



SUBMISSION FORM 13

Submission concerning resource consent on limited notified application under section 95B, Resource Management Act 1991

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: LUC-2017-561

Applicant: McNay Somes Partnership

Site Address: 5 Clark Street, Dunedin

Description of Proposal: Resource consent is sought for residential activity in an Industrial Zone

I/We wish to lodge a submission on the above resource consent application (please read privacy statement):

Your Full Name: TBJ Family Trust

Postal Address: 9 Clark St, Dunedin 9016

Post Code: 9016

Telephone: _____ Email Address: _____

I wish the following to be used as the address for service (choose one): email ☐ post ☐ other: _____

I would like my contact details to be withheld: Yes ☐ No ☒ (tick one)

I Am ~~Am Not~~ (delete one) a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Trade competitors only:

I Am ~~Am Not~~ (delete one) directly affected by an effect of the subject matter of the submission that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Note: If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

I: Support/Neutral ~~Oppose~~ this Application (choose one)

The specific parts of the application that this submission relates to are [give details]:

All parts

Please attach other pages as required

My submission is [include the reasons for your views]:

See attached

PLEASE TURN OVER

Please attach other pages as required

I seek the following decision from the Council [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

The application be declined

Please attach other pages as required

Note: If you have a right of appeal under section 120 of the Resource Management Act 1991, you may appeal only respect of a matter raised in your submission (excluding any part of the submission that is struck out).

I: ~~Do~~ **Do Not** wish to be heard in support of this submission at a hearing (delete one)

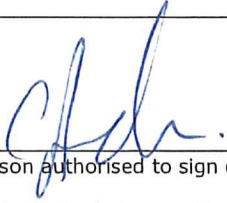
If others make a similar submission, I will consider presenting a joint case with them at a hearing

Yes ☐ No ☒ (tick one)

I request, pursuant to section 100A of the Resource Management Act 1991, that you delegate your functions, powers, and duties required to hear and decide the application to 1 or more hearings commissioners who are not members of the Council

Yes ☐ No ☒ (tick one)

Note: If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter:  (or person authorised to sign on behalf of submitter)

Date: 2/3/18

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is **Tuesday, 06 March 2018 at 5pm**. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is **McNay Somes Partnership C/O Kirstyn Lindsay, Southern Planning Solutions Limited, 29 Rosebery Street, Belleknowes 9011**.

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be sent by email to resconsent.submission@dcc.govt.nz

Privacy: Please note that submissions are public. Your name, contact details and submission will be included in papers that are available to the media and the public, **including publication on the Council website**. You may request your contact details be withheld. Your submission will only be used for the purpose of the limited notified resource consent process.

Strike Out: Please note that your submission (or part of your submission) may be struck out if the Council is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

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(attachment)

My submission is:

The submitter opposes the whole of the application; with the the following matters being of specific concern:

1. The application does not clearly describe the consented environment, thus potentially resulting in the environmental effects being incorrectly assessed.
2. As a non-complying application, the matter of adverse effects associated with urban design can be afforded consideration. As the proposal seeks no front doors facing the street, the streetscape will change, and the resulting effects require consideration.
3. As a non-complying application, the matter of heritage can be afforded consideration in terms of the building frontage. While the frontage does not have protection via Heritage NZ or the District Plan, the buildings history (refer e3 Scientific report attached to the application) may support the consideration of any effects of the proposed changes to the frontage on heritage matters/values.
4. The application does not provide information such as the number and location of external heat pump units, if any. This may be relevant in terms of noise.
5. The application makes references to:
 - a. LUC-2014-356. However that site has no industrial neighbours. The subject site has an industrial building/activity along its entire western boundary, and the neighbouring property to the north is zoned industrial. Hence the relevance of LUC-2014-356 is reduced.
 - b. The Central Activity Zone rules (operative District Plan). These have no relevance to the current application.
 - c. The Inner City Residential zone rules (proposed District Plan). These have no relevance to the current application.
6. The application states that *"it is considered that there are few permitted industrial activities that the ground floor space could be put to"* (refer AEE, page 5). That comment seems to be made on the basis of the consented residential activity on the first floor (refer AEE para 2, page 3 and para 1, page 9). In terms of this comment, the following is noted:
 - a. No evidence is provided to support this comment.
 - b. It is noted that the permitted activities of the Industrial Zone include Service Activities, and these include a number of activities which could be undertaken without adverse effects on the consented residential activity, such as storage, repair of goods, and the hire of equipment, along with supporting offices and staff facilities.

As a result, the rationale for the proposed non-complying activity is reduced.

7. The proposal, if granted, will remove land currently available and suitable for industrial (service) activity. If granted, the resulting higher economic use of the ground floor may impact on the affordability of industrial land.

8. The proposal is contrary to Objectives and Policies of the operative and proposed District Plans. For example:
 - a. Policy 10.3.2 in the operative District Plan is a directive policy that seeks to **exclude** activities not part of or associated with industrial activities from the Industrial 1 zone.
 - b. The proposed District Plan has the following directive policies:
 - i. Policy 19.2.1.3 **Avoid** the establishment of non-industrial or non-port activities, other than those expressly provided for in the industrial zones, unless they would have significant positive effects on the successful operation of surrounding industrial or port activities.
 - ii. Policy 19.2.1.9 **Avoid** residential activity due to its high potential for reverse sensitivity to industrial or port activities, unless it would have significant positive effects on the successful operation of surrounding industrial or port activities.

The application does not provide any evidence how the proposal would result in "*significant positive effects on the successful operation of surrounding industrial or port activities*".
 - c. Objective 4.2.3 of the operative District Plan seeks to sustainably manage infrastructure. The proposal will result in a density of 1 habitable room per 35m² of site. No expert information associated with services/infrastructure is supplied with the application, and the application makes no mention of a pre-application meeting with Council on such matters.
9. As noted above, the proposal includes the removal of all doorways from the street frontage. In addition, increased outdoor amenity space is proposed at the rear of the building over two levels. This arrangement will:
 - a. Require all people entering/exiting the site to utilise the rear entrances, thus increasing residential activity closer to the existing/potential industrial activity and existing neighbours.
 - b. Encourage increased residential activity closer to the existing/potential industrial activity and existing neighbours (via the installation of deck areas).
 - c. The first level deck near the northern boundary will result in people coming and going from a residential unit, as well as providing outdoor amenity for that unit. This area directly overlooks the neighbouring property. This has significant implications in terms of privacy, noise and security.
10. As part of the application, the proposal includes increasing the number of bedrooms, which will result in more people on site. Logically, this will increase the likelihood of reverse sensitivity issues associated with the the surrounding/neighbouring industrial zone.
11. With regards to Section 104(1)(c), the applicant considers the application "*has sufficient atypical elements to distinguish the proposal*". It is noted that residential activity in the upper levels of buildings in the Industrial zone is known to Council.
12. No mitigation associated with reverse sensitivity to noise has been offered, such as acoustic insulation and mechanical ventilation. The application is silent if the existing and proposed windows are/to be double/tripled glazed.
13. No mitigation associated with noise generation, loss of privacy or security concerns to the neighbours has been offered.

14. The proposed new and refitted bedrooms (11 in total) each include a sofa and ensuite bathroom, which are indicative of studio rooms (with a shared kitchen). This is supported by the fact the:

- a. In the new upper floor layout, the unit to the south does not have either a dining room or a living room.
- b. In the lower floor layout, while a dining area is provided, there is no living area.

The proposed layout may result in a use that has environmental effects that are greater than anticipated by 3 residential units.

END