

TO: Hearings Committee

FROM: Shane Roberts, Consultant Planner

DATE: 26 April 2019

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

INTRODUCTION

- [1] This report has been prepared following an adjournment of the Council Hearing on 21 February 2019 to request further information from the Applicant under s41C (3) of the RMA. Further information was requested from the Applicant on 25 March 2019 and a response from the Applicant was received on 15 March 2019.
- [2] Further submitter comment was received on 1 April 2019.
- [3] The purpose of the report is to provide Officer clarification regarding how the conditions promoted by the applicant have been incorporated into the recommended conditions I have drafted.
- [4] The Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

MAIN POINTS OF NOTE

- [5] I have set out the conditions I have recommended in a table below, with a comment in the right hand column to identify the origin of the condition, and any changes made. Please note the conditions drafted by the applicant largely follow those in the 42A report dated 25 February 2019.
- [6] In terms of the conditions promoted by the applicant I have recommended some slight wording changes to conditions 6 and 7, and the deletion of Condition 22. The wording changes provide more certainty, and condition 22 is inherent in the application as lodged – I note I had previously recommended a single sign but based on material presented at the hearing I am comfortable with the application as lodged in this respect.
- [7] Further to this when reviewing the conditions promoted by the applicant, please note there is a numbering error in the Earthworks section where the numbering runs as follows 15, 16, 17, 18, 14, 15 etc. This has been corrected below but could cause some confusion.
- [8] Finally, the advice notes the applicant has promoted (6, 7 and 8) relate to the Hostel Site. They are very similar to conditions 7-9 relating to the carpark / entranceway.

Condition	Comment
1. <i>The proposed activity must be undertaken in general accordance with the information provided with the resource consent application received by the Council on 30 July 2018, and further information received on 19 September 2018 and 24 October 2018 and the reduction in the scope of the application as confirmed in the evidence of K Lindsay dated 2 February 2019, except where modified by the following conditions:</i>	Promoted by applicant. Unchanged.
Carpark and Entranceway Use	
2. <i>Entry and exit from the car park is only available between the hours of 7.00am to 9.00pm and the bollards must be lifted outside of these hours.</i>	Promoted by applicant. Unchanged.
3. <i>The carpark must be fully constructed, fenced and planted prior to its use for parking.</i>	Promoted by applicant. Unchanged.
4. <i>The pedestrian entranceway must not be used by hostel boarders between the hours of 9.00pm and 7.00am except in an emergency event.</i>	Promoted by applicant. Unchanged.
5. <i>Loading of the hostel vans or any other mini-vans must occur entirely within 17A Melrose Street and adjacent to the canopy for the pedestrian walkway.</i>	Promoted by applicant. Unchanged.
Security and Complaints	
6. <i>The consent holder shall install a security camera to monitor the carpark and entranceway area prior to the entranceway being used.</i>	Promoted by applicant. 'Prior to the entranceway being used' added.
7. <i>The consent holder must provide residents at the following addresses the details of the person(s) to be contacted in the event of a noise issue arising from the use of the carpark or entranceway:</i> – 9 Melrose Street; – 10 Melrose Street; – 11 Melrose Street; – 12 Melrose Street; – 15 Melrose Street; – 17C Melrose Street; and	Promoted by applicant. 'Or entranceway' added.

<i>– 20 Melrose Street</i>	
8. <i>In the event a noise issue associated with the use of the car park and pedestrian entranceway on 17A Melrose Street is raised, the consent holder must advise the complainant of the outcome of the investigation into the complaint and any action taken to resolve the noise issue.</i>	Promoted by applicant. Unchanged.
9. <i>The consent holder must maintain a written record of any noise complaints received, detailing:</i> a) <i>The name and address of the complainant;</i> b) <i>Details of the complaint including time, date and nature of complaint.</i> c) <i>The action undertaken to deal with the complaint.</i>	Promoted by applicant. Unchanged.
Construction Noise	
10. <i>All construction noise must comply with construction noise limits as per New Zealand Standard NZS 6803:1999</i>	New.
Transportation	
11. <i>The vehicle access must be a maximum 6.0 metres formed width, hard surfaced, and adequately drained for its duration.</i>	Promoted by applicant. Renumbered.
12. <i>The surface of all parking, associated access and manoeuvring areas must be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked [in accordance with the application plans].</i>	Promoted by applicant. Renumbered.
13. <i>The parking area must have clearly defined access and the remainder of the property road boundary shall have a physical barrier which separates the parking area from the road.</i>	Promoted by applicant. Renumbered.
14. <i>The car parking layout must comply with Table A.3 – Minimum car parking space dimensions (Appendix 20B).</i>	Promoted by applicant. Renumbered.
15. <i>The proposed stone wall along the front of 17A Melrose Street must not exceed 800mm in</i>	Promoted by applicant. Renumbered.

<i>height.</i>	
Earthworks	
16. <i>Earthworks must not commence until a building consent has been issued.</i>	New.
17. <i>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.</i>	New.
18. <i>All walls retaining over 1.5m, or a surcharge / slope, including terracing, require design, specification and supervision by appropriately qualified person/s.</i>	Promoted by applicant. Renumbered.
19. <i>Where the long-term stability of other's land or structures may rely upon the continued stability of retaining works, the designer must confirm in writing to Council's Manager – Resource Consents, that the retaining structure can be safely demolished following a complete design life without creating hazards for neighbouring properties prior to works commencing.</i>	Promoted by applicant. Renumbered.
20. <i>Slopes must not be cut steeper than 1:1 (45°) without specific engineering design and construction.</i>	Promoted by applicant. Renumbered.
21. <i>Slopes must not be filled steeper than 2h:1v (27°) without specific engineering design and construction.</i>	Promoted by applicant. Renumbered.
22. <i>Any change in ground levels is not to cause a ponding or drainage nuisance to neighbouring properties.</i>	Promoted by applicant. Renumbered.
23. <i>Any fill material to be introduced to the site must comprise clean fill only.</i>	Promoted by applicant. Renumbered.
24. <i>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:</i> a) <i>divert clean runoff away from disturbed ground;</i>	Promoted by applicant. Renumbered.

b) control and contain stormwater run-off; c) avoid sediment laden run-off from the site'; and d) protect existing drainage infrastructure sumps and drains from sediment run-off.	
25. All loading and unloading of trucks with excavation or fill material is to be carried out within the subject site.	Promoted by applicant. Renumbered.
26. The consent holder must: a) be responsible for all contracted operations relating to the exercise of this consent; and b) ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to all associated erosion and sediment control plans and methodology; and c) ensure compliance with land use consent conditions.	Promoted by applicant. Renumbered.
27. Should the consent holder cease, abandon, or stop work on site for a period longer than 6 weeks, the consent holder must first take adequate preventative and remedial measures to control sediment discharge/run-off and dust emissions, and must thereafter maintain these measures for so long as necessary to prevent sediment discharge or dust emission from the site. All such measures must be of a type and to a standard which are to the satisfaction of the Resource Consent Manager.	Promoted by applicant. Renumbered.
28. If at the completion of the earthworks operations, any public road, footpath, landscaped areas or service structures that have been affected/damaged by contractor(s), consent holder, developer, person involved with earthworks or building works, and/or vehicles and machineries used in relation to earthworks and construction works, must be reinstated to the satisfaction of Council at the expense of the consent holder.	Promoted by applicant. Renumbered.
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	Promoted by applicant. Renumbered.

<i>the case of skeletal remains, the New Zealand Police.</i> <i>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.</i> <i>i) 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.</i> <i>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> <i>i) stop work within the immediate vicinity of the discovery or disturbance; and</i> <i>ii) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and</i> <i>iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.</i> <i>Site work may recommence following consultation with the Consent Authority.</i>	
Landscaping	
<i>30. Prior to commencement of construction activities onsite the applicant must supply to Council's Manger – Resource Consents for certification a landscaping plan that details:</i> <i>(a) The species to be planted onsite and the density of planting to maximise the screening to 15 and 17C Melrose Street;</i> <i>(b) The consultation undertaken with the owners of 15 Melrose and 17C Melrose</i>	Promoted by applicant. Renumbered.

<i>Street.</i> <i>(c) The timing of planting; and</i> <i>(d) A maintenance and management regime.</i>	
<i>Review Condition</i> 31. <i>On each anniversary of this consent, or if a demonstrable effect relating to noise or lighting within the car park or pedestrian entranceway is identified, the consent authority may, after providing written notice to the consent holder, review the conditions of consent pursuant to Section 128(1)(iii) of the Act.</i>	Promoted by applicant. Renumbered.
Advice notes:	
1. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.	Not promoted by applicant, but in 42A report.
2. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.	Not promoted by applicant, but in 42A report.
3. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.	Not promoted by applicant, but in 42A report.
4. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991	Not promoted by applicant, but in 42A report.

5. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.	New.
Hostel Site – 25 Melrose Street	
6. The consent holder should provide residents at the following addresses the details of the person(s) to be contacted in the event of a noise issue arising from the hostel at 25 Melrose Street: – 9 Melrose Street; – 10 Melrose Street; – 11 Melrose Street; – 12 Melrose Street; – 15 Melrose Street; – 17C Melrose Street; and – 20 Melrose Street	Promoted by applicant. Renumbered.
7. In the event a noise issue associated with the hostel at 25 Melrose Street is raised, the consent holder should advise the complainant of the outcome of the investigation into the complaint and any action taken to resolve the noise issue.	Promoted by applicant. Renumbered.
8. The consent holder should maintain a written record of any noise complaints received, detailing: a) The name and address of the complainant; b) Details of the complaint including time, date and nature of complaint. c) The action undertaken to deal with the complaint.	Promoted by applicant. Renumbered.