

Assessment of Environmental Effects



43 Cargill Street, Dunedin

5 March 2019

Version with Updates Resulting from Further Information Request Including FIR Response

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Campbell Thomson
Senior Planner
Dunedin City Council
P.O. Box 5045
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Hi Campbell,

43 CARGILL STREET, DUNEDIN

We refer to a letter from Joanna Laurenson, Consultant Planner, dated 16 November 2018 (**letter**) and to subsequent phonecalls and emails with yourself, Barry Smaill (applicant) and Emma Peters of our office.

Property

Our clients, Barry and Victoria Smaill, own a property at 43 Cargill Street, Dunedin legally described as Section 17 Block XX Town of Dunedin contained in certificate of title OT282/59 (**property**). A copy of the certificate of title is appended to this letter in Appendix 1a. The property effectively comprises approximately only 934m² rather than the 1,012m² stated on the certificate of title due to a 'limited as to title' claim by an adjoining owner – see DP 463825 a copy of which is appended to this letter in Appendix 1b. The location of the property is shown in Figure 1 below.

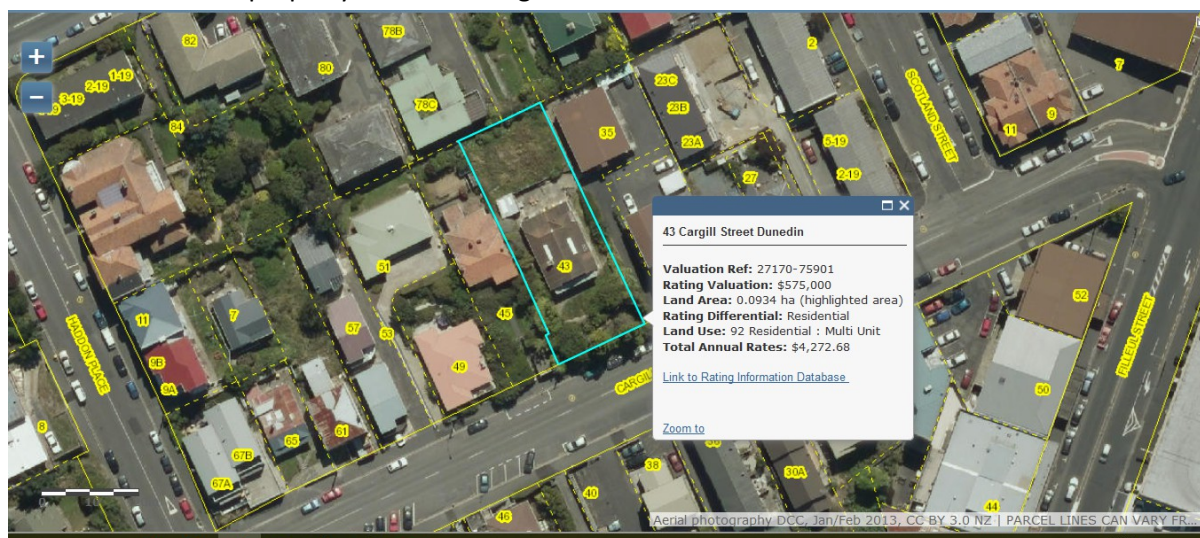


Figure 1: Location of Property.

The property contains an existing older building comprising 7 bedrooms and a self-contained flat both of which are used for residential accommodation as well as a garage at street level.

Zoning

Pursuant to the Dunedin City District Plan (2006) (**2006 district plan**) the property is zoned *Residential 4*. Pursuant to the Second Generation District Plan Appeal Version (**2GP**)¹ the property is zoned *Inner City Residential*. The zoning of the property pursuant to the 2006 district plan and 2GP are shown in Figures 2a and 2b below.

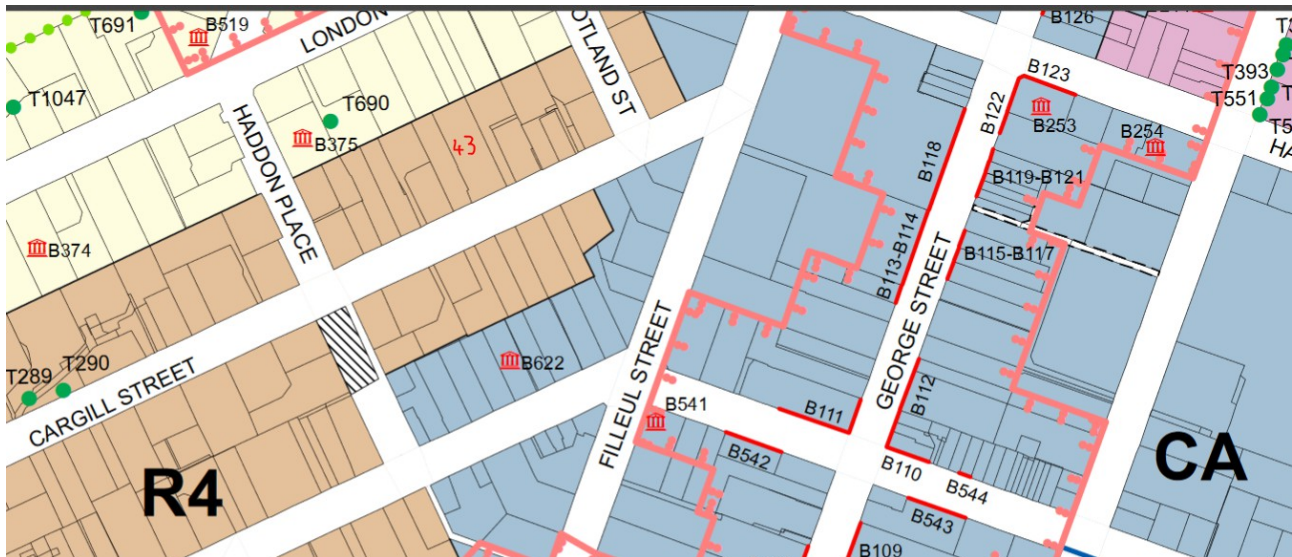


Figure 2a: Zoning pursuant to 2006 District Plan.

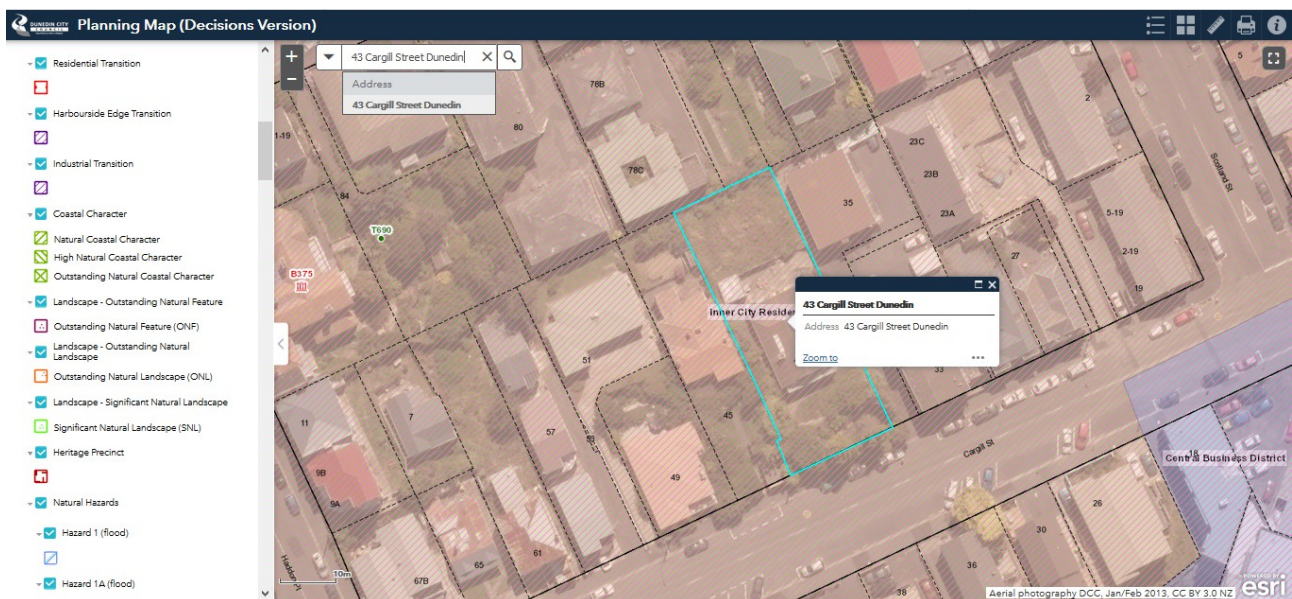


Figure 2b: Zoning Pursuant to 2GP.

Proposed Activity

On 6 November 2018, Barry applied for land use consent to erect a multi unit development at the property including consent for earthworks and retaining. A copy of that documentation is appended to this letter at Appendix 2 (**application**). The application included the following documentation:

¹ This AEE has not been updated with reference to the Variation 1 version of the 2GP.

- completed application form;
- earthworks information;
- site demolition plan;
- site reference layout plan;
- boundary retaining wall plan;
- elevations;
- floorplans; and
- breaches of height plane angle pursuant to 2006 district plan (labelled 'sections thru critical locations of height plane HPA & HP grid A to C2', 'sections thru critical locations of height plane HPA and HP grid C3 to CE3' and 'sections thru critical locations of height plane HPA and HP grid F').

The multi-unit development involves four residential accommodation units with each unit consisting of:

- Ground floor containing laundry facilities, open plan kitchen dining and living area and two bedrooms each with an ensuite;
- Second and third floors each containing laundry facilities and three bedrooms each with an ensuite; and
- A rooftop garden.

Provision has been made for the future inclusion of two lifts, each to service two of the units. The foyer is located within the footprint of the existing garage on the site which will be demolished. Amenity spaces are provided by way of appropriately dimensioned areas at ground level on the east side of the building accessed from the main living area of each unit. Residents will have amenity space additional to the mandatory minimum requirement by way of a private balcony accessed from each bedroom, a decking area in front of Unit 1 above the car park and the rooftop garden. There is provision for a utility area for a clothesline for each unit. Nine on site car parks will be provided in the street level basement under Unit 1 as will a storage area for rubbish and recycling bins.

The building will be clad in coloursteel for the roof, earth tone plaster render on masonry with double glazed aluminium windows. Outside lighting will be provided. After completion of building the property will be landscaped. Although a plan for landscaping is yet to be formalised, it is likely landscaping will involve paved courtyards, paths and retaining walls of planted borders with selected pebble cover around native speargrass, boxed hedges and possible inclusion of the occasional, carefully selected and located specimen tree.

Due to the size and location of this project as well as existing work flows within the construction industry, the applicant requests a consent period of 10 years.

In the letter, the consultant planner rejected the application on the basis that the application was incomplete because the assessment of effects on the environment did not include:

- An assessment of the activity's effects on the environment with detail that corresponds with the scale and significance of the effects on the environment, including identification of the persons affected by the activity, and/or your reasons why you consider that parties such as adjacent landowners and occupiers are either not adversely affected, or will be subject to effects that are less than minor.
- An assessment of the activity against the matters set out in Part 2.
- An assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b). In particular, it is noted that the assessment must give a full assessment of the proposal in terms of both the Operative District Plan, and Proposed District Plan. In regard to the latter you should refer to the version of the Plan as amended by the decisions released on 7 November. The relevant rules of both plans need to be identified in the application, and evidence provided by reference to plans of the proposed site development as to how the proposal either complies with or breaches the rules. The application must also comment on the relevant objective and policies of the Plans that underpin these rules.
- A detailed description of the activity, such that what is proposed is clearly understood and a full and complete assessment is able to be made of the matters noted. It is noted that the detail of the application should be sufficient that any party (not just the processing planner) can make a reasonable determination of the extent and significance of any compliance issues and how it may result in effects on the environment.

The letter stated that the application was assessed as incomplete pursuant to section 88 of the Resource Management Act 1991 (**Act**) and was to be returned to the applicant with a full refund. Subsequent phonecalls between the applicant and Mr Campbell Thomson of Dunedin City Council and Ms Peters of our office and Mr Thomson, resulted in Council agreeing to hold the application until this assessment of environmental effects could be completed. The application fee was not refunded.

Activity Status

2006 District Plan

Residential activity is defined in the 2006 district plan as meaning:

"...the use of land and buildings by a residential unit for the purpose of permanent living accommodation and includes rest homes, emergency housing, refuge centres, halfway houses, retirement villages and papakaika housing if these are in the form of residential units. Residential Activity also includes

(a) home occupation;

(b) childcare facility for up to and including 5 children;

(c) home stay or boarding house for up to and including 5 guests

- provided that these are secondary to the permanent living accommodation."

Residential activity is permitted in the Residential 4 zone at a density of not less than 200m² per residential unit pursuant to Rule 8.10.1(i) provided the residential activity complies with relevant conditions attaching

to permitted activities listed in Rule 8.10.2. Table 1 below contains an analysis of the proposed activity against relevant conditions attaching to permitted activities.

Table 1: Analysis of Proposed Activity Against Conditions Attaching to Permitted Activities.

Condition	Analysis
R.8.10.2.(i) Minimum Yards (a)(i) Front Yard: 3m (ii) All Other Yards: 1m	There is a front yard of 3 metres from the boundary with Cargill Street to the wall of the building. There are rear and side yards of at least 1 metre from the boundaries to the wall of the ground floor of the building excepting the lobby which is within the footprint of the existing garage and is, therefore, permitted via existing rights. The basement will be underground and, therefore, yards are not applicable with the walls of the basement being governed by rules pertaining to earthworks and retaining walls. However, the balconies on the street facade of Unit 1 protrude into the front yard. In addition, the height of the fence on the street frontage, for a short section, will also breach the maximum height of 2m for fences within front yards proscribed by Rule 8.6.1(iv). The breach, as shown through Grid A, is for a length of 10.577m grading from 0 – 604mm high. Proposed activity partially complies with this condition.
R.8.10.2(ii) 72° (1 to 3 yard to height ratio)	There are various breaches of the height plane angle detailed on plans labelled: 'sections thru critical locations of height plane HPA & HP grid A to C2', 'sections thru critical locations of height plane HPA and HP grid C3 to CE3' and 'sections thru critical locations of height plane HPA and HP grid F'. Proposed activity does not comply with this condition.
R.8.10.2(iii) Max. Height 9m	'Ground level' is defined in the 2006 district plan as being "...the ground level as at 1 July 2010." No earthworks have been undertaken on site modifying the ground level and, therefore, the existing ground level is the ground level as at 1 July 2010. Although, the maximum height of the built building is 9 metres excepting that on the street frontage when the basement garage is included the height of the building is 12 metres, the maximum height from the existing ground level will be exceeded in three places being: (i) through Grid B height plane street front gable 3,111mm long x 1,102mm high; (ii) through Grid D1 height plane ridge line 3,401mm long x 0 – 236mm high; and (iii) through Grid E1 height plane ridge line 4,560mm long x 0 – 401mm high. Proposed activity does not comply with this condition.
R.8.10.2(iv) Max. Site Coverage 60% of site area	The total site coverage is 70.86% this includes the footprint of the ground floor of the building (531.56m ²), lobby and access (35.11m ²) and basement carpark not covered by the footprint of the units (94.80m ²). Proposed activity does not comply with this condition.
R.8.10.2(v) Minimum Amenity Open Space Every residential unit shall provide at ground level an area of 35m ² of amenity open space that is capable of containing a 4.5m diameter circle. For residential units not at ground level (ie multi-storeyed apartments and flats) Rule 8.6.2 shall apply.	Each of the four residential units has a 35m ² area of open space capable of containing a 4.5m diameter circle. In addition, and in excess of the minimum open space requirements, each of the bedrooms on levels 1 and 2 of each unit have a private balcony, there will be a decking area over carparks 1 and 6 and the aisle between and residents will have access to a rooftop garden. Proposed activity complies with this condition.
R.8.10.2(vi) Separation Distances Development containing more than one residential unit that does not share a common wall shall be separated by a distance of no less than 2m.	Not applicable.
R.8.10.2(vii) Minimum Carparking On-site car parking shall comply with the performance standards in Section 20 (Transportation) and shall be provided for on the following basis: (a)(ii) 2 car parks per residential unit greater than 150m ² gross floor area (excluding garaging areas).	Nine car parking spaces have been provided for in the basement car park. This is in excess of the eight carparks required pursuant to this condition. However, no on-site queuing space is provided which breaches Rule 20.5.5(iv). Proposed activity partially complies with this condition.

Table 1 continued...

Condition	Analysis
R.8.10.2(viii) Loading and Access (a) For the following activities there are no loading requirements. Access requirements shall comply with the performance standards in Section 20 (Transportation): (i) Residential Activity.	Access from Cargill Street will be formed in compliance with relevant performance standards. Proposed activity complies with this condition.
R.8.10.2(ix) Signs	Not applicable.
R.8.10.2(x) Noise, Glare, Lighting and Electrical Interference	The building has been designed so that its use will comply with relevant performance standards pertaining to these matters. Proposed activity complies with this condition.
R.8.10.2(xi) Minimum Site 200m ²	Not applicable as there is no subdivision proposed as part of the application. Nevertheless, there is sufficient land contained within the site to meet the minimum site size of 200m ² if a subdivision was undertaken as well as sufficient frontage to meet frontage requirements.
R.8.10.2(xii) Commercial Residential Activities	Not applicable.
R.8.10.2(xiii) Working from Home	Not applicable.

Pursuant to the 2006 district plan, the proposed activity has an activity status of restricted discretionary² due to the breaches of the conditions relating to site coverage, height plane angle, front yard, on site queuing space and the maximum height of the building and fence. Council's discretion is restricted to the condition or conditions with which the proposed activity fails to comply³.

The 2006 district plan defines earthworks as: “...any activity that: a) involves: the removal of rock and/or soil; excavation; and/or the deposition of fill, and b) disturbs the land or alters the land contour.” Earthworks are governed by section 17.7 of the 2006 district plan. Rule 17.7.3 contains the performance standards for earthworks to have an activity status of permitted. Table 2 below contains an analysis of the proposed earthworks in relation to the performance standards detailed in Rule 17.7.3.

Table 2: Analysis of Proposed Earthworks in Relation to Performance Standards.

Relevant Performance Standard	Analysis
R. 17.7.3(i)(c) Minimum Setback Distances This standard applies to minimum setback from property boundaries for earthworks over 600mm in height or depth and supported by a retaining wall. (i) For retaining walls supporting a cut there shall be no minimum setback distance, provided that the retaining wall has been granted building consent. (ii) For retaining walls supporting a cut that have not been granted building consent, the minimum setback distance to the top of the retaining wall shall be at least equal to the maximum height of the retaining wall (see Figure 17.4).	The application for building consent will include all retaining walls. Proposed earthworks comply with this performance standard.
17.7.3(ii) Scale Thresholds Earthworks shall not, within any consecutive 2 year period, exceed either the 'Change in ground level' threshold or the 'Volume of excavation and fill' threshold listed in Table 17.5 for the area or zone in which they are located Applicable thresholds from Table 17.5 are: 1.5m change in ground level; and 100m ³ volume of excavation and fill.	No earthworks have been conducted within the property over the preceding two years. However, the proposed earthworks will exceed the scale thresholds as the maximum change in ground level will be 5.5 metres and the total volume of excavation will be 1,700m ³ and the total volume of fill will be 100m ³ . Proposed earthworks does not comply with this performance standard.
17.7.3(iii) Distance from Water in Rural Zone	Not applicable.

² 2006 District Plan Rule 8.10.4(i).

³ 2006 District Plan Rule 8.10.4(i).

Table 2 continued...

Relevant Performance Standard	Analysis
17.7.3(iv) Groundwater Protection Zones	Not applicable.
17.7.3(v) Distance from Water & Wastewater Infrastructure Earthworks shall be located at least 1.5m from the centreline of any Council-owned stormwater or foul sewer line, and at least 2.5m from the centreline of any Council-owned water mains.	Council owned water and wastewater infrastructure is located in Cargill Street approximately 7 metres from the boundary of the property. Proposed earthworks comply with this performance standard.
17.7.3(vi) Distance from High Voltage Transmission Lines & Support Structures	Not applicable

Pursuant to the 2006 district plan, the proposed earthworks have an activity status of restricted discretionary due to the breach of scale thresholds⁴ with Council's discretion restricted to the following matters:

- Adverse effects on the amenity of neighbouring properties.
- Effects on visual amenity and landscape.
- Effects on any archaeological site and/or any cultural site.
- Effects on the transportation network, caused by the transport of excavated material or fill.
- Effects from the release of sediment beyond site boundaries, including transport of sediment by stormwater systems.
- Cumulative effects relating to any of these matters.
- Design and engineering of retaining structures and earthworks.
- Effects on the stability of land and buildings.
- Effects on the surface flow of water and on flood risk.
- Effects on underground utilities.

2GP

Residential activity is defined in the 2GP as meaning:

“The category of land use activities that consists of:

- *supported living facilities (including rest homes, retirement villages, and student hostel)*
- *standard residential (including papakaika); and*
- *working from home.”*

'Standard residential' is defined as:

“The use of land and buildings for residential activity at a domestic scale. For the sake of clarity, this definition includes:

- *short-term house rentals*
- *boarding houses*
- *supported living accommodation (with 10 or fewer residents); and*

⁴ 2006 District Plan Rule 17.7.5(ii).

- *emergency and refuge accommodation.*

This definition excludes supported living facilities. Papakaikā is managed as a sub-activity of standard residential. Standard residential is an activity in the residential activities category.”

A residential building is defined as:

“A building that is, or will be, used entirely or in part, for residential activity and contains one or more residential units or, for the purposes of hazards or National Grid related rules, any sleeping accommodation.”

Pursuant to Rule 15.3.3.3 residential activity is permitted in the Inner City Residential zone provided the residential activity complies with relevant performance standards detailed in Rule 15.3.3.3.a – e. Table 3 below contains an analysis of the proposed activity against the relevant performance standards.

Table 3: Analysis of the Proposed Activity Against the Performance Standards.

Performance Standard	Analysis
R.15.3.3.3.a Density R.15.5.2.1.e.ii ⁵ Maximum development potential per site ⁶ is 1 habitable room per 45m ² . Activities that contravene this performance standard have a non-complying ⁷ activity status.	The maximum development potential of the site is: 20 habitable rooms (being 934m ² / 45m ²). The proposed activity consists of 32 habitable rooms. The proposed activity does not comply with this performance standard.
R.15.3.3.3.b Minimum Carparking R.15.5.8.1.c, Note 15.5.8A, Rule 6.6.1.3.a.i Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof). Activities that contravene this performance standard have a restricted discretionary activity status ⁸ .	Rule 15.5.8.1.c requires the provision of 8 parking spaces for the proposed activity (that is, 2 parking spaces for the first 8 habitable rooms and 1 space for every 4 habitable room thereafter). The application provides for 9 parking spaces. However, no on site queuing space is provided which breaches Rule 6.6.1.3.a.i. The proposed activity partially complies with this performance standard.
R.15.3.3.3.c Outdoor Living Space R.15.5.11.1.a.iv.i ⁹ 20m ² + 5m ² per additional habitable room over 3 habitable rooms	Rule 15.5.11.1.a.iv.1 requires the provision of 45m ² of outdoor living space for each unit. The proposed activity complies with this performance standard via the provision of 45m ² of amenity open space per unit (35m ² shown as circle and further 10m ² extending along the side of the building from each circle) located at ground level on the eastern side of the building and accessed from the main living area of each unit.
R.15.3.3.3.d Service Areas R.15.5.12 1. Residential activity with 3 or more residential units on a site must provide service areas with a minimum area of 2.5m ² per residential unit. Service area requirements are in addition to outdoor living space requirements. 2. Activities that contravene this performance standard are restricted discretionary activities.	Rule 15.5.12.1 requires the provision of 10m ² of service area in addition to the outdoor living spaces. The proposed activity complies with this performance standard via provision of a dedicated area in the basement carpark for storage of rubbish and recycling bins and a 2.5m ² area per unit for a clothesline area.
R.15.3.3.3.e Family Flats	Not applicable.

Note: 'habitable rooms' is defined as: *“Any room in a residential unit, family flat or sleep out that is designed to be, or could be, used as a bedroom. The calculation of a habitable room will exclude only one principal living area per residential unit (including family flats). Any additional rooms that could be used as a bedroom but are labelled for another use, such as a second living area, gym or study, will be counted as a habitable room.”*

The breach of the on site queuing space has an activity status of restricted discretionary¹⁰. Breaching the density requirement results in a non-complying activity status. However, there are two points to note in

⁵ This rule is under appeal.

⁶ In this case the 'site' is the land contained in certificate of title OT282/59 less the land contained in DP463825.

⁷ 2GP Rule 15.5.2.4.

⁸ 2GP Rule 15.5.8.16.

⁹ This rule is under appeal.

¹⁰ 2GP Rule 6.6.1.3.b.

relation to the overall activity status of the proposed activity: firstly, the density provision in relation to the Inner City Residential zone is under appeal; and secondly, the activity status of the proposed activity is determined by the date of lodgement of the application – see below under heading '*Timing of Lodgement of Application*'.

Pursuant to Rule 15.3.4.3 a multi-unit development in the Inner City Residential zone is a restricted discretionary activity. Rule 15.3.4.1 and 2 contain various performance standards that the proposed activity must meet, the relevant performance standards being: 15.3.4.1.b) maximum building site coverage and impermeable surfaces and 15.3.4.2.a) boundary setbacks; b) building length; c) firefighting; d) height in relation to boundary and e) maximum height. Compliance of the proposed activity with each of these performance standards is analysed in Table 4 below.

Table 4: Analysis of the Proposed Activity Against the Performance Standards.

Performance Standard	Analysis
R.15.3.4.1.b Site Coverage R.15.6.10.1.c.i max 60% of site (buildings) R.15.6.10.1.c.ii max 80% of site (building & impermeable surfaces)	The site coverage is 70.86% this includes the footprint of the ground floor of the building (531.56m²), lobby and access (35.11m²) and basement car parks not covered by the footprint of the Unit 1 being car parks 1, 6 and part of 2, 3, 4 & 5 (94.80m²). Various landscaping mechanisms will be used to ensure amenity areas (excluding amenity areas associated with Unit 1 included in figures above) will be permeable, thereby, ensuring the total site coverage of impermeable surfaces remains within 80% of the site area. Proposed activity partially complies with this condition and, therefore, is a restricted discretionary activity pursuant to Rule 15.6.10.3.
R.15.3.4.2.a Boundary Setbacks R.15.6.13.1.a.iv ¹¹ 3m from road (R.15.6.13.1.a.iv.1) 1m from side and rear (R.15.6.13.1.a.iv.2) 1m from right of ways (R.15.6.13.1.a.iv.3)	There are setbacks from the rear and side boundaries of at least 1 metre from the boundaries to the wall of the ground floor of the building excepting the lobby which is within the footprint of the existing garage and is, therefore, permitted via existing rights. The basement will be underground and, therefore, side boundary setbacks are not applicable with the walls of the basement being governed by rules pertaining to earthworks and retaining walls. There is a boundary setback of 3 metres from the boundary with Cargill Street to the wall of the ground floor of the building. However, the balconies for Unit 1 will protrude into the road boundary setback. Furthermore, in places the road boundary fence will exceed 2m breaching Rule 15.6.2.1.a although the 6.2m 'break' in the fence to provide for vehicle access to the underground car park and the inclusion of louvers in the fence means the design of the fence complies with Rule 15.6.2.2 with respect to visual permeability. Proposed activity partially complies with this performance standard.
R.15.3.4.2.b Building Length R.15.6.1 Building length must be no longer than 20m ¹² unless there are modulations in the wall length of 1m or more ¹³ .	The total length of the building, excluding the basement garage, is 44.99 metres. However, the building design involves regular step-backs of more than 1m in the wall length. Proposed activity complies with this performance standard.
R.15.3.4.2.c Fire Fighting R.15.6.3, R.9.3.3.2.a: <i>"New residential buildings must...connect to the public water supply..."</i>	All four units will be connected to the public water supply. Proposed activity complies with this performance standard.

¹¹ These rules are under appeal.

¹² 2GP Rule 15.6.1.1.

¹³ 2GP Rule 15.6.1.2.

Table 4 continued...

Performance Standard	Analysis
R.15.3.4.2.d Height in Relation to Boundary R.15.6.6.1.a.ii ¹⁴ <i>"...a plane rising at an angle of 45 degrees measured from a point 3m above ground level at the boundary...or that have a slope angle of 6 degrees or more and where the ground level at the nearest boundary is lower than the existing ground level of the building platform...through a plane raising at an angle of 55 degrees from a point 3m above ground level at the boundary."</i> Except: R.15.6.6.1.v.1 <i>"...for any new buildings...within 16m of the road boundary, the height in relation to boundary will be measured from 6.5m above ground level at side boundaries, provided that all buildings on the remainder of the site are set back from the side boundaries by at least 2m"</i> ; R.15.6.6.1.v.2 <i>"where new buildings...are built to a common wall, any part of a building where the height and angle of the roofline are the same as the adjoining building is exempt from this standard..."</i> ; and R.15.6.6.1.v.3 <i>"gable ends and dormers may protrude through the height plane by a maximum of 2m..."</i>	The proposed activity does not comply with this performance standard because the building breaches the height in relation to boundary performance standard. New buildings which contravene this performance standard are restricted discretionary activities pursuant to Rule 15.6.1.4.
R.15.3.4.2.e Maximum Height 12m R.15.6.6.2.iv.1	'Ground level' is defined in the 2GP as: <i>"The natural surface of the ground prior to any earthworks on the site; or if the land has been subdivided and earthworks assessed, the level of the ground existing when assessed earthworks associated with the prior subdivision of the land were completed (but before filling or excavation for new buildings on the land has commenced)."</i> No earthworks have been undertaken on the property. The building does not exceed the maximum height of 12 metres. Proposed activity complies with this performance standard.

Earthworks is defined in the 2GP as being:

"The disturbance and alteration of land surfaces by the re-contouring of land and/or the excavation or deposition of materials including clean fill, soil, or rock...Earthworks are an activity in the earthworks activities category."

This definition excludes various types of earthworks but none of the exclusions apply to the present application. Earthworks are either large scale or small scale. To be classified as small scale, the earthworks must either be an earthworks listed in Rule 8A.5.1.1 or meet relevant scale thresholds contained in Rules 8A.5.1.3, .4 and .5.

At the date of application, no application for building consent for the proposed activity had been lodged and, therefore, the earthworks are not currently subject to an approved building consent and cannot be classified as earthworks – small scale pursuant to Rule 8A.5.1.1. The earthworks are classified as large-scale due to breaches of the:

- 1.5 metre maximum change in finished ground level proscribed by Rule 8A.5.1.3.a.i; and
- maximum volume of combined cut and fill proscribed by Rule 8A.5.1.5.a.i.

The proposed earthworks are a restricted discretionary activity with Council's discretion restricted to consideration of relevant matters listed in Rules 8A.3.2.1.a – i and 8A.3.2.3.a.

There are two other aspects of the proposal which warrant consideration pursuant to the 2GP. These are:

¹⁴ This rule is under appeal.

(i) temporary activities; and (ii) retaining walls.

With respect to temporary activities, Rule 4.5.1.1 of the 2GP requires that:

“Any temporary building or structure, or earthworks or site development activity associated with temporary activities must meet the maximum height, height in relation to boundaries, setbacks...and earthworks performance standards of the zone in which they are located, except: ... c. any temporary building or structure associated with construction are exempt from meeting performance standards for maximum height, height in relation to boundary, and boundary setbacks provided they are erected for no more than 90 days.”

It is possible that the construction of the units may breach Rule 4.5.1.1. However, until building consent is obtained and the plans have gone for tender, the exact length and staging of construction cannot be confirmed. As such, it would be sensible for consent to be granted for a potential breach of Rule 4.5.1.1. A breach of this rule has an activity status of restricted discretionary¹⁵.

With respect to retaining walls, both Rules 8.6.1(vi) and 17.7.3(i) of the 2006 district plan and Rule 8A.5.4.1.b of the 2GP provide an exemption for retaining walls included in a building consent. All retaining walls associated with the units will be included in the building consent. However, building consent will not be applied for until after resource consent is obtained. It should suffice to include an advise note in the grant of consent noting that all retaining walls must be included in the application for building consent.

Summary of Breaches

A summary of the breaches of the 2006 district plan and 2GP provisions is contained in Table 5 below.

Table 5: Summary of Plan Provision Breaches.

Performance Standard Breached	Extent of Breach	Plan Provision	Activity Status
Height Plane Angle	Various breaches see Appendix 3 and Table 6 in AEE for details.	2006 Plan Rule 8.10.2(ii)	Restricted discretionary (Rule 8.10.4(i))
	Various breaches see Appendix 3 and Table 6 in AEE for details.	2GP Plan Rule 15.6.6.1.a.ii (under appeal)	Restricted discretionary (Rule 15.6.1.4)
Height	3 breaches of the 9m max height being (i) through Grid B height plane street front gable 3,111mm long x 1,102mm high; (ii) through Grid D1 height plane ridge line 3,401mm long x 0 – 236mm high; and (iii) through Grid E1 height plane ridge line 4,560mm long x 0 – 401mm high.	2006 Plan Rule 8.10.2(iii)	Restricted discretionary (Rule 8.10.4(i))
Density	32 habitable rooms when max. development density for the site pursuant to 2GP equates to 20.	2GP Rule 15.5.2.1.e.ii (under appeal)	Non-complying (Rule 15.5.2.4)
Site Coverage	The site coverage of buildings is 70.86% when maximum allowed is 60%.	2006 Plan Rule 8.10.2(iv)	Restricted discretionary (Rule 8.10.4(i))
		2GP Rule 15.6.10.1.c.i	Restricted discretionary (Rule 15.6.10.3)

¹⁵ 2GP Rule 4.5.1.3.

Table 5 continued...

Performance Standard Breached	Extent of Breach	Plan Provision	Activity Status
Front Yard	Protrusion of Unit 1 balconies into front yard	2006 Plan Rule 8.10.2(i)(a)(i)	Restricted discretionary (Rule 8.10.4(i))
		2GP Rule 15.6.13.1.a.iv.1	Restricted discretionary (Rule 15.6.13.1.b)
	Car park & access occupying more than 50% of the front yard	2GP Rule 15.6.7.1	Restricted discretionary (Rule 15.6.7.3)
Earthworks	Scale thresholds.	2006 Plan Rule 17.7.3(ii)	Restricted discretionary (Rule 17.7.5(ii))
		2GP Rule 8A.5.1.2.a	Restricted discretionary (Rule 8A.3.2.3)
Max Fence Height	The breach, as shown through Grid A, is for a length of 10.577m grading from 0 – 604mm above 2m max height.	2006 Plan Rule 8.6.1(iv)	Restricted discretionary (Rule 8.10.4(i))
		2GP Rule 15.6.2.1.a (under appeal)	Restricted discretionary (Rule 15.6.2.1.c)
Car Park Queuing Space	No queuing space provided, 6m required.	2006 Plan Rule 20.5.5.(iv)	Restricted discretionary (Rule 8.10.4(i))
		2GP Rule 6.6.1.3.a.i	Restricted discretionary (Rule 6.6.1.3.b)

Timing of Lodgement of Application

Decisions on submissions to the 2GP were notified on 7 November 2018. Lodgement of the application on the 6 November 2018 ensured the retention of the restricted discretionary activity status for the proposed activity pursuant to the 2006 district plan.

Notification

Section 95A of the Resource Management Act 1991 (**RMA**) governs the process for determining if an application is to be publicly notified. The process contains four steps with criteria set out for each step. The four steps are:

- Step 1: mandatory public notification in certain circumstances.
- Step 2: public notification precluded in certain circumstances.
- Step 3: public notification required in certain circumstances.
- Step 4: public notification in special circumstances.

With respect to the criteria for step 1, as listed in subsection (3) of s95A, the applicant has not requested the application be notified; Council has all relevant information and the application does not include recreation reserve land. Therefore, there is no requirement for mandatory public notification.

With respect to criteria for step 2, s95A(5)(b)(ii) applies. That is, the application is for a resource consent for a restricted discretionary residential activity where the residential activity is “...an activity that requires resource consent under a...district plan and that is associated with the construction, alteration, or use of 1 or more dwellinghouses on land that, under a district plan, is intended to be used solely or principally for

*residential purposes.”*¹⁶ This means that Council is precluded from notifying the application and step 3 does not apply.

With respect to step 4, subsection 9 of s95A, requires a determination as to whether special circumstances exist in relation to the application that warrant the application being publicly notified and if the answer is yes publicly notify the application but if the answer is no, determine whether to give limited notification under s95B.

Case law holds that what constitutes 'special circumstances' are circumstances which must be unusual or exceptional, but may be less than extraordinary or unique¹⁷ - the circumstances must be out of the ordinary. Although, public opinion may be a contributing factor it is not determinative¹⁸.

There are no 'unusual', 'exceptional' or 'out of the ordinary' circumstances relating to the application. The application is for a fairly standard, multi-unit development on residential zoned land in an area catering for medium to high density development (dependent on plan). The overall activity status for the proposed activity is restricted discretionary due to the application being lodged prior to decisions on 2GP submissions being notified.

Similarly s95B sets out the steps for determining whether there is a need for limited notification of an application. Step 1 determines whether there are certain affected groups or affected persons that must be notified. No protected customary rights or marine title groups are affected by the application, nor will the application affect land the subject of a statutory acknowledgement made in accordance with an act specified in schedule 11 of the RMA. None of the circumstances set out in step 2 (s95B(6)) apply meaning Council is not precluded from limited notification of the application. Step 3 (s95B(8)) requires determination of any other affected party in accordance with s95E. There are no other affected parties because any adverse effects of matters over which Council has restricted its discretion will be less than minor as demonstrated by the assessment of environmental effects below.

Assessment of Environmental Effects

As stated above, due to the application being lodged prior to the release date of the decisions on submissions to the 2GP, the activity status of the proposed activity is **restricted discretionary**. This means that Council's discretion is restricted to consideration of the effects of any contraventions of the proposed activity pursuant to either plan.

As such, this assessment of environmental effects considers in turn the affect of each of the following contraventions:

- Height and Height Plane Angle including the Fence;

¹⁶ S95A(6) RMA.

¹⁷ *Peninsula Watchdog Group Inc v Minister of Energy* [1996] 2 NZLR 529.

¹⁸ *Murray v Whakatane District Council* [1997] NZRMA 433.

- Density;
- Site Coverage;
- Front Yard including the Fence;
- Earthworks; and
- Car Park Queuing Space.

Maximum Height and Height Plane Angle

The building complies with the maximum height provision of 12m in the 2GP but contravenes the applicable height provision of 9m in the 2006 district plan whilst the building breaches the height plane angle at various, but differing points, for both plans. It is important to note that the height plane angle provisions pursuant to the 2GP are under appeal and hence it is difficult to make an assessment of effects whilst the provisions are uncertain.

The breaches of the various height and height plan angles of both plans are summarised below in Table 6 with an assessment provided for each breach.

Table 6: AEE for Height and Height Plan Angle Breaches Pursuant to Both Plans

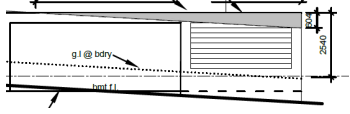
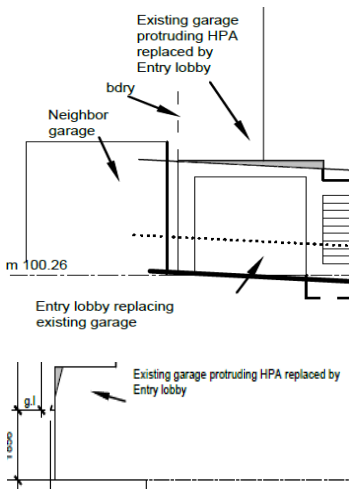
Part of Building	Plan Breached & Breach	Assessment of Environmental Effect
Fence	2006 District Plan & 2GP 	The fence breaches the 2m maximum height requirement for fences specified by both the 2006 district plan and the 2GP. At most, the height of the fence will be 2.540m grading back to 2m over the distance of the louvre filled part of the fence and most of the opening to the basement garage area. A pedestrian will experience an increasing sense of bulk as they walk, past the site. However, this experience will be in the context of views of adjacent multi-storeyed buildings and mall buildings at the bottom of the street when walking downhill; and views of multi-storeyed buildings in the distance when walking past uphill. The experience of viewers travelling past in vehicles will be very brief and again will be in context of multi-storeyed buildings in the view. The additional height of the fence is less than the height of existing vegetation on the boundary of the site and, therefore, will have less of an effect than presently experienced with respect to shading. Breach will have a less than minor effect on the environment.
Entry Lobby	2006 District Plan 	The entry lobby is to be built within the footprint (including height) of the existing garage which will be demolished. As such the effects of lobby are effects which are already present in the existing environment and form part of the permitted baseline. Breach will have no adverse effect on the environment.

Table 6 continued...

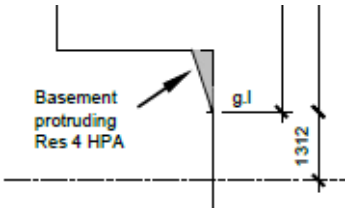
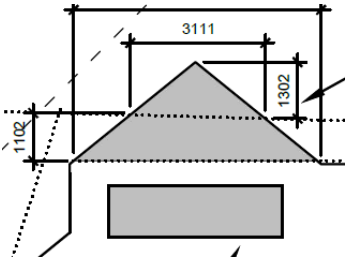
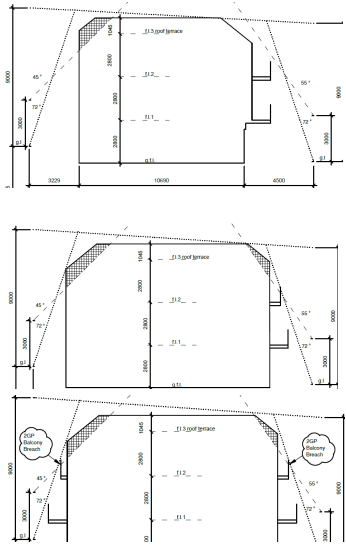
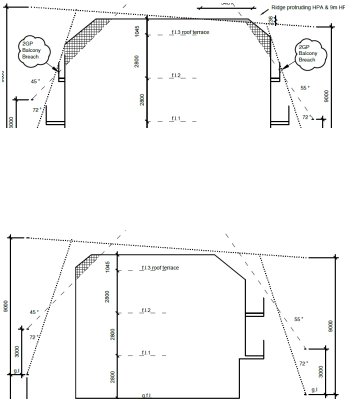
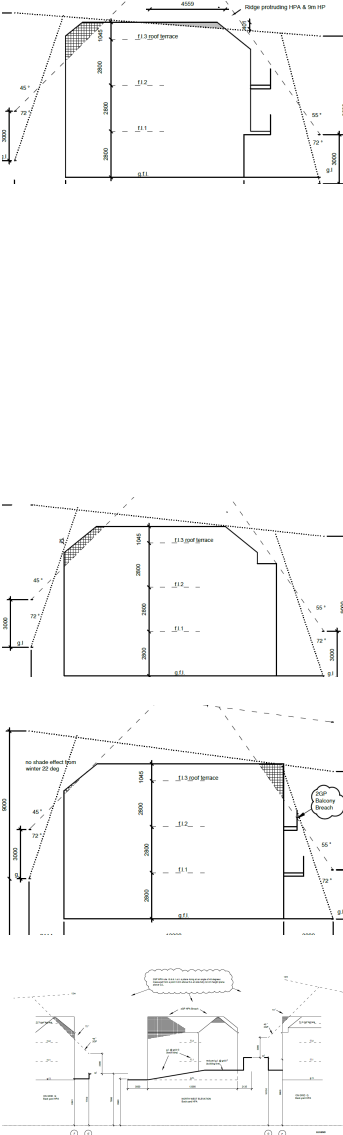
Part of Building	Plan Breached & Breach	Assessment of Environmental Effect
Basement	2006 District Plan 	Although technically a breach of the height plane angle in the 2006 district plan, there will be a negligible effect arising from this breach due to the following factors: - The basement garage outside wall and rooftop will be screened from Cargill Street due to the fence on the boundary. - There is an accessway on the adjoining property on the downhill side of the site with retaining walls and landscaping continuing to screen views into the site.
Unit 1	2006 District Plan 	The gable of unit 1 breaches the maximum height whilst it and the balcony facing the street frontage also breach the height plane angle required by the 2006 district plan. These are not breaches pursuant to the 2GP. The balconies will be enclosed by glass balustrades which will minimise the bulk of the balconies on the building. The gable end with small window will provide visual amenity and relief in the design. The effects of the breaches will be less than minor.
Unit 2	2GP 	The 2GP height plane angle provisions are under appeal making assessment of the effects of the breaches of those provisions difficult due to uncertainty over content of the provision. As such, the effect of these breaches are deemed no more than minor particularly given the topography of the site and surrounding properties.
Unit 3	2006 District Plan and 2GP 	A small section of the upper part of Unit 3 will breach the 2006 district plan height plane angle (see solid gray shaded area). This breach is assessed as less than minor. The 2GP height plane angle provisions are under appeal making assessment of the effects of the breaches of those provisions difficult due to uncertainty over content of the provision. As such, the effect of these breaches are deemed no more than minor particularly given the topography of the site and surrounding properties.

Table 6 continued...

Part of Building	Plan Breached & Breach	Assessment of Environmental Effect
Unit 4	2006 District Plan and 2GP  The diagrams illustrate the building's height and plan breaches. The top three diagrams show cross-sections of a building with height markers (11.1, 11.2, 11.3) and angles (45°, 75°, 65°). The bottom diagram shows a plan view with a '2GP Density Breach' callout.	A small section of the upper part of Unit 4 will breach the 2006 district plan height plane angle (see solid shaded gray area). This breach is assessed as less than minor. The 2GP height plane angle provisions are under appeal making assessment of the effects of the breaches of those provisions difficult due to uncertainty over content of the provision. As such, the effect of these breaches are deemed no more than minor particularly given the topography of the site and surrounding properties.

Density

The applicable density provision in the 2GP which the proposed activity contravenes is subject to an appeal and, therefore, the compliance of the proposed activity with the 2006 district plan density requirements should take precedence in Council's consideration of this matter. Given the uncertainty of the 2GP density provision, the proposed activity's non-compliance with that density provision must be assessed as **less than minor**, particularly given that the objectives and policies of both plans provide for medium to high density and, in particular, multi-unit development, in this area. In any case the proposed multi-unit development will be in keeping with the existing streetscape and likely future developments that the zoning encourages.

Refer to Appendix 4 for an analysis of the effect of the proposed development on the streetscape.

Site Coverage

The site coverage of the units, access and lobby at 60.71% is only slightly over the 60% maximum site coverage for buildings pursuant to both the 2006 district plan and the 2GP. This breach equates to approximately 6.6m² in 'extra' site coverage. If the underground car parks, or parts thereof, not covered by the footprint of Unit 1 (being car parks 1, 6 and parts of 2, 3, 4 and 5 and the aisle between car parks 1 and 6), are included in the definition of 'building', then the site coverage rises to 70.86%. However, the combined site coverage (building and imperviable surfaces) remains within the maximum of 80% required pursuant to the 2GP. Given the context of the site, the proposed building and the fact that the any site coverage 'breach' results from underground car parking, the effects in terms of amenity and run-off are considered to be less than minor.

Front Yard

The balconies on the street facade of Unit 1 protrude into the front yard breaching 2006 district plan Rule 8.10.2(i)(a)(i) and 2GP Rule 15.6.13.1.a.iv.1. In addition, the carpark and access occupy more than 50% of the front yard breaching 2GP Rule 15.6.7.1. All of these breaches have an activity status of restricted discretionary¹⁹. The effect of these breaches is considered to be less than minor.

The balconies add, in a positive manner, to the visual relief of the street facade of the building. Excluding the site, there are 11 properties on the same side of the block (Haddon Place to Scotland Street) as the site with frontage more than an access way to Cargill Street. Of those 11 properties six have dwellings set back approximately 1m or less with a further two properties having a dwelling located within approximately 3m of the road boundary. Furthermore, five of the properties (57, 61, 65 & 65A, 67B) have car parking and access which occupy more than 50% of the front yard. As such, within the existing streetscape, the the effects of the balconies protruding into the front yard and the carpark and access occupying more than 50% of the front yard will be less than minor.

Earthworks

The earthworks breach the scale thresholds in both the 2006 district plan and the 2GP. The activity status of the earthworks are a restricted discretionary activity pursuant to both plans. The relevant matters to which Council's discretion is restricted are considered below in Table 7.

Table 7: Matters to which Discretion is Restricted with Respect to Earthworks.

Matter to which Discretion is Restricted	Analysis
2006 plan: Adverse effects on the amenity of neighbouring properties.	During construction of the retaining walls (including earthworks) there will be some effect on the amenity enjoyed by adjoining properties. However, these effects will be temporary with the application stating that works will be spread over three stages of 2, 4 and 8 weeks duration each. A Council approved contractor will be used with proper processes used to minimise effects. Effects will be less than minor .

¹⁹ See 2006 District Plan Rule 8.10.4(i), 2GP Rule 15.6.13.1.b and 2GP Rule 15.6.7.3 respectively.

Table 7 continued...

Matter to which Discretion to Restricted	Analysis
<i>2006 plan:</i> Effects on visual amenity and landscape.	The visual effects and effects on the townscape of the earthworks will be temporary. Such effects are a normal and expected part of construction, particularly urban renewal on steeper sites such as the subject site. Effects will be less than minor .
<i>2006 plan:</i> Effects on the transportation network, caused by the transport of excavated material or fill.	A Council approved contractor will be used for the earthworks construction. Trucks will remove surplus material to an approved land fill dump via an approved route. Measures will be taken to ensure that material is not carried onto the road surface from the site. Effects will be less than minor .
<i>2006 plan:</i> Effects on any archaeological site and/or any cultural site. <i>2GP:</i> Archaeological sites.	Not applicable.
<i>2006 plan:</i> Effects from the release of sediment beyond site boundaries, including transport of sediment by stormwater systems. <i>2GP:</i> Sediment control.	The earthworks and associated retaining structures have been designed and located and will be undertaken or built in a way that minimises, as far as is practicable, adverse effects on surrounding sites and the wider area. Effects will be less than minor .
<i>2006 plan:</i> Cumulative effects relating to any of these matters.	There will be no cumulative effects provided Council continues to ensure that earthworks and associated retaining walls are properly designed and constructed by approved contractors who follow good process. Not applicable.
<i>2006 plan:</i> Design and engineering of retaining structures and earthworks.	The retaining walls and earthworks have been designed by an engineer. Building consent for the development will include an application for building consent for the earthworks and retaining walls. Consideration of the detail of the engineering of the retaining walls and earthworks is best dealt with at the time of application for building consent. Application complies with this matter.
<i>2006 plan:</i> Effects on the stability of land and buildings. <i>2GP:</i> Setback from property boundary, buildings, structures and cliffs.	The existing dwelling on the uphill property at 45 Cargill Street will be in excess of 3.5m from the retaining wall once built. There is an existing retaining wall between the property and the access to the downhill property at 35 Cargill Street. There is approximately 4m between the retaining wall and existing dwelling on 78c London Street behind the property. The earthworks and retaining walls have been engineered. The time to assess the effect of those engineering details with respect to land and building stability is at the time of application for building consent. Application complies with this matter.
<i>2006 plan:</i> Effects on the surface flow of water and on flood risk.	During construction of the earthworks and retaining walls measures will be taken to ensure that no surface flow of water is carried on to the street or downhill properties. There will be no increase to flooding risk from what currently exists for the property. Effects will be less than minor .
<i>2006 plan:</i> Effects on underground utilities. <i>2GP:</i> Setback from network utilities.	Council-owned utilities and other network providers are located within Cargill Street, with there being approximately 7m from the property boundary to the location of Council-owned utilities. Care will be taken to ensure that earthworks do not disturb or impact on underground utilities, except where approved connection is being made, and that earthworks are sufficiently set back from network utilities. Application complies with these matters.
<i>2GP:</i> Batter gradients	Not applicable.
<i>2GP:</i> Setback from National Grid.	Not applicable.
<i>2GP:</i> Removal of high class soils.	Not applicable.
<i>2GP:</i> NZ Environmental Code of Practice for Plantation Forestry	Not applicable.
<i>2GP:</i> Setback from scheduled tree.	Not applicable.
<i>2GP:</i> Setback from coast and water bodies.	Not applicable.

Car Park Queuing Space

There is insufficient room within the basement to provide queuing space. However, the need for queuing space is mitigated by the following factors:

- The footpath is approximately 3m wide at this location.
- Cargill Street is classified as a local road pursuant to both the 2006 district plan and the 2GP and has a width (kerb to kerb) of approximately 14m.
- Our client anticipates that there will be lower daily vehicle movements associated with residential occupancy of the units given the close proximity of CBD, services and the university.

CONCLUSION

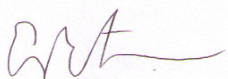
The application is for an activity which is a restricted discretionary activity pursuant to the 2006 district plan and a non-complying activity pursuant to the 2GP. Lodgement of the application prior to the release of decisions on 2GP submissions means that the activity status of **restricted discretionary** pursuant to the 2006 district plan is retained for the proposed activity. Further the 2GP density provision with which the proposed activity is non-compliant is under appeal.

The analysis of the assessment of environmental effects provided above shows that the effects, in terms of matters over which Council has restricted its discretion, are in the range of negligible to less than minor with many of the effects being temporary in nature and only present during certain phases of construction of the multi-unit development.

As such, Council should grant consent to the application. The applicant has applied for a consent period of 10 years. The applicant is happy to have input on draft consent conditions prior to issuance of a decision.

Please make contact if you wish to discuss this matter further or require any further information.

Yours sincerely,



Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214
www.sweepconsultancy.co.nz

Appendix 1a: Certificate of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier OT282/59
Land Registration District Otago
Date Issued 26 April 1937

Part-Cancelled

Prior References
DI S408

Estate	Fee Simple
Area	1012 square metres more or less
Legal Description	Section 17 Block XX Town of Dunedin

Registered Owners
Barry Craig Smaill and Victoria Ann Smaill

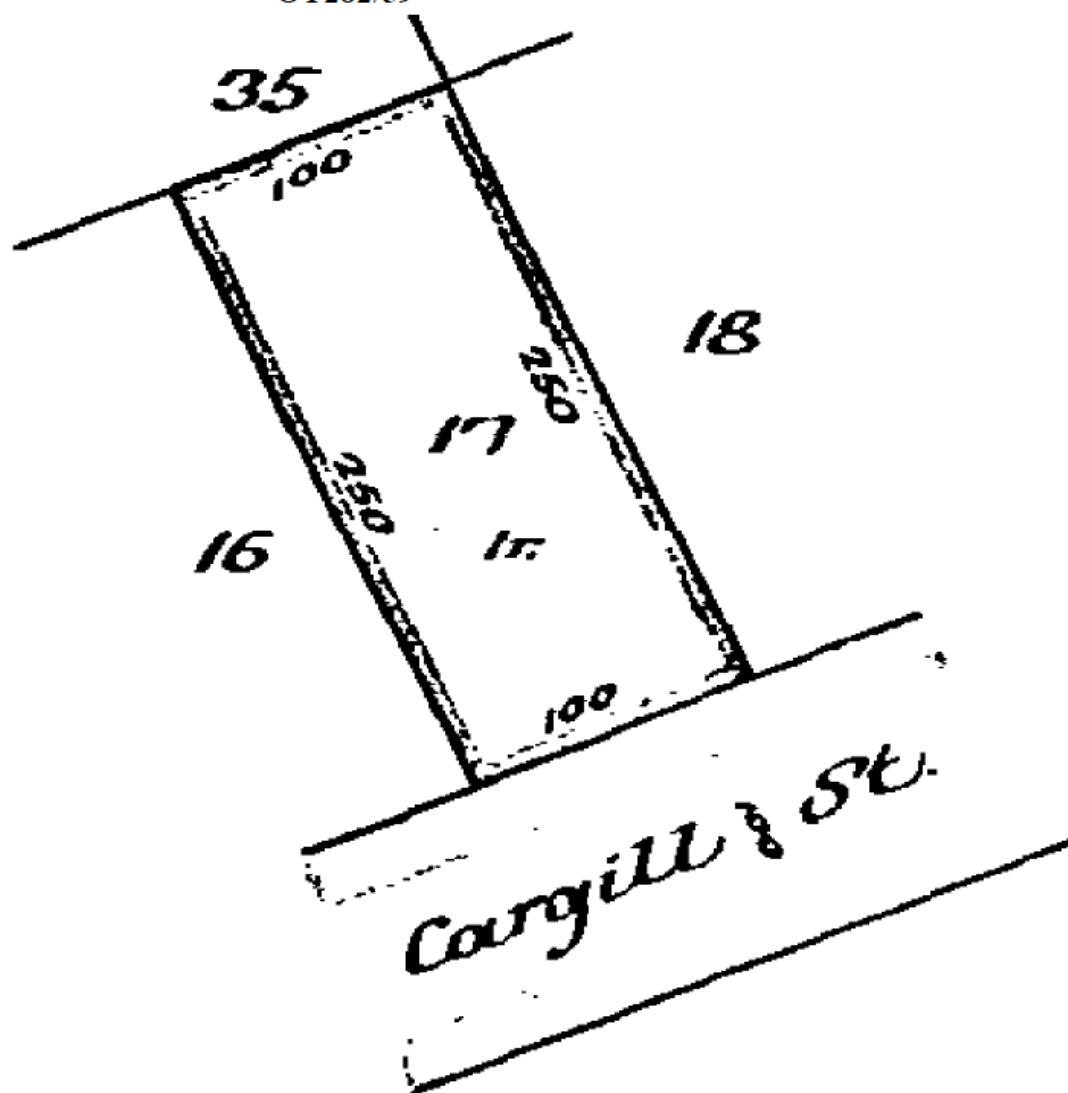
Interests

8602518.3 Mortgage to ANZ National Bank Limited - 1.10.2010 at 4:42 pm

9722236.1 CT 614679 issued for Part Lot 1 DP 463825 - Produced 9.5.2014 at 7:00 am and entered 29.9.2014 at 7:01 am

Identifier

OT282/59





Title Plan - DP 463825

Survey Number	DP 463825
Surveyor Reference	45 Cargill St
Surveyor	Donald Neil McKinnon
Survey Firm	School of Surveying (University of Otago)
Surveyor Declaration	I Donald Neil McKinnon, being a licensed cadastral surveyor, certify that: (a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and the Rules for Cadastral Survey 2010, and (b) the survey was undertaken by me or under my personal direction. Declared on 03 Dec 2013 01:20 PM

Survey Details

Dataset Description	Lot 1 Being Parts Sections 16 & 17 Block XX Town of Dunedin		
Status	Deposited		
Land District	Otago	Survey Class	Class A
Submitted Date	03/12/2013	Survey Approval Date	04/12/2013
		Deposit Date	09/05/2014

Territorial Authorities

Dunedin City

Comprised In

CT OT282/58 Ltd
CT OT282/59 Ltd

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Lot 1 Deposited Plan 463825	Fee Simple Title	0.0568 Ha	614679
Part Section 17 Block XX Town of Dunedin	Residue Parcel	0.0934 Ha	
Total Area		0.1502 Ha	

Appendix 2: Copy of Application Documents



Application Form for a Resource Consent

50 The Octagon, PO Box 5045, Moray Place
Dunedin 9058, New Zealand
Ph 03 477 4000
www.dunedin.govt.nz

PLEASE FILL IN ALL THE FIELDS

Application Details

I/We Barry Craig Smaill & Victoria Ann Smaill (must be the FULL name(s) of an individual or an entity registered with the New Zealand Companies Office. Family Trust names and unofficial trading names are not acceptable; in those situations, use the trustee(s) and director(s) names instead) hereby apply for:
☒ Land Use Consent ☐ Subdivision Consent

Brief description of the proposed activity: _____
Construct four residential accommodation units including basement car parking

Have you applied for a Building Consent? ☐ Yes, Building Consent Number ABA _____ ☒ No

Site location/description

I am/We are the: (owner, occupier, lessee, prospective purchaser etc) of the site
Street Address of Site: 43 Cargill Street, Dunedin Central
Legal Description: CT 282/59 Sec 17 Blk XX town of Dunedin
Certificate of Title: OT 282/59 Otago

Address for correspondence (this will be the first point of contact for all communications for this application)

Name: _____ (applicant/agent (delete one))
Address: 84 Preston Crescent, Belleknowes, Dunedin Postcode: 9010
Phone (daytime): 021678601 Email: smaillbuild@gmail.com

Address for invoices or refunds (if different from above)

Name: Barry Craig Smaill & Victoria Ann Smaill
Address: 84 Preston Crescent, Belleknowes, Dunedin

Bank details for refunds

Bank Account Name: _____
Account Number: _____

Ownership of the site

Who is the current owner of the site? Barry Craig Smaill & Victoria Ann Smaill
If the applicant is not the site owner, please provide the site owner's contact details:
Address: 84 Preston Crescent, Belleknowes, Dunedin Postcode: 9010
Phone (daytime): 021678601 Email: smaillbuild@gmail.com

Monitoring of your Resource Consent

To assist with setting a date for monitoring, please estimate the date of completion of the work for which Resource Consent is required. Your Resource Consent may be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your Resource Consent, if granted, may be monitored three years from the decision date).

November 2023

(month and year)

Monitoring is an additional cost over and above consent processing. You may be charged at the time of the consent being issued or at the time monitoring occurs. Please refer to City Planning's Schedule of Fees for the current monitoring fee.

Detailed description of proposed activity

Please describe the proposed activity for the site, giving as much detail as possible. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please provide proposed site plans and elevations.

Construct Design has been planned to comply with all Residential 4 zone rules as closely as practical to include four residential accommodation units, each consisting of Ground floor Studio style en suite Bedrooms and private court yard / Balcony with shared open plan Kitchen, Dining, and Living, with access to north facing court yard amenity space, Nine on site car parks provided at street level basement

Description of site and existing activity

Please describe the existing site, its size, location, orientation and slope. Describe the current usage and type of activity being carried out on the site. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please also provide plans of the existing site and buildings. Photographs may help.

An elevated 934 m2 site set above street frontage the site rises steeply up to a gentle slope toward the rear boundary, The site contains a large 7 bedroom villa and combined with a self contained studio style flat all used for residential accommodation. Car parking is provided on site at a street front garage for one vehicle

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site?

Residential 4

Are there any overlaying District Plan requirements that apply to the site e.g. in a Landscape Management Area, in a Townscape or Heritage Precinct, Scheduled Buildings on-site etc? If unsure, please check with City Planning staff.

No

Breaches of district plan rules

Please detail the rules that will be breached by the proposed activity on the site (if any). Also detail the degree of those breaches. In most circumstances, the only rules you need to consider are the rules from the zone in which your proposal is located. However, you need to remember to consider not just the Zone rules but also the Special Provisions rules that apply to the activity. If unsure, please check with City Planning staff or the Council website.

Earthworks Minimum set back for new retaining walls replacing exiting retaining wall supporting cut. New retaining walls supporting cut with depth exceeding set back will facilitate access while being below ground level not easily visible from adjoining property. Scale and threshold exceeds cut depth and volume due to the topography of the site needing level platforms for unit construction and provision of on site underground basement car parking largely concealed by overlay structure resulting in Effects less than minor.

Res 4 rule breaches are Height plane angle and maximum height at street front and Grid E2 & D1 these breaches are slight to accommodate roof design sympathetic to heritage building style (Gable and step pitch) considered to add more than they take away resulting in Effects less than minor.

Affected persons' approvals

I/We have obtained the written approval of the following people/organisations and they have signed the plans of the proposal:

Name: N/A

Address: _____

Name: _____

Address: _____

Please note: You must submit the completed written approval form(s), and any plans signed by affected persons, with this application, unless it is a fully notified application in which case affected persons' approvals need not be provided with the application. If a written approval is required, but not obtained from an affected person, it is likely that the application will be fully notified or limited notified.

Assessment of Effects on Environment (AEE)

In this section you need to consider what effects your proposal will have on the environment. You should discuss all actual and potential effects on the environment arising from this proposal. The amount of detail provided must reflect the nature and scale of the development and its likely effect. i.e. small effect equals small assessment.

You can refer to the Council's relevant checklist and brochure on preparing this assessment. If needed there is the Ministry for the Environment's publication "A Guide to Preparing a Basic Assessment of Environmental Effects" available on www.mfe.govt.nz. Schedule 4 of the Resource Management Act 1991(RMA) provides some guidance as to what to include.

~~Earthworks Minimum set back for new retaining walls replacing exiting retaining wall supporting cut. New retaining walls supporting cut with depth exceeding set back will facilitate access while being below ground level not easily visible from adjoining property. Scale and threshold exceeds cut depth and volume due to the topography of the site needing level platforms for unit construction and provision of on site underground basement car parking largely concealed by overlay structure resulting in Effects less than minor.~~

Res 4 rule breaches are Hight plane angle and maximum height at street front and Grid E2 & D1 these breaches are slight to accommodate roof design sympathetic to heritage building style (Gable and step pitch) considered to add more than they take away resulting in Effects less than minor.

_____. (Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have/have not (delete one) been applied for:

☐ Water Permit ☐ Discharge Permit ☐ Coastal Permit ☐ Land Use Consent for certain uses of lake beds and rivers ☒ Not applicable

Declaration

I certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

I accept that I have a legal obligation to comply with any conditions imposed on the Resource Consent should this application be approved.

Subject to my/our rights under section 357B and 358 of the RMA to object to any costs, I agree to pay all the fees and charges levied by the Dunedin City Council for processing this application, including a further account if the cost of processing the application exceeds the deposit paid.

Signature of Applicant/Agent (delete one): B Smaill Date: 6 / 11 / 18

Privacy – Local Government Official Information and Meetings Act 1987

You should be aware that this document becomes a public record once submitted. Under the above Act, anyone can request to see copies of applications lodged with the Council. The Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld, the Council will make a decision following consultation with you. If the Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen.

Please advise if you consider it necessary to withhold your application, or parts of it, from any persons (including the media) to (tick those that apply):

- ☐ Avoid unreasonably prejudicing your commercial position
☐ Protect information you have supplied to Council in confidence
☐ Avoid serious offence to tikanga Maori or disclosing location of waahi tapu

6 November 2018

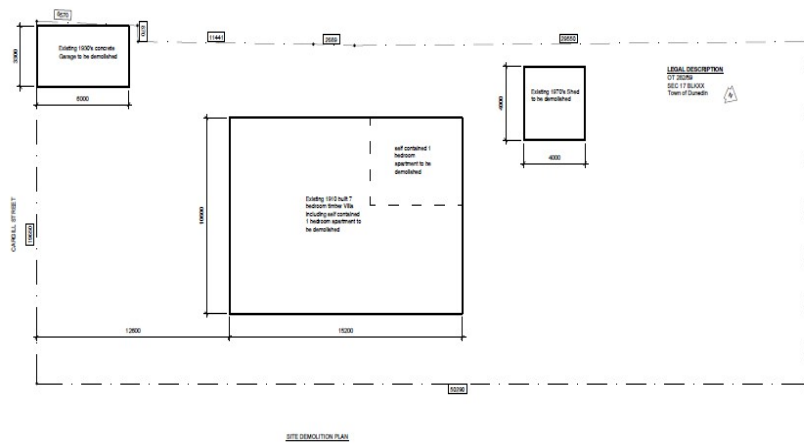
Dunedin City Council
City Planning
Dunedin

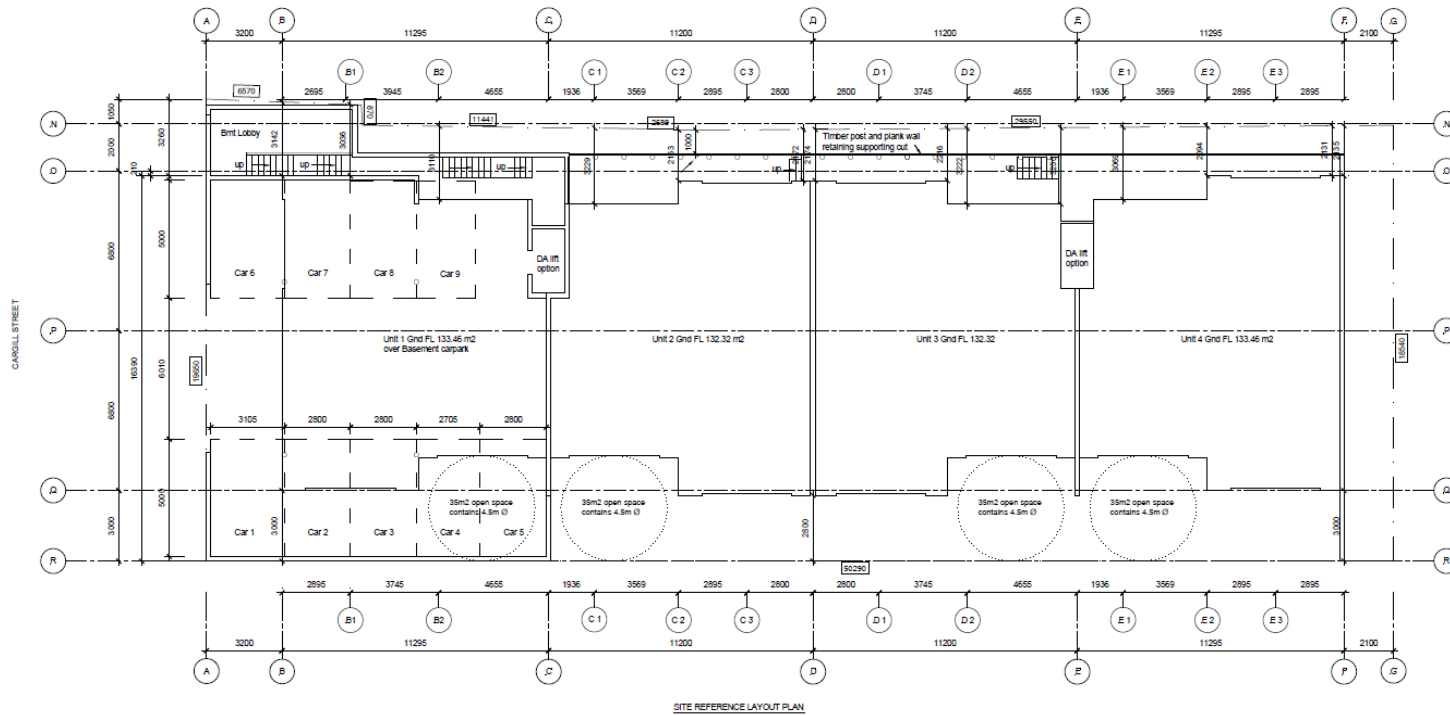
PROPOSED SITE DEVELOPMENT AT 43 CARGILL STREET, DUNEDIN

Earthworks Check List Information for Resource Consent.

Previous earthworks in the last two years:	nil
Proposed earthworks:	For development of residential household units including basement car parking.
Designed by:	Barry Smaill Smaill Building and Design
Engineered by:	Steven McKnight
Supervised by:	Barry Smaill as Project Manager
Earthworks contractor:	Unconfirmed preferences are J Clearwater, Hall Brothers or Trevor King
Duration of work:	Stage one – 2 weeks; Stage two – 4 weeks; Stage three – 8 weeks
Building Consent:	Will be sought in addition to Resource Consent
Area of site to be excavated:	900m ²
Maximum depth:	5.5 mtrs
Soil volume excavated:	40m ³ 1,700m ³ total
Surplus excavated material:	carted to approved land fill dump
Maximum slope of out batters:	vertical behind retaining walls
Hard fill:	sourced from approved quarry
Hard fill (backfill):	behind retaining walls
Depth of fill:	n.a.
Hard fill volume:	100m ³
Fill batters:	n.a.

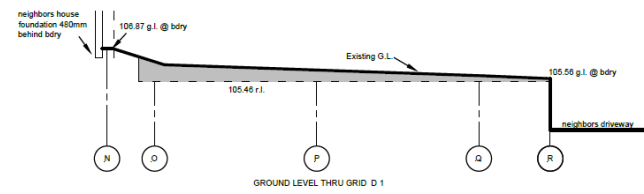
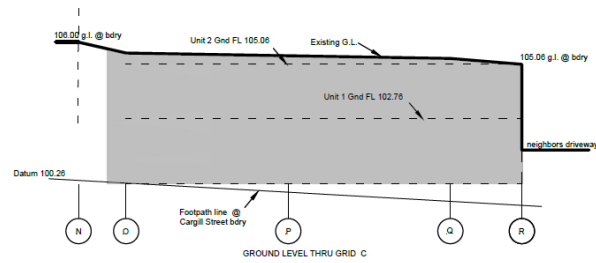
Avoid effects on neighbouring property:	Keeping dry, divert water as necessary and support cuts with retaining walls as soon as possible by adherence to Consulting Engineers instruction.
Watercourse interference:	n.a.
Control of mud, dust & falling rubble:	
Measures of control:	
Effects on neighbouring property:	Keeping dry, divert water as necessary and support cuts with retaining walls as soon as possible by adherence to Consulting Engineers instruction
Noise:	Machine operates under 85 dba ratings.
Dust:	Suppressed by water spray, metal on access tracks.
Stormwater and run off:	Sump containment and filtering of sediment through silt screens before entrance to stormwater, via existing drainage to kerb side.
Rubble:	Contained on level site via catchment areas.
Excavation cut slopes:	Kept dry by polythene covers prior to retaining and backfill.
Location of access:	Adjoining existing kerb crossing.
Vehicle type:	7m ³ 3 axle dump truck 12m ³ 5 axles tipulator truck
Vehicle movements:	250 to 300 movements.



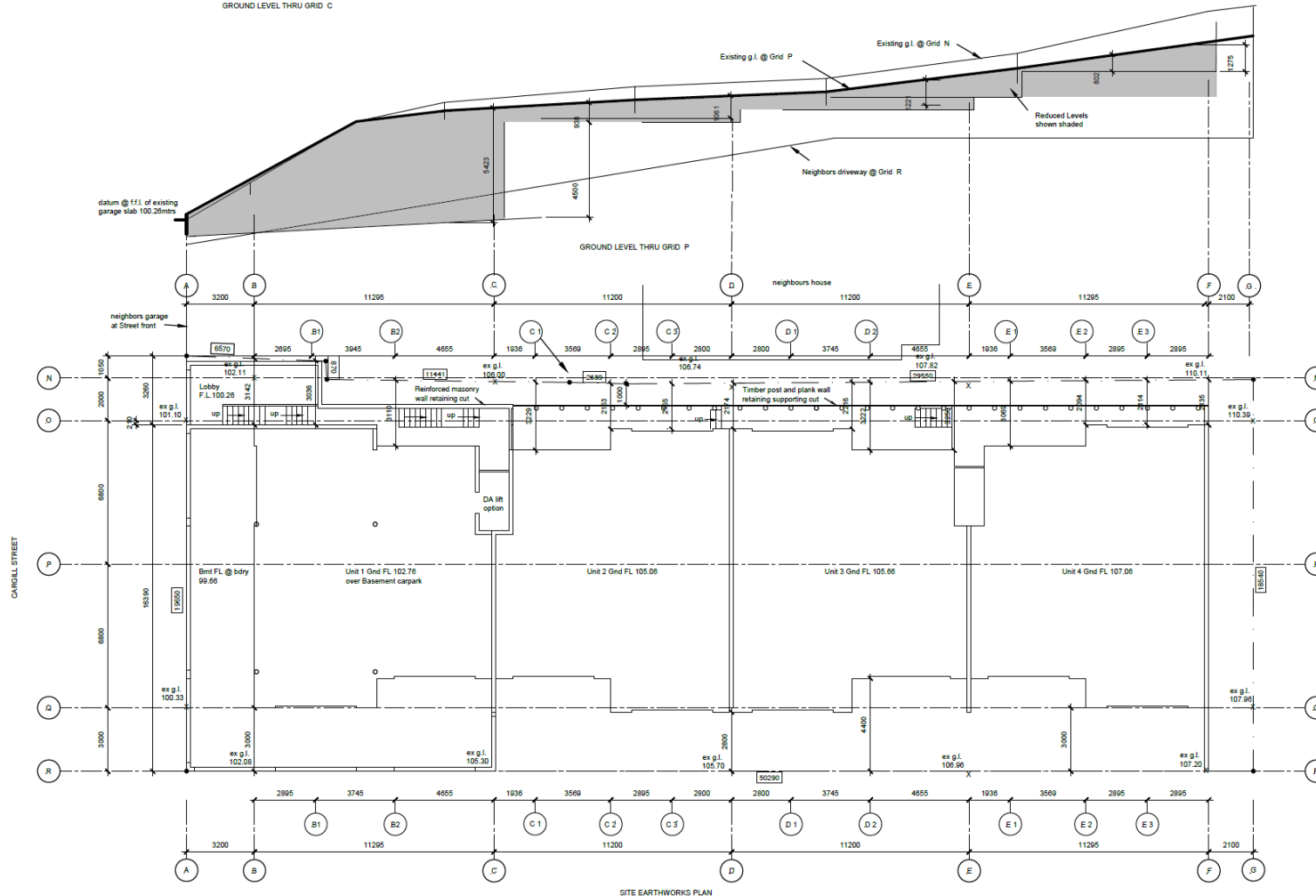


LEGAL DESCRIPTION
 OT 28259
 SEC 17 BLOCK
 Town of Dunedin

Site area 0.0534 Ha
 Density minimum requirement
 4 res units not less than 200 m² 800 m²
 Maximum site coverage
 934 m² @ 60% 560.40 m²
 Site coverage calculated
 @ ground level:
 Unit 1=133.46 m²
 Unit 2=132.32 m²
 Unit 3=132.32 m²
 Unit 4=133.46 m²
 Site coverage Total 531.56 m²

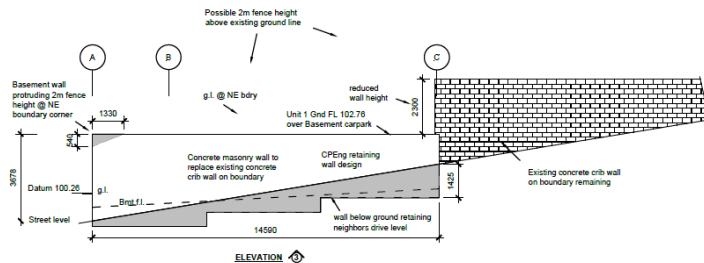


LEGAL DESCRIPTION
 OT 26256
 SEC 17 BLKXXX
 Town of Dunedin

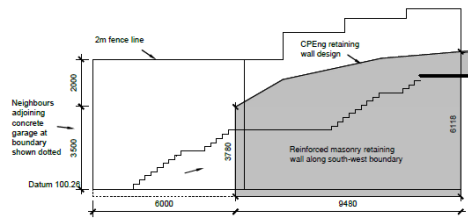


Site Excavation Quantities

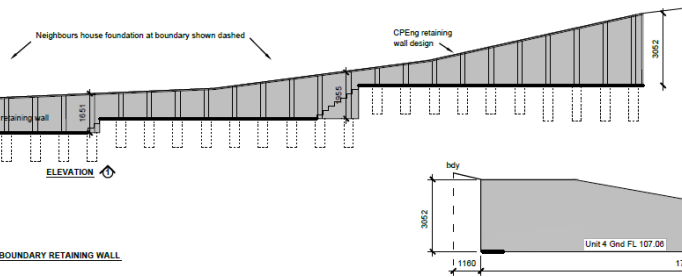
Cut to waste off site	
basement	1,200
access drive	60
top site levels	430
footing trenches	20
service trenches	10
post holes (30)	10
	1,760 m3
Metal AP40 drive & backfill	110 m3
Dust under slab	33 m3
Demolition	
garage & shed (concrete)	
house (timber)	



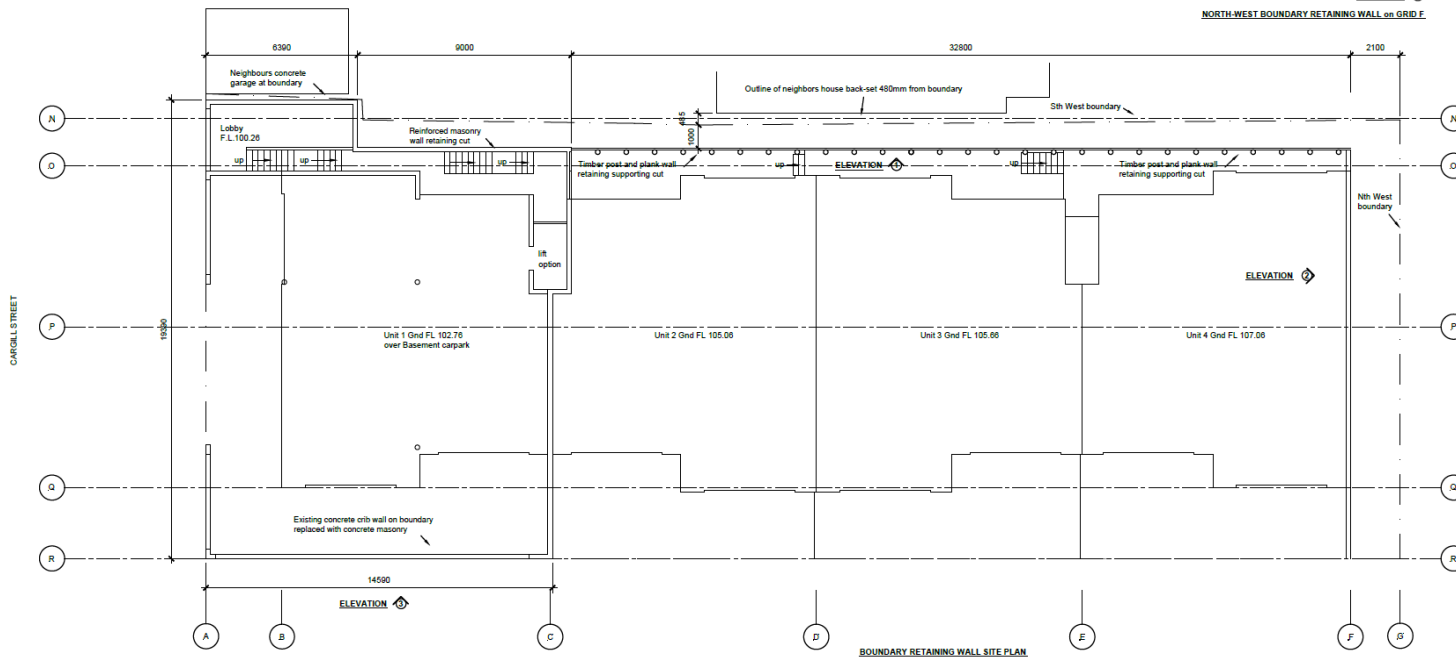
BASEMENT CARPARK NORTH-EAST BOUNDARY RETAINING WALL on GRID R



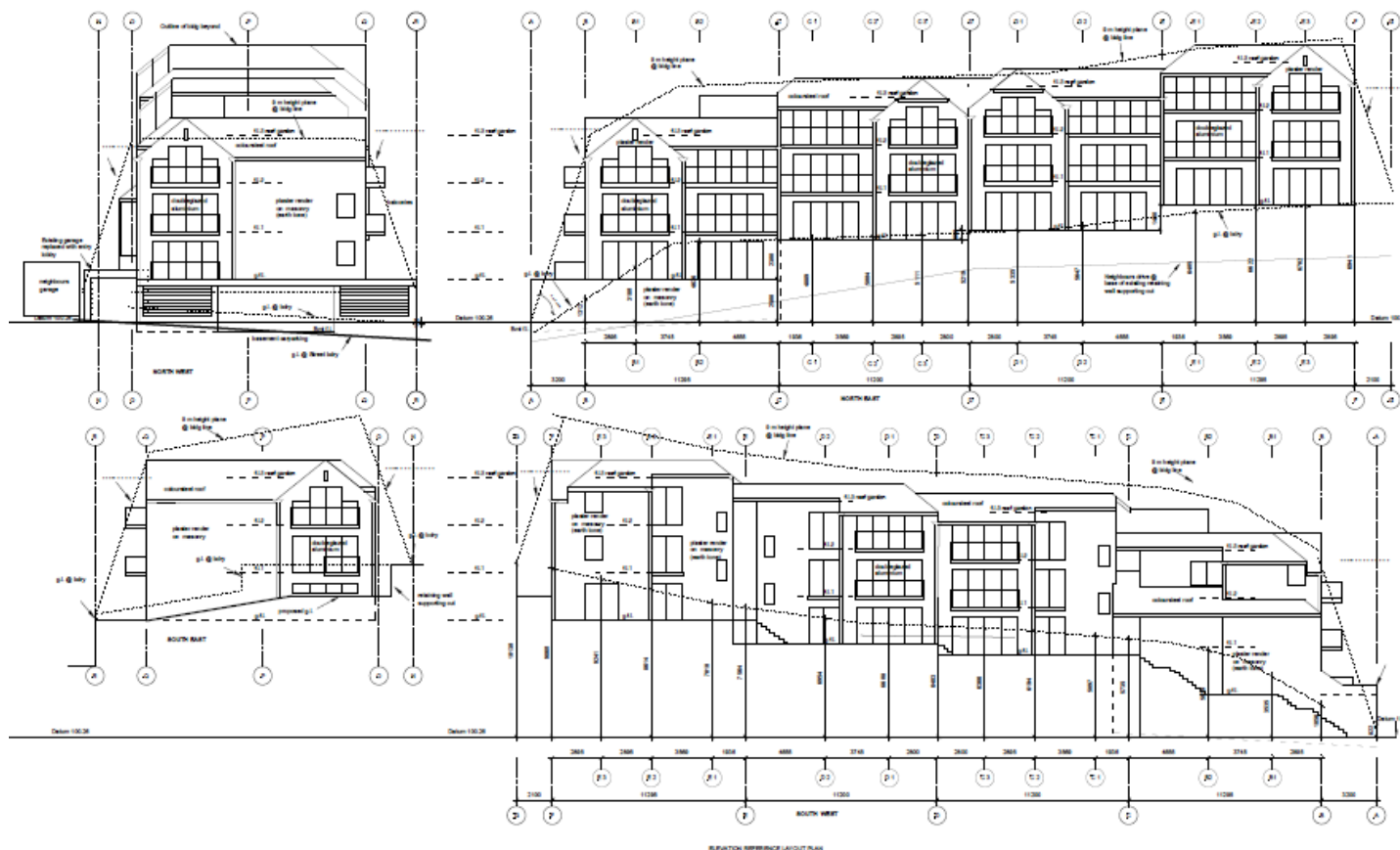
SOUTH-WEST BOUNDARY RETAINING WALL

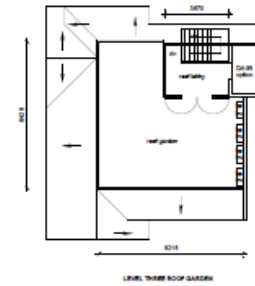
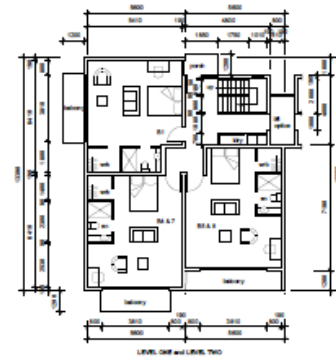
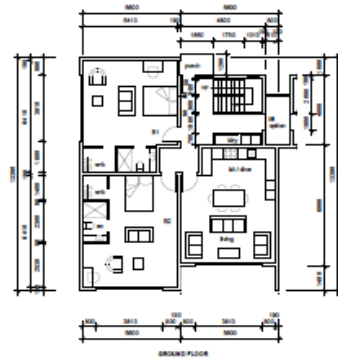


NORTH-WEST BOUNDARY RETAINING WALL on GRID F

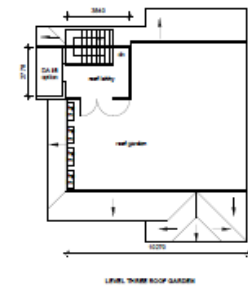
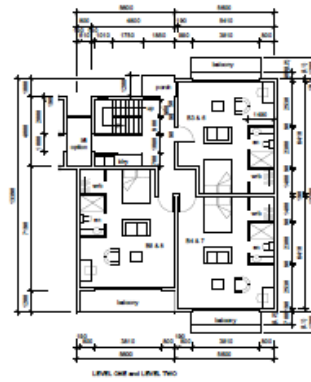
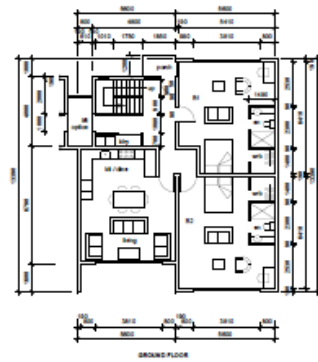


BOUNDARY RETAINING WALL SITE PLAN

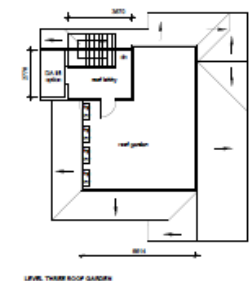
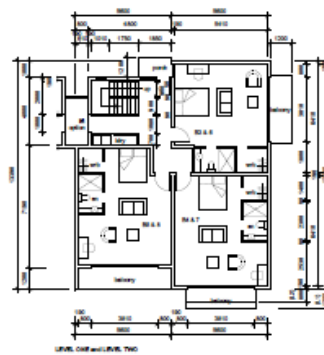
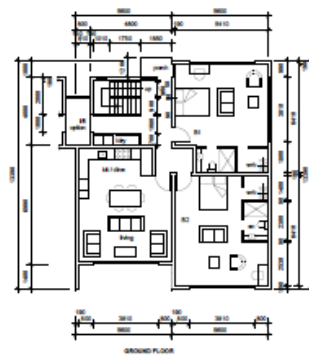
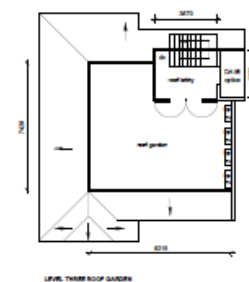
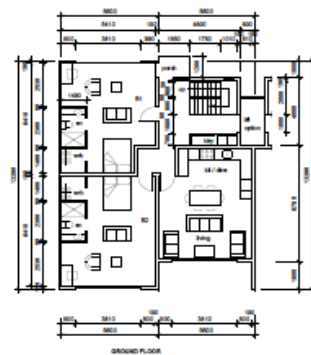




UNIT ONE FLOOR PLAN LAYOUT



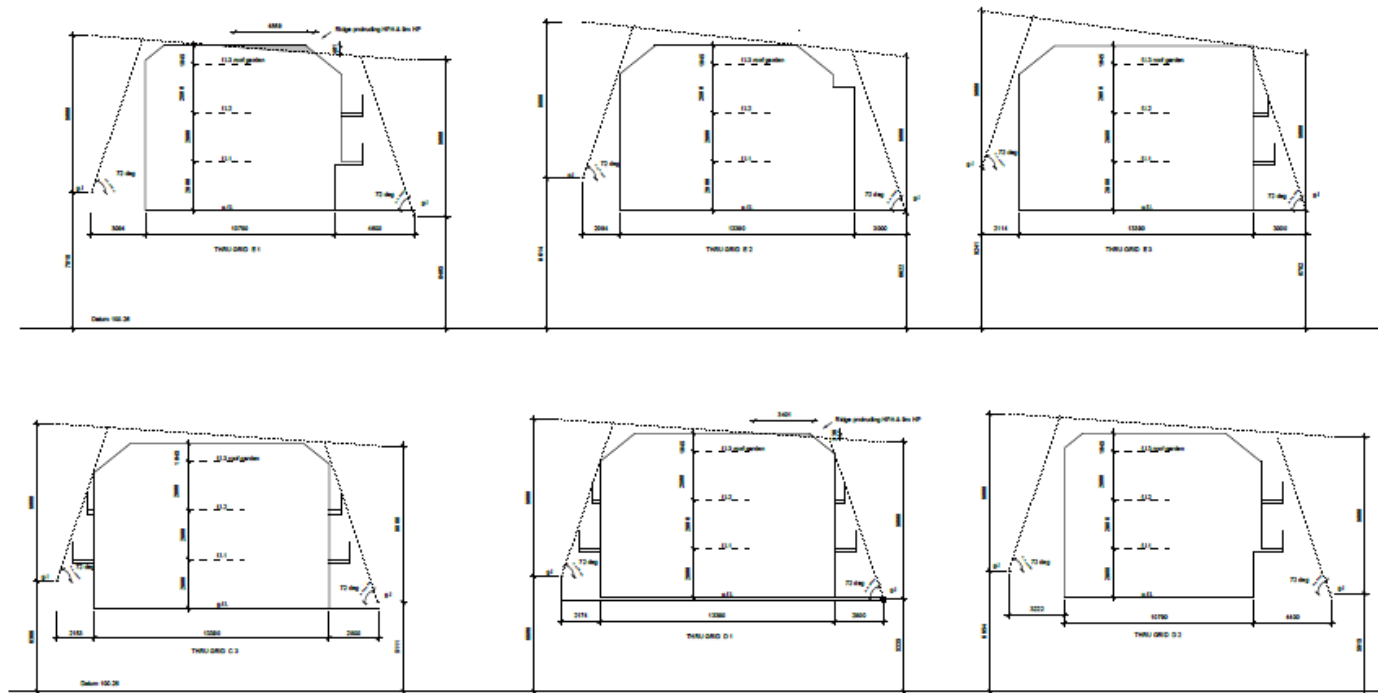
UNIT TWO FLOOR PLAN LAYOUT



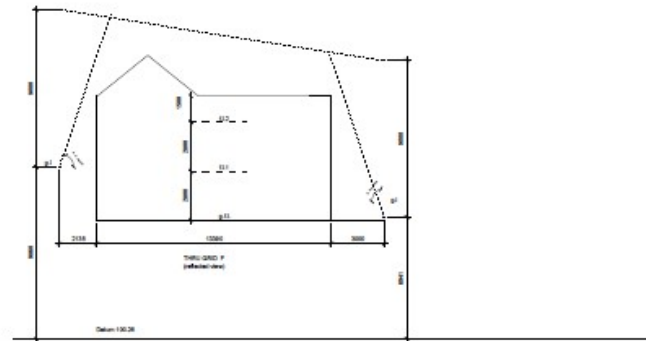
SMALL
building and design
mobile 029 879 804
small.smallsolutions.com

PROPOSED RESIDENTIAL ACCOMMODATION UNITS AT 43 CARGILL STREET, DUNEDIN.

RESOURCE COMMENT
FLOOR LAYOUT: UNITS 3 & 4
INCL. AT 1:100 AND 1:200
DRAWN: B. RYAN
REV: LRP 11/2000
OCT. 2018 LUC 4

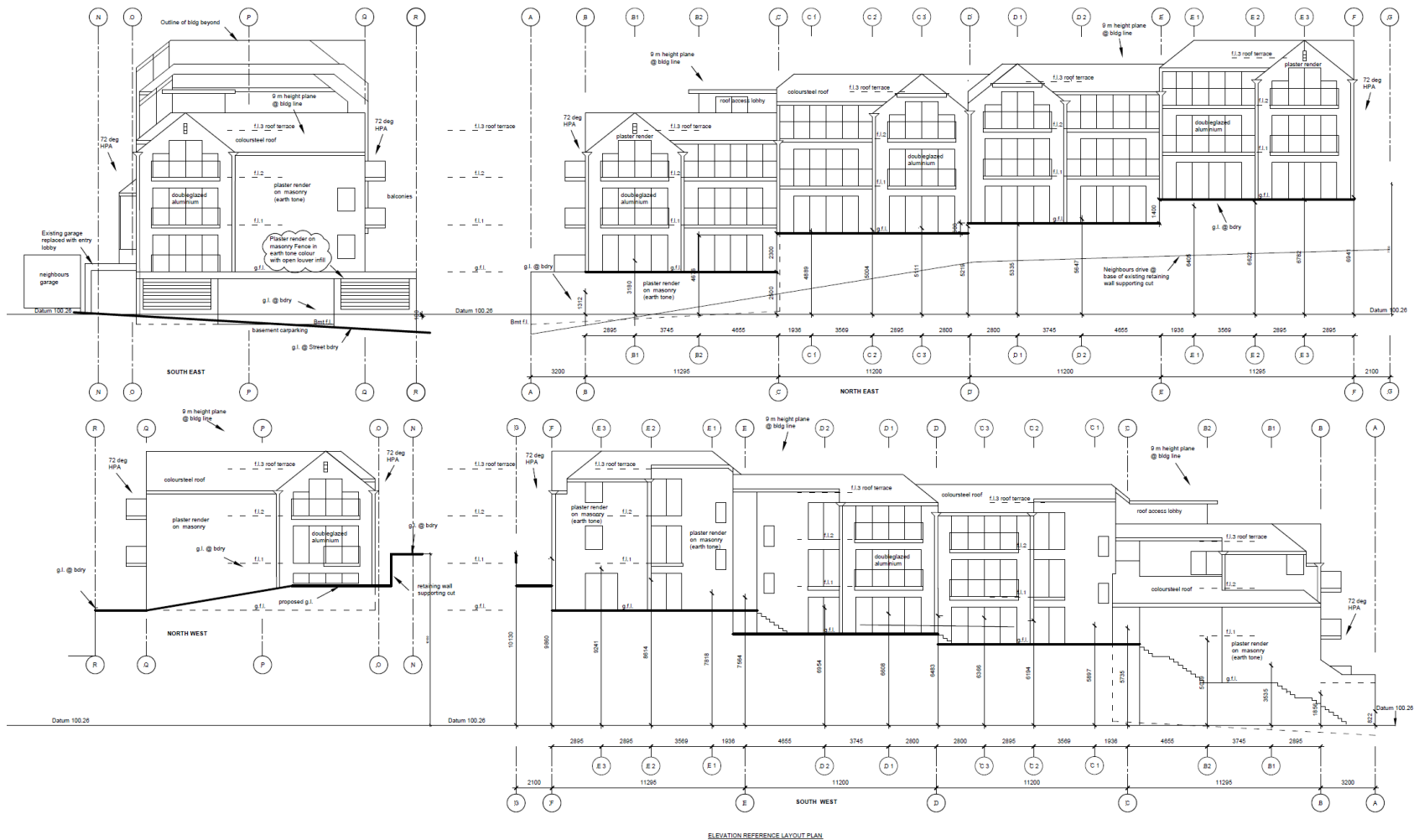


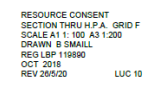
SECTION D1 SECTION D2 SECTION D3 SECTION D4 SECTION D5 SECTION D6



SECTION THRU DETAIL LOCATION OF HEIGHT PLANE (HPA & HP) GRID P

Appendix 3: Height Plan Angle Breaches Pursuant to 2006 District Plan and 2GP





Appendix 4: Assessment of Effects on Streetscape

The 2006 district plan describes the Residential 4 zone as:

"This zone lies between the Central Activity Zone and the Town Belt. It was developed early in Dunedin's history and now contains a mix of older houses and residential redevelopment in the form of purpose-built flats. Many of the original houses that remain are substantial buildings, others are small houses on small sites. Redevelopment has often been at quite high density.

This zone has the highest concentration of multi-unit developments in the City in the form of either purpose-built or large dwellings which have been converted into flats. The edge of this zone is continually under pressure for redevelopment. This is partly due to the lack of inner city parking and cheaper land because of its residential zoning. There are few community support activities in this zone.

The zone has a mix of housing quality and type and contains some of the few multi-storeyed apartment buildings in the City. This zone has the highest level of site coverage with some properties covering up to 60%. There is a greater tendency for multi-storeyed residential buildings, and side yard spaces are minimal. Front yards are generally at least 4.5 m and there is a tendency for total redevelopment rather than infill developments. Sunlight penetration is a problem due to the steep slope.

Most older developments do not have on-site car parks creating a conflict between residents and central city workers who park in the area. This residential zone contains a high proportion of the City's heritage dwellings. These are identified in the Townscape Section. Development in the Residential 4 Zone is characterised by:

- Large front yards, generally more than 4.5m deep.*
- Side yards of up to 1m giving little space between buildings.*
- Large number of small sites.*
- High site coverage (60%).*
- Very high population density.*
- Intense building development.*
- Multi-unit development.*
- Lack of off-street parking.*
- Competition for on street parking.*
- Parking pressure from non-residential uses.*
- Steep topography."*

The 2GP describes the Inner City Residential zone as:

"The Inner City Residential Zone covers the residential area near the campus and between the town belt and the central business district. It is characterised by existing or proposed medium density residential living and provides for a range of housing choices close to the central area of Dunedin. With good access to public transport and facilities this environment supports opportunities for higher densities of development than other areas of the City which also allows for different forms of development. Within this environment particular areas that contain dwellings with high heritage characteristics are identified as residential heritage precincts and have additional rules to protect heritage values."

The existing streetscape within this section of Cargill Street consists of a mixture of multi-storeyed buildings and units built up to the boundary set backs applicable at the time of building. Figures 1a and 1b below show the existing streetscape.



Figure 1a: Looking Downhill past Property towards back of Meridan Mall.

Figure 1aa: Streetscape Downhill of Property²⁰.



Figure 1b: Looking Uphill past Property towards Stuart Street.

²⁰ Photo taken during preparation of AEE.



Figure 1bb: Streetscape Uphill of Property²¹.

Although increasing the built density of the property, the proposed building, although obviously newer, will be in keeping with existing multi-storeyed buildings in close proximity to the property. Features, such as: setbacks, breaks in walls, gable ends, louvre fencing, landscaping treatment, glass balustrades, cladding materials and exterior colours to name but a few, will provide relief and visual amenity. The proposed building will also be in keeping with increased built density expected and encouraged in the zone pursuant to both the 2006 district plan and the 2GP.

The front of the property is currently quite overgrown with vegetation which does include some nice specimen trees. However, this vegetation is both out of character and out of scale with vegetation on surrounding properties. The existing vegetation does create a shading problem in winter of the adjacent footpath. All of the existing vegetation will be removed so that the site can be developed. Landscaping treatment of the property will occur once the multi-unit development is completed.

Overall, it is considered that the proposed development will have effects on the existing streetscape that will be less than minor.

²¹ Photo taken during preparation of AEE.

Appendix 5: Response to Further Information Request

Sweep Consultancy Limited
PO Box 5724
Dunedin 9054
Phone: 0274 822214
Email: emma@sweepconsultancy.co.nz

14 April 2020

Robert Buxton
Consultant Planner for
Dunedin City Council
P.O. Box 5045
Dunedin 9054

Sent via email to:
robert@buxtonwalker.co.nz

Hi Robert,

LUC-2018-679: MATTERS RAISED FOR CLARIFICATION

My client lodged an application on 6 November 2018 (**application**). An assessment of environmental effects was lodged by Ms Peters of our office on 5 March 2019 (**AEE**).

In emails dated 26/9/19, 8/10/19, 14/10/19 and 18/10/19 you raised a number of items requiring attention prior to notification of this matter. The items are:

- Title boundaries.
- Plans and elevations.
- Clarification of what is a 'building' in terms of site coverage.
- Clarification and/or assessment of various rules in the 2006 district plan and the 2GP.
- Comments from the Transportation Planner and the Urban Designer.

Each of these is dealt with in turn below. The delay in responding has been due in large part to our client's ongoing health issues and more laterly due to the COVID-19 event.

Title Boundaries

In your email dated 26/9/19 you stated:

"My main question is, has the applicant considered this issue, and how confident are they of the plans and the assessment of performance standards? I couldn't see any mention in the AEE regarding the "limited as to parcels". By not getting the cadastral survey removed of limitations up front, the applicant runs a risk that this could affect the consenting process or could require a further limited notified consent/variation if the application was granted (at the very least a condition of any consent would require

confirmation of the boundaries and that survey could result in the level of identified infringements increasing or new infringement being created)."

The short answer is: yes, the applicant has considered this issue. However, the applicant is comfortable that the boundary surveys that have occurred in relation to adjacent properties provide an accurate reflection of the boundaries of their property.

I have also requested confirmation of the title boundaries for the subject site from the applicant's surveyor, Mr Craig Horne of Craig Horne Surveyors Limited. With respect to certainty of title boundaries, Mr Horne in an email dated 3/10/19 states (copy attached):

"Yes all the boundary corners have been surveyed in the past by various surveys on adjoining properties. Barry still has the limited as to parcels notation on his title that will need to be dealt with if he does a subdivision of the units – cross lease, unit title or fee simple. There is a very slight risk due to the limited title that a boundary won't be as previously surveyed, although in my experience highly unlikely."

The application in front of Council is for land use consent. The applicant does not have any plans to subdivide the site. We confirm that Mr Darrell Thomson of Dunedin City Council has stated the correct legal description for the site being Part Section 17 Block XX Town of Dunedin (residue RT OT282/59).

Plans and Elevations

In your email dated 8/10/19 you state:

"Thanks for sending the better quality site reference layout plan and cross sections (which are pages 28 and 38-40 of the AEE you also sent through). I would also appreciate better quality copies of all other plans as well, being pages 29 – 36 of the AEE you also sent through, as I cannot read all the notations when I zoom in (note page 37 appears to be a duplicate of 28). I assume all the elevations would show the ground level at the boundary, but I cannot read the annotations."

Please find enclosed copies of the plans (pages 29 – 36 of AEE). Separate copies of plans were also included in the email lodging the AEE – see copy of email in Attachment 1a

Yes 37 is a duplicate of 28 but that is necessary as the site layout plan provides the key to identifying cross-sections.

Yes all elevations show the datum level.

'Building' and Site Coverage

In your email dated 8/10/19 you state:

"In terms of the plans, I cannot determine what parts of the development are "building" and what is not. The calculation of site coverage on the plans and in the AEE implies that it is only the footprint of the units. However, it seems that the lobby and first portion of the access along the western side (at least up to the first unit) is roofed as shown in the western and southern elevations, see attached (Note this feature also should be visible in the northern elevation). It would also seem that at least some of the carparking area will need to be covered in order to provide the 45m² of amenity outdoor space on the eastern side ground floor of unit 1. The site plan should clearly show what is "building", including any roof over the lobby, access and car parking."

The 2GP defines 'building' as: "A structure that includes a roof that is, or could be, fully or partially enclosed by walls. The definition of building includes the parts of buildings defined as building utilities and rooftop structures." The definition of structure in the 2GP is: "Any equipment, device or fabrication." The definitions do not make reference to whether underground car parking is included in the definition of 'building'.

With respect to the basement carpark, the majority of this is situated underneath the ground floor of unit 1 and, therefore, this area is only included once in the site coverage calculation. However, car parks 1 and 6 are 'covered' by an additional amenity area, being a deck, provided in relation to Unit 1. Likewise, parts of car parks 2, 3, 4 and 5 will be covered by the mandatory amenity area for Unit 1.

The site coverage specified in the AEE is 56.91%. You are correct that this figure does not include the lobby or covered access, nor does it include the basement carpark area not covered by Unit 1.

My client informs that the correct figures are as set out below:

Identifier	Area (m ²)	Site Coverage (%)*
Lobby and Access	35.11	3.76
Carparking not covered by Units	94.8	10.15
Building	531.95	56.95
Total	661.86	70.86

* Total area of site is 934m².

The north side courtyard areas outside Units 2, 3 and 4 have not been included in the site coverage figures as these will be permeable surfaces as will the area on the south side from the lobby access

to the boundary – I note there remains approximately 9% of site area that can be impermeable pursuant to the 2GP – there are no limits on impermeable surfaces in the 2006 district plan.

So, the footprint of the units, lobby and access equate to a site coverage of 60.71% which is only slightly over the permitted 60% building site coverage pursuant to both plans. If the underground car parks, or parts thereof, not covered by the footprint of Unit 1 are included in the definition of 'building' then the site coverage rises to 70.86%.

The site coverage figure and assessment has now been amended in the AEE – copy attached.

Clarification and/or Assessment of Various Rules in the 2006 District Plan & 2GP

In your email dated 8/10/19 you identify a number of rules in both the 2006 district plan and the 2GP. Each of the identified matters are discussed in either Table 1a (2006 district plan rules) or Table 1b (2GP rules) in Attachment 2. Amendments have been made to the AEE where required.

Comments from DCC Transportation Planner & Urban Designer

In your emails dated 14/10/19 and 18/10/19 you state respectively:

“...the Transport Planner has advised the following should also be addressed:

I have had an initial look at the site plan have some preliminary comments:

- 1. Access gradients – can the applicant please confirm that they will comply with the gradient requirements in the 2GP? See Rule 6.6.3.7, which specifies a max gradient of 1 in 8 for the first five (5)m measured from the road boundary. Please also note the maximum change in gradient requirement specified in Rule 6.6.3.7.*
- 2. Queuing space – See Rule 6.6.1.3 in respect of queuing space. A minimum of 6.0m is required for this number of car parks and it does not appear to be provided. Can the applicant please assess this component?*
- 3. Car Parks – Manoeuvring out of Car Park 5 looks to be a potential issue, although I do note that the park meets the required width for a park bounding a permanent obstruction. Reversing back into the vacant space near the lift would not be optimal if this space will be used by pedestrians. Can we please request for the applicant to assess the sweep paths for the car parks to ensure their safe and efficient operation? Please note that all parking must comply with Rule 6.6.1.1.a, including the exemptions in (c). Is the stall depth interrupted for Car Park 9?”*

and

"I have also had some initial comments from the Urban Designer on the 43 Cargill Street application as follows, with my comments added in blue:

- Copies of the elevations and floor plans are difficult to read;...*
- The front façade includes a large expanse of blank wall. Consideration could be given to additional windows and/or varying the appearance of the elevation in terms of its depth and modulation, finish material, colour or texture; - also, although the front façade shows two small windows, these are not shown in the floor plans.*
- There is little in the way of analysis of the effects of additional shading on adjacent dwellings due to the 2GP height plane breaches (no shade diagrams);*
- There is some doubt regarding the treatment of the 'fence' along the street frontage. The elevation through Grid A shows that there will be a deck rooftop over the basement carpark. There is the potential for this to create a building-like structure to the street edge rather than a fence. It is considered that further clarification regarding this street-front treatment is required. If a roof-top deck were not included, it would appear that there would be no need for the front fence to exceed the fence height rules, nor a requirement for a beam above the vehicle entrance that joins the two sections of the wall either side of the fence."*

Each of the matters raised above is dealt with in turn below.

Access Gradients

Our client confirms that the access gradients will comply with the access gradients specified in performance standards in the 2GP.

Queuing Space

There is insufficient room within the car park to provide queuing space. However, the need for queuing space is mitigated by the following factors:

- The footpath is approximately 3m wide at this location.
- Cargill Street is classified as a local road pursuant to both the 2006 district plan and the 2GP and has a width (kerb to kerb) of approximately 14m.
- Our client anticipates that there will be lower daily vehicle movements associated with residential occupancy of the units given the close proximity of CBD, services and the university.

Car Parks

The length of the car park can be extended by 1m to provide extra space for a car reversing from car park 5. The area in front of the space for a future lift is pedestrian only and will be protected by several bollards. Our client informs that the design of the car parking complies with Rule 6.6.1.1.a.1.i but notes that the aisle width at 6m exceeds the required aisle width of 5.8m and, as such, the sweep pathways into car parks, including car park 5, are compliant. Car park 9 is not obstructed – the line shown is the building line in relation to the building above ground.

Copies of Elevations and Floor Plans

PDFs of the plans were provided to Council with both the application and the AEE. These have been re-attached (including revised and/or extra plans) to the email lodging this document and the updated AEE.

Front Facade

The updated AEE includes the revised floor plan which now shows the front facade windows (Units 1 and 2) previously included in the elevations but not the floor plan.

The elevations submitted with the application stated that the front facade materials and colours will be plaster render on masonry in earth tones. The applicant expects to use landscaping to further modulate the front facade.

Shading

The applicant has undertaken an analysis of shading. A shading diagram of breaches of both the 2006 district plan and the 2GP is included at Attachment 3b of this document. The analysis shows that there are shading effects on both the adjacent property at 45 Cargill Street and Cargill Street itself, but that because the height and HPA breaches are minor, the shading effects are relatively minor and less than existing shading caused by a block of evergreen trees on the site which will be removed prior to development.

Fence

Our client informs that the roof over the basement car park will be retained. The boundary fence treatment will be render (earth tones) over masonry with open louvres infill.

Updated and Additional Plans

Attachment 3 of this document includes the following revised or additional plans:

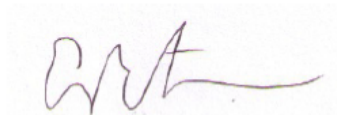
- Attachment 3a: Shading diagram with respect to breaches of height and HPA;

- Attachment 3b: An elevation through Grid A showing the detail of the treatment of the 'fence';
- Attachment 3c: Amended floor plans for Units 1 and 2 showing windows in the front facade which were previously only shown on the elevations;
- Attachment 3d: Exterior lighting plan;
- Attachment 3e: Service and amenity areas plan; and
- Attachment 3f: Underground services plan.

This response to your further information requests has been included in Appendix 5 of the updated AEE. PDF copies of all plans have been attached to the email lodging the updated AEE including this response.

Please contact Emma Peters of our office if you have any questions regarding any of the above information.

Yours sincerely,

A handwritten signature in purple ink, appearing to read 'Emma Peters', is positioned above the contact information.

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214 www.sweepconsultancy.co.nz

Attachment 1a: Copy of Email Lodging AEE on 5 March 2019

From Me★

Subject 43 Cargill Street - AEE

To Campbell Thomson★

↩ Reply

➦ Forward

📁 Archive

🔥 Junk

🗑 Delete

More ▾

5/03/2019, 11:27 am

Hi Campbell,

Thank you for your patience!

AEE for 43 Cargill Street attached as are the plans showing differences between breaches of operative plan and ZGP (also appended in Appendix 3 of AEE).

Please have a read through and let me know if there is any missing information or glaring errors 😊

Cheers,

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214 www.sweepconsultancy.co.nz

▾ 5 attachments 9.3 MB

📁 Save All ▾

📄 AEE - 43 Cargill Street (5-3-19).pdf 9.0 MB	📄 43 Cargill-LUC Site Plan Ref .pdf 116 KB	📄 43 Cargill-LUC.Thru A-C2 pdf.pdf 75.3 KB	📄 43 Cargill- LUC.Thru C3 - E3 pdf.pdf 74.6 KB	📄 43 Cargill- LUC Thru F.pdf 38.7 KB
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Attachment 1b: Copy of Email From Criag Horne, Surveyor

From

Craig Horne★

Subject

RE: URGENT: Re: FW: 43 Cargill St LUC-2018-679 - Correct Legal description

To

Me★

Reply

Forward

Archive

Junk

Delete

More ▾

3/10/2019, 9:59 AM

Hi Emma

Yes all the boundary corners have been surveyed in the past by various surveys on adjoining properties. Barry still has the limited as to parcels notation on his title that will need to be dealt with if he does a subdivision of the units – cross lease, unit title or fee simple. There is a very slight risk due to the limited title that a boundary won't be as previously surveyed, although in my experience highly unlikely.

Regards
Craig Horne
Craig Horne Surveyors Ltd
PO Box 56, Mosgiel
Ph Mob 0274 792382, office (03) 4847008

Attachment 2: Table 1a: Discussion of 2006 Plan Rules

Plan	Rule	Comment by DCC Consultant Planner	Discussion
2006 Discretionary Plan	8.6.1(vi)	<i>The "fence" must also infringe the 2m height rule along some of the eastern side boundary.</i>	This rule pertains to retaining walls being erected on yards which is permitted provided that building consent has been granted. Building consent will not be sought for the proposal until after resource consent is obtained. The application for building consent will include retaining walls within yards.
	8.6.10.2(i)	<i>The balconies on the front of unit 1 intrude into the front yard. Also any roof over the car parking area for the amenity outdoor space of unit 1 could add to buildings in the yards.</i>	Yes the balconies on the front of Unit 1 will intrude into the front yard and will, therefore, require resource consent. Yes, technically the 'roof' over that part of the car park not beneath Unit 1 (i.e. car parks 1 and 6 and that part of the aisle between these two car parks) will also be within the yard and require resource consent. The decking area is an additional amenity area for residents and not included in the calculation of the mandatory minimum amenity open space for Unit 1.
	8.6.10.2(ii)	<i>Any roof over the car parking area for the amenity outdoor space of unit 1 could add to buildings infringing the height plane.</i>	Yes a small area of the 'roof' of the basement garage not under Unit 1 breaches the height plane angle. This is shown in the elevations included with the application. See the north-east elevation plan.
	8.10.2(iv)	<i>Site coverage will need to include all buildings as mentioned above.</i>	Site coverage is dealt with in the body of the attached letter under the heading: ' <i>Building & Site Coverage</i> '.
	8.10.2(v)	<i>Amenity outdoor space needs to be clearly identified on the site plan for each unit (particularly for unit 1). Note the balconies cannot be included as they are less than 2m depth, and are not accessed from the living area.</i>	The site layout plan clearly identifies the minimum open amenity spaces for each unit located at ground level and accessed from the main living areas of each unit. The amenity area over car parks 1 and 6 and the balconies are not included in the mandatory minimum amenity open spaces instead being additional amenity spaces provided for residents.
	20.5.5(iii)	<i>A disabled parking space is not provided.</i>	This rule does not apply, as at this stage, the building is not accessible to people with disabilities as it will not include lifts. The building has been 'future proofed' via the inclusion of space for lifts. We note that the widths of car parks 6, 7 and 8 can be reduced in order to increase the width of car park 9 to accommodate a disability car park. The aisle width is at the maximum the space allows for.
	20.5.5(iv)	<i>No queuing space is provided.</i>	There is insufficient space in the underground car park to provide for queuing space. There is sufficient aisle width to allow for more than one vehicle to enter and exit at a time both from/to the street and also manoeuvring into parking spaces. The footpath has an approximate width of 3m at this location.
	17.7.3.(i)	<i>Setback for earthworks is breached. This rule applies as a building consent has not been granted. A site plan for earthworks would be useful.</i>	All retaining walls will be included in the application for building consent which will be applied for once resource consent is obtained. A site plan for the earthworks was included in the documentation lodged with the application on 6 November 2018 and also included with the AEE lodged 5 March 2019.

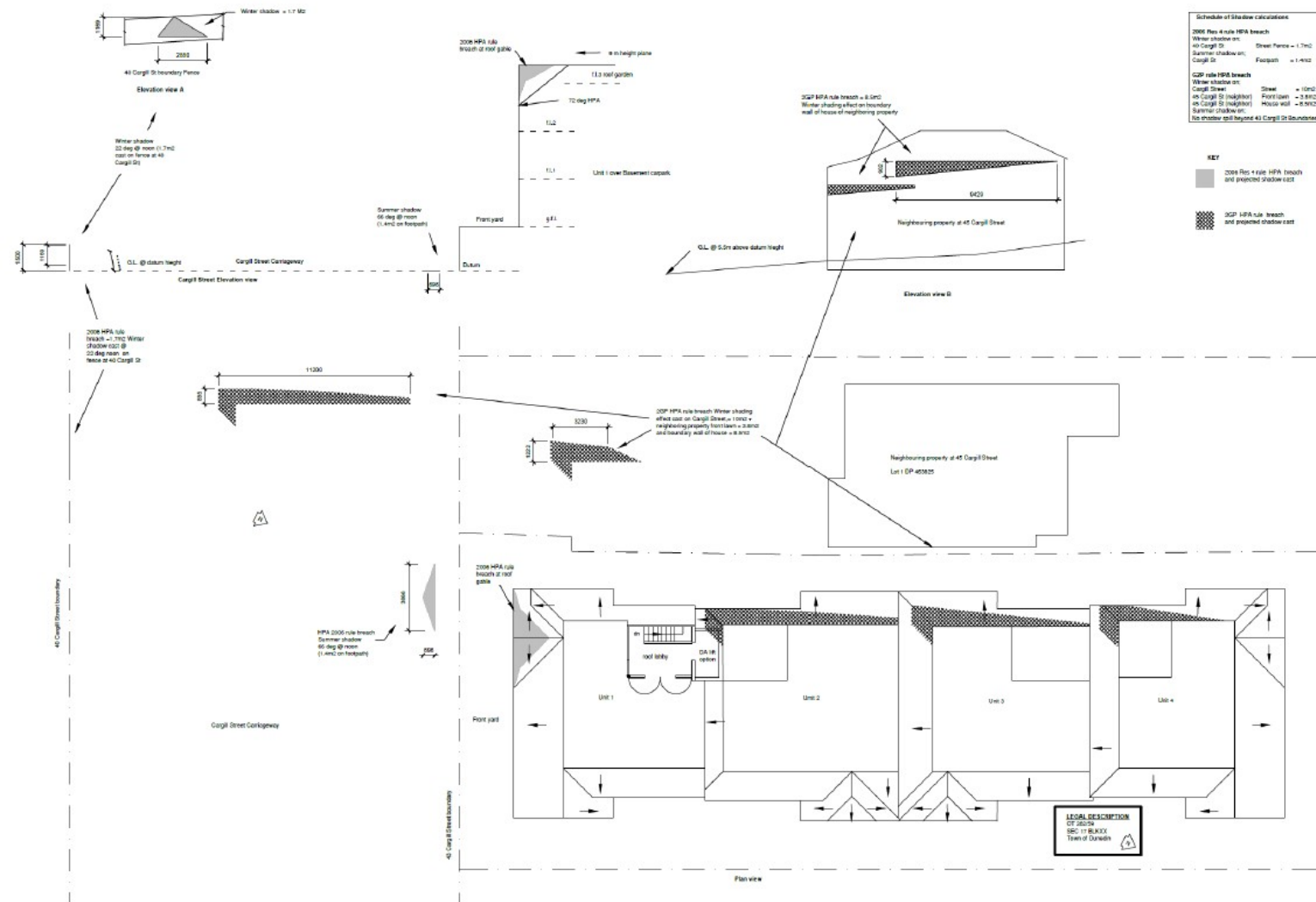
Attachment 2: Table 1b: Discussion of 2GP Rules

Plan	Rule	Comment by DCC Consultant Planner	Discussion
S e c o n d G e n e r a t i o n P l a n	4.5.1.3	<i>Applies for the construction activity as earthworks are large-scale. Note temporary structures (eg scaffolding) may exceed max height, HIRB and setbacks if up for more than 90 days.</i>	The temporary activity of construction are exempt from this rule provided that the breaches are for not longer than 90 days. It is possible that the construction of the units may breach various aspects for longer than 90 days. Until the building consent is granted and the plans have gone for tender, the exact length and staging of construction cannot be confirmed. As such, it would be sensible for consent to be granted for this aspect as well.
	8A.5.4.1.b	<i>Setback for earthworks is breached. This rule applies as a building consent has not been granted. A site plan for earthworks would be useful.</i>	All retaining walls will be included in the application for building consent. Building consent will not be applied for until after resource consent is obtained. A site plan for the earthworks was included in the documentation lodged with the application on 6 November 2018 and also included with the AEE submitted 5 March 2019.
	15.5.8.1.c	<i>Different interpretations on this rule give either 8 or 10 spaces required, may actually comply. Note no disabled parking space required for residential activity.</i>	The applicant concurs with the DCC's consultant planner's interpretation of the rule, that only 8 car parks are required. The proposal provides for 9 car parks and, therefore, complies with this performance standard. The AEE has been amended to reflect the DCC's consultant planner's interpretation of this rule.
	15.5.11.1. a.iv & 15.5.11.3	<i>Amenity outdoor space needs to be clearly identified on site plan for each unit (particularly for unit 1). Note the balconies cannot not be included as they are less than 1.8m depth, and are not accessed from the principal living area (Rule 15.5.11.3).</i>	Rule 15.5.11.1.a.1.iv requires 45m ² of outdoor living space per unit. The site layout plan clearly identifies a 35m ² minimum open space with a 4.5m diameter for each unit located at ground level and accessed from the main living areas of each unit. A further 10m ² per unit will be provided for each unit adjacent to the identified area so as to comply with this rule. The amenity area over car parks 1 and 6 and the balconies are not included in the mandatory minimum amenity open spaces instead being additional amenity spaces provided for residents. The AEE has been amended to make this clear.
	15.5.12.1	<i>Service area needs to be clearly identified on site plan.</i>	A plan of the service and amenity areas, underground services and a lighting plan were mistakenly not included with the attachments to the email lodging the AEE. These plans are attached to the email lodging this document and the updated AEE. A copy of the service area and amenity plan is also attached at Attachment 3e.
	6.6.1.3.a.i	<i>No queuing space is provided.</i>	There is insufficient space in the underground car park to provide for queuing space. There is sufficient aisle width to allow for more than one vehicle to enter and exit at a time both from/to the street and also manoeuvring into parking spaces. The width of the footpath is approximately 3m and provides ample space for cars entering/exiting the site.
	15.6.2.1.a & 15.6.2.2	<i>Need to clarify that visual permeability requirement is met by fence.</i>	Yes the fence will breach the 2m height requirement for a short section. The street frontage elevations show parallel lines for two sections of the fence depicting timber slatting which will be spaced to allow visual permeability. This treatment means that more than 50% of the 'fence' is visually permeable.

Attachment 2: Table 1b: Discussion of 2GP Rules continued...

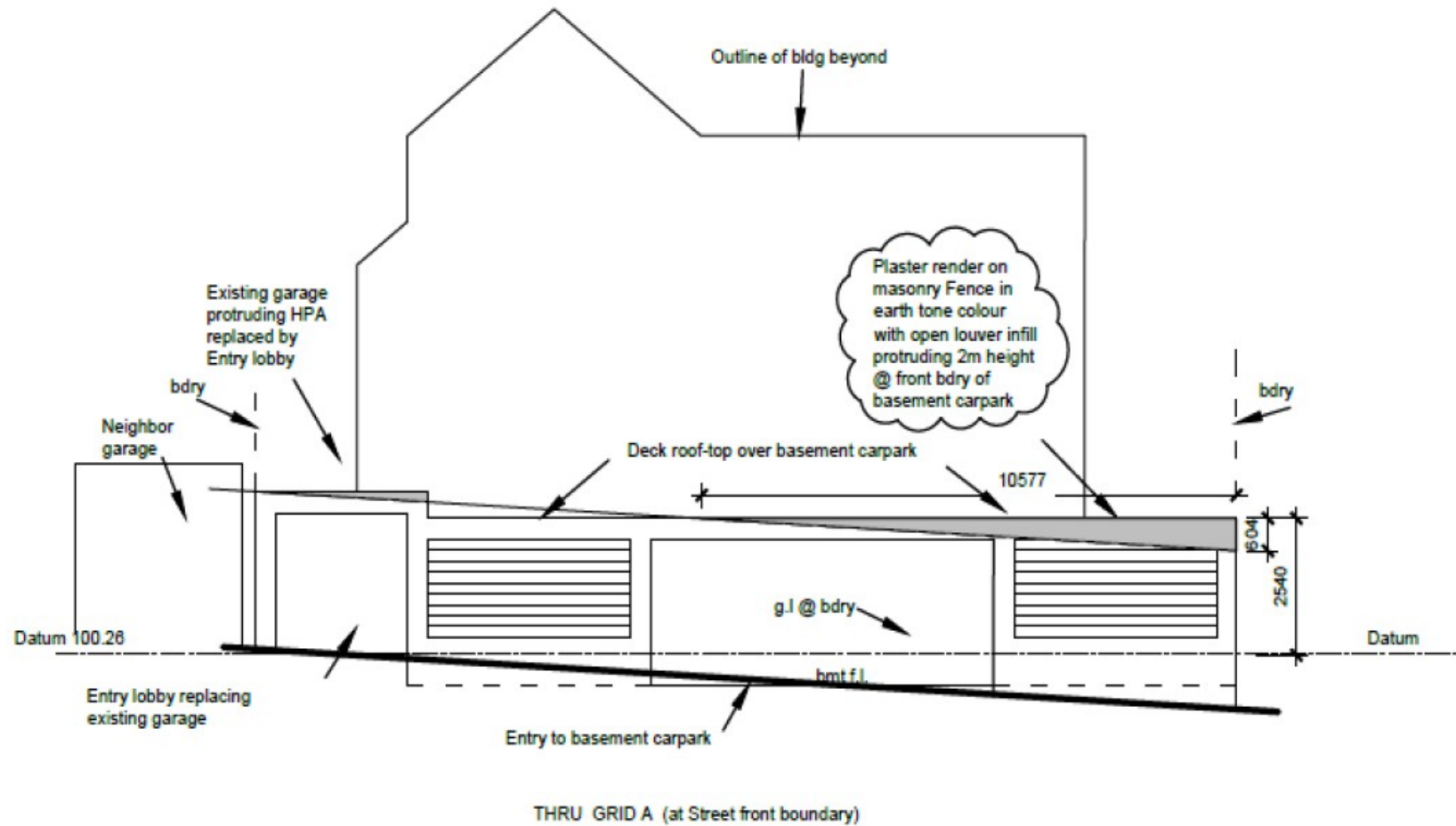
Plan	Rule	Comment by DCC Consultant Planner	Discussion
2 G P	15.6.7.1	<i>Location of car park not met as parking and access exceed 50% of front yard.</i>	The site has frontage of approximately 19.65m of which the car park and access occupies 16m. Excluding the site there are 11 properties on the same side of the block (Haddon Place to Scotland Street) as the site with frontage more than an access way to Cargill Street. Of those 11 properties six have dwellings set back approximately 1m or less with a further two properties having a dwelling located within approximately 3m of the road boundary. Furthermore, five of the properties (57, 61, 65 & 65A, 67B) have car parking and access which occupy more than 50% of the front yard. As such, within the existing streetscape, the the effects of the carpark and access occupying more than 50% of the front yard will be less than minor.
	15.6.10.1.c	<i>Site coverage will need to include all buildings as mentioned above. The site plan should also show all impermeable areas, and those that can be made permeable as mentioned in the AEE.</i>	Site coverage is dealt with in the body of the attached letter under the heading: '<i>Building & Site Coverage</i>'. Permeable surfaces will include the amenity areas on the north side of the building for Units 2, 3 and 4.
	15.6.13.1. a.iv	<i>The balconies on the front of unit 1 intrude into the front yard. Also any roof over the car parking area for the amenity outdoor space of unit 1 could add to buildings in the yards.</i>	Yes the balconies on the front of Unit 1 will intrude into the front yard and will, therefore, require resource consent. Yes, technically the 'roof' over that part of the car park not beneath Unit 1 (i.e. car parks 1 and 6 and that part of the aisle between those two car parks) will also be within the yard and require resource consent. The decking area is an additional amenity area for residents and not included in the calculation of the mandatory minimum amenity open spaces.

Attachment 3: Further Documentation: 3a: Shading Diagram

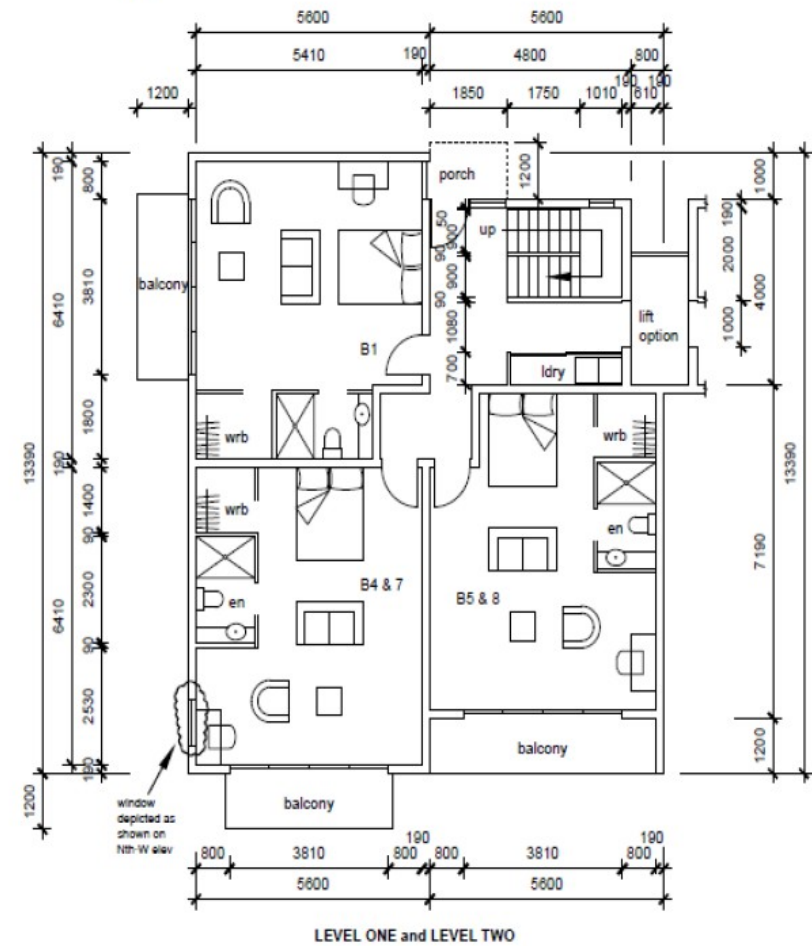
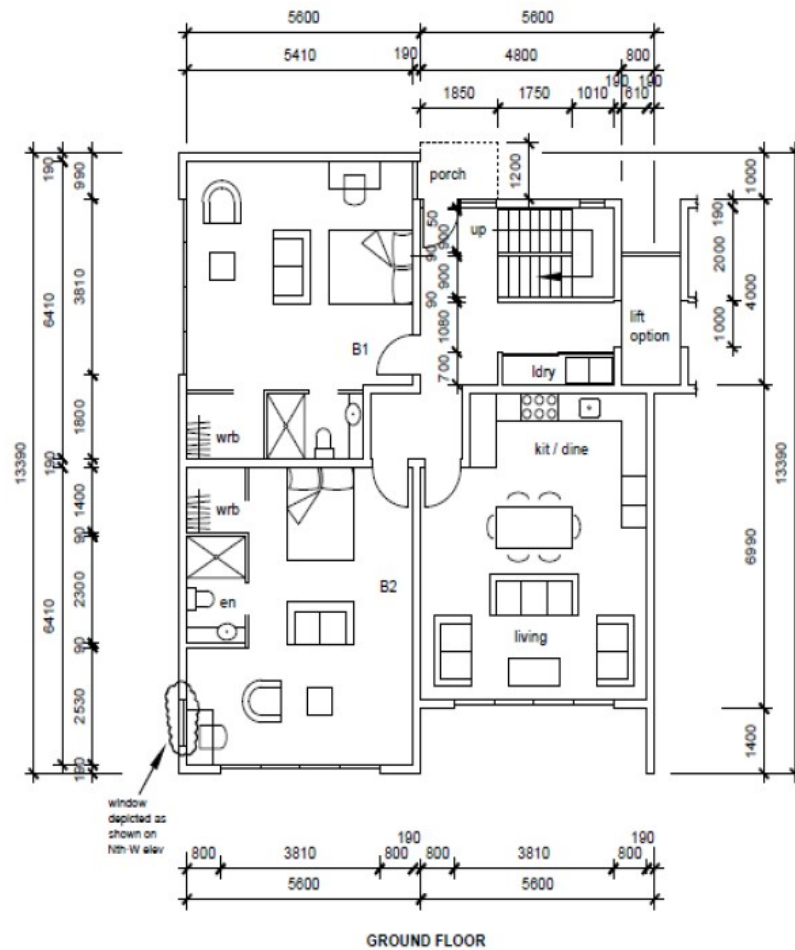


PROPOSED RESIDENTIAL ACCOMMODATION UNITS AT 43 CARGILL STREET, DUNEDIN.

Attachment 3: Further Documentation: 3b: Elevation through Grid A Showing Fence Detailing



Attachment 3: Further Documentation: 3c: Amended Floor Plans for Units 1 and 2 showing Windows in Front Elevation



UNIT ONE FLOOR PLAN LAYOUT

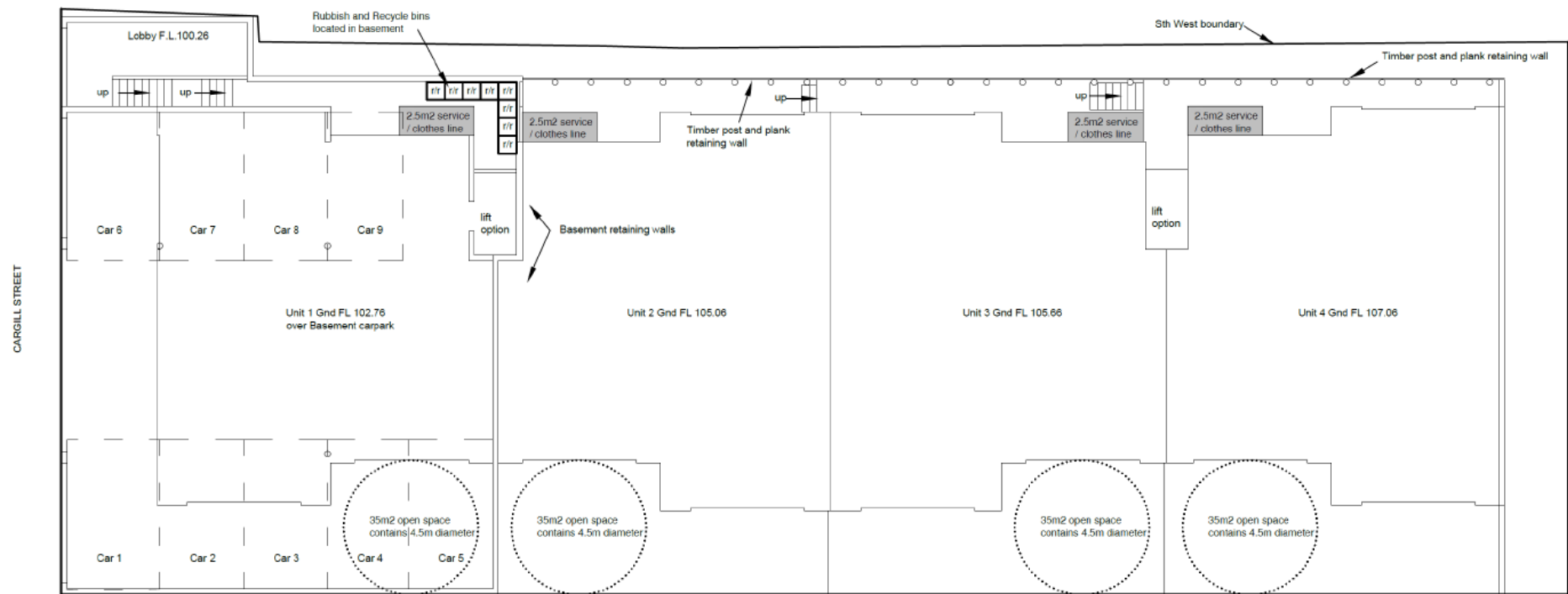
The architectural drawings show four elevations of a building facade with lighting annotations:

- NORTH WEST:** Shows a section of the building with a gabled roof and multiple windows. An annotation points to a lighting point: "Lighting for roof terrace / garden concealed behind roof line".
- NORTH EAST:** Shows a longer section of the building facade with several gabled units. Multiple annotations point to lighting points: "Lighting for roof terrace / garden concealed behind roof line".
- SOUTH EAST:** Shows another section of the building facade with a gabled unit. An annotation points to a lighting point: "Lighting for roof terrace / garden concealed behind roof line".
- SOUTH WEST:** Shows a long section of the building facade with various window configurations. Annotations include: "Lighting for roof terrace / garden concealed behind roof line" (multiple instances), and "Path lighting shown as reflected above ground level mounted on adjacent retaining wall".

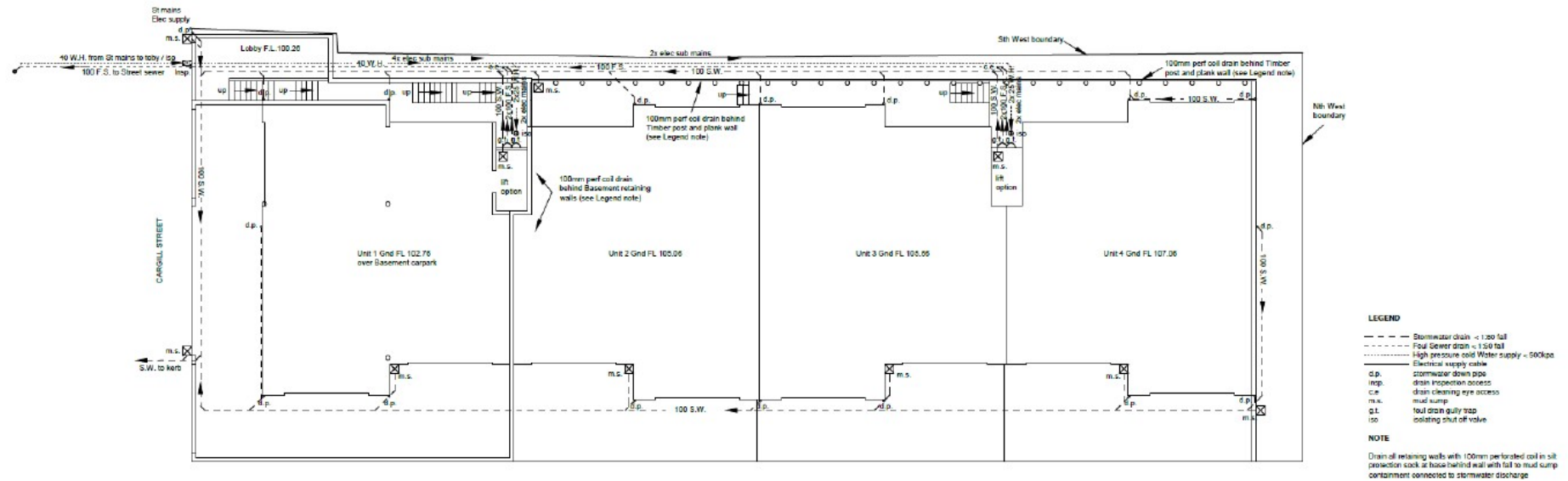
LEGEND

- * Outside light - 150 watts LED chipset for hook fit wall wash style

Attachment 3: Further Documentation: 3e: Amenity and Service Areas Plan



Attachment 3: Further Documentation: 3f: Underground Services



DRAINAGE & UNDERGROUND SERVICES SITE PLAN