to provide the Committee with information as to whether the recommendation has changed.
- [4] The Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

BACKGROUND

- [5] The Committee sought further information because they considered an assessment of effects arising from the relocated main pedestrian entrance appears to have been largely overlooked in the application and in the Section 42A report.
- [6] Outlined below is the information requested by the Committee:
- *Provide an assessment of the effects of the proposed relocated main pedestrian entrance to the hostel at the site; and*
 - *Provide a complete set of draft conditions, including conditions on landscaping, planting and van parking, and any other conditions necessary to mitigate effects of a relocated pedestrian entranceway to the hostel.*

FURTHER INFORMATION FROM THE APPLICANT

- [7] The applicant has provided a comprehensive response to the request of the Panel, discussed below.

Effects of the Entranceway

- [8] The entranceway is located within 17A Melrose Street and is formed of two key components. The paved entranceway will run alongside the boundary with 25 Melrose Street (Hostel) for 30 metres, at a width of 2.25 metres. There is no physical separation between the pedestrian access and carpark. I note from the plans supplied with the application showing vehicle swept paths that manoeuvring can be undertaken without intruding on to the pedestrian access.
- [9] The other feature of the carpark is the canopy as shown in the application. This is the location where those using the entranceway will 'enter' the hostel site (25 Melrose Street).
- [10] In terms of the application as lodged, it contained all of the physical elements of the entranceway as described above.
- [11] The further information supplied with the application also discusses the use of the entranceway. In summary:
- The hostel is occupied for 40 weeks per year and therefore the predominant use will be in this period;
 - Typical weekday pedestrian movements will be between 7.30am to 8.30am in the morning and between 3.00pm and 6.00pm in the afternoon – as the students leave to and return from the school.
 - During weekends the 'comings and goings' are less predictable as students may return home, or leave to undertake weekend sporting or cultural activities.
 - Visitors of the hostel (e.g. parents) will also use the entranceway – either in conjunction with the carpark, or having parked on the street - typically at the beginning or end of term.
- [12] The applicant also discussed noise in terms of the noise effects associated with the relocated entrance to the hostel. The applicant made the observation that the entranceway will be located (at its closest point) 16 metres from the boundary with 15 Melrose Street. The applicant identified that there is a reduction in noise effects the further the source is from the receiver.
- [13] The applicant also identified that the noise from the use of the entranceway would be intermittent, and would not feature some of the sound power level components identified in the noise report that accompanied the application – these are sounds such as cheering which will not be present.
- [14] The applicant also offers the following additional mitigation measures:
- The installation of a security camera to monitor the area to ensure there is no loitering (Para 43);
 - A complaint management condition; and
 - A review condition.

Alternative Development Scenarios

- [15] The applicant's response has also discussed two alternative development scenarios.

- [16] Firstly, the applicant identified the potential to construct a 'complying' development (in terms of the 2GP) of five, five bedroom units on numbers 17 and 17A Melrose Street. It is indicated this is a potential outcome should consent not be obtained.
- [17] Secondly, the applicant also identifies that a 'complying' accessway could be constructed on 25 Melrose Street, though this would be subject to the provisions of Section 176A of the Act (Outline Plan) or potentially undertaken as a permitted activity (this would rest upon whether a path would be considered a 'structure' in terms of the 2GP definition). It would also result in the loss of mature screening vegetation on 25 Melrose Street in order to construct the accessway.
- [18] These scenarios identify a change in effects that could arise in the future – specifically an increase in built form and related vehicle movements, and a loss of vegetation.

OFFICER COMMENT

- [19] The following summarises the Officer Comment on the new information provided. A full copy of the Officer comment is attached as **Appendix 2** to this report.

Logan Copeland, Transport Planner

- [20] Comment was sought from Council's Transportation Planner in light of the further information provided. In particular, I sought comment on any safety issues associated with proposed pedestrian access arrangements. The Transportation Planner provided the following comments:
- *Surfacing on the pedestrian path is shown to be clearly different from the surfacing used on the vehicle aisle i.e. the vehicle aisle is to be concrete with an exposed aggregate finish and the pedestrian path is to be pavers.*
 - *The difference in surfacing between the pedestrian path and vehicle manoeuvring area will clearly define each space. The visual demarcation will result in the pedestrians 'owning' the path on the south-eastern boundary of the site and will make drivers aware that this space is dedicated for pedestrians.*

Other

- [21] No further comment was sought from the Council's Water and Waste Department, Urban Design, Environmental Health or Council's Consultant Engineers.

SUBMITTER COMMENT

- [22] Only one submitter, S Lee, provided further comment on the information supplied.
- [23] In summary Ms Lee's preference is that the hostel's activities are not redirected over 17A Melrose Street, and that the proposed new entrance faces the street and is not orientated to face the middle of property adjoining her residence.
- [24] Ms Lee is of the view the noise effects associated with the 300+ potential pedestrian movements a day over 17A Melrose Street warrant a specific noise assessment.

- [25] Ms Lee has also expressed concerns regarding the uncertainty associated with the Stage 2 development (related pedestrian access works on 25 Melrose Street) and the timing of this.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

- [26] Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity.
- [27] The following provides a discussion of the effects of the proposal in relation to the additional information supplied by the applicant. Where a matter discussed in the previous report is not affected by the additional information provided by the applicant and submitter, I have not discussed these.

Bulk, Location and Amenity Values and Character (ODP Assessment Matters 8.13.3 and 8.13.5) and Effects on surrounding sites residential amenity (2GP Assessment Matter 15.11.2.5(b))

- [28] There are no specific changes to any of the proposed 'built' elements of the proposal as a result of the further information provided.
- [29] The principal effect for consideration in my view, is the related amenity and character effects arising from the use of part of the carpark by pedestrians to enter and exit the hostel – the pedestrians are primarily students as described above.
- [30] The application essentially represents an extension of hostel activity onto 17A Melrose Street. In my 42A report I was of the view that carparking activity associated with the hostel was appropriate on 17A Melrose Street, and that the use of the site for recreational purposes, was not. The key matter that was determinative in reaching this recommendation to the Hearings Panel was the noise evidence produced by the applicant. The applicant has not produced any expert noise evidence in further information provided.
- [31] The applicant has however discussed when the use of the accessway (and associated noise) is likely to occur, and how it will be controlled.
- [32] I also note the applicant has provided an alternative future development scenario whereby the pedestrian access could be constructed on 25 Melrose Street immediately on the other side of the boundary with 17A Melrose Street. Having considered this as possible outcome, the proposal represents a small potential 'shift' in adverse effects.
- [33] The hostel site is designated in both the Operative District Plan and Proposed 2GP (D027). The designation is only subject to 2 conditions – (a) a side and rear yard of 2 metres and (b) a height plane envelope. It is not totally clear from reading the designation conditions if the 'yard' would preclude the installation of a pedestrian accessway – I would suggest not as yards usually only preclude buildings and not structures at ground level. Given that is the case, the proposed pedestrian access is 2.25 metres closer to the 17C Melrose Street than a permitted access, with a 13 metre wide carpark and proposed screen vegetation in between. Furthermore, this activity could be undertaken on the hostel site without any of the mitigation measures proposed by the applicant and would result in a minor loss of neighbourhood amenity due to the removal of some mature vegetation.
- [34] Therefore, in my opinion any amenity or character effects of the wider neighbourhood arising from the proposed activity are considered to be of a level compatible with the wider neighbourhood.

Noise (ODP Assessment Matter 21.6.1, 2GP Assessment Matters 9.7.4.4 and 9.8.2.6)

- [35] As identified above, the applicant has not undertaken any further technical noise assessment but has provided further comment based on the work undertaken to date.
- [36] At paragraph 41 of the applicant's response, I note they identify the noise levels set in the Operative Plan (based on L10) and the 2GP (L15). This would mean for an L10, 1.5 minutes of a 15 minute period would need to exceed 50dBA in order for the noise limits of the plan to be breached.
- [37] As referred to in Paragraph 108 of the 42A report the predicted noise limits for the use of the carpark (vehicle sounds and people) were provided by the applicant. The noise breaches identified (in terms of the Operative Plan) were in relation to activity on evenings, Sundays and Statutory Holidays. Significantly, the use of the carpark for recreational activity or car parking activity was predicted to comply with the permitted activity noise standard for the residential zone for daytime until 6.00pm (Noise Report, Page 13 Para 2).
- [38] In applying these results to the use of part the site for pedestrian access I make the following observations:
- The noise generated from pedestrian access will be of a similar character to that previously assessed;
 - The use of the site for pedestrian access will be along the eastern boundary of 17A Melrose Street - the furthest part of the site from 17C Melrose Street;
 - The use of the pedestrian access will be predominantly used between 7.30-8.30 am in the morning and between 3pm and 6pm in the afternoon;
 - The noise from the use of the pedestrian access will not be sustained, but occur mainly at the times identified above;
 - The noise of students walking to and from school as part of the noise environment in the vicinity of the site and indeed the students will pass much closer to many residential dwellings than 17C Melrose Street in walking to and from school;
 - The applicant identifies at paragraph 44 that the sound from the use of the pedestrian accessway is approximately 2 metres closer to residential neighbours (i.e. 17C Melrose Street) than a pedestrian access constructed on the hostel site.
 - The applicant is proposing to monitor the use of the pedestrian access with a security camera.
- [39] Given the above, I consider that any noise effects from the proposed activity are acceptable in the context of the site.

Transportation (ODP Assessment Matter 8.13.17) and Effects on the safety and efficiency of the transport network (2GP Assessment Matter 15.10.4.11(a) and 15.11.2.1(b))

[40] As discussed above, comment was sought from Council's Transportation Planner who has not raised any further concerns.

[41] I also note no additional information on transportation effects has been provided by submitters.

Effects Assessment Conclusion

[42] Overall, it is considered that any effects arising from the pedestrian use of the accessway will not be significant.

OBJECTIVES AND POLICIES ASSESSMENT

Assessment of Objectives and Policies of the District Plan (Section 104(1)(b)(vi))

[43] In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Dunedin City District Plan and the proposed 2GP were taken into account in assessing the application. The following provides an **updated consideration of the relevant objectives and policies in light of the new information.**

Operative Dunedin City District Plan

[44] The identification of the relevant objectives remains unchanged from the Section 42A Officer Report however, evaluation of the consistency with those objectives and policies is necessary in light of the new information received. I also note that the objectives and policies assessment undertaken in the 42A report was done so when the recreational component formed part of the application – which was obviously subsequently withdrawn.

Sustainability Section

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 4.2.1 Enhance the amenity values of Dunedin. Policy 4.3.1 Maintain and enhance amenity values.	The noise associated with the hostel activity is part of the existing amenity in the neighbourhood.
Policy 4.3.8 Avoid the indiscriminate mixing of incompatible uses and developments.	Given the potential for noise effects arising from the proposed activity there is a question as to the compatibility of the use of the site for recreational activity.
Policy 4.3.10 Adopt an holistic approach in assessing the effects of the use and development of natural and physical resources.	In terms of a holistic assessment of the application it is clear the carpark will provide a number of positive effects. Given the outstanding noise issues I consider the proposal is partially inconsistent with the objectives and policies of the sustainability section.

Residential Section

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 8.2.1 Ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied and mitigated.	With regards to the establishment of the carpark and pedestrian accessway, I consider that given the design and screening measures proposed by the applicant I consider that any adverse effects on amenity arising from the carpark are appropriately avoided, remedied or mitigated, and the amenity values of the area will be in the least maintained.
Policy 8.3.1 Maintain or enhance the amenity values and character of residential areas.	
Objective 8.2.7 Recognise that some community support activities contribute to the maintenance and enhancement of residential character and amenity.	Noting that the activity is considered community support activity and as discussed above in terms of Objective 4.2.1 and Policy 4.3.1 the activity will contribute to the maintenance or enhancement of residential character. Policy 8.3.10 is an enabling policy; reflective of the fact that typically community support activities have a functional need to establish in a residential area. The hostel activity is well established, and this carpark represents an expansion of the footprint of the activity, without an increase in intensity of activity i.e. – no increase in terms of student numbers. Therefore, I consider the proposal consistent with Objective 8.2.7 and Policy 8.3.10.
Policy 8.3.10 Provide for community support activities within residential areas	

Transportation Section

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 20.2.2 Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.	As discussed above, further comment was sought from Council Staff regarding any transportation related effects associated with the use of the pedestrian accessway. No adverse effects were identified. The proposed activity is considered to be consistent with these objectives and policies.
Objective 20.2.4 Maintain and enhance a safe, efficient and effective transportation network.	
Policy 20.3.4 Ensure traffic generating activities do not adversely affect the safe, efficient and effective operation of the roading network.	
Policy 20.3.5 Ensure safe standards for vehicle access.	
Policy 20.3.8 Provide for the safe interaction of pedestrians and vehicles.	

Environmental Issues Section

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 21.2.2 Ensure that noise associated with the development of resources and the carrying out of activities does not affect public health and amenity values.	It is clear that current activities from the hostel are having an impact on the amenity values of residents, and the proposal brings hostel activity in closer

Policy 21.3.3 Protect people and communities from noise and glare which could impact upon health, safety and amenity.	proximity to a number of residential activities and increases the footprint of hostel activity. The proposal also offers a means to address other effects (on street parking) that are also impacting on residents. The applicant has withdrawn the recreational aspect of the proposal and offered mitigation measures with regards to the carpark and pedestrian accessway to further reduce noise effects. Having had regards to these mitigation measures, I consider that amenity values will not be adversely impacted to a degree where the proposed activity is inappropriate in this location Therefore I consider the proposal to be consistent with this objective and policy.
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Proposed 2GP

- [45] The objectives and policies of the 2GP must be considered alongside the objectives and policies of the current district plan. The following 2GP objectives and policies are considered to be relevant to this application:

Strategic Directions

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 2.2.6: Public Health and Safety The risk to people's health and safety from contaminated sites, hazardous substances, and high levels of noise or emissions is minimised	In terms of the proposed activity, whilst it will generate some noise, I do not consider this to be high given the available assessment of it. Further to this it is noise already occurring in the neighbourhood.
Policy 2.2.6.2 Protect people from noise, light or offensive emissions that may create adverse effects on health or well-being through rules that: ... f. restrict activities that generate high levels of noise from locating in residential zones.	The applicant is proposing to install security cameras to monitor any 'loitering' on the accessway to provide a further mitigation measure. Therefore I consider the proposal to be consistent with this objective and policy.

Public Health and Safety

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 9.2.2 Land use, development and subdivision activities maintain or enhance people's health and safety.	Providing noise is adequately mitigated (including the proposed monitoring) the proposed activity is consistent with this policy.
Policy 9.2.2.1 Require activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant.	In this case it is accepted that components of the application will generate noise, and the hostel generates existing noise effects. According to the noise assessment the noise generated by the activity will ensure maximum noise received in nearby sites ensure health and safety within these site is maintained and reasonable levels. In making this comment, I note the noise

	report did not explicitly refer to the pedestrian accessway. There will be some minor noise effects associated with the activity but I do not believe these can be regarded as 'insignificant'. Therefore I consider the proposal to be inconsistent with this policy.
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Residential Zones

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 15.2.1 Residential zones are primarily reserved for residential activities and only provide for a limited number of compatible activities, including: visitor accommodation, community activities, major facility activities, and commercial activities that support the day-to-day needs of residents.	Whilst this activity is not provided for as a permitted activity in terms of the 2GP, it is a restricted discretionary activity, with discretion reserved in relation to minimum car parking, outdoor living space and service areas. As identified above, this represents an expansion of an existing activity to provide for a facility (carpark) and pedestrian accessway that is not currently provided. Some of the incompatible effects from the existing hostel relating to on street parking will continue should the application not be granted, noting the potential for some aspects of the activity (noise) to be incompatible with the surrounding environment if not appropriately mitigated. Regarding Policy 15.2.1.1 the effects of the proposal are now consistent with Objective 15.2.3 and Objective 15.2.4. For completeness 15.2.2 is still not relevant.
Policy 15.2.1.1 Provide for a range of residential and community activities, where the effects of these activities will be managed in line with objectives 15.2.2, 15.2.3 and 15.2.4 and their policies.	
Objective 15.2.3 Activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.	As discussed above the pedestrian accessway has the potential to have an effect on the amenity of surrounding residential properties through the generation of noise, if not well managed. I consider the applicant is promoting a suitable management regime to ensure amenity remains at a 'good' level with respect to noise.
Policy 15.2.3.4 Only allow schools, emergency services, early childhood education, community and leisure - large scale, sport and recreation, registered health practitioners, training and education, visitor accommodation, supported living facilities, service stations and stand-alone car parking where they are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties	These two policies are almost identical but relate to two separate issues – amenity of surrounding properties and streetscape amenity. With regards to the effects on amenity of surrounding properties, I consider noise effects are of a low level and can be adequately mitigated.
Policy 15.2.4.7 Only allow schools, emergency services, early childhood education, community and leisure - large scale, sport and recreation, registered health practitioners, training and education, visitor accommodation, supported living facilities, restaurants or	

retail ancillary to sport and recreation, service stations and stand-alone car parking where they are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on streetscape amenity	
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Overall Objectives and Policies Assessment

- [46] Overall, the application is considered to remain largely consistent with the objectives and policies of both the Operative Plan and the Proposed 2GP. The objectives and policies relating to residential amenity remain a key consideration.

Assessment of Regional Policy Statements (Section 104(1)(b)(v))

- [47] In terms of the consideration of the Otago Regional Policy Statement, given the recreational aspect of the proposal has been deleted, I am now conformable the proposal is consistent with Policy 4.5.3 of the PORPS.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [48] It is considered there is sufficient assessment guidance within both the Operative District Plan and Proposed 2GP. As a result, there is no need for an assessment in terms of Part 2 of the Resource Management Act 1991.

Section 104

- [49] In the 42A report I concluded by recommending consent be granted to the carparking activity, but not the recreational component of the application. The recreational aspect was subsequently withdrawn, however further assessment of the proposed use of the pedestrian accessway has been requested.
- [50] I have assessed the actual and potential effects of the pedestrian accessway above, and also the relative provisions of the Operative District plan and the Proposed 2GP.
- [51] I consider the effects of the proposed activity to be of an acceptable level in the existing environment, particularly when regard is had to the proposed mitigation measures promoted by the applicant.
- [52] I also consider the proposed activity to be predominantly consistent with the relevant planning documents.

Other Matters

- [53] No other matters are considered relevant.

RECOMMENDATION

- [54] Having regard to the above assessment, I recommend that the application be granted, subject to conditions (attached).

Report prepared by:



Shane Roberts
Consultant Planner

18 April 2018

Report checked by:



John Sule
Senior Planner

18 April 2018

Conditions:

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

Carpark and Entranceway Use

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

Security and Complaints

6. *The consent holder shall install a security camera to monitor the carpark and entranceway area prior to the entranceway being used.*
7. *The consent holder must provide residents at the following addresses the details of the person(s) to be contacted in the event of a noise issue arising from the use of the carpark or entranceway:*
 - 9 Melrose Street;
 - 10 Melrose Street;
 - 11 Melrose Street;
 - 12 Melrose Street;
 - 15 Melrose Street;
 - 17C Melrose Street; and
 - 20 Melrose Street
8. *In the event a noise issue associated with the use of the car park and pedestrian entranceway on 17A Melrose Street is raised, the consent holder must advise the complainant of the outcome of the investigation into the complaint and any action taken to resolve the noise issue.*
9. *The consent holder must maintain a written record of any noise complaints received, detailing:*
 - a) *The name and address of the complainant;*
 - b) *Details of the complaint including time, date and nature of complaint.*
 - c) *The action undertaken to deal with the complaint.*

Construction Noise

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

Transportation

11. *The vehicle access must be a maximum 6.0 metres formed width, hard surfaced, and adequately drained for its duration.*
12. *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].*
13. *The parking area must have clearly defined access and the remainder of the property road boundary shall have a physical barrier which separates the parking area from the road.*
14. *The car parking layout must comply with Table A.3 – Minimum car parking space dimensions (Appendix 20B).*
15. *The proposed stone wall along the front of 17A Melrose Street must not exceed 800mm in height.*

Earthworks

16. *Earthworks must not commence until a building consent has been issued.*
17. *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 runoff.*
18. *All walls retaining over 1.5m, or a surcharge / slope, including terracing, require design, specification and supervision by appropriately qualified person/s.*
19. *Where the long-term stability of other's land or structures may rely upon the continued stability of retaining works, the designer must confirm in writing to Council's Manager – Resource Consents, that the retaining structure can be safely demolished following a complete design life without creating hazards for neighbouring properties prior to works commencing.*
20. *Slopes must not be cut steeper than 1:1 (45°) without specific engineering design and construction.*
21. *Slopes must not be filled steeper than 2h:1v (27°) without specific engineering design and construction.*
22. *Any change in ground levels is not to cause a ponding or drainage nuisance to neighbouring properties.*
23. *Any fill material to be introduced to the site must comprise clean fill only.*
24. *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.*
25. *All loading and unloading of trucks with excavation or fill material is to be carried out within the subject site.*
26. *The consent holder must:*
- a) *be responsible for all contracted operations relating to the exercise of this consent; and*
 - b) *ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to all associated erosion and sediment control plans and methodology; and*
 - c) *ensure compliance with land use consent conditions.*
27. *Should the consent holder cease, abandon, or stop work on site for a period longer than 6 weeks, the consent holder must first take adequate preventative and remedial measures to control sediment discharge/run-off and dust emissions, and must thereafter maintain these measures for so long as necessary to prevent sediment discharge or dust emission from the site. All such measures must be of a type and to a standard which are to the satisfaction of the Resource Consent Manager.*
28. *If at the completion of the earthworks operations, any public road, footpath, landscaped areas or service structures that have been affected/damaged by contractor(s), consent holder, developer, person involved with earthworks or building works, and/or vehicles and machineries used in relation to earthworks and construction works, must be reinstated to the satisfaction of Council at the expense of the consent holder.*
29. *If the consent holder:*
- a) *discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:*
 - i) *notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.*
 - ii) *stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.*

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
 - b) *discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:*
 - i) *stop work within the immediate vicinity of the discovery or disturbance; and*

- ii) *advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and*
- iii) *arrange for a suitably qualified archaeologist to undertake a survey of the site.*

Site work may recommence following consultation with the Consent Authority.

Landscaping

30. *Prior to commencement of construction activities onsite the applicant must supply to Council's Manger – Resource Consents for certification a landscaping plan that details:*
- (a) The species to be planted onsite and the density of planting to maximise the screening to 15 and 17C Melrose Street;*
 - (b) The consultation undertaken with the owners of 15 Melrose and 17C Melrose Street.*
 - (c) The timing of planting; and*
 - (d) A maintenance and management regime.*

Review Condition

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

Advice notes:

1. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
2. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
3. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
4. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
5. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Hostel Site – 25 Melrose Street

6. *The consent holder should provide residents at the following addresses the details of the person(s) to be contacted in the event of a noise issue arising from the hostel at 25 Melrose Street:*
 - 9 Melrose Street;
 - 10 Melrose Street;
 - 11 Melrose Street;
 - 12 Melrose Street;
 - 15 Melrose Street;
 - 17C Melrose Street; and
 - 20 Melrose Street
 -
7. *In the event a noise issue associated with the hostel at 25 Melrose Street is raised, the consent holder should advise the complainant of the outcome of the investigation into the complaint and any action taken to resolve the noise issue.*
8. *The consent holder should maintain a written record of any noise complaints received, detailing:*
 - a) *The name and address of the complainant;*
 - b) *Details of the complaint including time, date and nature of complaint.*
 - c) *The action undertaken to deal with the complaint.*