

23 December 2015

The Glenelg Gospel Trust
C/- Allan Cubitt
Cubitt Consulting Limited
11 Bedford Parade
St Clair
Dunedin 9012

Dear Sir

RESOURCE CONSENT APPLICATION

**SUB 2015-58; LUC 2015-310;
LUC-2015-319
326 FACTORY ROAD, MOSGIEL**

The above applications for subdivision and land use consent were processed on a notified basis in accordance with Section 95 of the Resource Management Act 1991. The Consent Hearings Committee comprising Councillors Kate Wilson (Chairperson), David Benson-Pope, Lee Vandervis and Bill Feather (Mosgiel Taieri Community Board), heard and considered the application at a hearing on 5 November 2015.

At the end of the public part of the hearing, the Committee, in accordance with Section 48(1) of the Local Government Official Information and Meetings Act 1987, resolved to exclude the public.

The Committee all had good knowledge of the site. The Committee Chair and the Mosgiel Taieri Community Board member Bill Feather undertook a site visit to view the existing church on Glenelg Street to view the typical layout of a Brethren church.

The Committee has **granted** consent to the applications on 23 December 2015. The full text of this decision commences below with a consent certificate attached to this letter.

The Hearing and Appearances

The applicant the Glenelg Gospel Trust was represented by:
Alan Cubitt (Planning Consultant)
Derrick Railton (Infrastructure Engineer)
Andrew Carr (Transportation Engineer)
Mike Moore (Landscape Architect)
Matthew Williamson (Church Trustee)

Council staff attending were:

John Sule (Advisor to Committee), Darryl Sycamore (Processing Planner), Chelsea McGaw (Consents and Compliance Officer), Lyn Pope (Environmental Health Officer), Wayne Boss (Senior Environmental Health Officer), Grant Fisher (Transportation Planner) and Wendy Collard (Governance Support Officer).

Submitters in attendance included:

Andrew McSkimming (Site Manager, AgResearch)
Graeme Mathieson (Consultant Planner for AgResearch)

Procedural Issues

No procedural issues were raised by the applicant or submitters but Cr Vandervis, Cr Benson-Pope and Community Board representative Bill Feather wanted it noted for the record that they were part of the decision making for an earlier consent for subdivision of the site that was declined. Cr Vandervis stated that his consideration of this application would not be coloured by the earlier decision. Both Councillors and Mr Feather offered to stand aside if there were reservations held on their impartiality. Mr Cubitt for the applicant responded by advising that the applicant was not concerned about the involvement of the panel members with the earlier subdivision and noted that it may be of benefit as they were familiar with the site.

Principal Issues of Contention

The principal issues of contention are as follows:

- The fragmentation of an undersized rural zoned site and the precedent implications.
- Traffic generation, traffic safety and the adequacy of proposed car parking.
- On site management of stormwater and wastewater.
- Adverse effect on amenity values arising from the church development.
- Reverse Sensitivity.

Summary of Evidence

Introduction from Processing Planner

Mr Sycamore summarised the proposal and his report and identified that the proposal had been changed by the applicant to remove the proposed manse from proposed Lot 1. He noted that the proposal was now for subdivision of the existing site into two new sites with a dwelling to be established on Lot 2 and a church facility to be established on Lot 1.

Mr Sycamore outlined the main effects noting that his report identified that the proposal would not meet the Section 104D test and should be declined. Despite the recommendation he noted that in his view the effects issues were not insurmountable. He noted the revision to remove the proposed manse reduced the degree of conflict with the Plan and advised the Committee that he would wait until considering the full suite of evidence before reviewing his position. As the recommending report did not include any suggested conditions of consent, Mr Sycamore circulated draft conditions. These were intended to assist the Committee, should the Committee be of a mind to grant consent. He noted that the applicant's team may wish to comment on these draft conditions in their right of reply.

The Applicant's Case

Submissions of the nature of the proposed church activity were provided on behalf of the applicant by **Matthew Williamson**. He outlined the intended activities on the site. He discussed the issues at the Church site on Glenelg Street and how they successfully managed traffic effects. He identified the reasons for the church looking for a new site and responded to specific matters in the planners report in relation to landscaping, lighting, Waste Water and Storm Water and Reverse Sensitivity.

He identified that the church was focused on avoiding the issues with future growth that were associated with the Glenelg Street consent. He identified the strong family connections that led to church growth and the growth in the congregation numbers that is likely to occur over time. Mr Williamson discussed the frequency of larger events and the proposed frequency and scale of special events. He noted the traffic mitigation that would be applied to mitigate the effects of larger events.

In response to questions from the Committee, Mr Williamson provided information on a range of issues including parking, events management, and reverse sensitivity. In respect of reverse sensitivity he noted that the church wanted to be a good neighbour and that their primary focus was within the church rather than the use and enjoyment of the outside areas. He noted that the church would be happy to accept a reserve sensitivity covenant.

Derrick Railton explained the proposed approach to on-site management of stormwater and wastewater and the relevant design considerations. He noted the approach for stormwater incorporates a detention area that ensures pre-development stormwater peak flows are maintained. He responded to a number of questions from the Committee on the likely performance of the site in heavy rains including questions on ground conditions, the extent of impervious surfaces, evaporation and secondary flow paths. Mr Railton noted in response to questions that in his experience there would be no issue with the applicant obtaining approval from the ORC to discharge stormwater into the scheduled drain.

Andrew Carr spoke to his pre-circulated evidence regarding his transportation assessment. He stated that after having reviewed the submissions he remained of the view that the proposal is unlikely to result in an increased road safety risk or extensive queuing or delays on the adjacent Road network.

He agreed that the Factory Road entrance was potentially unsafe and its use should be tightly controlled. He responded to a number of questions from the Committee on control of the Factory Road access, controls on vegetation to maintain sight lines and queuing at the Factory Road/Puddle Alley intersection and at the entrance to the site.

Mike Moore spoke to his pre-circulated evidence on visual impact and rural amenity values. He argued that the area has a mixed use character and that while the area has rural character there are no landscape values of particular significance. He considered that the proposed perimeter planting will ensure the effects of the proposed church on rural character will be minor. He noted the intention to fence behind planting and compared to his plans to pull the gate back into the site to provide for on site queuing while the gate is opened. He accepted that there would be minor cumulative effects but considered overall the proposal was generally compatible with the visual impact provisions of the District Plan.

Allan Cubitt spoke to his planning evidence that had been pre-circulated. He outlined the background to the application and his assessment of the effects. He concluded that the effects of the Church would be no more than minor and that the proposal was not contrary to the policy framework of the operative plan. He disagreed with Mr Sycamore that the proposal was contrary to the Objectives and Policies of the District Plan. He noted that the Proposed Plan could be given little weight.

Mr Cubitt observed that the proposed manse had been removed from the proposal and it was not logical to expect a new church would occur on a 15ha site. On that basis, he considered the subdivision of an undersized rural site in an area that was already fragmented to create a new site for church use would not result in an undesirable precedent. He observed the discretionary status of a church under the District Plan was an important aspect of the consideration of precedent.

He concluded that granting consent to the proposal would best serve the purpose of the Act.

Council Officers

Barry Knox noted that the changes made by the applicant would reduce visual impact and rural character effects. He indicated that the changes made by the applicant meant that he would likely to consider the visual impact minor to moderate.

Grant Fisher advised the Committee that he was happy with the evidence and supplementary information that has been presented by the applicant. He noted that he still had questions about the use of the intersection in relation to non-vehicle activity in the area. If the consent was to be granted he recommended to the Committee that the vehicle access to Factory Road be closed. He considered it was appropriate to include sight distance controls from Puddle Alley in the conditions of consent.

Lyn Pope advised the Committee that she had nothing further to add to her comments on the proposal.

Chelsea McGaw noted that the stormwater entering the ORC scheduled drain will require an approval under the ORC bylaw and there was not an alternative option available.

Evidence of Submitters

Emailed submissions from Ian and Eleanor Brown and Drew and Shona Carruthers were tabled and circulated by the Governance Support Officer for the Committee to consider.

Graeme Mathieson presented a submission on behalf of AgResearch and he was supported at the hearing by Andrew McSkimming. In his evidence he supported the processing planner's view that the application should be bundled and assessed as a non-complying activity overall. He also agreed with the conclusion that the proposal did not pass the Section 104D gateway test.

Mr Mathieson noted that the principal effects concerns for AgResearch were related to reverse sensitivity and traffic effects. He noted the intention of the 2GP to create a Major Facilities zone for the Invermay campus and explained the position of AgResearch in relation to reverse sensitivity. He noted that the abattoir near the site had recently been sold by AgResearch and the new owner may want to increase the capacity of the facility. He considered the applicant had understated the potential for reverse sensitivity effects. If the Committee was of the mind to grant consent he argued for a no-complaints covenant being on the title to ensure the existing and future activities of the AgResearch Facilities are protected.

In relation to traffic Mr Mathieson provided a detailed review of the applicant's traffic assessment and the review by the Councils Transportation Planner. He outlined that issues that in his view were not adequately addressed in the applicant's assessment including inadequate on-site manoeuvring and parking, and safety concerns at the Factory Road/Puddle Alley intersection.

He noted that if the application in the Committees view is able to pass one of the limbs of the Gateway Test that there were still sufficient resource management reasons to decline consent under Section 104 of the Act. He expressed a view that the consent should be declined unless the applicant demonstrated that parking and manoeuvring would be adequate for all of the church activities and that the proposal would not result in significant effects on traffic safety. He also requested the Committee be satisfied in respect of the proposed wastewater and stormwater management proposals.

If the Committee were to decide that consent could be granted he reiterated the need for a no-complaints covenant to protect against reverse sensitivity issues.

Processing Planner's Review of Recommendation

Darryl Sycamore noted that having considered the applicant's altered proposal and the submissions and evidence that he wished to change his position on the proposal from that contained in the Section 42A report and recommend that consent was granted for the proposed subdivision and land use. Mr Sycamore responded to questions from the Committee regarding his change in position in relation to the fragmentation resulting from the subdivision.

Questions of the Committee Outstanding at the Conclusion of the Hearing

The Committee noted that some of the matters raised through questioning and in submissions were complex and it considered the applicant may need time to prepare a response. It also noted that a draft suite of conditions had been provided by the processing planner that the applicant may wish to review and comment on. As a result, it requested the applicant provide their right of reply in writing. This approach was acceptable to the applicant.

The Committee advised the applicant that it would prepare some written guidance for the applicant on the matters it would like to see covered in the written right of reply. Written guidance from the Committee was provided on 12 November 2015.

Applicants Right of Reply

The written right of reply was received in late November 2015 and was closely considered by the Committee in determining the outcome.

Statutory and Other Provisions

In accordance with Section 104 of the Resource Management Act 1991, the Planner's Report detailed in full the relevant statutory provisions and other provisions the Committee considered. Regard was given by the Committee to the relevant provisions of the following chapters of the operative Dunedin City District Plan: 4 Sustainability, 6 Rural Zone, 18 Subdivision, 20 Transportation and 21 Environment Issues. Consideration was also given to the relevant provision of the proposed Second Generation District Plan. Statutory provisions considered included Sections 5, 7(c) and 7(f) within Part 2 of the Act. Regard was also given to the Regional Policy Statement for Otago.

Main Findings on Principal Issues of Contention

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

Decision

The final consideration of the application, which took into account all information presented at the hearing, was held during the public-excluded portion of the hearing. The Committee reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991.

Subdivision SUB-2015-58

*That pursuant to Section 34A(1) and 104B and after having regard to Part 2 matters and Sections 104 and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non-complying** activity being the subdivision of land at 326 Factory Road legally described as Section 41 Block V East Taieri Survey District and Lot 2 DP 12108 (Computer Freehold Register 51980), subject to conditions imposed under Section 108 and 220 of the Act, as shown on the attached certificate.*

Land Use LUC-2015-310

*That pursuant to Section 34A(1) and 104D and after having regard to Part 2 matters and Sections 104 and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non-complying** activity being the establishment of a residential activity on Lot 2 of Sub 2015-58 at 326 Factory Road legally described as Section 41 Block V East Taieri Survey District and Lot 2 DP 12108 (Computer Freehold Register 51980), subject to conditions imposed under Section 108 of the Act, as shown on the attached certificate.*

Land Use LUC-2015-319

*That pursuant to Section 34A(1) and 104D and after having regard to Part 2 matters and Sections 104 and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **discretionary** activity being the establishment and operation of a church activity on Lot 1 of Sub 2015-58 at 326 Factory Road legally described as Section 41 Block V East Taieri Survey District and Lot 2 DP 12108 (Computer Freehold Register 51980), subject to conditions imposed under Section 108 of the Act, as shown on the attached certificate.*

Reasons for this Decision

Objectives and Policies

- 1 The Committee agreed with Mr Sycamore that the proposed activity is inconsistent with the relevant objectives and policies of the Dunedin City District Plan and contrary to the relevant objectives and policies of the proposed Second Generation District Plan. It noted that the provisions of the proposed Second Generation District Plan were recently notified and are subject to opposing submissions. As a result, more weight was given to the objectives and policies of the current District Plan.
- 2 The Committee considered the proposal was consistent with the objectives and policies of the Regional Policy Statement for Otago.

Effects

- 3 The Committee noted that the primary effects considerations were rural amenity and character, transportation and reverse sensitivity. It noted that the proposal would result in significant transportation generation at certain times and at other times the facilities would not generate effects. It concluded that overall the effects of the proposed land use and subdivision could be managed by consent conditions to be no more than minor in impact.

Transportation

- 4 The Committee noted that a Congregation Travel Plan was promoted by the applicant in evidence and in recommended conditions supplied with the Right of Reply. It noted that the applicant has achieved good results with this approach at the current church facility on Glenelg Street. The Committee observed that the nature of the proposed activity meant that high levels of compliance with the provisions of the travel plan were possible through communication with its members. It supported the inclusion of this condition and noted it was integral in ensuring the successful management of transportation effects.
- 5 The Committee agreed with the need for conditions to maintain sight lines and sufficient space for queuing at the access on Puddle Alley.
- 6 The Committee accepted the evidence that the Factory Road access would be unsafe as a primary vehicle access. It considered that only limited use should be made of the Factory Road vehicle access and that control on the use of the access should be secured through clear consent conditions. It supported its use for a restricted range of uses including site maintenance, contractors and for emergency vehicles.

Reverse Sensitivity

- 7 The Committee considered that reverse sensitivity was an issue of importance given the presence of the AgResearch facilities and a nearby abattoir. It acknowledged the design of the church was inward focused and it would be well insulated from outside noise. It also noted that the church expressed a willingness to accept a no complaints covenant condition at the hearing. The Committee decided that reverse sensitivity conditions were appropriate.

Amenity and Character

- 8 The Committee noted that the bulk of the proposed church and new dwelling would be similar in overall terms to the existing farm buildings and dwelling on the site except that it would be concentrated in relation to the church building. It considered that the

proposed landscape mitigation would adequately address adverse effects on amenity and character over time and it had confidence that the church would be a good site manager.

- 9 It noted the large car-parking area and traffic generation would have effects but there would be a significant amount of time when no effects would arise from the site. From 10pm at night the conditions ensured no activity would occur. The relocation of the security fence behind the proposed landscaping was noted as a good improvement. The Committee considered the effects on rural character of the new dwelling on Lot 2 could be managed through the proposed platform and colour controls and it noted the colour controls for the church would assist its integration. It accepted that the effects of site lighting and noise could be adequately controlled through consent conditions.

Services

- 10 The Committee were satisfied that stormwater and wastewater could be managed on site and the effects could be managed by conditions of consent. It noted that stormwater management required on-site retention of stormwater and the design should be able to be adjusted should additional impervious services be added to the site. It noted that specific designs would be required for stormwater and wastewater systems. It acknowledged that stormwater would need to discharge to the ORC scheduled drain and it noted the applicant was aware of the need to obtain approval from the Otago Regional Council. An advice note is included on this aspect.

Effects Conclusion

- 11 The Committee consider with appropriate mitigation in place that overall the proposal will not give rise to more than minor adverse environmental effects. Therefore it is satisfied the effects limb of gateway test contained in Section 104D of the Resource Management Act 1991 can be met. As such, the Committee were able to consider the granting of consent to the proposal.

Other Matters

- 12 The Committee considered the potential for an undesirable precedent from the subdivision in detail. It noted there were similar sized sites in the rural block where 326 Factory Road was located where land owners may look to rely of this proposal to support subdivision of their sites. In this case it noted that the subdivision is clearly connected with a proposed Community Support land use (Church) that is anticipated to occur in the rural zone provided the effects of the discretionary land use were acceptable. It also observed that the strongest driver for rural fragmentation is residential lifestyle development and new rural churches are relatively rare. In that regard the removal of the proposed manse on Lot 1 from the proposal and the clear intention to develop the site for a church activity were compelling elements in deciding that this proposal was a "true exception". The Committee reached a view that another party could not rely on approval of this application to further fragment an undersized site for the purpose of establishing a new dwelling. As a result, it will not threaten the integrity of the District Plan or establish an undesirable precedent that will lead to a plethora of like applications that will undermine consistent administration of the plan. For purposes of ease of writing the decision and administration of the consent process, matters of subdivision consent are addressed first. However, the Committee considered the land use proposal for the church was integral to approval of the subdivision and it was only because the intended land use was a church that the Committee gave consideration to approval of the subdivision.
- 13 The Committee notes that the applicant has volunteered to surrender the earlier consent applications for the site (SUB-2014-28; LUC-2014-165). These consents are currently subject to a suspended environment court appeal proceeding awaiting the outcome of this decision. The Committee noted that this earlier application was by another party (Brougham Park Trust) and while its surrender has been volunteered it is reluctant to include a condition incumbent on a third party. The Committee anticipates that the applicant will ensure that this consent is surrendered and an advice note is included requesting the applicant attend to this matter before giving effect to the consent.
- 14 The Committee concluded that the granting of the consent would be consistent with the purpose of the Resource Management Act 1991 to promote the sustainable management of natural and physical resources.

Commencement of Consent

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

Right of Appeal

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

The Registrar
Environment Court
PO Box 2069
CHRISTCHURCH 8140

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

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

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

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

Monitoring

Section 35(2)(d) of the RMA requires every council to monitor resource consents that have effect in its region or district. The scale and nature of the activity, the complexity and number of the conditions needed to address the environmental effects and whether the conditions have been complied with determines the number of monitoring inspections required. Given the nature of your intended works/activity, this consent will require three inspections.

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

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

Yours faithfully



Cr Kate Wilson
Chair
Hearings Committee

Consent Type: Subdivision and Land Use Consents

Consent Number: SUB-2015-58; LUC-2015-310; LUC-2015-319

Location of Activity: 326 Factory Road

Legal Description: Section 41 Block V East Taieri Survey District and Lot 2 DP 12108 (Computer Freehold Register 51980)

SUB Lapse Date: 23 December 2020, unless the consent has been given effect to before this date.

LUC Lapse Date: LUC-2015-310 & LUC-2015-319 shall lapse 5 years from the date that the s223 certificate for SUB-2015-58 is issued.

SUB-2015-58

*That pursuant to Section 34A(1) and 104B and after having regard to Part 2 matters and Sections 104 and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non-complying** activity being the subdivision of land at 326 Factory Road legally described as Section 41 Block V East Taieri Survey District and Lot 2 DP 12108 (Computer Freehold Register 51980), subject to conditions imposed under Section 108 and 220 of the Act, as shown below:*

Conditions

- 1 *The activity shall be carried out generally in accordance with the relevant details and information submitted with resource consent applications SUB-2015-58, LUC-215-310 and LUC-2015-319 including the hearing evidence and written right of reply, except where modified by the following conditions of consent.*
- 2 *Prior to certification of the cadastral dataset pursuant to Section 223 of the Resource Management Act 1991, the subdivider shall ensure the following:*
 - a) *If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements shall be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.*
 - b) *An Easement in Gross in favour of the Dunedin City Council is required over the Council owned water main located within proposed Lot 1. The easement must be made in accordance with Section 6.3.10.3 of the Dunedin Code of Subdivision and Development 2010.*
- 3 *Prior to certification pursuant to Section 224(c) of the Resource Management Act, the subdivider shall complete the following:*
 - a) *The existing dwelling and farm buildings located on the land to be contained within proposed Lot 1 are to be demolished or removed from the site.*
 - b) *That a plan shall be prepared showing the building platform for Lot 2. The building platform shall be dimensioned, and its position clearly identified. The plan shall be attached to the consent notice of condition 3(c) below:*

- c) *That a consent notice shall be prepared for the title for Lot 2 for the following on-going condition:*

'Any dwelling or residential accessory building to be constructed on this site shall be fully contained within the building platform as shown on the attached plan.

- 4 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 to proposed Lot 1. Details of how the proposed lot is to be serviced for water shall accompany the "Application for Water Supply". No buildings outside of the Lot 1 boundary are to be supplied with water.*
- 5 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. The water Service Connection for proposed Lot 1 shall have a water meter installed.*
- 6 An RPZ backflow prevention device must be installed on the Factory Road water connection servicing proposed lot 1. 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.*

Land Use LUC-2015-310

*That pursuant to Section 34A(1) and 104B and after having regard to Part 2 matters and Sections 104 and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council grants consent to a **non-complying activity** being the establishment of a residential activity on Lot 2 of SUB-2015-58 at 326 Factory Road legally described as Section 41 Block V East Taieri Survey District and Lot 2 DP 12108 (Computer Freehold Register 51980), subject to conditions imposed under Section 108 of the Act, as shown below.*

- 1. The proposal shall be undertaken in general accordance with the relevant details and information submitted with resource consent applications SUB-2015-58, LUC-215-310 and LUC-2015-319 including the hearing evidence and written right of reply, except where modified by the following conditions.*
- 2. The residential activity and any residential accessory buildings to be established on Lot 2 shall be wholly contained within the building platform identified for Lot 2 and any structures shall have a maximum height of ten (10) metres.*
- 3. The residential unit and residential accessory buildings to be established on Lot 2 shall be finished in materials and/or colours with low reflectivity. The dominant colours of the building are to be darker tones with no more than 30% light reflectivity values*
- 4. Power and telecommunication services to Lot 2 shall be located underground.*
- 5. There shall be no monumental gates, entranceways or lighting associated with any driveway.*
- 6. Outdoor lighting shall be shielded so the light source is not visible from adjacent sites.*
- 7. The Residential Activity on Lot 2 is to be self-serviced for water supply, wastewater and stormwater disposal.*
- 8. Prior to the dwelling within Lot 2 becoming habitable, fire fighting storage is to be provided for the relevant lot. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve. Alternatively, a 7,000 litre fire fighting reserve is to be made available in association with a sprinkler system installed to an approved standard. The tank(s) and/or sprinkler system shall be installed prior to occupation of the dwelling.*

9. A fire fighting connection in accordance with Appendix B – SNZ PAS 4509:2008 is to be located within 90 metres of any proposed building within Lot 2. In order to ensure that connections are compatible with the New Zealand Fire Service equipment, the fittings are to comply with the following standards:

- (a) Either: for flooded sources – 70mm Instantaneous Couplings (Female) NZS 4505, or for suction sources – 100mm Suction Couplings (Female) NZFS 4505 is to be provided.
- (b) Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The Fire Service connection points/coupling must be located so that it is not compromised in the event of a fire.
- (c) The connection shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area shall be located in the centre of a clear working space with a minimum width of 4.5m. Access shall be maintained at all times to the hardstand area.
- (d) Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1m above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.

Note: Fire fighting water supply may be provided by means of other than specified in Conditions 7 and 8 above if the written approval of the New Zealand Fire Service is obtained for the proposed method.

10. Any part of water tanks above ground shall be finished in dark colours that blend with the environment or screened from view from the adjoining roads and sections.

11. All construction noise shall 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	0730-1800	55	85
	1800-2000	45	75
	2000-0730	45	75

12. Any lighting from the residential activity shall produce no greater than 8 lux of light onto any other site used for residential activity during nighttime hours.

13. All activities undertaken on the site shall not exceed the following noise limits at or within the boundary of any other property.

Monday to Sunday from 7am to 9pm	55dB(A) L10
At all other times including Statutory Holidays	40dB(A) L10
Daily from 9pm to 7am the following day	75dB(A) Lmax

Noise levels shall be measured in accordance with the provisions of New Zealand Standard 6801:1991 Measurement of Sound and assessed in accordance with the provisions of New Zealand Standard 6802:1991 Assessment of Environmental Sound, except that the definition of "Notional Boundary" used in the Dunedin City District Plan shall apply.

Land Use LUC-2015-319

That pursuant to Section 34A(1) and 104B and after having regard to Part 2 matters and Sections 104 and of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **discretionary** activity being a church activity on Lot 1 of SUB-2015-58 at 326 Factory Road legally described as Section 41 Block V East Taieri Survey District and Lot 2 DP 12108 (Computer Freehold Register 51980),, subject to conditions imposed under Section 108 of the Act, as shown below.

General

1 The proposal shall be undertaken in general accordance with the relevant details and information submitted with resource consent application SUB-2015-58, LUC-215-310 and LUC-2015-319 including the hearing evidence and the applicants written right of reply, except where modified by the following conditions.

2 The church activity shall provide for the following activities and be limited to the following:

Normal Sunday Services:

- 0530-0630 for up to 50 attendees.
- 1630-1800 for up to 250 attendees.

Special Sunday Services:

- 0930-1230, every second or third week up to a maximum of 20 times per year, for up to 800 attendees.

Saturday Services:

- 1000-1130 weekly for up to 250 attendees.
- 0800-0930 monthly for up to 250 attendees.

Monday to Friday Evening Services:

- 1800-2130 for up to 250 attendees.

Special Occasions:

- For weddings, Tuesday as required, 1400-1700 for up to 250 attendees.
- For funerals, any days as required, 1200-1400 for up to 500 attendees.
- For capacity events, any day 0800-2100 for up to 1,300 attendees with a maximum of two events per year.

Church Business:

- Office activities and Church management meetings, as required for a maximum of 50 attendees.

Notes:

- The numbers of parishioners detailed above may exceed that by 15% where necessary.
- It is anticipated that congregation members will generally leave the site with 30 minutes of the conclusion of a church service.

3. All activities on the site are to conclude by 10pm.

4. The church shall maintain a record of all Special Sunday Services and Special Occasions (inclusive of the 15% tolerance). That record shall include the date and time periods the event occurred and be submitted to the Resource Consents Manager annually within the month of January by email to rcmonitoring@dcc.govt.nz.

5. Marquees may be used on the site for Special Occasions, subject to the following:

- a) That the marquees shall be erected no earlier than three days before the specific event, and shall be dismantled no later than three days after the event has finished.

- b) *The Marquees are to be sited well away from side and rear boundaries. The total floor area of the marquees shall not exceed 1,000m².*
- c) *Any additional exterior lighting shall be directed into the marquees.*
- d) *Any noise generating equipment located outside is to be located as far away as practicable from site boundaries and is to comply with the noise limits specified in condition 18 below.*
- e) *That, pursuant to section 128 of the Resource Management Act 1991, the parking provision and traffic management for Special Occasions may be reviewed by Council within one month following an event, with a view to identifying any issues and determining an appropriate method of addressing any issues effectively for the next event.*

Transportation

- 4 *The consent holder shall prepare a Congregation Travel Plan (CTP) to ensure that traffic generated by the attendees of Church activity.*
 - a. *The CTP shall address, but not be limited to the following matters:*
 - o *The Traffic Code of Conduct for congregational members and visitors to the Church property;*
 - o *Community Liaison and Monitoring, including a complaints procedure.*
 - o *Traffic Control measures;*
 - o *Measures to manage the Factory Road access;*
 - o *Measures to manage Special Occasions;*
 - o *A review clause.*
 - b. *The CTP shall be submitted to the Resource Consents Manager for approval by email to rcmonitoring@dcc.govt.nz prior to commencing any church services on Lot 1.*
 - c. *Traffic management shall be undertaken in accordance with the approved CTP on an on-going basis.*
 - d. *That, pursuant to section 128 of the Resource Management Act 1991, the effectiveness of the CTP may be reviewed by Council at any time over the tenure of the Church at this property, and the CTP shall be modified as thought necessary.*
5. *The primary vehicle access from Puddle Alley shall be a minimum 6.0m formed width, maximum 9.0m formed width, and be hard surfaced and adequately drained for its full duration. Any fence or gate on the access is to be setback a minimum of 5 metres within the site to ensure adequate queuing space.*
6. *The service access from Factory Road shall be a minimum 4.0m formed width, and be hard surfaced and adequately drained for its full duration. The Factory Road service access is not to be used by congregation members attending church services. It can be used for site maintenance purposes, by contractors and for emergency vehicle access.*
7. *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 in general accordance with the application plans.*
8. *The consent holder shall ensure that vegetation within the site is managed to maintain sightline visibility at the Factory Road- Puddle Alley intersection.*

Services

9. *Stormwater run-off flows from the site shall be designed and engineered to be equal to or less than pre-existing flows prior to the development.*
10. *A stormwater Management Plan shall be prepared by a suitably qualified person that illustrates how Condition 9 will be achieved. This management plan shall be submitted to the Councils Resource Consents Manager for approval prior to application for building consent and before any site development works commence. The management plan shall be updated to address any subsequent development on the site to ensure Condition 8 is achieved on an ongoing basis. If any amendments are made in accordance with this condition the consent holder shall provide the Council's Resource*

Consent Manager with the updated version of the Plan for approval prior to the new works commencing.

11. The availability of water for fire-fighting purposes shall be in accordance with SNZ PAS 4509:2008 being the Fire Service Code of Practice for Fire Fighting Water Supplies
12. The on-site wastewater system is to be specifically designed by a suitably qualified person.

Landscaping

13. Any security fence on the site shall be set back behind no less than 1.5m of vegetation of at least equal height to the fence with the exception of the vehicle accesses. The primary vehicle access from Puddle Alley to be setback at required in condition 5 above
14. Landscaping and planting shall be established as detailed in Mike Moore's supplementary evidence titled "Fig. 5: Proposed Church. 326 Factory Road. Proposed Site and Landscape Concept Plan' dated October 2015.
15. The landscaping required under Condition 14 above is to be established within 6 months of the church facility commencing operation. The landscaping is to be maintained in perpetuity in general accordance with the Landscape Concept Plan.
16. The church building shall be finished in materials and/or colours that minimise contrast with the surrounding rural landscape. The dominant tones of the building are to be darker tones with no more than 30% light reflectivity values.

Noise & Lighting

17. Lighting shall be positioned no more than 7m above the existing ground level, and designed to ensure light is adequately shielded from neighbouring sites. It shall produce no greater than 8 lux of light onto any other site used for residential activity during nighttime hours.
18. All activities undertaken on the site shall not exceed the following noise limits at or within the boundary of any other property.

Monday to Sunday from 7am to 9pm	55dB(A) L10
At all other times including Statutory Holidays	40dB(A) L10
Daily from 9pm to 7am the following day	75dB(A)Lmax

Noise levels shall be measured in accordance with the provisions of New Zealand Standard 6801:1991 Measurement of Sound and assessed in accordance with the provisions of New Zealand Standard 6802:1991 Assessment of Environmental Sound, except that the definition of "Notional Boundary" used in the Dunedin City District Plan shall apply.

19. All construction noise shall 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	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

Note: the lower limits for Sundays and public holidays will prevent the operation of heavy machinery.

Reverse Sensitivity

19. *Prior to building consent being applied for to establish the church facility on Lot 1 an encumbrance or covenant in favour of the Dunedin City Council prepared to the satisfaction of the Resource Consents Manager is to be registered on the title for the site. The covenant will comprise the following:*
- (i) An acknowledgement that lawful activities carried out within the rural zone can give rise to noise, dust, odour, air discharges, vibration, visual effects, traffic generation and safety related issues;*
 - (ii) An obligation that the owner and occupiers of Lot 1 will not complain to any responsible regulatory authority, including the Otago Regional Council, about or object to noise, dust, odour, air discharges, vibration, visual effects, traffic generation and safety issues arising from lawfully established activities in the rural zone;*
 - (iii) An obligation that the owner, occupiers and licensees of the application site will not submit on or object to any plan, or plan change or any resource consent application (including applications to amend conditions) or existing resource consent (including any review of conditions) in relation to noise, dust, odour, air discharges, vibration, visual effects, traffic generation and safety issues in the rural zone.*

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 It is the consent holder's responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.
- 4 This consent shall lapse after a period of five years from the date of granting of this consent. This period may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.
- 5 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.
- 6 All vehicle accesses, from the carriageway to the property boundary, are over legal road and are therefore required to be constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (available from Transportation).
- 7 It is advised that in the event of any future development on the site, Transportation would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application. The vehicle access requirements for a residential activity on Lot 2 will be accessed at the time of building consent.

- 8 With regard to construction, the applicant should be advised that their contractor may require a Traffic Management Plan during construction works, should they affect the normal operating conditions of the road.
- 9 Unless otherwise specified all conditions should be complied with within 12 months of the consent having been given effect to.
- 10 Certain requirements for building on this site may be stipulated via the building consent process; and are likely to include the following points:
 - a. Stormwater from driveways, sealed areas and drain coils is not to create a nuisance on any adjoining properties.
 - b. 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.
 - c. 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.
 - d. For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
 - e. 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.
- 11 The consent holder has volunteered the surrender of SUB-2014-28 & LUC-2014-165 that are currently subject to a suspended appeal process. The consent holder is to use its best endeavours to ensure this is completed or the appeal withdrawn prior to giving effect to this consent.
- 12 The applicant is advised to contact the Otago Regional Council regarding proposed on-site waste water and stormwater management and obtain any required approvals from the Otago Regional Council.

Issued at Dunedin this 23rd Day of December 2015



Kate Wilson
Chair
Hearings Committee

An aerial photograph showing two large industrial parcels, Lot 1 and Lot 2, both designated as DP 322520. The parcels are separated by a road labeled "Allway". To the left of the parcels is a larger area containing a parking lot, a building, and a "Building Platform 2500m²". A red dashed line outlines a specific area within the left parcel, labeled "Factory Road" and "Puddle". Various dimensions are marked along the boundaries of the lots, such as 68.72, 157.93, 6.84, 106.24, 133.72, 63.46, 10.0, 117.83, 70.96, and 63.24. A north arrow is located in the top right corner of the image.



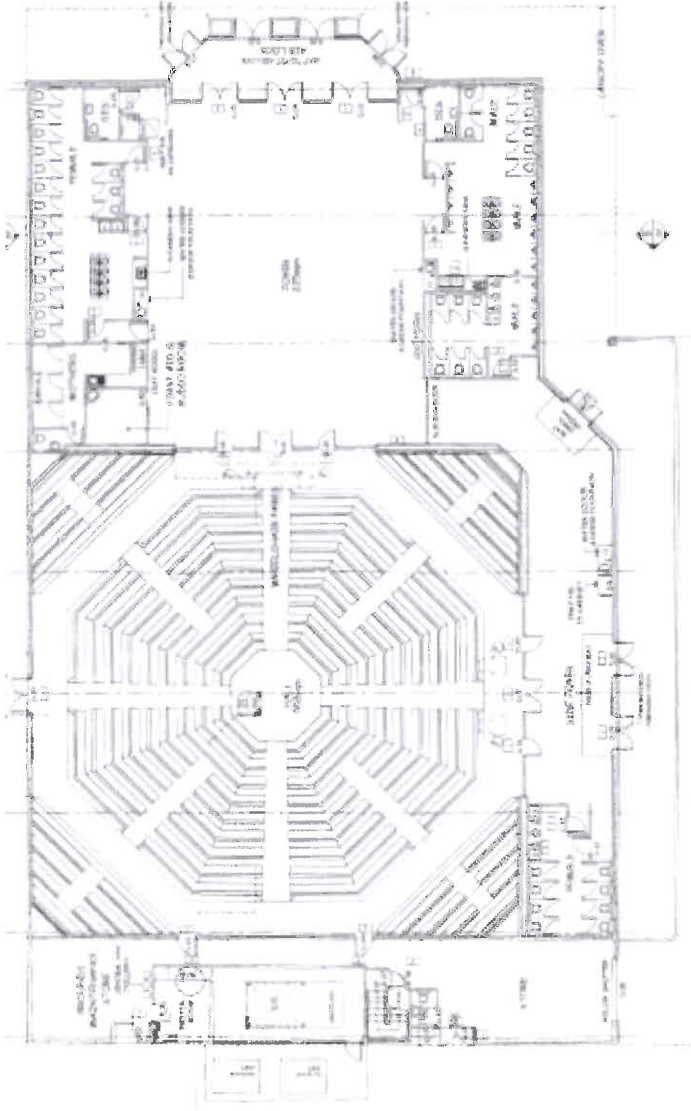


Figure 4(a) : Proposed church building – Floor Plan



Figure 4(c) : Proposed church building – Image

The proposed church building will be similar in design and character to the building shown



Figure 4(b) : Proposed church building – Elevations



The plan and image above is intended to provide a general indication of the scale of a dwelling that could be built on the Lot 2 building platform.

Figure 6 : Indicative dwelling – Proposed Lot 2