

ANNEXURE E

MEMO FROM COUNCIL TO EXPERTS SEEKING COMMENTS ON APPLICATION

Memorandum

TO: Paul Heveldt (Stantec)
Chelsea McGaw (Water and Waste)
Crystal Filep (City Development)
Grant Fisher (Transport)

FROM: Campbell Thomson, Senior Planner

DATE: 21 November 2017

SUBJECT: **LUC-2017-561**
5 CLARK STREET
DUNEDIN

Resource consent is sought to authorise further residential activity in a building at 5 Clark Street, Dunedin. The site is zoned Industrial 1 in the Operative District Plan and Industrial in the Proposed District Plan. Council records indicate that the existing building on site was built for and has been used for a combination of industrial activity and residential activity for a long period of time. Initially, there was one residential flat on the first floor area, but resource consents have been issued since for further residential development with the result that there are now three existing apartments on the first floor. All industrial activity on site has now ceased. The ground floor space is vacant and is currently configured as a combination of office and storage space.

It is proposed to establish a seven bedroom apartment on the ground floor, and reconfigure the three existing apartments on the first floor. Residential activity is therefore to occupy the entire building, with the number of residential units increased from 3 to 4 and the total number of habitable rooms increased from 7 to 15.

The proposal is a **non-complying activity** as residential activity is not provided for as a permitted activity in Industrial zoned. **The resource consent application is available in ECM**, with the plans included showing the existing and proposed floor layout for each level of the building. On site car parking for 4 vehicles is provided on site with access via a ramp entrance at the northern end of the building frontage.

The adjacent land to the south is zoned Residential 4 with the neighbouring building being the clubroom premises of the Otago Motor Cycle Club, and the land directly across Clark Street is zoned Central Activity, containing commercial offices. A residential building is situated to the north at 9 Clark Street (formerly part of the same site), with the nearest site developed for industrial use being at 61 Maclaggan Street. The most recent consent for the site was the combined subdivision and land use consent SUB-2011-26 & LUC-2011-115.

Could you please provide comment by **5 December 2017**.

Chelsea

At the time of SUB-2011-26 it was noted by Water and Waste Services that there is a 100mm water service main located in Clark Street along with a 150mm foul sewer line. The nearest stormwater service was identified as a 1350mm stormwater sewer located in Maclaggan Street. A review of the rates database at that time indicated that four water and drainage charges were paid for the subject site, and GIS records indicate three separate water services at the site. The rates database currently indicates there are three units of demand.

Paul

The industrial activity that has taken place in the past within the existing building has included activities that either are, or potentially are, HAIL activities. When constructed in the 1920s, the building at 5 Clark Street was a funeral home (Hugh Gourley Ltd) with a chapel and viewing rooms, together with a polishing and furnishing room on the first floor connected by stairs to a workshop and garage in the basement. The layout and scale of the building and facilities shown on the building plans at that time suggest that at the very least coffins were manufactured or fitted out on site, and it is likely that the embalming of bodies may also have taken place on site, with areas for formal display of bodies upstairs clearly identified. These activities are potentially a HAIL activity in terms of bulk storage of chemicals and hazardous substances including formaldehyde, lead, mercury and biological materials – HAIL Category A2. By the early 1980's the basement area is shown as fitted out for aluminium joinery manufacture and timber joinery manufacture. This former use is a HAIL activity - HAIL Category D5.

I have had an exchange of emails and discussion with the applicant's consultant, Kirstyn Lindsay, about whether the NES applies, on the basis of a change of use. The land is currently used for residential purposes and there is no other use currently occurring on the site, and may have been the situation for quite some time. Kirstyn has contended that as any contact with soils (contaminated or not) is effectively prevented by the existing building foundations and a sealed parking area, there would be no risk to human health from contaminants in soil. People living on the site will not be in contact with exposed soil. If we believe the NES applies, she considers the NES component of the application could be processed as a discretionary activity (as there is no DSI) and we could impose conditions restricting the disturbance of soil to permitted activity limits. She suggests this may address a concern I discussed with her about exposure of any contaminants when pipes and ducting is installed for services as part of the development of the ground level unit.

Your thoughts on the application of the NES to this situation and need for site investigations would be appreciated

Regards,

Campbell Thomson
CITY PLANNING