

26 August 2016

Mr and Mrs Prattley
14 Churchill Street
Dunedin 9012

Dear Mr and Mrs Prattley

RESOURCE CONSENT APPLICATION

LUC-2016-110
38 RICHMOND STREET
SOUTH DUNEDIN

The above application to establish two residential units on the site located at 38 Richmond Street was processed on a notified basis in accordance with Section 95 of the Resource Management Act 1991. The Consent Hearings Committee, comprising Councillors Andrew Noone (Chairperson) and Lee Vandervis and Commissioner Colin Weatherall, heard and considered the application at a hearing on 21 July 2016.

At the end of the public part of the hearing, the Committee, in accordance with Section 48(1) of the Local Government Official Information and Meetings Act 1987, resolved to exclude the public. At the conclusion of the hearing, a site visit was undertaken by the Hearings Committee. Following the site visit, the Committee sought further information from the applicant regarding mitigation of the flood risk. The applicant proposed a minimum floor level of 500mm above existing ground level which the Committee took into consideration when making their decision. The revised plans are attached to this decision as Appendix A.

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

Please note that the processing of this application could not be completed within the 20 working day time limit prescribed under section 115 of the Resource Management Act 1991. The time limits for the processing of this consent have been extended pursuant to section 37A(2)(a) of the Resource Management Act 1991 on 11 August 2016 by Chairperson of the Hearing Committee.

The Hearing and Appearances

The applicants, Mr and Mrs Prattley, were represented by:

- Conrad Anderson (Consultant Planner)
- Alison Carey (Architectural Designer)

Council staff attending were:

- John Sulé (Advisor to Committee);
- Kirstyn Lindsay (Processing Planner);
- Chelsea McGaw (Water and Waste Services);
- Lee Paterson (MWH Geotechnical Engineer acting for DCC);
- Peter Christos (Urban Designer); and
- Wendy Collard (Governance Support Officer).

Submitters in attendance included:

- John-Luc Payan (Manager Natural Hazards – Otago Regional Council);
- Dale Meredith (Manager Policy – Otago Regional Council); and
- Warren Hanley (Resource Officer – Liaison – Otago Regional Council).

Procedural Issues

Mr Anderson raised a procedural issue regarding an article in the Otago Daily Times (dated 21 July 2016) which reported on an Otago Regional Council (ORC) meeting relating to natural hazards in South Dunedin. He questioned whether this had resulted in the ORC withdrawing their submission. The Committee confirmed that the ORC had not withdrawn their submission and the procedural issue was dismissed.

Principal Issues of Contention

The principal issues of contention are as follows:

- Whether any effects on Water and Waste infrastructure could be managed;
- Whether any effects on amenity and streetscape could be mitigated;
- Whether a breach of density threatened the integrity of the plan and set an undesirable precedent; and
- Whether the hazard risk could be managed.

Summary of Evidence

Introduction from Processing Planner

Ms Lindsay outlined the applicant's proposal noting that the activity was a non-complying activity pursuant to Rule 8.8.6(iii) of the operative Dunedin City District Plan. She noted that two submissions were received for the application; one from ORC which opposed the application and one from Heritage New Zealand which was neutral.

Ms Lindsay highlighted the hazard risk noting that South Dunedin is typically low-lying with a high ground water table and that Richmond Street was inundated in the June 2015 rainfall event and experienced surface flooding and ponding. She noted that the proposed development would result in the removal of the existing flood-damaged dwelling but that no resource consent was required for the removal of this dwelling.

Ms Lindsay recommended that the application be declined on the basis that it did not pass the gateway tests set out in s104D because the adverse effects of the proposal in its current form were not adequately mitigated and that the proposal was contrary to the key relevant objectives and policies of the Operative Dunedin City District Plan. She could not identify a true exception. However, she sought leave to review her recommendation after hearing the evidence put before the Committee.

The Applicant's Case

Mr Anderson and Ms Carey outlined the application before the Committee on behalf of the applicants. Ms Carey spoke to the design assessment contained within her written submission. She gave her assessment of the composition and character of the surrounding neighbourhood and outlined the benefits of modern build design. The Committee asked questions of Ms Carey relating to design elements and whether an elevated floor level would adversely affect the building design. It was her opinion that it would not, depending on the proposed finished height. Ms Carey noted that the minimum floor level specified by Building Control Services for South Dunedin was 150mm above the crown of the road.

Mr Anderson spoke to his pre-circulated evidence focussing on the design of the proposal, the streetscape, how the water and waste discharges could be managed and the hazard risk. He outlined the permitted baseline as he viewed it, detailing what could be established on the site as of right.

Mr Anderson noted that there were no specific controls over the streetscape and contested the comments by the Council's urban designer. It was his opinion that the effects of the

development on the streetscape and amenity were no more than minor. He noted that the plans submitted did not show a fence and this would be something that could be conditioned. Mr Anderson stated that Mr Prattley's preference would be to continue with brick veneer cladding because of its low maintenance.

Mr Anderson believed that there was an opportunity to mitigate the flood risk by raising the finished floor level, however, he noted that the applicant did not want to depart from a concrete slab foundation design. Although he conceded it would be difficult, he considered that the buildings could be relocatable despite the proposed concrete foundation and brick veneer cladding.

Mr Anderson believed that the demand on the city's infrastructure would not increase as a result of this proposal but was amenable to stormwater management conditions and a low-flow device condition.

Mr Anderson accepted the advice note requested by Heritage New Zealand in their submission and the conditions recommended by Council's Transportation Planner. When questioned by the Committee, Mr Anderson confirmed that on-site manoeuvring could be achieved for the rear unit.

Evidence of Submitters

Mr Payan for ORC spoke to his pre-circulated evidence and outlined the hazard risk as identified by ORC. He detailed the June 2015 rainfall event which resulted in surface flooding in South Dunedin. Mr Payan considered that the rain event in June 2015 flood event was not an unusually heavy rainfall event and that similar events may occur into the future on a regular basis. He noted that during the June 2015 event surface flooding varied in depth from approximately 100mm to 300mm in the area of the subject site.

When questioned by the Committee regarding the risk mitigation discussed during the proceedings, Mr Payan stated that there was still a degree of risk and the potential to transfer risk onto neighbouring properties. Mr Payan was reluctant to advise the Committee on a specific floor level to mitigate the risks but indicated that the ORC would assist by providing information.

Ms Meredith, for ORC, noted that ORC did not want to see the risk increased by increasing additional people to the hazard risk. ORC were concerned that the proposal would set a precedent.

Council Officers

Mr Lee Paterson, a senior geotechnical engineer speaking on behalf of Council's Consultant Engineers MWH, identified the natural hazards which have the potential to affect South Dunedin and the subject site. Mr Paterson disagreed in part with the ORC submission regarding the unusual nature of the June 2015 rainfall event noting that the rainfall recorded in June 2015 was the second highest on record. While Mr Paterson considered that this rainfall event was unusually heavy, he acknowledged events of this type were expected to become more frequent.

Mr Paterson noted that overall the building code states that buildings should be safe from hazards. With respect to minimum floor levels, Mr Paterson noted that these were generally set at the building consent stage through the Building Act 2004 and that Building Control may accept a floor level of 200mm above local ponding level but this would need to be confirmed by that department. He noted that MWH had prepared a report in 2012 which identified minimum floor levels at various locations throughout the city. Mr Paterson acknowledged that assistance would be required from ORC to set alternative minimum floor levels for South Dunedin.

In respect to the risk of liquefaction Mr Paterson noted that there were design solutions which could be applied at building consent stage to minimise the risk posed by liquefaction and amplified shaking hazard.

Ms Chelsea McGaw spoke on behalf of the Dunedin City Council's Water and Waste Business Unit. She noted that a review of the stormwater and wastewater calculations, subsequent to the pre-hearing evidence exchange, had resulted in the department amending its position. The WWSBU no longer opposed the application on the basis of the density breach but Ms McGaw maintained that mitigation measures such as on-site stormwater retention and low flow devices would be required to ensure that stormwater and wastewater issues were not exacerbated by the development.

Mr Peter Christos, Council's Urban Designer, reiterated his position regarding the character of the neighbourhood and noted that, after hearing the evidence put forward by the applicant, he considered that the impact of the proposed dwellings on the streetscape and amenity of the area remained significant. It remained his opinion that mitigation would be achieved by requiring low and permeable fences and landscaping.

Processing Planner's Review of Recommendation

The Committee also heard supporting evidence from Council officers regarding options to mitigate the effect on councils water and waste infrastructure networks and the incorporation of design elements which would reduce potential effects on amenity and streetscape.

Having listened to the evidence put before the Committee, Ms Lindsay considered that there were steps that could be undertaken to reduce any adverse effects and to bring the proposal more in line with the policy framework of both the operative and proposed district plans. She disagreed with Mr Anderson's position regarding the extent of the baseline but noted that the application of a baseline was appropriate.

She noted Mr Anderson's acceptance of the conditions proposed by Water and Waste Services but considered that the Committee must be comfortable that the existing stormwater conditions would not be exacerbated or the wastewater capacity exceeded by the authorisation of a non-complying activity.

Ms Lindsay reminded the Committee that the application is for a non-complying activity and, should it be of a mind to grant consent, then it may impose any conditions it feels are necessary to avoid, remedy or mitigate adverse environmental effects. She disagreed with Mr Anderson's assertion that, because a specific streetscape is not protected by a District Plan, its amenity values and character are not significant and she held that, where the Committee has the ability to require good design principles, it should take every opportunity to apply these.

Ms Lindsay recognised that there are no specific district plan controls to address hazards on the site at this time, but noted that Mr Anderson has accepted that conditions relating to hazard mitigation would be necessary.

However, it remained Ms Lindsay's opinion that there is nothing about the proposal that set it apart from others. She accepted that the existing dwelling was in poor repair but the removal of the dwelling did not form part of this application. She reminded the Committee that application was for a breach of density and considered that the true exception argument has not been adequately made as to why two units should be authorised on this site.

Applicants Right of Reply

Mr Anderson reiterated the positive aspects of the application and asked for consent to be granted. He restated his opinion on the baseline. Mr Anderson noted that the demand on the water and waste infrastructure would be no more than which currently exists, but accepted conditions related to water and waste management. However, in his opinion, a stormwater management plan would only be required if there was more hard surfacing on the site more than what currently exists.

Mr Anderson considered that the proposed units did incorporate good design principles for the development including yard setbacks and living spaces orientated to the front of the site. He also considered that a condition relating to the fence and landscape treatment would be acceptable. With respect to hazard risk, Mr Anderson suggested that a floor level could be

established through conditions or advice note and specific foundation design could be identified at the time of building consent. Mr Anderson considered that if any precedent was set by the granting of the application, it would be a positive one.

Statutory and Other Provisions

In accordance with Section 104 of the Resource Management Act 1991, the Planner's Report detailed in full the relevant statutory provisions and other provisions the Committee considered. Regard was given to the relevant provisions of the following chapters of the Operative Dunedin City District Plan: 4 Sustainability, 8 Residential Zones, 17 Hazards and 20 Transportation and to the relevant policies and objectives of the second generation District Plan. Statutory provisions considered included Sections 5, 6(f), 7(c), 7(f) and 7(i) within Part 2 of the Act. Regard was also given to both the operative and proposed Regional Policy Statement for Otago.

Main Findings on Principal Issues of Contention

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

Decision

The final consideration of the application, which took into account all information presented at the hearing, was held during the public-excluded portion of the hearing. The Committee reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991. In addition, a site visit was undertaken during the public-excluded portion of the hearing, the Committee inspected the site and this added physical reality to the Committee's considerations.

*That pursuant to Section 34A(1) and 104B and after having regard to Part 2 matters and Sections 104 and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non-complying** activity to establish two Residential units at 38 Richmond Street, legally described as Lot 18 Block XVI Deposited Plan 60 (Computer Freehold Register OT 16D/63), subject to conditions imposed under Section 108 of the Act, as shown on the attached certificate.*

That, having taken into account:

- *the interests of any person who may be adversely affected by the time extension;*
- *the interests of the community in achieving an adequate assessment of effects of a proposal, policy statement or plan; and*
- *its duty under Section 21 to avoid reasonable delay*

the Council has, pursuant to section 37A(2)(a) of the Resource Management Act 1991, extended the requirement outlined in section 115 regarding the time in which notification of a decision must be given after the date the application was first lodged with the Council.

Reasons for this Decision

- 1 The Committee believe, that subject to the conditions proposed above, the proposal will not give rise to more than minor adverse environmental effects and satisfies the first gateway test contained in Section 104D of the Act.
- 2 With regard to the second gateway test, the Committee believe that the proposal as amended by conditions of consent will not be contrary to the objectives and policies of both the operative and proposed District Plan. The Committee has determined that little weight should be given to the proposed District Plan as no decisions have been released. While the Committee has not been convinced that the proposal is a "true exception", it

believes that the approval of the application will not threaten the integrity of the operative District Plan and nor will it establish an undesirable precedent for future applications.

- 3 As the proposal passes both gateway tests set out in section 104D, the Committee was able to consider the granting of consent to the proposal.
- 4 When considering part 2 of the Act, the Committee noted that with regard to 5(2)(c), the amended proposal including stormwater, landscaping and fencing mitigation and the finished floor level offered by the applicant would avoid, remedy or mitigate any adverse effects of activities on the environment.
- 5 In respect of section 6(f), the Committee recognises that the development of the site is reliant on the removal of a pre-1900 house. The Committee is aware that there are no specific rules within the Operative District Plan which control this demolition. The Committee accepts the submission made by Heritage New Zealand, and considers an advice note reminding the applicant of their duty under the Heritage New Zealand Pouhere Taonga Act 2014. The Committee considers that the granting of consent is not inconsistent with section 6(f) of the Act.
- 6 In regard to section 7 of the Act, the Committee notes that, subject to conditions of consent, both sections 7(c) and 7(f) are satisfied. With respect to section 7(i) which relates to the effects of climate change, the application was silent on climate change. However, subsequently the applicant has offered a ground floor level which is intended to provide a greater level of protection than that suggested by the Council's consultant engineer at the hearing. While the proposed floor level does not address the wider climate change issue facing South Dunedin overall, the proposed floor level does offer some level of comfort to the Committee with regard to this specific development. As such, the Committee considers that the proposal is not inconsistent with section 7(i) of the Act.
- 7 The Committee considered that the proposed activity in its amended form, and with conditions imposed, is not contrary to the objectives and policies of both the operative and proposed Regional Policy Statement for Otago. The Committee has determined that little weight should be given to the proposed Regional Policy Statement as no decisions have been released.
- 8 The Committee recognises that approving the proposal will result in a breach of density under the District Plan. The Committee acknowledges that in ORC's submission, it has opposed the density breach and that this opposition is based on potential increase of population exposed to hazard risks. The Committee, when considering ORC's principled and high level approach to managing hazard risk, have determined that it is appropriate to apply the permitted baseline in this instance. The Committee believes that the granting of this proposal would not result in more people living on this specific site than could reside in a permitted development. However, when considering the baseline promoted by the applicant, the Committee was more judicial in its application. It considered that the permitted baseline endorsed by the applicant to be fanciful, rather accepting that a single residential unit with a floor area of 155 square metres and up to four bedrooms would not be unanticipated in this area. This is the permitted baseline against which the Committee has assessed the effects of the proposal.
- 9 The Committee acknowledges the importance of maintaining the interaction between the subject site and the streetscape. It appreciates the proposed orientation of the residential units to the front of the site and that the proposal complies with the overall bulk and location performance standards identified in the operative District Plan. The Committee recognises that those bulk and location standards are designed to maintain and enhance amenity and streetscape characteristics and supports the applicant in their incorporation of these standards within the design. It is noted that the elevation of the dwellings to comply with the increased finished floor level has resulted in slight height plane angle breaches to 72 Nelson Street and 40 Richmond Street. The effects of the breaches are considered to be less than minor and to be within the margin of error. As such, any effect on the neighbouring properties beyond that permitted by the District Plan is considered to

be indiscernible. Therefore, the Committee has determined that the neighbours need not be served notice of this change.

- 10 Having familiarised itself with the form and characteristics of the neighbourhood during the site visit, the Committee is very aware of the affect that fences can have on amenity and streetscape values. During the hearing, the applicant accepted conditions relating to landscaping and fence design. The Committee considers that a condition requiring a low and open fence is critical to maintaining these values identified above. The Committee also considers that some landscaping treatment is appropriate to ensure consistency with the existing characteristics of the adjacent area.
- 11 The Committee notes that Mr Anderson has confirmed that on-site manoeuvring can be achieved for the rear unit. Upon inspection of the plans submitted with the application, the Committee considers that, as currently designed, on-site manoeuvring cannot not be achieved. However, the Committee notes that as Richmond Street is a local road and that the site is a front site (albeit with a rear unit), the lack of on-site manoeuvring will not have adverse effects on the transportation network in this instance.
- 12 With respect to effects on the safety and functionality of the transportation network, the Committee is satisfied that the effects of the proposal will be less than minor. The establishment of a second vehicle crossing at this location is acceptable to the Committee, subject to conditions of consent and advice notes. The applicant has accepted these conditions of consent and advice notes.
- 13 As discussed above, the Committee accepts that the existing dwelling was constructed pre-1900 (built between 1891 and 1895) and that the site is an 'archaeological site' as defined in the Heritage New Zealand Pouhere Taonga Act 2014. The applicant accepts the advice requested by Heritage New Zealand in their submission and the Committee considers that this issue is adequately addressed through the advice note.
- 14 The Committee considers that the construction of warm, dry housing stock within the South Dunedin is a positive effect.
- 15 The Committee recognises that subject site has been identified as subject to a flooding and liquefaction natural hazards. Furthermore, it is considered that future sea level rise will affect this property. ORC have submitted in opposition to the application on the basis that an increase in density would expose more people to risk, exacerbate the risk and send a wrong signal regarding appropriate responses to natural hazard risk management. The Committee notes that if the proposal was for one residential unit instead of two, there would be no resource consent application to consider.
- 16 With respect to seismic events, the Committee accepts the advice of the council consulting engineer that the underlying soils have a potential for amplified movement and liquefaction during a significant seismic event. The Committee acknowledges that seismic loading is normally addressed at building control stage and consider that an advice note advising the applicant that specific foundation design may subsequently be required, or specifically designed ground improvement works would be appropriate in this instance.
- 17 The Committee recognises the importance that overland storm water flows are not interrupted and the dwelling should be situated to avoid any adverse effects from local ponding during storm rainfall events. The Committee considers that proposed floor and ground levels must therefore address the potential for egress of water from the property via secondary flow paths, ensure that construction is not proposed in low-lying areas and that the path of storm water is not displaced from ephemeral flow paths into neighbouring properties. An advice note is attached to the consent certificate to that effect. An advice note has also been attached to the advising the applicant that any earthworks necessary to develop the site must comply with the permitted activity rules of the District Plan or further resource consent will be required.
- 18 The Committee has considered the floor level offered by the applicant. It notes that the level offered is consistent with the level suggested by Council's consultant engineer and discussed at the hearing. The Committee notes that ORC did not offer a floor level

although flood data information provided in their submission was factored into the Committee's decision. Based on the June 2015 flood event, the Committee considers that this level will ensure that the habitable area of the dwelling would remain dry should another similar event occur. While it has not been determined if the floor level is adequate to address potential sea level rise, the Committee notes that there are a range of city wide responses which have yet to be considered to address climate change. The Committee felt that it was inequitable to single out this particular development, given the continuing level of development within the South Dunedin area.

- 19 The Committee is satisfied that any adverse effects of the proposal on the water and waste infrastructure could be adequately managed through conditions of the consent. The permitted baseline is compelling in this instance. However, the Committee is acutely aware of the stormwater management issues in this area but also note that the high groundwater levels observed within this area mean that the stormwater drainage relief usually offered by impervious surfaces would provide minimum benefit at this location. As such, they consider it appropriate to require stormwater retention for this development. The appropriate level of stormwater retention should be agreed by the Council's Water and Waste Services through the Resource Consents Manager once the design of the buildings has been finalised. The Committee also recognises that the applicant has accepted a condition requiring low-flow devices to be installed in the units and consider this appropriate.
- 20 The Committee concluded that, when applying an overall broad judgement, the granting of the consent with conditions would be consistent with the purpose of the Act to promote the sustainable management of natural and physical resources.

Commencement of Consent

As stated in Section 116 of the Resource Management Act 1991, this consent shall only commence once the time for lodging appeals against the grant of the consent expires and no appeals have been lodged, or the Environment Court determines the appeals or all appellants withdraw their appeals, unless a determination of the Environment Court states otherwise.

Right of Appeal

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

The Registrar
Environment Court
PO Box 2069
CHRISTCHURCH 8140

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

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

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

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

Monitoring

Section 35(2)(d) of the RMA requires every council to monitor resource consents that have effect in its region or district. The scale and nature of the activity, the complexity and

number of the conditions needed to address the environmental effects and whether the conditions have been complied with determines the number of monitoring inspections required. Given the nature of your intended works, this consent will require one inspection.

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read "Andrew Noone". The signature is fluid and cursive, with a distinct loop at the end.

Cr Andrew Noone
Chairman
Hearings Committee

Consent Type: Land Use Consent

Consent Number: LUC-2016-110

That pursuant to Section 34A(1) and 104B and after having regard to Part 2 matters and Sections 104 and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non-complying** activity to establish two residential units at 38 Richmond Street, legally described as Lot 18 Block XVI Deposited Plan 60 (Computer Freehold Register OT 16D/63) subject to conditions imposed under Section 108 of the Act, as shown below:

Location of Activity: 38 Richmond Street, South Dunedin

Legal Description: Lot 18 Block XVI Deposited Plan 60 (Computer Freehold Register OT 16D/63)

Lapse Date: 26 August 2021

Conditions

- 1 *The activity must be carried out generally in accordance with the plans entitled and the information in the application dated 24 March 2016, except where modified by the following conditions of consent:*
- 2 *The consent holder must advise the Council, in writing, of the start date of the works. The written advice must be provided to Council at least five (5) working days before the works are to commence.*
- 3 *The units authorised by this resource consent must have a finished floor level of 500mm above existing ground level.*
- 4 *A stormwater management plan shall be submitted and approved by the Resource Consents Manager prior to the lodging of building consent applications for the units. The stormwater management design for the site must include suitable stormwater retention systems for each unit.*
- 5 *Low-flow water devices must be installed in the kitchen, laundry, bathroom and toilet areas of each unit. Plans must be approved by the Resource Consents Manager prior to the lodging of building consent applications for the units.*
- 6 *A site landscape plan must be submitted and approved by the Resource Consents Manager prior to commencing construction of the new units. The plan will indicate the areas proposed for planting and the proposed species, with particular reference to the outdoor amenity area for Unit 1.*
- 7 *Landscaping and planting, as depicted in the plans required by condition six (6) of this consent, must be carried out within six months of the new units becoming habitable, and must be maintained on an ongoing basis thereafter.*
- 8 *The boundary fence fronting Richmond Street must be no higher than 1.2m and must have 40% permeability. Design of the front boundary fence must be submitted to the consent authority and approved by the Resource Consents Manager prior to the front boundary fence construction.*

- 9 The vehicle access to each unit must have a minimum formed width of 3.0m, and be hard surfaced from the edge of the seal of Richmond Street for a distance of not less than five metres inside the property boundary; and must be adequately drained within the site.
- 10 Vehicle access to Unit 2 must be formed so that adequate vehicle manoeuvring is provided for the parking space for that unit.
- 11 The consent holder must take all reasonable measures to ensure noise from activity taking place on the site will not exceed the performance standard set out in Rule 21.5.1 of the District Plan, and does not give rise to adverse effects upon residential activity in the area.
- 12 Construction work including earthworks must be limited to the times set out below and must comply with the following noise limits for 'typical duration' construction modified from New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise:

Day of week	Time period	Maximum Noise Limit	
		Leq (dBA)	LMax (dBA)
Weekdays	0730-1800	75	85
Saturdays	0800-1700	75	85
Sundays and Public Holidays	No construction work		

Advice Notes

- 1 Please check with the Council's Building Control Office, Development Services, to determine the building consent requirements for the work.
- 2 In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through Sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
- 3 Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
- 4 It is the consent holder's responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.
- 5 This consent shall lapse after a period of five years from the date of granting of this consent. This period may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.
- 6 The Hazard Register identifies the subject site as being within an area for which earthquakes and flooding have been identified as a potential risk, that is, soil liquefaction occurring as the result of an earthquake. The subject site is also within an area which has been identified as being potentially affected by predicted levels of sea level rise. It is recommended that the consent holder obtain advice from a suitably qualified engineer in respect of specifications for piles and foundations, prior to finalising the building plans.
- 7 Finished floor and ground levels should address the potential for egress of water from the property via secondary flow paths and that the path of storm water is not displaced from ephemeral flow paths into neighbouring properties.
- 8 Any earthworks necessary to develop the site must comply with the permitted activity rules of the District Plan or further resource consent will be required.

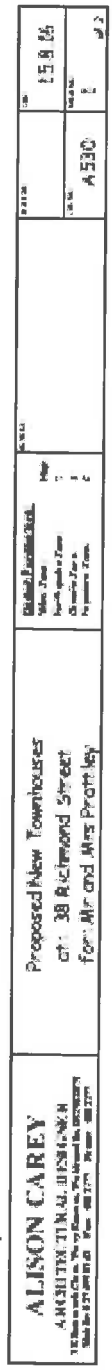
- 9 The vehicle accesses from the carriageway to the property boundary are over road reserve and are therefore required to be built in accordance with the Dunedin City Council Vehicle Entrance Specification (available from Council's Transportation Operations Department).
- 13 Any water, wastewater and storm water services from the existing building should be disconnected prior to demolition. An "Application for Permanent Disconnection of an Urban Water Supply" for the water manifold connection(s) at the site should be submitted to the Water and Waste Services Business Unit.
- 14 That the installation and connection of a new water service to the existing public water system will be carried out after the applicant has completed and submitted an 'Application for Water Supply' form to the Council and following the applicant's acceptance of the quote for the required work (as per the Dunedin City Council's Terms and Conditions for the Supply of Water and the Dunedin City Council Code of Subdivision (Part 4)). A quote for the required work can be obtained from either the Dunedin City Council (DCC) or an approved water supply connection installer (AWSCI).
- 15 Appropriate measures should be put in place to, as much as possible, control and contain sediment and storm water runoff from the site during earthworks and construction stages. Should any storm water discharge from the site not connect to the Council's reticulated network, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of storm water will enter any waterway and what level of treatment and/or discharge permit, if any, may be required.
- 16 All aspects of the development are required to comply with the fire-fighting requirements set out in SNZ PAS 4509:2003, being the Fire Service Code of Practice for Fire Fighting Water Supplies.
- 17 Any heat pumps should be installed according to the Dunedin City Council Guidelines for the Neighbourly Installation of Heat Pumps.
- 18 This proposal will affect an archaeological site. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). An authority (consent) from Heritage New Zealand must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The HNZPTA contains penalties for unauthorised site damage. The consent holder is advised to contact Heritage New Zealand for further information.

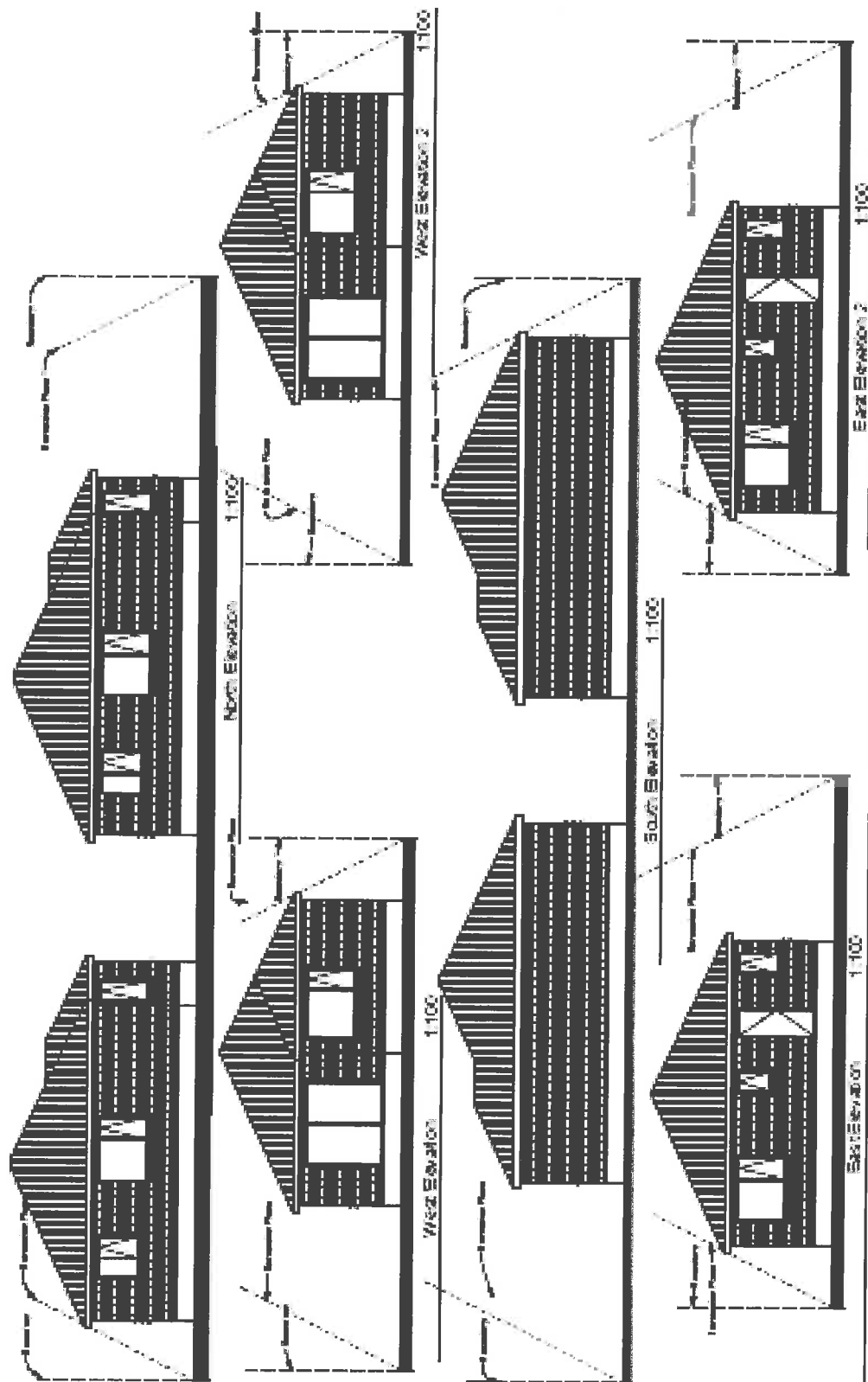
Issued at Dunedin this 26th day of August 2016



Andrew Noone
Chair
Hearings Committee

(Scanned image, not to scale) *NB please note that additional plans for final landscaping and fence design are required.





ALISON CAREY ARCHITECTURAL DESIGN 1100 South 1st Street, Suite 100, Phoenix, AZ 85004 Phone: 480-271-1100 Fax: 480-271-1101	Proposed New Townhouses c/o: 38 Richmond Street Fort Me and Mrs Prattley	Project Details: Value: \$100,000 Permitted: Yes Occupied: Yes Permitted: Yes	Date: 12/15/16 No. 1 No. 1
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