

APPENDIX 7: DRAFT CONDITIONS OF CONSENT

These draft conditions are included to assist and inform the Panel should the Panel approve consent. They are to provide draft framework for the requirements the Panel may consider appropriate for giving effect to the land use and unit title subdivision consents, and management of environmental effects arising from the proposed development.

Subdivision SUB-2017-26

Conditions

1. *The proposal shall be given effect to generally in accordance with the plans prepared by Paterson Pitts Group entitled, Units on Lot 1 DP507559 (Proposed Unit Title Subdivision) and referenced as Sheet 1 of 7 dated 27/01/2017, Sheet 2 of 7 dated 27/01/2017, Sheet 3 of 7 dated 27/01/2017, Sheet 4 of 7 dated 27/01/2017, Sheet 5 of 7 dated 27/01/2017, Sheet 6 of 7 dated 27/01/2017, X-Section AA on Sheet 7 of 7 dated 27/01/2017, and the accompanying information submitted as part of SUB-2017-26 received by Council on 3 February 2017, except where modified by the following:*
2. *Pursuant to section 116 of the Resource Management Act 1991, this consent shall not commence until the proposed freehold land parcel to be created for and occupied by the proposed hotel (identified as Lot 1 on Paterson Pitts Plan Sheet 1 of 1 Revision A and dated 31/01/2017 and titled 'Lots 1 and 2 DP507559 (Subdivision by Dunedin City Council))' is contained on one title and a copy of the new title has been submitted to the Council for its records. The creation of this freehold land parcel does not form part of this consent and will require a separate subdivision consent.*
3. *That prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:*
 - a) *If a requirement for any easement for services is incurred during the survey then those easements shall be granted or reserved and included in the Memorandum of Easements.*
3. *That prior to certification of the survey plan pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall ensure the following:*
 - a) *That the consent holder shall submit water servicing details for the development to Water and Waste Services for approval.*
 - b) *An "Application for Water Supply" must be submitted to the Water and Waste Services Business Unit by or on behalf of the Body*

Corporate. Details of proposed connection design shall accompany the "Application for Water Supply" and shall include:

- i) A single Point of Supply shall service the entire development.*
 - ii) Each unit title within the site shall have a separate privately owned shutoff.*
 - iii) A water meter shall be installed at the Point of Supply.*
- c) Upon approval by the Water and Waste Services Business Unit, water service connections shall be installed in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.*
- d) A Reduced Pressure Zone (RPZ) backflow prevention device must be installed on all water connections servicing the proposed hotel development. The RPZ device must be installed immediately downstream of the water meter, just inside, and as close as practicable to, the customer's property boundary.*
- e) Prior to installation of the backflow device, the consent holder must ensure either a building consent or an exemption to building consent has been granted for the installation of the backflow device.*
- f) Following installation, the device must be approved and tested by the Education and Compliance Officer (Water), Water and Waste Services.*
- g) A Stormwater Management Plan for the development shall be provided to Water and Waste Services for approval. The Stormwater Management Plan must outline how stormwater from the site will be managed to ensure post-development flows do not exceed pre-development flows, and identify and address any downstream effects of the stormwater generated by the development, including any mitigation required.*
- h) The consent holder shall adopt all practicable measures to mitigate erosion and to control and contain sediment-laden stormwater run-off into the Council stormwater network from the site during any stages of site disturbance associated with this development.*

Advice Notes

Backflow prevention

- a. Installation of a boundary backflow prevention device requires a building consent. Details of the device including type, location and size must be provided in the application. Where the boundary backflow installation is the only building work being undertaken, an exemption from building consent may be granted following submission of an "Application for an Exemption for Building Consent" form to Water and Waste Services, prior to device installation. Further information is available at <http://www.dunedin.govt.nz/services/water-supply/backflow>. The applicant is advised to contact the Water Bylaw Compliance Officer if further guidance is required.

Code of Subdivision

- b. Parts 4, 5 and 6 (Stormwater Drainage, Wastewater and Water Supply) of the Dunedin Code of Subdivision and Development 2010 must be complied with.

Fire-fighting Requirements

- c. All aspects relating to the availability of the water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.

Low flow devices

- d. The consent holder is encouraged to implement water saving devices, including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers. This will assist in reducing water consumption and the average volume of wastewater being disposed of from the development.

Trade Waste

- e. Trade waste consent is required for this development prior to any discharge to the wastewater network commencing. Internal private water meters will be required to determine trade waste discharge volumes. Information and forms are available on the Dunedin City Council website: <http://www.dunedin.govt.nz/services/wastewater/tradewaste> or by contacting the Senior Education and Compliance Officer, Water and Waste Services.

Erosion and Sediment Control

- f. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off during the demolition and building process:
- a. Environment Canterbury, 2007 "Erosion and Sediment Control Guideline 2007" Report No. R06/23.
 - b. Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).

Private Drainage Matters

- g. Private drainage issues and requirements (including any necessary works) are to be addressed via the Building Consent process.
- h. Certain requirements for building on this site may be stipulated via the Building Consent process and are likely to include the following points:
- Stormwater from driveways, sealed areas and drain coils is not to create a nuisance on any adjoining properties.
 - For sites level with or above the road, the finished floor level of any building is to be a minimum of 150mm above the crown of the road.
 - For sites below the road, the finished floor level is to be no less than 150mm above the lowest point on the site boundary. Surface water is not to create a nuisance on any adjoining properties.
 - For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
 - As required by the New Zealand Building Code E1.3.2, surface water resulting from an event having a 2% probability of occurring annually, shall not enter dwellings. The finished floor level shall be set accordingly.

Land use LUC-2017-48

Conditions

- 1 *The proposed activity shall be undertaken in general accordance with the drawings prepared by Thom Craig Architects dated 04/04/2017 including pages 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, elevation AA on page 19, elevation drawing on page 20, earthworks site context plan on page 21, site excavation plan on page 22, Cross Section AA on page 23, Cross Section BB on page 24, Cross Section CC on page 25, Cross Section DD on page 26 and information provided with the revised resource consent application, received by the Council on 28th June 2017 including Level 4 and Cross Section XX drawings prepared by Thom*

Craig Architects dated 07/06/2017 and Level 1 drawing prepared by Thom Craig Architects dated 27/06/2017, except where modified by the following conditions.

Construction Activities

- 2 The consent holder shall undertake all construction related activities in accordance with the Construction Management Plan attached as appendix 1 of this consent. In addition the consent holder shall provide the following construction related information and update the Construction Management Plan accordingly:
 - a) Details of the measures to be taken to manage erosion and sediment-laden stormwater run-off during the construction phase.
 - b) Details of all traffic management measures related to the parking of construction vehicles, delivery and unloading areas and this shall include details of the location of parking and loading area that are to remain in place during the construction phase;
 - c) Details of measures necessary to control dust generation from the site;
 - d) Details necessary to control vibration effects from construction activities;
 - e) The management of construction vehicles and stock piling of materials on site with details necessary to ensure these activities are, wherever practical, located clear of external boundaries and
 - f) Details of consultation undertaken with the owners and occupiers of all adjoining properties to the subject site, and shall also include the audiology business located at 227 Moray Place, Dunedin and the Kingsgate Hotel at 10 Smith Street, Aurora Energy Limited owners of 8 Smith Street, Dunedin in relation to the Construction Management Plan and the responses to any issues raised regarding construction activities. With respect to 8 Smith Street, details shall include consultation with an Aurora engineer necessary to avoid impacts on any underground cables and the earth grid, and the foundations of the substation.
- 3 All construction activities are to be implemented in a manner that maximises the protection of adjoining properties and businesses within the vicinity of the site and shall provide for:
 - (i) mitigation of dust generation during all construction related activities for the extent of construction activities and shall include measures (including dampening of loose soil) to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary;
 - (ii) any construction activities that have the potential to disrupt the functioning of adjoining properties and businesses, shall be undertaken at times and using methodology that minimises direct impacts upon the use of adjoining properties or business within the locality of the site; and
 - (v) measures necessary to protect owners and occupiers of adjoining properties and users of Council owned road reserve through the adoption of necessary health and safety responses during all construction activities.
- 4 No earthworks may be undertaken until building consent has been granted.
- 5 Third party liability insurance which identifies and protects nearby structures shall be obtained and a letter of confirmation from the insurer must be forwarded to the adjoining landowners and the Council's Resource Consents Manger at least five working days prior to commencing any excavations.

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- 6 All walls retaining over 1.5m, or a surcharged slope, including terracing, will require design, specification and supervision by appropriately qualified persons.
- 7 All temporary slopes shall be inspected and signed off by a suitably qualified individual.
- 8 That a photographic condition record is made and forward to the Resource Consent Manager by email to rcmonitoring@dcc.govt.nz for all nearby or adjacent structures prior to undertaking any work to avoid misplaced blame for any defects or damage identified in the future.
- 9 All excavations slopes shall be supported within 1 month of commencing the earthworks, unless temporary stability is certified by a suitably qualified specialist.
- 10 Any redundant vehicle crossing or parts thereof, along the frontage of the site shall be reinstated as footpath, kerb, and channel at the applicant's cost.
- 11 All construction noise should comply with the following noise limits as per New Zealand Standard NZS 6803:1999:

Time of Week	Time Period	Leq (dBA)	L max(dBA)
Weekdays	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75
Saturdays	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays and public Holidays	-	-	-
	-	-	-
	-	-	-

Acoustic and Internal Design

- 12 The consent holder shall provide documentation to Council demonstrating compliance with the acoustic and ventilation requirements outlined in Rule 9.5.2(x) of the Dunedin City District Plan prior to any works being undertaken on the site. This information shall be supplied either at the time of applying for building consent, or alternatively, can be submitted to Council's Consent Manager by email to rcmonitoring@dcc.govt.nz prior to the building consent being lodged for approval.

Lighting

- 13 The consent holder shall provide a lighting plan designed by an appropriately qualified professional to the satisfaction of the Resource Consents Manager by email to rcmonitoring@dcc.govt.nz prior to the commencement of construction, which shall provide for the following details:
 - (i) Details of all external lighting to be adopted on the building, which shall be designed to avoid upwards light spill on the night sky and shall limit the extent of illumination of the building when viewed from the west;
 - (ii) All lighting of the circular roof feature shall be diffuse backlighting;
 - (iii) Details of all lighting to be utilised within all outdoor areas supporting the development.

Once approved all lighting shall be undertaken in accordance with the approved lighting plan.
- 14 The activity authorised by this consent shall produce no greater than 8 lux of light onto any other site used for residential activity during nighttime hours

pursuant to Rule 21.5.4 (i)(b) of the District Plan, or the lux requirements of the 2GP should development commence after it is operative.

Landscaping

- 15 The consent holder shall provide a landscaping plan designed by an appropriately qualified professional to the satisfaction of the Resource Consents Manager by email to rcmonitoring@dcc.govt.nz prior to the commencement of construction, which shall provide for the following details:

- (i) Details of all landscaping responses provided within the site, including garden and play space areas identified within Level 4 drawing prepared by Thom Craig Architects Limited;
- (ii) Details of all water features and artworks that are visible from adjoining public areas;
- (iii) Details of those areas within the Site that are to be generally accessible to the general public, including garden and children's play spaces;
- (iv) Details of all external balustrading bordering the Level 4 courtyard area, which shall be transparent and open to view from the street;
- (v) Details of all external landscaping to be utilised on the building itself and as reflected within the Anticipated View photomontage information supporting this application;
- (vi) The identification of three pin oaks to be planted on Moray Place on the outer edge of the footpath, with any replacement planting to be implemented in the first available planting season (1st April to 30 August) following the completion of construction, if not sooner.

Window and External Material Design

- 16 The consent holder shall provide the final design specifications of all windows and spandrel panels and external material finishing prepared by an appropriately qualified professional to the satisfaction of the Resource Consents Manager by email to rcmonitoring@dcc.govt.nz prior to the commencement of construction, which shall provide for the following details:

- (i) Details of all window tinting and final colours which shall ensure that a low reflectivity outcome is provided for all internal and external glazing;
- (ii) Details of all digital prints to cover spandrel panels, including the requirement that these specifications achieve the same level of low reflectivity for window glazing;
- (iii) Details of all non-glass cladding including but not limited to final materials of the feature roof feature to ensure that this achieves a low reflectivity outcome;

The final design of all external surfaces shall ensure that the building maintains a uniform external appearance that generates a low reflectivity outcome when viewed beyond the Site and which provides for variance in reflectivity over the Winter Solstice, Equinox and Summer Solstice periods.

Wind Study

- 17 The consent holder shall implement a scale model wind tunnel study undertaken by an appropriately qualified professional and final outcomes of this study and associated recommendations to reduce wind effects of the development to the satisfaction of the Resource Consents Manager by email to rcmonitoring@dcc.govt.nz prior to the commencement of construction, which shall provide for the following details:

- (i) *Implement scale model wind tunnel study having regard to the assessment undertaken by JDH Consulting dated January 2017 and referenced Report JDH17/1;*
- (ii) *Recommendations of any design changes to mitigate wind effects within the public realm and within the site itself;*
- (iii) *Details submitted by the project architect of any external design changes to the building that respond to the recommendations set out in condition 17(ii) above, subject to compliance with the approved design set out in condition 1.*

Note: Any changes to give effect to condition 17(ii) should not materially change the external appearance of the Development otherwise a separate variation may be required, which would need to be addressed as part of a separate consent process.

Signage

- 18 *The consent holder shall provide the final design specifications of all signage to the satisfaction of the Resource Consents Manager by email to rcmonitoring@dcc.govt.nz prior to the commencement of construction, which shall provide for the following details:*

- (i) *Details of all external signage to be located on the building, including any associated lighting;*

- 19 *No external signage is permitted on the exterior roof feature located on the top of the building in order to protect the visual amenity of residential properties to the west of the site.*

Privacy Screen /Mitigation Response

- 20 *The consent holder shall provide details of a mitigation response to be employed along the common boundary with 52 York Place in order to protect the privacy of users of the outdoor activity area located within the adjoining childcare centre, which shall be submitted to the satisfaction of the Resource Consents Manager by email to rcmonitoring@dcc.govt.nz prior to the commencement of construction, and shall provide for the following details:*

- (i) *Details of consultation with the owner and occupier of 52 York Place necessary to respond to privacy issues raised by this adjoining property;*
- (ii) *Measures to be adopted to mitigate the potential loss of privacy of users of the outdoor activity area located within the adjoining childcare centre from overlooking from the Development and shall include information that demonstrates that the mitigation response will avoid direct overlooking of this property by future occupiers of the Development.*

The final measures certified by Council shall be implemented before the building is occupied.

- 21 *All heating and ventilation infrastructure shall be screened from wider views.*
- 22 *The consent holder shall 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.*

- 23 *The surface of all car and bus parking, associated access and manoeuvring areas shall be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked.*
- 24 *The consent holder shall provide documentation to Council demonstrating compliance with the acoustic and ventilation requirements outlined in Rule 9.5.2(x) of the Dunedin City District Plan prior to any works being undertaken on the site. This information shall be supplied either at the time of applying for building consent, or alternatively, can be submitted to Council's Resource Consents Manager by email to rcmonitoring@dcc.govt.nz prior to the building consent being lodged for approval.*
- 25 *The consent holder shall ensure noise from activity taking place on the site will not exceed the performance standard set out in Rule 21.5.1 of the operative District Plan as at 1 April 2016. Prior to the implementation of the consent holder shall submit to the Resource Consents Manager an acoustic report prepared by a suitably qualified acoustic professional confirming that all heating and ventilation equipment to be established on the site will comply with the relevant noise limits in Rule 21.5.1.*
- 26 *An "Application for Water Supply" is to be submitted to the Water and Waste Services Business Unit for approval to establish a new water connection for the development. Details of how the proposed development is to be serviced for water shall accompany the "Application for Water Supply".*
- 27 *Upon approval by the Water and Waste Services Business Unit, water service connections shall be installed in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.*
- 28 *The new water service connection shall have a water meter installed.*
- 29 *Detailed engineering plans for the proposed changes to Moray Place and Filleul Street shall be designed by an appropriately qualified professional, and be submitted to and approved by the Transport prior to construction. The plans shall include:*
- (i) All necessary alterations to Moray Place and Filleul Street required as a consequence of the proposed development.*
 - (ii) Full design details regarding the proposed roundabout at the Moray Place/Filleul Street intersection, and the site access.*
 - (iii) Detailed engineering plans for all parking, site access, and manoeuvring areas shall be submitted to and approved by the Transport prior to construction. The designs should incorporate appropriate traffic safety and mobility provisions within the site, as necessary.*
 - (iv) The proposed hotel and ancillary retail activities shall not commence operation until the above conditions have been satisfactorily completed, and all required works have been constructed to the satisfaction of Transport.*
 - (v) Dedicated, secure, and covered on-site bicycle storage facilities shall be provided within the site.*
 - (vi) Details of proposed measures to enhance pedestrian connectivity across Moray Place, including a traffic refuge, to ensure that pedestrian connectivity between the Site and Central City is not compromised.*
 - (vii) Details of surface treatments to ensure pedestrian priority is maintained at the entrance and egress of the site.*
- 30 *An RPZ backflow prevention device must be installed on the Filleul Street water connection servicing the building. The backflow prevention device must be installed in accordance with the Code of Practice for Boundary Backflow Prevention (June 2013) and inspected and approved by the Education and Compliance Officer (Water), Water and Waste Services.*

31 *The consent holder shall provide a Sediment Management Plan to the satisfaction of the Resource Consents Manager by email to rcmonitoring@dcc.govt.nz which adopts all practicable measures to mitigate erosion and to control and contain sediment-laden stormwater run-off into the Council stormwater network from the site during any stages of site disturbance associated with this development.*

32 *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 shall without delay:

(ii) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.

(iii) 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 shall 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 shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation.

Site work shall 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 shall 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, shall 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 shall recommence following consultation with the Consent Authority.

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.
- 2 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.
- 3 The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.

- 4 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.
- 5 This is a resource consent. Please contact the Council's Building Control Office, Development Services, about the building consent requirements for the work.
- 6 Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.
- 7 This resource consent does not give the consent holder permission to undertake work on adjoining sites. Work on adjoining property can only occur with the express permission of the relevant property owner/s. The consent holder is advised to familiarise themselves with the legal requirements for undertaking construction works on adjoining sites, including temporary excavations.
- 8 Temporary stability remains the responsibility of the developer.
- 9 Parts 4, 5 and 6 (Stormwater Drainage, Wastewater and Water Supply) of the Dunedin Code of Subdivision and Development 2010 must be complied with.
- 10 All aspects relating to the availability of the water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.
- 11 The consent holder is encouraged to implement water saving devices, including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers. This will assist in reducing water consumption and the average volume of wastewater being disposed of from the development.
- 12 The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off during the demolition and building process:
 - i. Environment Canterbury, 2007 "Erosion and Sediment Control Guideline 2007" Report No. R06/23.
 - ii. Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).
- 13 Private drainage issues and requirements (including any necessary works) are to be addressed via the building consent process.
- 14 Certain requirements for building on this site may be stipulated via the building consent process.
- 15 The Health and Safety Reform Bill that was passed by Parliament on 27 August 2015. The new law, named the Health and Safety at Work Act, comes into effect on 4 April 2016.
 - o Safety in design has now also been legislated through the Health and Safety at Work Act, and the whole life of a structure must now be considered.
 - o 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 or serviced following a complete design life without creating hazards for neighbouring properties.

- o This should be a normal Building Consent process, in line with the new Law.
- 16 The approved development will affect an archaeological site. Work affecting archaeological sites is subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014. An authority (consent) from Heritage New Zealand must be obtained for the work prior to commencement. It is an offence to damage or destroy an archaeological site for any purpose without an authority. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage. The applicant is advised to contact Heritage New Zealand Regional Archaeologist for further information on the process and requirements for obtaining an Archaeological Authority. Contact details for the Heritage New Zealand Otago & Southland office are as follows: PO Box 5467, Dunedin 9058 – Phone 03 4779871 & Email: Infodeepsouth@heritage.org.nz.
- 17 The consent holder is advised that a Traffic Management Plan (TMP) may be required to manage traffic and pedestrian movement during demolition and construction.
- 18 The surface of all parking, associated access and manoeuvring areas shall be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked.
- 19 It is advised that any break-over angles for the vehicle access shall be designed in accordance with NZS 2890.1:2004.
- 20 Vehicle crossings are over road reserve and are required to be constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (available from Transportation Operations).