

BEFORE DUNEDIN CITY COUNCIL

IN THE MATTER of the Resource
Management Act 1991
(***the RMA***)

AND

IN THE MATTER an application for
resource consent by R
& D Fewtrell for land
use at 15 Russell
Street, Dunedin, LUC
2018-555

DECISION OF COMMISSIONERS APPOINTED BY DUNEDIN CITY COUNCIL

25 JUNE 2019

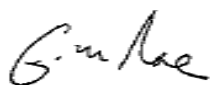
Commissioners:

Gary Rae (Chair)
Gavin Lister
Colin Weatherall

DECISION

1. Having carefully considered all the relevant reports and documentation supplied with the application, submissions received, along with expert evidence and the s.42A report presented to us, the Hearings Panel has resolved to **grant consent** to the application for resource consent for land use consent at 15 Russell Street, Dunedin, **with conditions** set out in Section 10 of this Decision report. Our report, including reasons for the Decision, follows.

Dated this 25th day of June 2019



Gary Rae, Commissioner (Chair)



Gavin Lister, Commissioner



Colin Weatherall, Commissioner

1 INTRODUCTION

- [1] R & D Fewtrell (***the Applicant***) made an application to construct a dwelling on a site located at 15 Russell Street, Dunedin.
- [2] The resource consent application was lodged with Dunedin City Council (the DCC) and was notified on a limited basis on 12 February 2019.
- [3] One submission was received from David and Marie Ilian, owners of a property at 19 Russell Street, in opposition to the application. The main concerns related to amenity effects; outlook and views; earthworks and risk of subsidence; and effects on the development potential of their own property.

2 THE APPLICATION AND SITE

2.1 The Application

- [4] The application is to construct a three-level dwelling including basement carport/storage area with a gross floor area of 248m² and maximum height of 8.9 metres. Parts of the dwelling are proposed to be located within the required 1 metre yards and there will be some breaches of the required height plane angles in relation to boundaries (height in relation to boundary).
- [5] The proposal will involve earthworks and construction of retaining walls. The excavation will result in cuts of up to 3 metres in depth and will remove approximately 171 cubic metres of soil to form the basement level. Earthworks will be within 1 metre of the northern site boundary and within 1.5 metres of the northwest site boundary.
- [6] The proposed dwelling will have vehicle access from Arthur Street, via rights of way. Whilst there is another right of way via Russell Street, vehicle access to the dwelling is not proposed from that street. The application was amended and confirmed following a request for further information by removal of a portion of the proposed building that was shown encroaching into the right of way from Russell Street.

2.2 The Site and Location

- [7] The subject site is a rear site of 559m², located in the triangle formed by Arthur Street, Russell Street and Canongate. It has an unusual, narrow shape, with rights of way from Russell Street and Arthur Street. It is a fairly steep site, with a cross fall of 3 metres from north-west to south-east. It is currently vacant and contains some trees and scrub.
- [8] The surrounding land use is mainly residential. The site lies within a Heritage Precinct Overlay Zone in the Proposed Dunedin City District Plan (*the 2GP*).
- [9] The site adjoins the submitters' property at 19 Russell Street. The submitters' property is occupied by a two-level building fronting onto Russell Street, which lies to the north of, and at a higher level than, the subject site. It contains residential apartments, and has a grassed open space area separating the building from the subject site.

3 THE HEARING AND PROCEDURES

3.1 Site Visit

- [10] The Commissioners visited the site and adjacent properties on the morning before the hearing commenced, i.e. on 20 June 2019.

3.2 The Hearing

- [11] A hearing was held in the Edinburgh Room at the Dunedin City Council on 20 June 2019 before an independent panel of Commissioners, duly appointed by the DCC to make a decision on the application.
- [12] The following staff were in attendance at the hearing:
- *John Sule*, Senior Planner/ advisor to the Commissioner
 - *Emma Spalding*, Reporting Officer - Consultant Planner
 - *Andrea Farminer*, Heritage Adviser
 - *Lee Paterson*, Consultant Engineer
- [13] Appearances for the Applicant were by:
- *Cameron Grindlay*, Architectural Designer

- *Geoff Bates, Surveyor*
- *Roger and Derryn Fewtrell, Applicants*

[14] Submitter:
David Ilian, owner of 19 Russell Street.

3.3 Procedural Matters

[15] There were no procedural matters raised by the parties.

[16] The Commissioners did have some questions of the reporting officer as to the notification assessments and procedures that had been followed leading up to the hearing. These were based on understanding the effects rather than wishing to review the notification decision.

[17] Ms Spalding was asked how the determination of affected owners had been carried out, and in particular whether any effects on properties to the south of the site including 100 Canongate had been considered. She advised that she could support the notification decision carried out by Council planners as in her view the property at 100 Canongate is not adversely affected by shading or any other effects, noting that dwelling is located at the front of the site quite some distance from the proposed dwelling. Ms Spalding said a fully complying house on the subject site would likely have similar effects on that property, and on other neighbouring properties to the south.

[18] It was also noted that, following the closing date for submissions, the application was then notified to the occupants of two residential apartments at the property at 19 Russell Street who had been missed in the original limited notification. No submissions were received from those occupants.

3.4 Close of Hearing

[19] The hearing was closed at midday on 20 June 2019.

4 ACTIVITY STATUS

4.1 District Plans

[20] The section 42A Report noted that there are two district plans, the Operative Dunedin City District Plan (***the Operative Plan***) and the Proposed Second Generation Dunedin City District Plan (***the 2GP***). The subject site is zoned Residential 4 with respect to the Operative Plan, and Inner City Residential with respect to the 2GP.

[21] Decisions had been released on the 2GP on 7 November 2018, and appeals have been lodged with respect to many of those decisions. In these circumstances, the rules of both plans need to be taken into account for assessing this proposal.

[22] Updating the section 42A Report Ms Spalding said the rezoning of Residential 2, 3 and 4 from the Operative Plan to Inner City Residential in the 2GP is no longer subject to appeal, and can be considered as operative. In terms of performance standards, the boundary setbacks and the maximum height controls are beyond appeal, however height in relation to boundary, outdoor space, and earthworks are still subject to appeal.

4.2 Operative Plan

[23] The section 42A Report, at paragraphs 28 – 35, outlines the extent and degree of exceedances with respect to various rules in the Operative Plan. Those parts of the report are adopted.

[24] In summary the breaches relate to:

- height plane angle to the northern, southern and eastern boundaries;
- minimum yards for rear sites;
- minimum amenity open space;
- minimum setback distances for earthworks (retaining walls); and
- scale thresholds for earthworks.

[25] Overall the application is for a **restricted discretionary activity** under the Operative Plan.

4.3 2GP

[26] The section 42A Report, at paragraphs 39 – 48, outlines the extent and degree of exceedances with respect to various rules in the 2GP. Those parts of her report are adopted.

[27] In summary the breaches relate to:

- height plane angle to the northern, southern and eastern boundaries;
- minimum yards;
- minimum outdoor living space;
- large scale earthworks (maximum change in ground levels and volume of combined cut and fill); and
- building in a residential heritage precinct visible from an adjoining public space.

[28] Overall the application is for a **restricted discretionary activity** under the 2GP.

4.4 Overall Activity Status

[29] The application is, overall, for a restricted discretionary activity under both district plans.

4 PRINCIPAL ISSUES IN CONTENTION

4.1 Context

[30] The sole submission on the application raised several matters of concern. However, at the hearing Mr Ilian advised that he was not now so concerned at effects on privacy, noting the high placement of windows and the small size of windows on the north side of the proposed dwelling facing 19 Russell Street.

[31] He said his main issues of contention were in relation to breaches of the side yard and height plane angle requirements and effects arising from the dwelling being very close to the boundary, as well as the earthworks and the resultant effects on stability of his property.

[32] These aspects are addressed below:

4.2 Bulk and proximity of the dwelling

[33] Mr Ilian said the bulk and proximity of the proposed dwelling to their common boundary would have the following effects:

- Amenity effects on peace and enjoyment of their property and a sense of intrusion;
- Possible encroachment and damage of their property, and insufficient space to enable access for repair of retaining walls;
- Potentially affect the development potential of 19 Russell Street. He said that his intention would be to one day rebuild in the southern part of the site, however the location of the proposed dwelling would have implications as to how close a new dwelling could be built in that part of his site, including the implications of minimum fire separation requirements in particular.

[34] In her section 42A Report, Ms Spalding acknowledged the non-compliances with development standards, but noted the unusual shape of the subject site and other constraints which she said placed limitations on being able to design a fully complying dwelling. She said the dwelling wraps around the site towards the north east, but had been designed with modulations to break up the bulk of the building with three large bays clad with sloping, roof like walls. Mr Grindlay, the applicant's architectural designer, presented drawings that illustrated that the proposed house will appear as a two-storey dwelling from the direction of 19 Russell Street (the basement being excavated into the slope) and that the house at 19 Russell Street will be at a higher elevation than the site.

- [35] Ms Spalding noted that Mr Christos, Council's urban designer, had acknowledged there would be 'minor negative effects' because of the bulk along the shared boundary with 19 Russell Street. However, he considered that these could be managed by softening the built form with landscape treatments along the shared boundaries. Ms Spalding had recommended a condition requiring a landscape plan to be prepared and implemented. Mr Grindlay advised that a 1.8 metre high fence would be erected along the shared boundary with tall narrow planting behind it to also break the appearance of the dominance of the dwelling when viewed from 19 Russell Street.
- [36] The proposal includes bays that project from the main wall of the house into the 1m side yard. The bays are clad in roofing material (in contrast to the weather-board wall) and have a sloping outer surface in the manner of a buttress. Their purpose, as explained by Mr Grindlay, is to modulate the length of the wall and thereby soften the appearance of the house. There is to be no dwelling space in the 1m side yard within the bays with the exception of 0.8m² of storage area in one bay on the lower of the two living floors. Likewise, while there is a narrow slot window near the top of one of the bays, we understand this window to be outside the 1m yard. In response to a question, Mr Ilian said he did not see the benefit of the bays and would prefer them to be removed. In his closing statement, Mr Grindlay said the applicant wished to retain these as part of the design to modulate the building.
- [37] With respect to privacy of 19 Russell Street, Ms Spalding said she considered the effects would be diminished by the low number of windows proposed facing the submitters' property, and the high placement and small size of those windows. Mr Grindlay, had also presented plans showing the heights of the building in relation to windows on the submitter's dwelling (derived from data prepared by Mr Bates, the applicant's surveyor). He said these plans and cross sections showed there would be less than minor adverse effects on outlook or privacy from the submitters' property.

[38] A survey plan was also presented by Mr Bates to show the true position of all boundaries, and that this meant there would be no encroachment onto the property at 19 Russell Street.

[39] Ms Spalding noted that any proposal to rebuild on 19 Russell Street would need to meet minimum fire separation requirements – as is the case with the proposal at 15 Russell Street – however this could allow a building to still be located quite close to the common boundary with the subject site, even if the proposed dwelling was consented and built near that boundary as proposed.

Finding:

[40] The Commissioners acknowledge the relatively large number of breaches of various performance standards in both the Operative Plan and the 2GP. However, we also acknowledge the site has an unusual shape and relatively steep slope, and it also has two rights of ways and other easements which essentially make this a difficult site to build a complying dwelling on. This was the evidence of the reporting officer and also Mr Christos, and is accepted. We accept the evidence of Mr Grindlay that the house has been configured to the site (including its location near the northern boundary) and designed so as to minimise adverse effects on neighbouring properties including the submitters' property at 19 Russell Street and also those properties below the site to the south.

[41] We note the concerns of the submitters that the proposed dwelling appears relatively bulky from 19 Russell Street and this is compounded by the proximity to the shared boundary. However, we accept the evidence of Ms Spalding, assisted by Mr Christos, that the potential adverse effects on 19 Russell Street are substantially reduced by the design, including the bay modulations as described above; the lower elevation of the site at 15 Russell Street relative to 19 Russell Street; the high placement and small size of facing windows; and the imposition of a condition requiring a landscape plan be prepared and implemented along the shared boundary.

[42] We also note that there will be no shading of the property at 19 Russell Street as described in the uncontested evidence of Ms Spalding taking account of the orientation and topography, and also the shading diagrams presented by Mr Grindlay.

[43] The evidence of Mr Bates was that all boundaries were correctly plotted and there would be sufficient access to repair walls etc without encroachment onto the submitters' property.

[44] For these reasons we accept the evidence of Ms Spalding that the adverse effects described above will be minor and can be mitigated by conditions of consent.

4.3 Earthworks and retaining structures

[45] Mr Ilian explained his concerns at the scale and location of earthworks close to the property at 19 Russell Street. Mr Grindlay explained that, while the house is to be mainly supported on timber piles, excavation into the slope is necessary for the basement car parking and manoeuvring space. This excavation is to be retained by concrete block walls. He explained that the depth of cut varies because of the sloping nature of the site, and at their deepest in the north-west corner of the basement would be approximately 3m deep. In answer to a question, Mr Ilian said he did not take much comfort in the conditions that were recommended in the technical reports that had been prepared by Council staff and consultants, noting that site had not had a specialist geotechnical report commissioned.

[46] Ms Spalding referred to an assessment carried out by Council's consulting engineer, Stantec New Zealand Ltd. Stantec had assessed the application for potential effects on the stability of the land at the site and the surrounding area due to the scale of proposed works and the proximity of proposed cuts to the site boundaries. The advice was, in essence, that temporary stability during construction will be a significant issue and accordingly an appropriate level of design and supervision will be required.

[47] Mr Paterson, consultant engineer from Stantec, elaborated on this at the hearing. In response to a question he said that in his experience he considered there was no need for a geotechnical report to be prepared. He noted the relatively good spacing of the proposed excavations to the

neighbours dwelling relative to depth of cut. He pointed out the house at 19 Russell Street is approximately 8m from the boundary and the maximum cut is approximately 3m in depth). He said that the specific conditions that had been recommended to be placed on the consent, including design and supervision as the construction proceeds, were appropriate in the circumstances.

- [48] In response to questions, Mr Paterson agreed that a 'condition survey' of the house at 19 Russell Street would provide a benchmark against which any damage could be measured, that such a survey would not be an onerous requirement, and that it would provide a degree of protection or 'peace of mind' for both parties. Such a survey would require the agreement of the owners of 19 Russell Street.

Finding:

- [49] We acknowledge the concerns of the submitters with regards to the proposed earthworks. However, we accept the evidence of Ms Spalding and Mr Paterson as the only expert evidence available to us on this issue, and consider the adverse effects on land stability arising from the proposed works will be less than minor, provided the recommended conditions are imposed.

5 EFFECTS ON THE ENVIRONMENT

- [50] A wide range of effects on the environment were assessed in the section 42A Report, based on the relevant rules and assessment matters in the Operative Plan and the 2GP for land use activities in the Residential Zone.
- [51] Our findings above with respect to the Principal Matters in Contention address the effects arising from the bulk and proximity of the dwelling to 19 Russell Street, and also effects of earthworks, are that those effects are no more than minor for the reasons given.
- [52] Ms Spalding's section 42A Report also addressed matters relating to effects on other adjacent properties, including shading effects, and effects on design and appearance and amenity. Her assessment included effects on 102, 102B, and 104 Canongate, 13 and 23 Russell Street, and 103 Arthur Street. We accept her evidence that the proposal will have no more than minor effects on those properties.

- [53] Ms Spalding also assessed effects on the heritage streetscape character, noting that the site is within a residential heritage precinct. She said that the matters for discretion are limited to effects on heritage streetscape character. Mr Grindlay produced some diagrams showing that, while the proposed dwelling will be visible along the right of way from Russell Street, it would not be highly visible or prominent because of its location on a rear lot and the extent of screening by other houses.
- [54] In answer to questions Ms Spalding said she accepted these diagrams were a true depiction of the dwelling from all realistic viewpoints and the effect would be less than minor. Ms Farminer, Council's heritage advisor, concurred with that assessment. We accept the evidence that any effects on heritage streetscape character will be less than minor.
- [55] Ms Spalding has also assessed the effects of on-site amenity, on the subject site, as being less than minor. She said that although the proposal would not be able to provide complying on site outdoor amenity spaces for its occupants, the dwelling will include two deck areas accessible from a living area on the first floor and a bedroom on the ground floor, and that the house will have the benefit of a spacious outlook including views across the city. She noted that the balance of the site was steep and would likely be landscaped which she said would also contribute to amenity for future occupants.
- [56] Ms Spalding also assessed any adverse effects on the transportation network, archaeological and cultural sites, sedimentation, and cumulative effects as all being minor or less than minor.
- [57] In conclusion, we accept the uncontested evidence of Ms Spalding on all of these matters, and consider and the proposal will have less than minor adverse effects with respect to those matters, with appropriate conditions imposed.

6 REGIONAL POLICY STATEMENTS AND PLANS

- [58] Ms Spalding, in her section 42A report, assessed the proposal against the operative Regional Policy Statement for Otago 1998, as well as the proposed Regional Policy Statement for which decisions are currently

under appeal but for which the relevant provisions can be given significant weight.

- [59] Her evidence was that the proposal is consistent with all relevant provisions of the operative RPS, and the relevant provisions of the proposed RPS, and in particular those to do with urban growth and development, and urban design.

7 OBJECTIVES AND POLICIES OF DISTRICT PLANS

- [60] The section 42A Report provides a very comprehensive assessment of the relevant objectives and policies of both the Operative Plan and the 2GP.
- [61] Ms Spalding's assessment was that the proposal is consistent with the relevant objectives and policies of both the Operative Plan and the 2GP in the sections on Sustainability, Residential, Earthworks and Heritage.
- [62] We adopt her evidence on that, and are satisfied that the proposal, with appropriate conditions, is consistent with the relevant objectives and policies of the relevant planning documents.

8. DECISION MAKING FRAMEWORK

- [63] The proposal is to be considered pursuant to sections 104 and 104B of the RMA.
- [64] Section 104C enables us to grant or refuse consent to a restricted discretionary activity having considered only those matters the Council has restricted the exercise of its discretion in its plan or proposed plan. It also provides that if granted, conditions may be imposed on the consent.
- [65] Section 104(1) of the RMA outlines the matters that we must have regard to when making our decision. The following sections address these matters.
- [66] We accept Ms Spalding's assessment that the proposal satisfies Part 2 of the RMA, and that granting of consent would promote the sustainable management of natural and physical resources.
- [67] In terms of Section 104(1)(a) we have found that the proposal will have no more than minor adverse effects on the environment.

[68] In terms of Section 104(1)(b) we have found the proposal is, overall, consistent with the relevant provisions of the operative and proposed RPSs, and the Operative Plan and the 2GP.

[69] Section 104(1)(c) requires the consent authority to have regard to any other matters relevant and reasonably necessary to determine the application. There were no other matters presented to us that would be relevant to our consideration.

9. CONCLUSION

[70] For all of the reasons outlined above we consider the proposal meets all the statutory requirements for consideration of a restricted discretionary activity, and accordingly grant consent subject to conditions outlined below.

10. CONDITIONS

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: 25 June 2024, 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. *Subject to agreement of the owners of 19 Russell Street, the applicant shall arrange for a pre-commencement survey of the existing condition of the dwelling at 19*

Russell Street for the purpose of providing a record against which potential damage arising from the works might be assessed.

- 4. Prior to undertaking the work, a suitably qualified and certified Engineer shall certify that the detailed design and construction methods of the earthworks and retaining (including temporary shoring) are appropriate to avoid instability on adjacent properties as a result of the works.*
- 5. 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.*
- 6. Earthworks may not commence until a building consent has been issued.*
- 7. 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

- 8. 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.*
- 9. 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.*
- 10. 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.*
- 11. Surplus excavation and unsuitable material are to be disposed of away from the site to a Council approved destination.*
- 12. 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.*
- 13. 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

14. Any earthworks shall be designed, specified and supervised by an appropriately qualified and certified Engineer.
15. Any retaining wall over 1.5m in height, or which supports surcharge, shall be specifically designed and its construction supervised by an appropriately qualified and certified Engineer.
16. 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.
17. Any fill material to be introduced to the site must comprise clean fill only.
18. 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.
19. 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.
20. 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.
21. Slopes must not be cut steeper than 1h:1v (45°) without specific engineering design and construction.
22. Slopes must not be filled steeper than 2h:1v (27°) without specific engineering design and construction.
23. The excavation slopes shall be supported within 1 month of commencing the earthworks.

Surface Water & Drainage

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

Noise

25. 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

26. *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.*
27. *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.*
28. *All loading and unloading of trucks with excavation or fill material is to be carried out within the subject site.*

Accidental Discovery

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

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

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

- 30. *Planting capable of reaching at least two-thirds the height of the dwelling is to be established within the yard adjoining 19 Russell Street for the purpose of softening the northern façade of the dwelling. A landscape plan depicting such planting shall be submitted to rcmonitoring@dcc.govt.nz no later than one month prior to construction for certification by Council's Urban Design Department that the planting will achieve this purpose. Planting in accordance with the landscape plan is to be carried out no later than the first planting season following construction of the dwelling. The planting is to be maintained, including replacement of plants where necessary, to ensure the purpose of the planting continues to be achieved.*

Surveyor

- 31. *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.

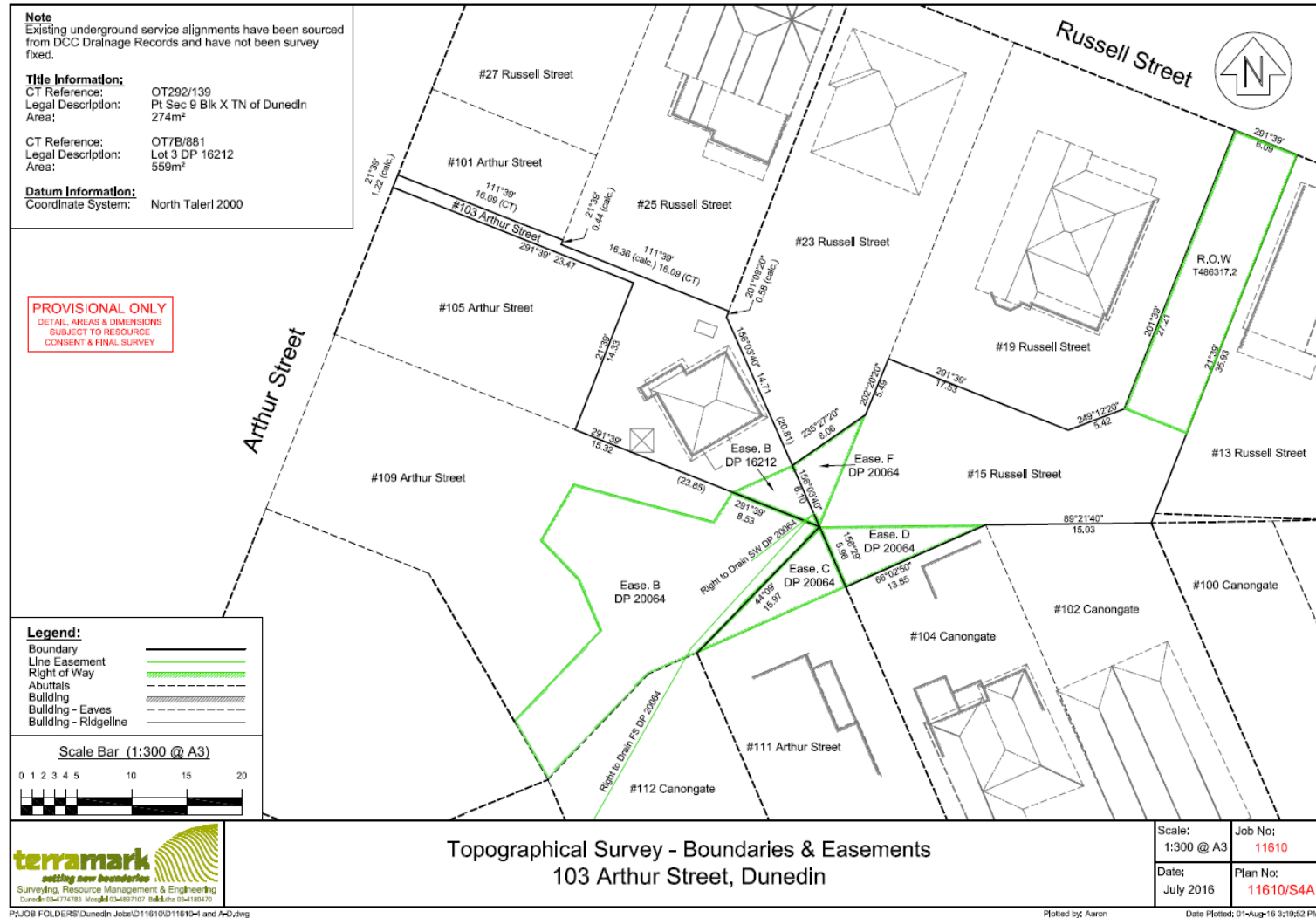
Heritage

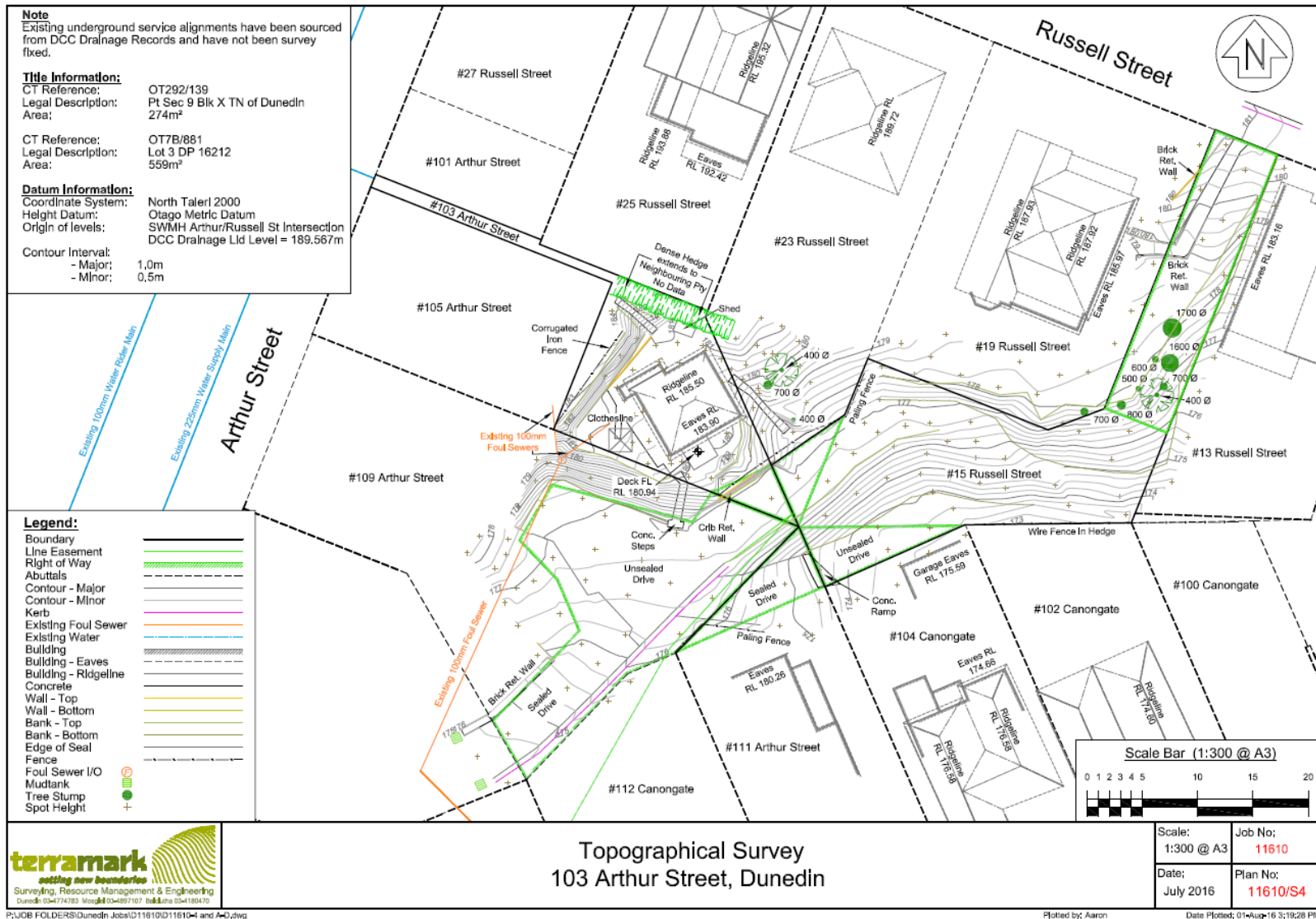
7. Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check whether a site is an archaeological site, the consent holder is advised to discuss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

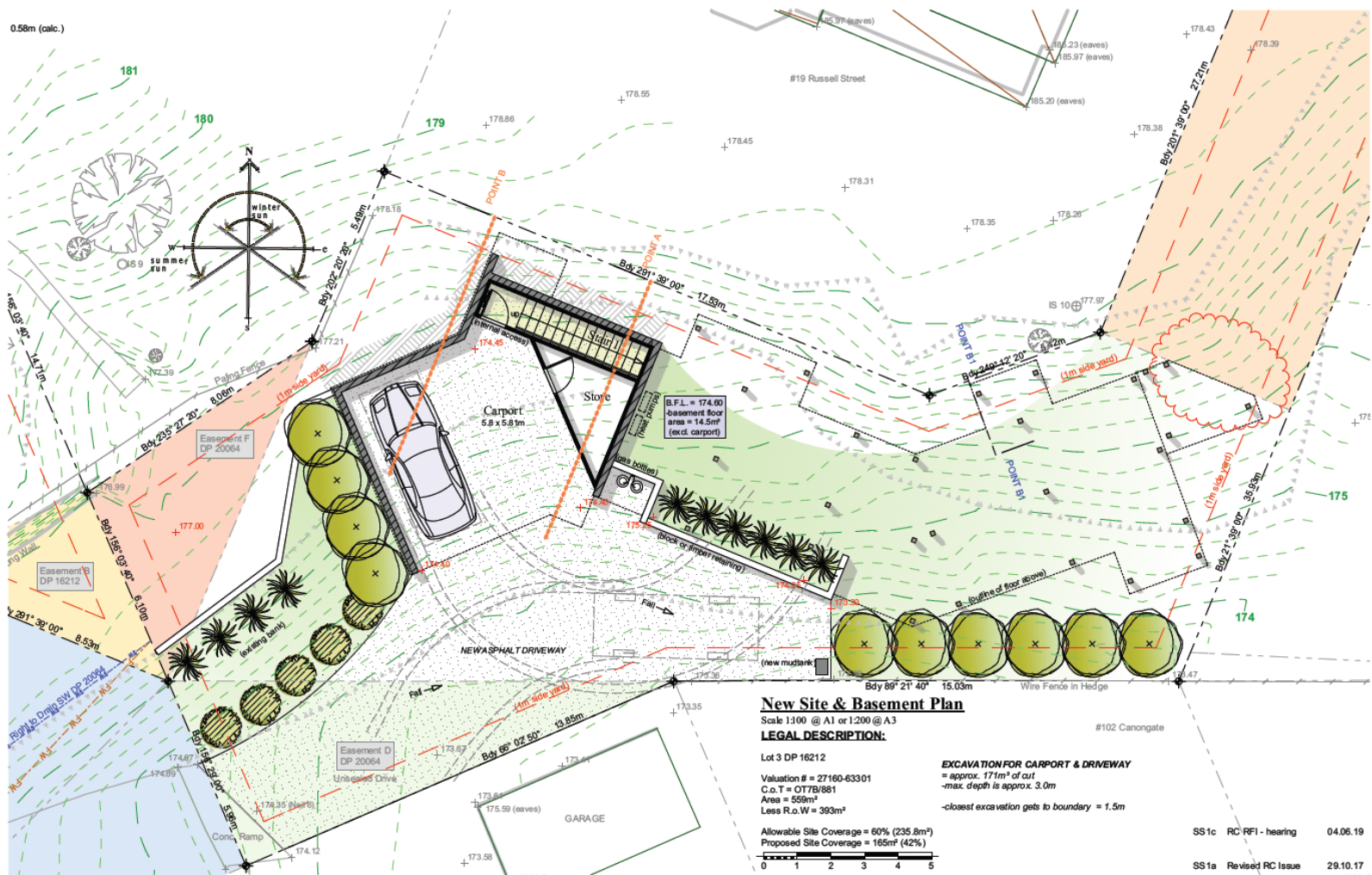
General

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.

APPENDIX 1 – APPROVED PLANS FOR LUC-2018-555 (Scanned Images/Not to Scale)





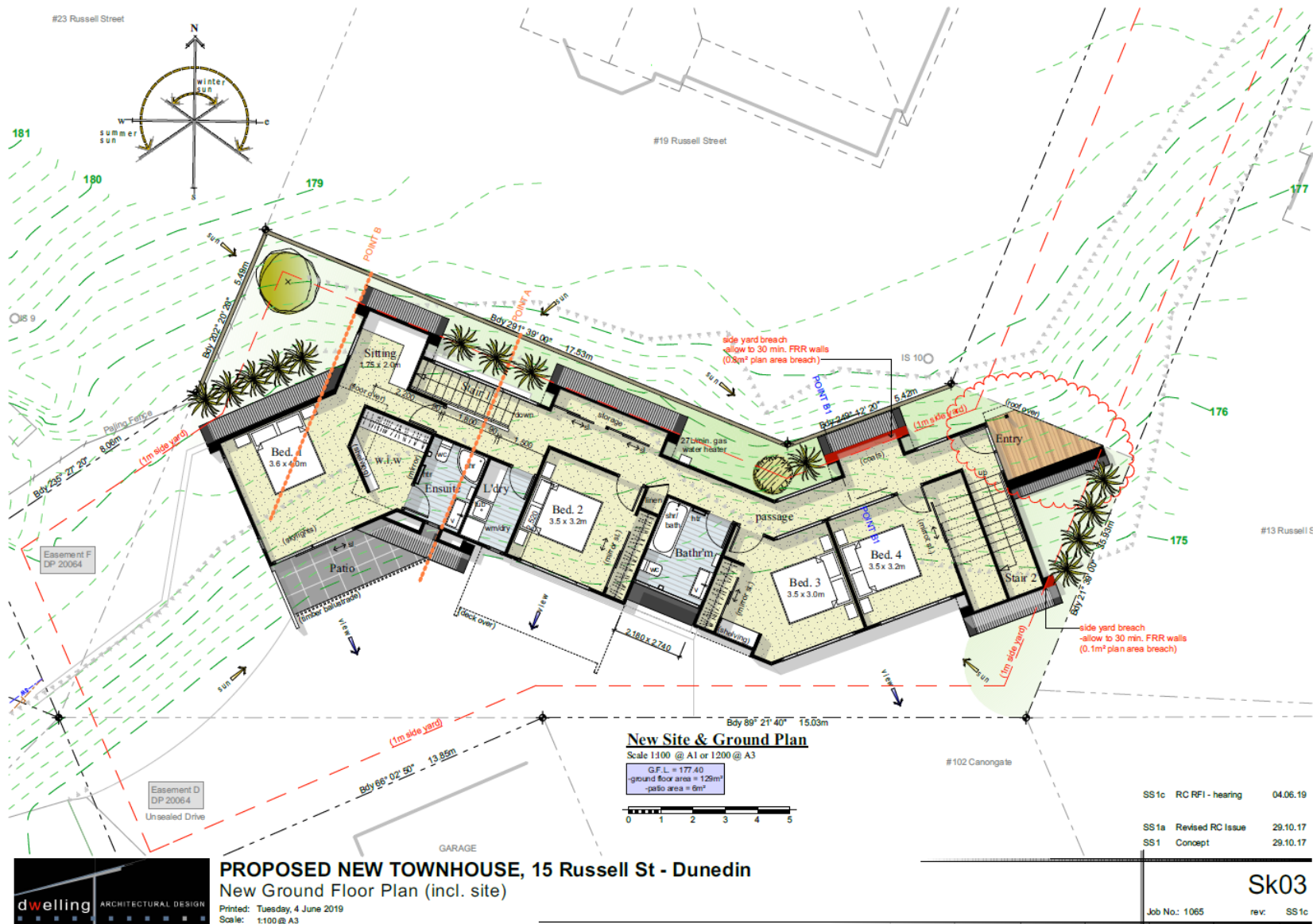


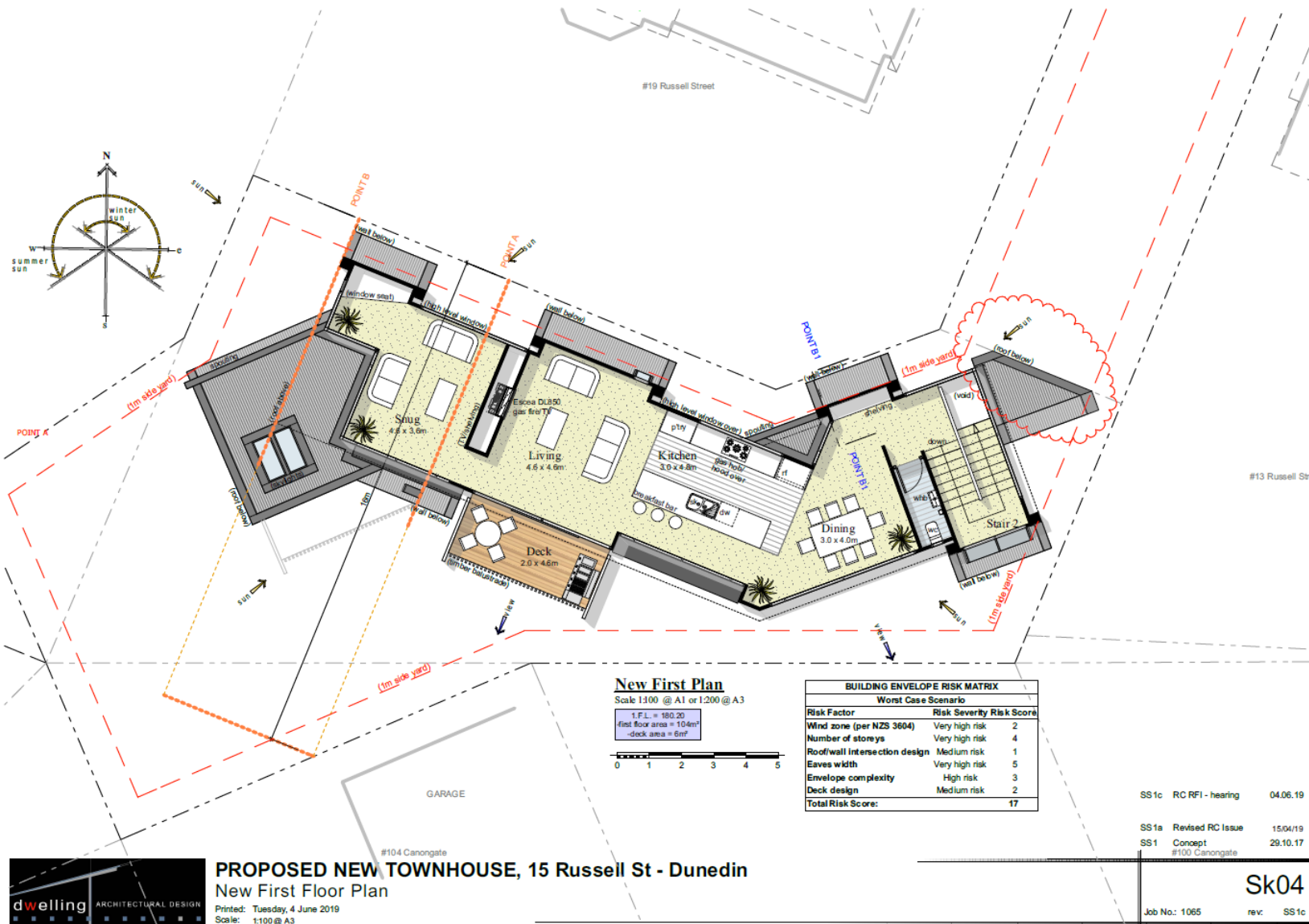
PROPOSED NEW TOWNHOUSE, 15 Russell St - Dunedin **New Basement Plan (incl. Site)**

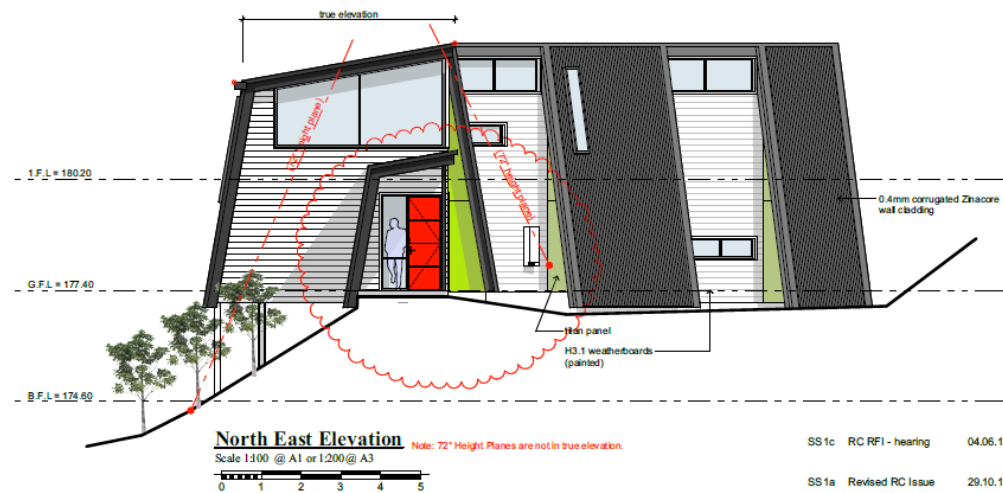
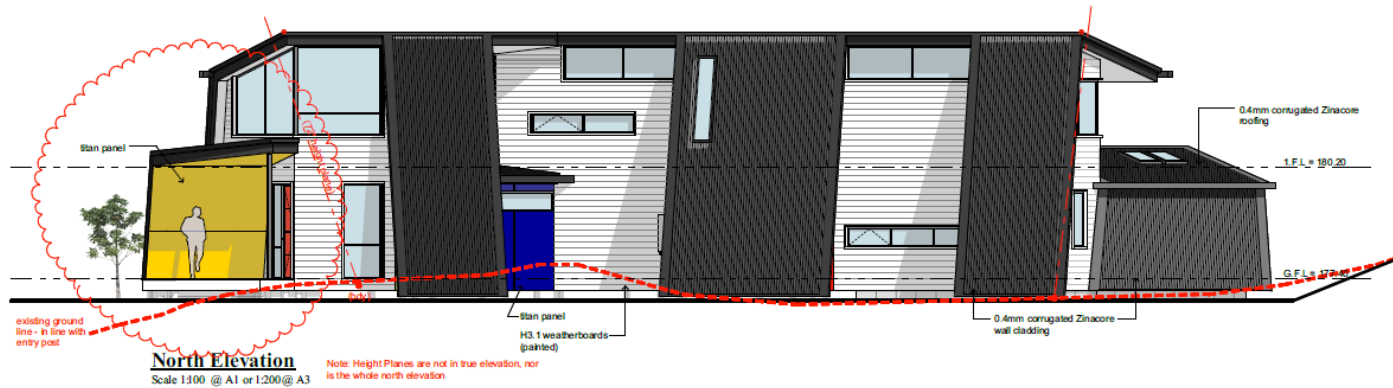
Printed: Tuesday, 4 June 2019
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Sk02

Job No.: 1065 rev: SS1c







PROPOSED NEW TOWNHOUSE, 15 Russell St - Dunedin

Exterior Elevations

Printed: Tuesday, 4 June 2019
Scale: 1:100 @ A3

SS1c	RC RF1 - hearing	04.06.19
SS1a	Revised RC Issue	29.10.17
SS1	Concept	29.10.17

Sk06

Job No.: 1065 rev: SS1c



SS 1c RC RFI - hearing 04.06.19

SS 1a Revised RC Issue 29.10.17

SS 1 Concept 29.10.17



PROPOSED NEW TOWNHOUSE, 15 Russell St - Dunedin

Perspectives

Printed: Tuesday, 4 June 2019
Scale: 1:100 @ A3

Sk07

Job No.: 1065 rev: SS 1c