

APPENDIX 4:

RECOMMENDED CONDITIONS OF CONSENT

Consent Type: Land Use Consent

Consent Number: LUC-2018-555

Purpose: To construct a residential dwelling, including associated earthworks and retaining walls.

Location of Activity: 15 Russell Street, Dunedin.

Legal Description: Lot 3, DP 16212 (Computer Freehold Register OT7B/881).

Lapse Date: 27 May 20244, unless the consent has been given effect to before this date.

Conditions:

General

1. *The proposed activity must be undertaken in general accordance with the attached plans and elevations and with the information provided with the resource consent application, received by the Council on 2 October 2018, and further information received by Council on 29 October 2018, 8 February 2019, 15 April 2019 and 30 April 2019, except where modified by the following conditions of consent.*
2. *The consent holder must:*
 - a) *be responsible for all contracted operations relating to the exercise of this consent; and*
 - b) *ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to all associated erosion and sediment control plans and methodology; and*
 - c) *ensure compliance with land use consent conditions.*

Pre-Commencement

3. *Prior to undertaking the work, a suitably qualified professional must assess the potential for instability on adjacent properties as a result of the works.*
4. *The consent holder must provide notice to the Resource Consent Monitoring team by email to rcmonitoring@dcc.govt.nz of the start date of the works. This notice must be provided at least five (5) working days before the works are to commence.*
5. *Earthworks may not commence until a building consent has been issued.*
6. *The consent holder must establish a construction phase vehicle access point to the site and ensure it is used by construction vehicles. The access is to be stabilised by using a geotextile fabric and either topped with crushed rock or aggregate. The access is to be designed to prevent runoff.*

Erosion, Sediment & Dust

7. *To ensure effective management of erosion and sedimentation on the site during earthworks and as the site is developed, measures are to be taken and devices are to be installed, where necessary, to:*
 - a) *divert clean runoff away from disturbed ground;*
 - b) *control and contain stormwater run-off;*
 - c) *avoid sediment laden run-off from the site; and*
 - d) *protect existing drainage infrastructure, sumps, drains and watercourses from sediment run-off.*
8. *At the end of each main earthwork stage (or earlier, if conditions allow) the affected areas must be immediately adequately top-soiled and vegetated (e.g. hydro-seeded) or covered with clean gravel to limit sediment mobilisation.*
9. *Should the consent holder cease, abandon, or stop work on site for a period longer than 6 weeks, the consent holder must first take adequate preventative and remedial measures to control sediment discharge/run-off and dust emissions and must thereafter maintain these measures for so long as necessary to prevent sediment discharge or dust emission from the site. All such measures must be of a type and to a standard which are to the satisfaction of the Resource Consent Manager.*
10. *Surplus of unsuitable material is to be disposed of away from the site to a Council approved destination.*
11. *Temporary drainage connections from the dwelling to an approved stormwater outlet are to be installed should the roof of the new dwelling be established prior to the commissioning of stormwater drainage for the new dwelling.*
12. *No soil disturbance or soil shifting, unloading, loading will take place if wind speed is higher than 14 metres per second if the soil is dry and prone to becoming airborne, unless a dust suppressant is applied.*

Engineering & Stability

13. *Any earthworks undertaken on this land shall be designed, specified and supervised by a suitably qualified person (civil/environmental engineer or technician).*
14. *Any retaining wall over 1.5m in height, or which supports surcharge, shall be specifically designed and its construction supervised by an appropriately qualified person.*
15. *Where the long-term stability of other's land or structures may rely upon the continued stability of retaining works, the designer must confirm that the retaining structure can be safely demolished following a complete design life without creating hazards for neighbouring properties.*

16. *Any fill material to be introduced to the site must comprise clean fill only.*
17. *Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development.*
18. *Any areas of certified or uncertified fill must be identified on a plan, and the plan and certificates submitted to Council to be recorded against the property file.*
19. *The consent holder's engineer must be engaged to determine any temporary shoring requirements at the site during earthworks construction and the consent holder must install any temporary shoring recommended by the engineer.*
20. *Slopes must not be cut steeper than 1h:1v (45°) without specific engineering design and construction.*
21. *Slopes must not be filled steeper than 2h:1v (27°) without specific engineering design and construction.*
22. *The excavation slopes shall be supported within 1 month of commencing the earthworks.*

Surface Water & Drainage

23. *Any change in ground levels is not to cause a ponding or drainage nuisance to neighbouring properties.*

Noise

24. *Earthworks and construction activity shall be limited to the times set out below and shall be designed and conducted to comply with the following noise limits as per New Zealand Standard NZS 6803:1999 Acoustics – Construction noise:*

Time of Week	Time Period	Leq (dBA)	Lmax(dBA)
Weekdays	0630-0730	60	75
	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75
Saturdays	0630-0730	45	75
	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays and public holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

Sound levels must be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise.

Transportation

25. *The consent holder shall take all reasonable measures to prevent the deposition of debris on any public road or private accessway. Should debris still be deposited on any public road or private accessway, the consent holder shall ensure that it is cleaned as soon as possible.*
26. *If at the completion of the earthworks operations, any public road, footpath, landscaped areas or service structures; or any private accessway or property, have been affected/damaged by contractor(s), consent holder, developer, person involved with earthworks or building works, and/or vehicles and machineries used in relation to earthworks and construction works, they must be reinstated to the satisfaction of Council at the expense of the consent holder.*
27. *All loading and unloading of trucks with excavation or fill material is to be carried out within the subject site.*

Accidental Discovery

28. *If the consent holder:*

- a) *discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:*

- i) *notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.*

- ii) *stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.*

Any koiwi tangata discovered must be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) *discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:*

- i) *stop work within the immediate vicinity of the discovery or disturbance; and*

- ii) *advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014; and*

- iii) *arrange for a suitably qualified archaeologist to undertake a survey of the site.*

Site work must recommence following consultation with the Consent Authority.

Landscape Plan

29. *A landscape plan shall be submitted to rcmonitoring@dcc.govt.nz for approval by Council's Urban Design Department no later than one month prior to construction, to achieve softening and improved integration of the bulk of the northern façade of the building. Planting must be established between those areas which protrude into the required yard setback and must be capable of reaching a height which mitigates any dominance effects. Once implemented, all planting shall be maintained in accordance with the approved landscape plan.*

Surveyor

30. *The applicant shall engage a licensed cadastral surveyor to accurately identify the location of the northern boundary (with 19 Russell Street), and set out the location of foundations for the proposed building. The entire building including roof eaves and guttering (and associated drainage) must be contained within the property boundaries.*

Advice Notes:

1. Neighbouring property owners should be advised of the proposed works at least seven days prior to the works commencing.
2. Council recommends that appropriate third party liability insurances are in place which identify nearby structures prior to undertaking any excavation that might affect others' land.
3. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
 - Environment Canterbury, 2007 "Erosion and Sediment Control Guideline 2007" Report No. R06/23.
 - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).
4. It is recommended that a pre-commencement survey of the current condition of the private accessway be undertaken.
5. It is recommended that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.
6. Rights of way over the subject site in favour of other properties must remain free of obstructions at all times.

Heritage

7. Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check whether a site is an archaeological site, the consent holder is advised to discuss their proposal with Heritage New Zealand.

General

8. 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.
9. 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.
10. The lapse period specified above may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.
11. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.
12. This is a resource consent. Please contact the Council's Building Control Office, Development Services, about the building consent requirements for the work.