

HEARINGS COMMITTEE AGENDA

WEDNESDAY, 24 MARCH 2021, 10.00 AM

Edinburgh Room, Municipal Chambers

MEMBERSHIP: Commissioner Megan Justice

IN ATTENDANCE: Campbell Thomson (Senior Planner/Committee Advisor),
Lianne Darby (Planner), Jakub Kohan (Subdivision Engineer, 3
Waters) and Wendy Collard (Governance Support Officer)

PART A (Committee has the power to decide these matters):

1 RESOURCE CONSENT APPLICATION SUB-2020-59 AND LUC-2020-188, 43 PERTH STREET, MOSGIEL

Introduction

Applicant to introduce themselves and their team.

Procedural Issues

Any procedural matters to be raised.

Presentation of the Planner's Report

Report from Lianne Darby

Refer to pages 1 - 27

The Applicant's Presentation

Application

Refer to pages 28 - 91

Council Officer's Evidence

- Memorandum from Development Support Officer, 3 Waters
Refer to pages 93 - 95
- Memorandum from Seepage Control Unit
Refer to pages 96 – 97
- Email from MWH Hazards Team
Refer to pages 98 – 100
- Memorandum from Transportation Planner
Refer to pages 101 – 103
- Memorandum from Urban Designer
Refer to pages 104
- Email from Waste and Environmental Solutions
Refer to page 105

Draft conditions

Refer to pages 106 – 115

Notification Assessment

Refer to pages 115 – 124

The Planner's Review of their Recommendation

The Planner reviews their recommendation with consideration to the evidence presented

The Applicant's Response

The Applicant to present their right of reply

PLEASE NOTE: The **only** section of the hearing which is not open to the public is the Committee's final consideration of its decision, which is undertaken in private. Following completion of submissions by the applicant, submitters and the applicant's right of reply, the Committee will make the following resolution to exclude the public. All those present at the hearing will be asked to leave the meeting at this point.

RESOLUTION TO EXCLUDE THE PUBLIC

To be moved:

"That the public be excluded from the following parts of the proceedings of this meeting, namely, Item 1.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48 for the passing of this resolution.
1	Resource Consent application – 43 Perth Street, Mosgiel	That a right of appeal lies to any Court or Tribunal against the Dunedin City Council in these proceedings.	Section 48(1)(d)

Report

TO: Hearings Commissioner

FROM: Lianne Darby, Planner

DATE: 12 February 2021

SUBJECT: **RESOURCE CONSENT APPLICATION:**
SUBDIVISION: SUB-2020-59
LAND USE: LUC-2020-188
43 PERTH STREET
MOSGIEL

1. INTRODUCTION

- [1] This report has been prepared on the basis of information available on 16 October 2020. The purpose of the report is to provide a framework for the Committee's consideration of the application and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.
- [2] For the reasons set out in the report below, I have concluded that the effects on the environment due to the density of development will be more than minor. The proposal is also contrary to the objectives and policies to do with residential activity at a density not reflective of the zone characteristics. As such, I have recommended that both the development and subdivision proposals be declined.

2. BACKGROUND TO APPLICATION

- [3] Resource consents SUB-2020-59 and LUC-2020-188 were lodged with Council on 17 April 2020. The proposal was for the development of the subject site with three residential units, and the subdivision of the same into three lots. The applicant revised the application on 4 November 2020 by removing the subdivision component and offering that the residential use of the three units be confined to social housing only. On 16 November 2020, the applicant also offered to personalise the consent to the applicant.
- [4] Following the decision to proceed to a hearing, the applicant requested on 29 January 2021 that the Committee consider the application as originally submitted to Council. Consequently, the proposal is for the development and subdivision of the subject site, with no intention to personalise the consent.

3. DESCRIPTION OF ACTIVITY

- [5] The proposal is to construct three dwellings at 43 Perth Street, Mosgiel. The subject site is a flat, rectangular property with frontage to Perth Street along its southeast boundary. The site is

currently vacant land. It is legally described as Lot 14 Deposited Plan 7453, held in Record of Title OT9B/112, and has an area of 719m².

- [6] The three residential units will be built in sequence from front to back as a multi-unit development. The units will be detached, and will each have a single bedroom. The driveway will serve all three units, and will follow the southwest boundary of the subject site. On-site parking will be provided for each unit.
- [7] The three units are to be subdivided onto their own fee-simple site. Proposed Lot 1 will be the front site and will have an area of 221m². Proposed Lot 2 will have an area of 150m², and Lot 3 will be the rear site of 347m² (including the shared access of 179m²). Lots 1 and 2 will be given right of way over the leg-in to Lot 3.

3. ACTIVITY STATUS

- [8] Dunedin currently has two district plans: the Operative Dunedin City District Plan 2006 (the "Operative District Plan", and the Proposed Second Generation Dunedin City District Plan (the "Proposed Plan"). Until the Proposed Plan is made fully operative, both district plans need to be considered in determining the activity status and deciding what aspects of the activity require resource consent.
- [9] The activity status of the application is fixed by the provisions in place when the application was first lodged, pursuant to section 88A of the Resource Management Act 1991. However, it is the provisions of both district plans in force at the time of the decision that must be had regard to when assessing the application.
- [10] The Proposed Plan was notified on 26 September 2015, and some Proposed Plan rules had immediate legal effect from this date. Some rules became fully operative following the close of submissions, where no submissions were received. Additional rules came into legal effect upon the release of decisions. Those additional rules become fully operative if no appeals are lodged or once any appeals have been resolved.
- [11] In this case, the application was lodged on 17 April 2020 when the Proposed Plan rules were already in effect. The relevant zone and rules of the Proposed Plan are mostly beyond challenge. The relevant rules of the Operative District Plan are considered to have been superseded, or where a Proposed Plan rule has been appealed (e.g. Rule 15.7.6.2), there is no equivalent rule in the Operative District Plan to consider.

Proposed Plan

- [12] The subject site is zoned **General Residential 1** and it is part of a **Wahi Tupuna Mapped Area**. It is subject to **Hazard 3 (flood) overlay zone**.

Subdivision

- [13] Rule 15.3.5.2 lists general subdivision as being a restricted discretionary activity in the residential zones subject to performance standards. The proposed subdivision will fail to comply with the following:
 - Rule 15.7.4.1(a) specifies a minimum site size of 500m². Proposed Lots 1 to 3 will all be undersized.
- [14] Accordingly, the subdivision proposal is considered to be a **non-complying** activity pursuant to Rule 15.7.4.2.

Land Use

- [15] The proposal falls under the definition of *standard residential activity*. Under the Proposed Plan, activities have both a land-use activity and a development activity component.

Land Use

- [16] Rule 15.3.3.3 lists standard residential activity as being a permitted activity subject to compliance with the performance standards. Should development precede subdivision, the proposal will fail to comply with the following:
- Rule 15.5.2.1(a) specifies a minimum site area of 500m² per unit. Given that the subject site has an area of 719m², this would allow for one residential unit. The proposal promotes three residential units.
 - Rule 15.5.2.3 states that more than one residential building (other than a family flat) may only be built on a site if all residential buildings are able to meet the performance standards for site coverage, height in relation to boundary, setbacks and access. The units will not comply with all of these performance standards.
- [17] The residential development of the combined sites is a **non-complying** activity pursuant to Rule 15.5.2.4.
- [18] If the subdivision precedes development, then the sites will be existing sites at the time of development. Rule 15.5.2.1(k)(i)(1) allows a single residential unit to be erected on a site of any size provided all other performance standards are met. The proposal will not meet this requirement, and the residential activity on proposed Lots 1, 2 and 3 is considered to be a **non-complying** activity.

Development

- [19] Rule 15.3.4.4 lists all buildings not covered by Rule 15.3.4.5 to Rule 15.3.4.22 as being a permitted activity for the General Residential 1 zone, subject to compliance with the performance standards. Should development precede subdivision, the proposed development will fail to comply with the following:
- [20] Rule 15.6.13.1(a)(i) specifies front boundary setbacks of 4.5m. The proposal will fail with the following:
- Rule 15.6.13.1(a)(viii)(6) allows eaves gutters and downpipes less than 3.0m above ground level to project over the setbacks provided they project by no more than 25% of the width of the required setback.
 - The front unit will have eaves above 3.0m extending into the roadside setback, rendering Rule 15.6.13.1(a)(viii)(6) not relevant.
- The front unit is considered to be a **restricted discretionary** activity pursuant to Rule 15.6.13.1(b).
- [21] Rule 15.6.13.1(a)(i) specifies side and rear boundary setbacks of 2.0m. The proposal will fail with the following:
- The stairs and part of the deck of the middle unit will encroach into the northeast side setback.
 - The eaves of the rear unit will encroach into the rear setback although it appears that the eaves will be lower than 3.0m and therefore, is permitted.
 - The stairs of the rear unit will encroach into the northeast side setback.

The middle and rear units are considered to be a **restricted discretionary** activity pursuant to Rule 15.6.13.1(b).

- [22] Rule 15.6.6.1(a) specifies that a height in relation to boundary requirement applies along all side and rear boundaries in the General Residential 1 zone at a plane rising at 45° measured from 2.5m above ground level at the boundary. The proposed development will fail to comply with the following:

- The apex of the middle unit will have a small encroachment into the height in relation to boundary plane in relation to the northeast boundary.

The middle unit is considered to be a **restricted discretionary** activity pursuant to Rule 5.6.6.1(b).

- [23] Rule 15.3.4.23 states that parking, loading and access development activities are permitted provided that they comply with the relevant performance standards. Rule 15.6.12 specifies that parking and access must comply with Rule 6.6. In this instance, the proposed parking and access areas will contravene the following development performance standards:

- Rule 6.6.1.1(a)(i) specifies an aisle width of 5.8m for car parking at 90°. The three parking spaces will have an aisle of 3.0m.

The parking is considered to be a **restricted discretionary** activity pursuant to Rule 6.6.1.1(f).

- Rule 6.6.3.8(a) requires a driveway serving more than one residential building to have a setback of at least 1.0m from a dwelling. The distance between the middle and rear units to the driveway formation is less than 1.0m.

The driveway is considered to be a **restricted discretionary** activity pursuant to Rule 6.6.3.8(b).

- [24] Should subdivision precede development, the above non-compliances will still be applicable given that they are contraventions in respect of external boundaries and the access provisions. The following additional contraventions will occur:

- [25] Rule 15.6.10.1 specifies a maximum site coverage of 40% and a maximum impermeable surfacing of 70%. The development will fail to comply with the following:

- The site coverage of Lots 2 and 3 will be 46% and 41% respectively. The impermeable surfacing of all lots will be less than 70%.

Activities which contravene this rule are considered to be **restricted discretionary** activities pursuant to Rule 15.6.10.3.

- [26] Rule 15.6.13.1(a)(i) specifies side and rear boundary setbacks of 2.0m. In addition to the above contraventions, the proposal will fail with the following:

- The south-west eaves of proposed Unit 2 will encroach into the side setback next to Lot 1.

Activities which contravene this rule are considered to be **restricted discretionary** activities pursuant to Rule 15.6.13.1(b).

- [27] Rule 15.6.6.1(a) specifies that a height in relation to boundary requirement applies along all side and rear boundaries in the General Residential 1 zone at a plane rising at 45° measured from 2.5m

above ground level at the boundary. In addition to the above contraventions, the proposed development will fail to comply with the following:

- Unit 2 will have a height in relation to boundary contravention in respect of the boundary shared with Lot 1.
- The application identifies Units 2 and 3 as having a height in relation to boundary contravention in respect of the right of way boundary. As the right of way is within Lot 3, there is no actual contravention occurring in respect of this unit.

The middle unit is considered to be a **restricted discretionary** activity pursuant to Rule 5.6.6.1(b).

Summary

- [28] Overall, the residential activity of the three units is considered to be a **non-complying** activity.

Variation 2

- [29] Variation 2 of the Proposed Plan was notified on 4 February 2021. The revised rules are not in effect and would not have any implications for the determination of the activity status of the proposal even if they were as the activity status is determined at the time of lodging the application with Council. Nevertheless, it is worth noting how the proposed development and subdivision compares with the proposed rules of Variation 2.
- [30] Minimum site area for a residential unit is proposed to be 400m², but a duplex can be built on a site of 500m². The subject site has an area of 719m². The density of the proposed development (three units) would still be considered a non-complying activity, even if two units are in a duplex. There is sufficient land available for one free-standing unit only, although two units could be built as a duplex.
- [31] However, Rule 15.5.2.4 (as proposed) will allow social housing in the General Residential 1 zone which contravenes density to be a restricted discretionary activity provided the proposal meets the density standard for the General Residential 2 zone of one habitable room per 45m² of site area. The proposal would meet the definition of social housing, and would meet the density provisions for the General Residential 2 zone, making it a restricted discretionary activity.
- [32] Minimum site size for subdivision is also 400m², but a duplex can be subdivided so as to place each unit on a site of 250m². Again, the new rules will make little difference to the activity status of the application which would remain non-complying. There is no special category for social housing with respect to subdivision.

Operative District Plan

- [33] For the most part, the relevant rules of the Proposed Plan for this zone and site have not been appealed and so the subdivision and land use rules of the Operative Plan have been superseded. They do not need to be considered as part of this development application.

National Environmental Standards

- [34] The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.

- [35] The applicant's agent has had a search of Council records undertake for this site (HAIL-2019-152). No HAIL activities were identified as a result of the search. Nevertheless, preliminary soil testing was undertaken on the property. The testing confirmed the presence of low levels of contamination from heavy metals, chemicals and asbestos, making the sites subject to the NES. Land use consent LUC-2019-662 was then issued on 17 April 2020 for the disturbance of soils under the NES regulations on a number of the applicant's properties, including the subject site of this proposal. No further consideration needs to be given to the development of 43 Perth Street with residential units as this is not a change of use and the disturbance of soils have already been addressed.
- [36] While LUC-2019-662 addressed the soil disturbance requirements under the NES as a discretionary activity, this proposal also involves the subdivision of the sites. The subdivision of the subject sites therefore needs consent under the NES, and is considered to be a **discretionary** activity pursuant to Regulation 11 of the NES.
- [37] There are no other National Environmental Standards relevant to this application.

Overall Status

- [38] Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.
- [39] In this case, the proposal is for separate, unlinked activities that do not overlap. As a result, each component has its own activity status, and must be considered separately in terms of the notification decision and also in terms of the substantive decision on whether consent should be granted.
- [40] The activity status of the subdivision is determined by the Proposed Plan and the NES, and is considered to be a **non-complying** activity. The activity status of the land use proposal is determined by the Proposed Plan and is considered to be a **non-complying** activity.

4. AFFECTED PARTIES

- [41] The written approval of the persons detailed in the table below has been obtained. In accordance with sections 95D(e) and 104(3)(a)(ii) of the Resource Management Act 1991, the Council cannot have regard to the effects of the activity on these persons.

Person	Owner	Occupier	Address	Obtained
Murray Gordon Adam & Kerry Joy Adam	✓	✓	45 Perth Street	21 July 2020
Barry Anderson	✓	✓	41 Perth Street	1 July 2020

No other persons are considered to be adversely affected by this proposal for the reasons given below in the section of Environmental Effects.

5. ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

- [42] Section 104(1)(a) of the Act requires that the consent authority have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in the section 3 as including-

- a) Any positive or adverse effect; and
- b) Any temporary or permanent effect; and
- c) Any past, present, or future effect; and
- d) Any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration or frequency of the effect, and also includes –
- e) Any potential effect of high probability; and
- f) Any potential effect of low probability which has a high potential impact.

- [43] An important consideration in the assessment of effects is the application of what is commonly referred to as the permitted baseline assessment. Rule 104(2)(b) allows a consent authority to disregard the effects of an activity if a rule permits an activity with that affect. The Council may choose to apply this process. This requires the establishment of what can occur as of right on the site (permitted activity), and overlays the existing lawfully established development of the site (*Bayley v Manukau City Council, Smith Chilcott Ltd v Auckland City Council, Arrigato Investments Ltd v Auckland Regional Council*). Any effect from an activity that is equivalent to that generated by an activity permitted by the District Plan need not be regarded.
- [44] Neither the Operative District Plan nor the Proposed District Plan ('Proposed Plan') allows any subdivision to occur as of right. All subdivisions are either restricted discretionary activities where the proposal meets all District Plan requirements, or either restricted discretionary or non-complying activities where the proposal does not. However, Council rarely declines consent for proposals that create new sites meeting the minimum lot size, access, servicing and other requirements of the District Plan. In such cases, the subdivision consent is a means of ensuring to Council's satisfaction that all necessary subdivision matters, e.g. hazards, access and infrastructure, are adequately addressed, and it is not an indication that Council is assessing whether or not the subdivision should proceed.
- [45] Residential activity is a permitted activity in the General Residential 1 zone at a density of not less than 500m² of site area per residential unit. A multi-unit development of three or more units is only permitted if the residential units can be subdivided onto separate lots while complying with site coverage, height in relation to boundary, setbacks and access requirements and there is at least 1500m² of site area. A development can have a maximum site coverage of 40%, or 70% if impermeable surfacing is included.
- [46] The subject site is large enough for one residential unit and family flat. Rule 15.4.4 states that family flats are not to be considered part of the permitted baseline when considering residential density i.e. a house and family flat are not equivalent to two residential units.
- [47] It is considered that this is the appropriate baseline against which the activity should be considered. As a result, it is the effects arising from the proposal, beyond the permitted baseline, that are the crucial elements for consideration.
- [48] The existing and reasonably foreseeable receiving environment is made up of:
- The existing environment and associated effects from lawfully established activities;
 - Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
 - The existing environment as modified by any resource consents granted and likely to be implemented; and
 - The environment as likely to be modified by activities permitted in the district plan.
- [49] The subject site has been used as a residential property in the past but is currently vacant land.

- [50] For adjacent land, the existing and reasonably foreseeable receiving environment comprises medium-density residential activity.
- [51] It is against these that the effects of the activity, beyond the permitted baseline, must be measured.
- [52] The following parts of this report represent my views on the effects of the proposal, having regard to the application, department comments, and my visit to the site.

Lot Size and Dimensions and Physical Limitations (Operative Plan 18.6.1(q) & 18.6.1(k); Proposed Plan 15.13.5.4)

- [53] The proposed subdivision will subdivide 712m² into three lots of 221m², 150m² and 347m² (168m² net). Lot 1 will front Perth Street along its southeast boundary. Lots 2 and 3 will be rear sites, with Lot 3 having a leg-in to Perth Street. All three lots will utilise this leg-in, via right of way if necessary, for access. New residential units are proposed for each of the new lots, to be built either before or after subdivision, or in sync with the subdivision.
- [54] The new lots will be 30% to 69% of minimum site size for the zone, therefore being significantly undersized. Leg-ins are not excluded from the calculation of minimum site size. Even if Variation 2 changes minimum site size to 400m², the lots will be only 37% to 87% of minimum site size.
- [55] The area of the lots will be less evident than the overall density as the three proposed units will read as a single development of three units regardless of the fee-simple subdivision. The subdivision proposal merely allows the units to be held in separate ownership. Nevertheless, the proposed subdivision will introduce fee-simple sites considerably smaller than minimum site size into Perth Street and the surrounding area and which will be a change the character of the area. Given the number of small lots being created, the subdivision will have the effect of cementing the fragmentation of the land resource to a degree not envisaged by General Residential 1 rules with sites well below 500m². This will potentially have a longer lasting effect than the buildings which may only be there for 50 years or less. Furthermore, the Perth Street area is very uniform in its site sizing and layout, so the proposed subdivision will not be representative in any way of the surrounding area.

Easements (Operative Plan 18.6.1(i))

- [56] There are no existing easements registered on the title of the subject site and the references on the title to other Acts of Parliament are unlikely to have any implications for this site or proposal.
- [57] A building line restriction 6179 restricts development of the subject site within 48' (14.6m) of the centreline of Perth Street. This affects the front 7.0m or so of the site, and will impact on the proposed position of the front unit which will be 4.5m from the front boundary. The applicant has not requested the cancellation of this building line restriction although it will be necessary if the front unit is to be built.
- [58] In respect of new easements, a new right of way will be needed over the driveway of Lot 3 in order to provide both Lots 1 and 2 with access rights. Lot 2, at least, will require service easements as well given that this lot has no frontage to legal road.

Infrastructure (Operative Plan 18.6.2(d), (e), (i), (j), (n), (o), & (p); Proposed Plan 15.11.4.1(c))

- [59] The Development Support Officer, Three Waters, has considered the application. She notes a review of Council's GIS mapping shows a 100mm diameter water supply pipe and a 150mm diameter stormwater pipe in Perth Street and a 225mm diameter stormwater pipe in Braemar Street.

Infrastructure requirements

[60] *Dunedin Code of Subdivision & Development 2010*

All aspects of this development shall be undertaken in accordance with the requirements of the Dunedin Code of Subdivision and Development 2010.

[61] *Water services*

The Dunedin City Council Water Bylaw 2011 sets out the requirements for connections to the water supply network.

Each lot must be serviced from an individual Point of Supply. There is an existing water connection to the property which can serve the front unit on Lot 1. For a new water connection or any change to an existing water connection, an "Application for Water Supply" is required. Proposed Plan Rule 9.3.7 requires that all services are laid at least 600mm into resultant sites. Therefore, when the connections the rear units on Lots 2 and 3 are established, the water supply pipe must be laid at least 600mm into the lots.

[62] *Firefighting requirements*

All aspects relating to the availability of water for firefighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies.

There are multiple fire hydrants within 135m from the development entrance. Based on SNZ PAS 4509:2008 a FW2 (25l/s) zone requires a fire hydrant within 135.0m and a second within 270.0m. There is a fire hydrant (WFH05826) directly opposite the development entrance and a second fire hydrant (WFH05827) 100m from the development entrance. The development is compliant with these fire hydrant requirements.

[63] *Stormwater services*

The new lots do not comply with minimum site size for a General Residential 1 zone, therefore a Stormwater Management Plan (SWMP) is required. Additionally, the development site is located in a Hazard 3 (flooding) zone.

A Stormwater Management Plan (SWMP) prepared by a suitably qualified person must be submitted to Dunedin City Council. These typically include the following:

- a. Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and
- b. An assessment of the current and proposed imperviousness of the site; and
- c. Secondary flow paths; and
- d. Any watercourses located within the property; and
- e. Proposed building floor levels, taking in to account the current issues with the Mosgiel flood levels; and
- f. Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and

The SWMP must be submitted and accepted by Three Waters prior to any construction commencing.

[64] *Wastewater services*

As the development is over-dense, in order to reduce water consumption and therefore the volume of wastewater generated, 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.

Maximum flow from this site at the allowable density is 1359 litres per day. The Development Support Officer notes that the proposed development will discharge at 1728 litres per day which would cause more than minor adverse effects on infrastructure. It is also noted that if the applicant were to build a single-bedroom unit and a two-bedroom unit, as suggested by Three Waters, combined with water saving devices, the effects on infrastructure would be considered no more than minor, and would be supported by Three Waters.

[65] The Development Support Officer recommended a number of conditions for consent should consent be granted.

[66] *Private Drainage*

The Technical Support Officer, Seepage Control Unit, considered the future drainage of the new lots. He notes that Lot 1 can connect to the Council-owned sewer in Perth Street, and stormwater can discharge to the kerb and channel in Perth Street.

The units on Lots 2 and 3 can also connect to the foul sewer in Perth Street and will discharge stormwater to the Perth Street kerb and channel. Easements might be required.

[67] *Summary*

Three Waters and Seepage Control have not identified any issues for this proposal subject to conditions and the requirement for a stormwater management plan.

Transportation (Operative Plan 18.6.1(c); Proposed Plan 15.11.4.1(f))

[68] Council's Planner – Transport has reviewed the application. He notes that Perth Street is a Local Road in the Proposed Plan's Road Classification Hierarchy.

Access

[69] Access to all three lots will be over a newly constructed driveway along the southwest side boundary of the subject site. There is an existing bevel kerb vehicle crossing in this location, with a concrete laneway between the footpath and the property boundary. The standard of the driveway within the road reserve is not recognised by Council's Transport department and will need to be upgraded in accordance with the Council's vehicle entrance specification.

[70] Within the property, the vehicle access will be at least 3.0m wide, which complies with Rule 6.6.3.9(a) for a driveway serving three residential properties. The driveway will widen where vehicles will need to use the driveway to manoeuvre onsite. The vehicle access must be a minimum 3.0m formed width, hard surfaced from the edge of the Perth Street road carriageway for its full duration, and be adequately drained. A formal agreement should be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

Parking and Manoeuvring

[71] Since the submission of the application and the assessment by Council's Planner – Transport, the NES for Urban Development has removed the requirement for on-site parking. Consequently, Variation 2 has deleted these requirements from the rules, effective immediately. However, should

on-site parking be provided, it is a requirement that it comply with the performance standards for parking and access.

- [72] The applicant proposes that one on-site car park be provided for each unit, representing compliance with Rule 15.5.8. The car parks will be arranged in a 90° format, perpendicular to the shared driveway, which will serve as the manoeuvring aisle. Rule 6.6.1.1.a.i requires a minimum aisle width of 5.8m, and for each car park to be at least 5.0m deep by 2.5m wide. The Planner – Transport notes that, in this instance, each car parking space complies with the requirements, but the available aisle width for each car park will be 5.0m, representing a shortfall of 0.8m. The driveway will be separated 0.3m from the western boundary fence, providing for additional overhang. In addition, each car parking space will be 3.4m wide, and the corners will be arced to assist with vehicle tracking.
- [73] It is understood that the swept paths that have been superimposed on the site plan replicate those of an 85th percentile motorcar. Those swept paths demonstrate that vehicles can enter/exit each car parking space using only a single reversing movement. In this instance, the Planner – Transport considers that, due to the increased width of the car parks and the inclusion of arcs, an 85th percentile motorcar will be capable of manoeuvring onsite without the need to undertake more than two reverse manoeuvres, as required by Rule 6.6.1.2.c.iii. On that basis, Transport considers the proposed car parking and manoeuvring arrangements to be suitable. For completeness, a condition is recommended to ensure compliance with this requirement.

Building Line Restriction

- [74] Although the applicant has not requested that the building line restricted registered on the title be cancelled, it will be necessary to do so if the front unit is to be built. The building line restriction impacts on the front 7.0m or so of the property. Council's Planner – Transport has considered the question of cancelling the building line restriction in respect of this property and notes:

'The unit will comply with the 2GP front yard setback rule so I do not have any objections to the removal of the BLR in this instance. I also note that the road corridor of Perth St is 15.0m and comprises existing infrastructure that would normally be expected for a Local Road such as this, including footpaths both sides, 7.0m road carriageway with parking permitted and established grass berms.'

Summary

- [75] Transport considers the effects of the proposed development and subdivision on the transportation network to be less than minor subject to conditions on the formation of the access, manoeuvring and parking areas.

Hazards (Operative Plan 18.6.1(t); Proposed Plan 15.11.4.1(b))

- [76] Section 6(h) of the Resource Management Act 1991 requires the Council to recognise and provide for the management of significant risks from natural hazards, as a matter of national importance. In addition, under section 106 of the Resource Management Act 1991, the Council may decline the subdivision consent, or it may grant the subdivision consent subject to conditions, if there is a significant risk from natural hazards.
- [77] The assessment of the risk from natural hazards requires a combined assessment of:
- (a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
 - (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*

(c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

[78] Council's Consulting Engineer, Stantec, has reviewed the application in relation to the Hazards Register, street files and available aerial photography. The Hazards Register identifies this land as being subject to:

- Hazard ID 10106 – Land Movement, Alluvial Fans Active Floodwater
- Hazard ID 10111 – Intensified shaking, Earthquake Likely Amplification
- Hazard ID 11407 – Seismic – Liquefaction Domain B
- Hazard ID 12074 – Flood Overland Flow Path (Upper Taieri Flood Level Including 500mm Freeboard)
- Hazard ID 11582 – Overland Flow Path Flood Area 20

[79] The ORC Lower Taieri Floodplain hazards (September 2006) identify the property within zone I – where "Existing protection is provided to a 100 year (1% AEP) flood level, and floors are to be set 200mm above flood level." This 200mm flooding relates to local ponding, and the dwelling should be set 200mm above any known local ponding levels.

[80] This report was revised and updated by the Otago Regional Council Report on Natural Hazards on the Taieri Plains, Otago, Engineering and Hazards Committee, July 2012. Figure 4.10 of this report places the property within Area 20 – Mosgiel, with the flood hazard characteristics defined for this area as follows:

'Mosgiel has limited exposure to flood hazard from the Silver Stream, Owhiro Stream, Quarry Creek, and from internal ponding. Because of its elevation it is not affected by the flood hazard of the Taieri River or the operation (or in-operation) of the Upper and Lower Ponds or by sea level. Part of this area was flooded in 1868 and 1923 (Figure 4.1).

'Floodbanks are located along the length of the Silver Stream, containing flows of 260m³/s (the assessed peak flow of the April 2006 event) or more on the Mosgiel (southern) side of the Silver Stream. As noted above, flow over the true right (northern) bank of the Silver Stream, downstream of Gordon Road, into Area 15 (thence Area 12) occurs when flows exceed about 170m³/s (the assessed threshold flow for the April 2006 event) (Figure 4.26).

'Surface flooding and runoff from the eastern hills can cause localized ponding, such as occurred in April 2006, especially in the industrial, southern part of the urban area near Quarry Creek. Quarry Creek has a history of flooding (OCB, 1974). The extent of localized ponding within urban Mosgiel is determined in part by the stormwater network which is designed to provide primary drainage to an urban standard.

'Part of the area is located within the East Taieri Drainage Scheme which provides land drainage to a rural standard (ORC, 2012c).'

[81] This report was further updated by ORC report: Flood hazard on the Taieri Plain, Review of Dunedin City District Plan: Natural hazards First revision: August 2015; with the following description:

'Most of the Mosgiel urban area is elevated slightly above the land on the northern side of Silver Stream (Figure 50) and the land to the south alongside the Owhiro Stream. As such, it has limited exposure to flood hazard from Silver Stream, Owhiro Stream, Quarry Creek, internal runoff from within Area 20, and downslope runoff from Area 21. The

floodbanks along the southern (true-left) side of Silver Stream are designed to contain flows that have an assessed return period of about 100 years.

'The characteristics of flood hazard (including depth, duration and velocity) within urban Mosgiel are determined in part by the capacity of the drainage network, and most of Area 20 is serviced by an urban standard storm-water network. Heavy-rainfall events that exceed the design capability of this network can result in internal runoff and ponding of floodwater (Figure 51).

'During periods of heavy rainfall, surface flooding and runoff from the eastern hills can cause localised ponding, especially in the industrial, southern part of the urban area, near Quarry Creek (ORC, 2013) (Figure 52). The flooding in the industrial area is not directly caused by Quarry Creek overtopping its true-right bank but is the result of an undersized stormwater network (Figure 53). The flooding is exacerbated by the location of the stormwater-network outlets discharging into Quarry Creek. When the water level in the creek is high, flood water can impede the stormwater discharge, and water can back up through the stormwater network causing flooding in the industrial area.'

- [82] The underlying geology of this site consists of alluvial material and is flat. The Consulting Engineer comments that the proposed earthworks for this development appear to be limited to access, service trenching and building platforms. The ground is predominantly underlain by poorly consolidated river or stream sediments with a shallow groundwater table.
- [83] Stantec recommends that the application not be declined on the grounds of known natural hazards. There are no general potential instabilities of concern, and the proposal is not expected to create or exacerbate instabilities on this or adjacent properties.
- [84] It is Stantec's usual practise to recommend that a minimum floor level be confirmed in order to ensure that any future development meets the Building Act 2004 requirements to avoid potential inundation (including flooding, overland flow, storm surge, tidal effects, and ponding) on the land on which the building work is to be carried out or adjacent landowners' property. The floor level should address the potential for egress of water from the property via secondary flow paths, ensure that construction is not proposed in low-lying areas and that the path of storm water is not displaced from ephemeral flow paths into neighbouring properties. Normal building requirements exist to ensure that overland stormwater flows are not interrupted and the dwelling should be situated to avoid any adverse effects from local ponding during storm rainfall events. As this proposal includes the development of three new residential units, the floor levels will be determined at the time of building consent application.
- [85] The site lies in an area where underlying soils have been identified as having potential for amplified movement and liquefaction during a significant seismic event. Stantec notes, generally speaking:
 - The cases for seismic loading are normally addressed at building control stage.
 - The Dunedin City Council Building Control Authority will ask for verification that the site is 'good ground' in accordance with NZS3604, Section 3.1.
 - Further to this, it is recommended that specific engineering design be required to address recognised potential liquefaction hazards.
 - Specific Engineering Design, or exclusion of liquefaction risk may require investigation testing to 10m depth to quantify the potential for liquefaction for each dwelling.
- [86] Stantec has recommended a number of conditions which are generic earthworks matters. As this subdivision consent does not include an earthworks element, the recommended conditions are better attached to the consent as advice notices.

Earthworks – (Operative Plan 17.7; Proposed Plan 8A.6)

- [87] This consent does not address any earthworks for this subdivision. Earthworks will be required for the service trenching, access construction and the building platforms; however, these are expected to fall within the permitted earthworks thresholds. Should future earthworks within the new lots breach the performance standards of Rule 8A of the Proposed Plan, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.

Cultural Impact (Proposed Plan 15.10.6.4)

- [88] The subject site is subject to a wahi tupuna mapped area. Given that the proposal is for the residential development of residential land, there is no reason to believe that the proposal will adversely affect the cultural values of manawhenua. It is recommended that there be an archaeological discovery advice notice on the consent in case future development disturbs previously unidentified archaeological material.

Waste Collection

- [89] Solid waste has considered the proposal from the perspective of recycling and refuse collection. It is noted that the subject sites sit within the residential kerbside collection area, and each unit will be eligible for kerbside recycling and refuse collection. Official DCC rubbish bags can be purchased through the DCC service centres or selected supermarkets. Recycling bins and glass crates will be supplied by the Council on application. The Waste & Environmental Solutions team do not foresee any issues with rubbish & recycling collections.

Boundary Setback (Operative Plan 8.13.3; Proposed Plan 15.10.4.1) & Height in Relation to Boundary (Proposed Plan 15.10.4.7)

- [90] The Proposed Plan requires buildings to be setback 4.5m from a roadside boundary and 2.0m from a side or rear boundary. Eaves are permitted to extend into a setback provided they are no higher than 3.0m and do not extend more than 25% of the width of the setback.
- [91] The eaves of the front unit of Lot 1 will be built within the front setback by an unspecified amount that appears to be approximately 0.3m judging from the elevation drawings. This is because the apex of the eaves will be higher than 3.0m and if not for this height, the eaves would be permitted. The effects of this encroachment will be confined to Lot 1 and the Perth Street streetscape. It is noted that the houses on Perth Street are generally set well back from their front boundaries (perhaps because of the building line restriction) so the proposed unit will be further forward on the site than neighbouring properties anyway. There are a number of properties with carports built in the front setbacks, including the property immediately to the east. The Council's Urban Designer has considered this element and notes, '*Unit 1 (front unit) would address the street with a gable and clearly defined front door while units 2 and 3 would be aligned east/west. In my view, this would be consistent with the existing environment.*'
- [92] The decking of the middle unit on Lot 2 will encroach into the side setback next to 41 Perth Street by a small amount, and there is a very small height in relation to boundary contravention in respect of the same neighbour. The stairs of the rear unit on Lot 3 will also extend into the same side setback. This neighbour has provided affected party approval, and accordingly, pursuant to section 104(3)(a)(ii), the Council must not have any regard to effects on this party. The side setback contravention is therefore acceptable.
- [93] The application identifies the eaves of the rear unit on Lot 3 encroaching into the rear setback next to the boundary shared with 61 Tay Street. In fact, the eaves are less than 3.0m high along this side

of the unit and it appears that the encroachment is actually in accordance with Rule 15.6.13.1(viii)(6). Following subdivision, the eaves of the unit on Lot 2 will encroach into the setback in relation to the boundary of Lot 1. If the unit is already built, this will not be a rule contravention (the rule is only in respect of new development and not existing development), but in any case, the effects will be confined to new Lots 1 and 2, both of which are part of this proposal.

- [94] The setback contraventions are not expected to have any adverse effects on neighbours' amenity or the residential character and amenity of the area. The contraventions are all relatively minor and the neighbours at 41 and 45 Perth Street have signed affected party approval forms so effects on these parties can be disregarded. The units are considered to integrate well with the residential neighbourhood.

Site Coverage (Proposed Plan 15.10.4.10)

- [95] The overall site coverage of three units on the subject site, and the area of impermeable surfaces, will comply with the requirements of the District Plan. However, once the units are subdivided onto their own sites, the units of Lots 2 and 3 will exceed site coverage by 6% (or 9m²) and 1% (or 2m²) although permeable surfacing will still be compliant. The effects of these site coverage contraventions will be largely confined to the site itself and the consequences arising for stormwater drainage given that there will be a larger area subject to runoff than the Proposed Plan intends.
- [96] The assessment matters of the Proposed Plan are currently confined to the effects on on-site amenity for residents and the effects on neighbourhood residential character and amenity. Variation 2 is seeking to introduce additional assessment matters to do with effects on stormwater but at this point in time, these cannot be directly considered. Three Waters has, however, asked for a stormwater management plan which seeks to manage stormwater runoff in a manner which minimises adverse effects on Council infrastructure based on infrastructure constraints.
- [97] The effects of the site coverage contraventions are not expected to have any adverse effects on amenity as the units overall are compliant and all three units are small buildings. It is merely the introduction of boundaries around the units which mean that Units 2 and 3 are non-compliant (but only if built after subdivision as existing development is not considered when subdividing). For these reasons, the site coverage of the units are considered to have effects which are less than minor.

Amenity Values and Character (Operative Plan 8.13.5; Proposed Plan 15.11.4.1(a))

- [98] The proposal is for a residential activity in a residential area, and in this regard, it reflects the amenity values of the zone and area. One means by which the District Plan seeks to maintain and enhance amenity values is through the density provisions. The Proposed Plan anticipates residential development at a density of one residential unit per 500m² of site area. This area of Mosgiel is very homogeneous in that properties range from 600m² to 800m², as a generalisation, and all have single residential units on-site. The General Residential 1 zone density is therefore maintained with a high degree of compliance across the immediate area and generally over the entire northwest corner of Mosgiel. The proposed development and subdivision is therefore well out of character for this location.
- [99] It is also noted that the proposal mimics a multi-unit approach to density and subdivision consistent with the Inner City Residential and General Residential 2 zones, which are the locations identified by the Proposed Plan for more intensified residential development. Objective 15.2.4 and Policy 15.2.4.2 require residential activity to be at a density that reflects the intended future character of the zone to maintain the amenity of the streetscape and the character of the neighbourhood. The proposed density is not considered to be at a level reflective of the zone or the existing environment. The proposed development departs significantly from the Proposed Plan's expectation for the General

Residential 1 zone. Therefore, although the proposal is for residential activity in a residential zone, the density of development is considered to have minor adverse effects on the environment.

NES

- [100] Although the search of Council records (HAIL-2019-152) did not identify any previous HAIL activities for this land, preliminary soil testing was undertaken on the applicant's properties. The testing confirmed the presence of low levels of contamination from heavy metals, chemicals and asbestos, making the sites subject to the NES.
- [101] Land use consent LUC-2019-662 was then issued on 17 April 2020 for the disturbance of soils under the NES regulations on a number of the applicant's properties including the subject site of this proposal. Council's Consulting Engineer, Stantec, commented in regards to this particular site:

'Soil sampling and analysis across the site did not reveal significant levels of contamination and no asbestos fibres were found in any of the samples. There appear to be areas of introduced fill on the property and some concentrations of lead and zinc in surface soils were elevated above Class A landfill acceptance criteria.

'T+T's conclusionss were that, if site redevelopment works are carried out in accordance with the generic CSMP prepared for the Kāinga Ora project works then an appropriate level of health and safety protection will be afforded for site workers, the general public and the eventual occupiers of the on-site high-density housing units proposed to be constructed on the property./

- [102] LUC-2019-662 was issued with the requirement for all soil disturbance to be undertaken in accordance with the Ground Contamination Site Management Plan (GCSMP) attached to that consent. The matter of soil disturbance under the NES has already been addressed for this site. However, the NES also requires consideration of HAIL sites as part of subdivision or change in land use. This site is a former residential site with the new residential activity occupying land previously developed with a single residential unit. Therefore, no change in land use is introduced to this land. The subdivision proposal does not meet the requirements for a permitted subdivision under the NES, and accordingly, resource consent is required. Given that the soil disturbance matters, being the activity most closely related to the soil management on this land, has already been addressed by LUC-2019-662, consent for subdivision is largely a formality that does not require any additional soil sampling or management.

Summary

- [103] The proposal is for residential activity in a residential zone, and the three units proposed will be typical single-bedroom townhouses which have only small bulk and location non-compliances. The most departments of Council have not identified any real concerns about the proposal. In this respect, the effects of the proposal will be less than minor.
- [104] The density of development, however, is greater than that anticipated for the General Residential 1 zone and is completely inconsistent with the surrounding residential development in this street and general area of Mosgiel. Three Waters also has issues with drainage and has recommended that only two units be constructed on this land in order not to exacerbate existing problems with drainage. For these reasons, it is my view that the effects of the proposal overall will be more than minor.

6. OBJECTIVES AND POLICIES ASSESSMENT (Section 104(1)(b))

- [105] Section 104(1)(b) requires the consent authority to have regard to any relevant objectives, policies and rules of a plan or proposed plan. The Dunedin City Council is currently operating under the

provisions of both the Dunedin City District Plan and Proposed Plan. As such, the objectives and policies of both Plans need to be taken into account as well as any new objectives and policies of Variation 2 (these being relevant at the time of assessment whether in effect or not). The following section of the report assesses the proposal against the relevant objectives and policies of both plans.

Dunedin City District Plan

Sustainability

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 4.2.1	Enhance the amenity values of Dunedin.	The proposal is for residential development in a residential area, and in this regard the proposal will maintain the amenity values of Mosgiel. However, the density of development is not characteristic of the Residential 1 zone, nor this particular area of Mosgiel. The proposal is considered to be inconsistent with this objective and policy.
Policy 4.3.1	Maintain and enhance amenity values.	
Objective 4.2.2	Ensure that the level of infrastructural services provided is appropriate to the potential density and intensity of development and amenity values.	The Three Waters Group does not support the proposal on the basis that the development will not be sustainable use of the wastewater services. There will be more residents on-site that the District Plan anticipates, with consequences for the use of Council's infrastructure. The proposal is considered to be inconsistent with these objectives and policies.
Policy 4.3.2	Avoid developments which will result in the unsustainable expansion of infrastructure services.	
Objective 4.2.3	Sustainably manage infrastructure.	
Policy 4.3.5	Require the provision of infrastructure at an appropriate standard.	
Objective 4.2.4	Ensure that significant natural and physical resources are appropriately protected.	There are no significant natural or physical resources to consider at this subject site beyond the land resource which is a residential section in a residential area. The proposal is considered to be consistent with this objective and policy.
Policy 4.2.4	Provide for the protection of the natural and physical resources of the City commensurate with their local, regional and national significance.	
Policy 4.3.7	Use zoning to provide for uses and development which are compatible within identified areas.	The residential use of the subject site is consistent with the zoning of the property and is therefore appropriate for this property, but the density of development will be significantly greater than anticipated by the District Plan. The proposal is considered to be inconsistent with these policies.
Policy 4.3.8	Avoid the indiscriminate mixing of incompatible uses and developments.	
Policy 4.3.9	Require consideration of those uses and developments which: - Could give rise to adverse effects. - Give rise to effects that cannot be identified or are not sufficiently understood at the time of preparing or changing the District Plan.	This is a policy concerned with process. The application has been considered in terms of these matters during the writing of this report. The issue of consistency with the policy has little meaning beyond this.

Manawhenua

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 5.2.1	Take into account the principles of the Treaty of Waitangi in the management of the City's natural and physical resources.	The proposal has been assessed using the protocol established between Kai Tahu ki Otago and the

Policy 5.3.2	Advise Manawhenua of application for notified resource consents, plan changes and designations.	Dunedin City Council. The proposal is considered to be consistent with this objective and policy.
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Residential

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 8.2.1	Ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied or mitigated.	The proposal is considered to be inconsistent with this objective and policy. The residential use of the site is anticipated, but not at the density proposed. The proposed development is out of character for the zone and this particular area.
Policy 8.3.1	Maintain or enhance the amenity values and character of residential areas.	
Objective 8.2.4	Ensure that the existing urban service infrastructure servicing residential areas is sustained for the use of future generations.	The proposal is considered to be inconsistent to this objective and policy. The development will be over dense and Three Waters has identified issues with the wastewater drainage. Three Waters has recommended reducing the proposed development to two residential units which would be acceptable to that department although still over dense.
Policy 8.3.4	Ensure that the density of new development does not exceed the design capacity of the urban service infrastructure.	

Hazards

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 17.2.3	Earthworks in Dunedin are undertaken in a manner that does not put the safety of people or property at risk and that minimises adverse effects on the environment.	There is no expectation that the proposed earthworks will contravene any rule and this consent does not address earthworks. Nevertheless, there will be no risk to the safety of people or property as a result of the proposed development of this land. The proposal is considered to be consistent with this objective and policy.
Policy 17.3.9	Control earthworks in Dunedin according to their location and scale.	

Transportation

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 20.2.1	Avoid, remedy, or mitigate adverse effects on the environment arising from the establishment, maintenance, improvement and use of the transportation network.	The proposed development will have on-site car parking for each unit. Transport has assessed the proposal and has not identified any issues for the safe and efficient operation of the transportation network. The proposal is considered to be consistent with these objectives and policies.
Policy 20.3.1	Avoid, remedy or mitigate the adverse effects on the environment of establishing, maintaining, improving or using transport infrastructure.	
Policy 20.3.2	Provide for the maintenance, improvement and use of public roads.	
Objective 20.2.2	Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.	
Policy 20.3.4	Ensure traffic generating activities do not adversely affect the safe, efficient and effective operation of the roading network.	

Objective 20.2.4	Maintain and enhance a safe, efficient and effective transportation network.	
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Proposed Second Generation District Plan

Transportation

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 6.2.2	Land use activities are accessible by a range of travel methods.	The three proposed units will each have a single car parking space on-site. This is no longer a requirement of the Proposed Plan and there is little parking pressure on Perth Street. Nevertheless, the proposed parking will serve adequately to meet likely parking needs for the associated residential activity. The proposal is considered to be consistent with this objective and policy.
Policy 6.6.2.1	Require land use activities whose parking demand either cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities to provide car parking either on or near the site at an amount that is adequate to: 1. avoid excessive pressure on publicly available parking in the vicinity of the site (including on-street parking and off-street facilities); 2. avoid or, if avoidance is not possible, adequately mitigate adverse effects on the availability of public parking in the vicinity of the site (including on-street parking and off-street facilities); and 3. ensure accessibility for (as relevant) residents, visitors, customers, staff and students who have limited mobility, including disabled people, the elderly and people travelling with young children.	
Objective 6.2.3	Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.	The proposal has been assessed by DCC Transport. No issues with the safe and efficient operation of the transportation network have been identified. The proposal is considered to be consistent with this objective and policy.
Policy 6.2.3.4	Require land use activities to provide the amount of car parking space necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible, adequately mitigated.	
Policy 6.2.3.9	Only allow land use, development, or subdivision activities that may lead to land use or development, where there are no significant effects on the safety and efficiency of the transport network.	
Objective 6.2.4	Parking areas, loading areas and vehicle accesses are designed and located to: 1. provide for the safe and efficient operation of both the parking or loading area and the transport network; 2. facilitate the safe and efficient functioning of the transport network and connectivity for all travel methods.	The on-site parking and access will be designed so as to facilitate the safe and efficient functioning of the transportation network. The proposal is consistent with this objective and policies.

Policy 6.2.4.1	Require parking and loading areas, including associated manoeuvring and queuing areas, to be designed to ensure: 1. the safety of pedestrians travelling on footpaths and travelling through parking areas; 2. that vehicle parking and loading can be carried out safely and efficiently; 3. that any adverse effects on the safe and efficient functioning of the transport network is avoided, or if avoidance is not possible, would be no more than minor; 4. the safe and convenient access to and from parking and loading areas for vehicles, pedestrians and cyclists; and 5. that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths.	
Policy 6.2.4.2	Require all driveways to be designed to ensure: 1. the surfacing and gradient of the driveway allows it to be used safely and efficiently; 2. that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths. 3. the width of the driveway is sufficient to allow the type and number of vehicles likely to be using it to do so safely and efficiently; and 4. sufficient distance is provided between shared driveways and dwellings.	

Public Health and Safety

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 9.2.1	Land use, development and subdivision activities maintain or enhance the efficiency and affordability of water supply, wastewater and stormwater public infrastructure.	The Three Waters Group has advised that there are capacity issues for the wastewater drainage from this site, and the proposed density of development will place pressure on this existing infrastructure. This objective and policy is more directive than the equivalent provision in the operative District Plan and consequently, the proposal is considered to be inconsistent with this objective and policy.
Policy 9.2.1.1	Only allow land use or subdivision activities that may result in land use or development activities where: 1. in an area with water supply and/or wastewater public infrastructure, it will not exceed the current or planned capacity of that public infrastructure or compromise its ability to service any activities permitted within the zone; and 2. in an area without water supply and/or wastewater public infrastructure, it will not lead to future pressure for unplanned expansion of that public infrastructure.	
Policy 9.2.1.2	Require development in the residential zones and the Mercy Hospital, Wakari Hospital, Moana Pool and Schools zones to provide	The Proposed Plan allows for 70% of a General Residential 1 site to be covered by buildings and impermeable surfaces. The proposed development

	adequate permeable areas to enable a reasonable level of rain water ground absorption.	will meet this overall requirement. The proposal will be consistent with this policy.
Policy 9.2.1.5	Require earthworks to be designed to ensure adverse effects from sediment run-off from the site on any drains, channels, soakage and treatment systems or stormwater reticulation will be avoided or, if avoidance is not possible, would be insignificant.	The proposed earthworks are not expected to contravene any rules. Any earthworks undertaken will need to comply with a sediment control plan. The proposed earthworks are expected to be consistent with this policy.
Objective 9.2.2	Land use, development and subdivision activities maintain or enhance people's health and safety.	The proposal is for residential activity in a residential zone, and accordingly, the effects generally are consistent with the expectations of the zoning. In this case, there will be a density breach possibly resulting in too many residents for this size based on the District Plan and Proposed Plan specifications although the three units are all single bedroom units and could be considered comparable to a typical three-bedroom house. The proposal is considered to be consistent with this objective and policy.
Policy 9.2.2.1	Require activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not possible, ensure any adverse effects would be insignificant.	
Policy 9.2.2.9	Require all new residential buildings, or subdivisions that may result in new residential buildings, to have access to suitable water supply for fire-fighting purposes.	The proposal will be consistent with this policy.

Natural Hazards

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 11.2.1	The risk from natural hazards, including climate change, is minimised, in the short to long term.	There is no reason to suppose that the proposed new housing will be at risk of natural hazards including climate change. The proposal is considered to be consistent with this objective.
Policy 11.2.1.12	In all hazard overlay zones, or in any other area that the DCC has good cause to suspect may be at risk from a natural hazard (including but not limited to a geologically sensitive mapped area (GSA)), only allow earthworks - large scale or subdivision activities where the risk from natural hazards, including on any future land use or development, will be avoided, or no more than low.	The subject site is in a known hazard area but it is for low risk flooding common across Mosgiel. It is accepted that the risks from this hazard can be adequately mitigated through controls on minimum floor level (applied at the building consent stage) and management of stormwater. On the basis of known information, the proposal is considered to be consistent with this policy.

Residential zones

	<u>Objective/Policy</u>	<i>Is the proposal Consistent with or Contrary to the Objective?</i>
Objective 15.2.1	Residential zones are primarily reserved for residential activities and only provide for a limited number of compatible activities, including: visitor accommodation, community activities, major facilities, and commercial activities that support the day-to-day needs of residents.	The subject site is to be used for residential activity, albeit not at a density compliant with the District Plan or Proposed Plan. This consent is not for commercial residential use. The proposal is considered to be consistent with this objective and policy.
Policy 15.2.1.1	Provide for a range of residential and community activities, where the effects of these activities can be managed in line with	

	objectives 15.2.2, 15.2.3, 15.2.4, and 15.2.5 and their policies.	
Objective 15.2.2	Residential activities, development, and subdivision activities provide high quality on-site amenity for residents	The new units will have outdoor living space and will be separated by appropriate distances. There will be slight bulk and location contraventions between the units but overall, the proposal will meet the Proposed Plan requirements except for density. The proposal is considered to be consistent with this objective and policy.
Policy 15.2.2.1	Require residential development to achieve a high quality of on-site amenity by: 1. providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, and recreation; 2. having adequate separation distances between residential buildings; 3. retaining adequate open space uncluttered by buildings; and 4. having adequate space available for service areas.	
Objective 15.2.3	Activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.	The proposed units will have small bulk and location contraventions in respect of external boundaries of the subject site. The adjoining neighbours to the northeast and southwest have provided affected party approval, and accordingly, Council must not have regard to effects on these parties. The proposal is considered to be consistent with this objective and policy.
Policy 15.2.3.1	Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces.	
Objective 15.2.4	Subdivision activities and development maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.	The units will be arranged in sequence, one behind the other, so only the front unit will be readily visible from the street. The unit will be small, as are many of the Perth Street houses, but will be positioned further forward than most other houses. It will maintain the front setback required by the Proposed Plan except for the higher portion of the eaves, but will require the existing building line restriction to be cancelled. The parking will be placed to the rear of the front unit and there will be no dominant garaging on this site. The proposal is considered to be consistent with this objective and policy.
Policy 15.2.4.1	Require development to maintain or enhance streetscape amenity by ensuring: 1. garages, carports and car parking do not dominate the street; 2. there are adequate areas free from buildings or hard surfacing; 3. buildings' height, boundary setbacks, and scale reflect the existing or intended future residential character; 4. shared service areas are not visible from ground level from outside the site; and 5. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects.	
Policy 15.2.4.2	Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone.	The proposed development will be at a density which exceeds the character of development present in the existing environment or anticipated within the zone. The location of the site is within an area of Mosgiel with a high degree of uniformity in terms of single dwellings on sites of at least 500m ² . The proposal is contrary to this policy.
Objective 15.2.5	Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on: 1. visual amenity and character;	Any earthworks associated with the development of the site are expected to fall within the permitted thresholds. NES matters have already been addressed by LUC-2019-662. As such, the proposal is considered to be consistent with this objective and these policies.

	2. the stability of land, buildings, and structures; and 3. surrounding properties.	
Policy 15.2.5.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: 1. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and 2. using a batter gradient that will be stable over time.	
Policy 15.2.5.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: 1. limiting the scale of earthworks that are provided for as a permitted activity; and 2. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.	
Policy 15.2.5.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: 1. adverse effects on visual amenity and character; 2. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and 3. adverse effects on the stability of land, buildings, and structures.	

[106] As the relevant rules of the Proposed Plan are beyond challenge, the objectives and policies of the Proposed Plan have been given the greater weight. The proposal is generally consistent with the objectives and policies except those concerning density where it is contrary to the provisions. The proposal is consistent with many objectives and policies of the Operative District Plan, but is inconsistent with those to do with amenity values where influenced by the density of development.

Assessment of Regional Policy Statement and Plans

[107] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. The Regional Policy Statement for Otago was made operative in October 1998. It is currently under review and the Proposed Regional Policy Statement was notified on 23 May 2015. The Hearing Panel decisions on the Proposed Regional Policy Statement were released on 1 October 2016. 26 notices of appeal were then received and the parties are now in the mediation period. Any issues not resolved through mediation will become the subject of an Environment Court hearing.

- [108] The proposal is considered to be consistent with the relevant objectives and policies of the following chapters of the Regional Policy Statement for Otago: 4: Manawhenua, 5: Land, 9: Built Environment, and 11: Natural Hazards.
- [109] The proposal is also considered to be consistent with the following relevant objectives and policies of the Proposed Regional Policy Statement:
- Objective 1.1: Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago.
 - Policy 1.1.2: Economic wellbeing.
 - Policy 1.1.3 Social and cultural wellbeing and health and safety.
- [110] The proposal is considered to be inconsistent or contrary to the following objectives and policies of the Proposed Regional Policy Statement.
- Objective 4.3: Infrastructure is managed and developed in a sustainable way.
 - Policy 4.3.1: Managing infrastructure activities.
- [111] In light of the above matters, the proposal is considered to be generally consistent with the relevant objectives and policies of the statement. While there is some conflict with the statement in relation to infrastructure, the reference of these policy provisions to a small scale infill development in an established urban area is limited.

7. DECISION MAKING FRAMEWORK

Part II Matters

- [112] Based on the findings above, it is evident that the proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of consent would promote the sustainable management of Dunedin's natural and physical resources.

Other Matters

- [113] Section 104(1)(c) of the Resource Management Act 1991 requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matters of precedent and Plan integrity are considered relevant here. These issues have been addressed by the Environment Court (starting with *Russell v Dunedin City Council* C092/03) and case law now directs the Council to consider whether approval of a non-complying activity will create an undesirable precedent. Where a plan's integrity is at risk by virtue of such a precedent, the Council is required to apply the 'true exception test'. This is particularly relevant where the proposed activity is contrary to the objectives and policies of the district plan and/or the proposed district plan.
- [114] There is a significant risk that the granting of consent for an over-dense General Residential 1 development and subdivision will undermine the integrity of the Plan. While there is a social housing element to the proposal, the Proposed Plan does not differentiate between state, public or private developers when assessing housing proposals at this time. Variation 2 is proposing to introduce a social housing element to the residential areas where a development will be permitted provided it meets the density provisions of the General Residential 2 zone (regardless of whichever zone it is in). However, this rule is not in effect and there is no certainty at this time when or if it will come into force. It is certainly premature to have the recently notified rule influence the decision making for this development and subdivision proposal which it remains subject to the submission process.

- [115] This particular area of Mosgiel is very homogenous in its character. Sites are predominantly (if not always) over 500m² and have one residential unit. If consent were to be granted for this proposal, other developers would have a reasonable expectation to be able to develop other sites in a like fashion, creating significant change to the General Residential 1 zone and putting Mosgiel's wastewater and stormwater infrastructure under pressure from a density of development not anticipated when it was constructed. Furthermore, while the applicant might be a social housing provider currently, the subdivision of the units onto their own sites will facilitate the individual sale of these units. Council will have no means of ensuring the on-going use of the units for social housing. Even if Council were to personalise the consent to Kaianga Ora, the reality is once the units are built, it is unlikely they will be removed in the foreseeable future regardless of whether Kaianga Ora is the owner or not.
- [116] For these reasons, it is my view that the proposal will have significant implications for the integrity of the Proposed Plan.

Section 104

- [117] Section 104(1)(a) states that the Council shall have regard to any actual and potential effects on the environment of allowing the activity. Section 5.0 of this report assessed the environmental effects of the proposed development and concluded that the effects on the environment of the proposal will be less than minor except in regards to the amenity effects relating to density of development. These will be more than minor adverse effects because they will change the character, or have the potential to change the character, of the General Residential 1 zone of Mosgiel.
- [118] Section 104(1)(b) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. Section 6.0 concluded that the proposed variation is considered to be consistent the relevant objectives and policies of the Proposed Plan and Operative District Plan except where contrary to the objectives and policies concerned with density.
- [119] Section 104(1)(b) requires the Council to have regard to any relevant regional policy statement or regional plan. In paragraphs [] and [] of this report it was concluded that the application is consistent with the relevant objectives and policies of the Regional Policy Statement for Otago and the Proposed Regional Policy Statement for Otago.

Section 104D

Section 104D of the Resource Management Act 1991 specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the district plan and the proposed district plan. In light of the challenges presented by the proposed density of development and subdivision, it is considered that the proposal will not meet either limb of the Section 104D test although the proposal is not contrary to any objectives and policies of the Operative District Plan. Any argument to grant consent on this basis is weakened by the fact that none of the Operative District Plan rules are currently in effect. Therefore, the Council can exercise its discretion under section 104D to grant consent.

8. RECOMMENDATION

SUB-2020-59

Pursuant to Part 2 and sections 34A(1), 104, 104B and 104D of the Resource Management Act 1991, the Proposed Second Generation Dunedin City District Plan, and the Resource Management (National

*Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 the Dunedin City Council **declines** consent to a **non-complying** activity being subdivision of the land legally described as Lot 14 DP 7453 (RT OT9B/112) at 43 Perth Street, Mosgiel, into three residential lots.*

LUC-2020-175

*Pursuant to Part 2 and sections 34A(1), 104, 104B and 104D of the Resource Management Act 1991, and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **declines** consent to a **non-complying** activity being the three-unit development of the land legally described as Lot 14 DP 7453 (RT Ot9B/112) or on Lots 1, 2 and 3 SUB-2020-59, at 43 Perth Street, Mosgiel.*

and

That, having taken into account:

- *The interests of any person who may be adversely affected by the time extension,*
- *The interests of the community in achieving an adequate assessment of effects of a proposal, policy statement or plan, and*
- *Its duty under section 21 to avoid reasonable delay,*

the Council has, pursuant to sections 37A(2)(b) and 37A(4)(b)(ii) of the Resource Management Act 1991, extended the requirement outlined in section 115 regarding the time in which notification of a decision must be given after the date the application was first lodged with the Council.

9. REASONS FOR RECOMMENDATION

1. It is my opinion that any actual or potential adverse effects on the environment from the proposed development and subdivision of 43 Perth Street, Mosgiel, will be more than minor for the following reasons:
 - a) Neither the Operative District Plan nor the Proposed Plan anticipates more than one residential unit on this land. The three proposed units are therefore significantly over-dense for this site and are not reflective of the immediate neighbourhood. The rules of Variation 2 propose a greater density of development for this zone but still do not anticipate three units on this site except as social housing. While the proposal is considered to be social housing, Variation 2 is not in effect and the relevant rules might not ever become operative.
 - b) Three Waters have concern about stormwater and wastewater drainage. While the stormwater discharge can be managed by on-site retention, thereby mitigating adverse effects, the calculated rate of wastewater discharge cannot be managed to the same degree. Three Waters does not support the proposal in its current form and have recommended that only two units be constructed rather than three.
2. The subject site is one of hundreds, or maybe thousands, of comparable sites in Mosgiel where there is a land area of 500m² to 1000m² and only one existing residential unit. Currently, the lots cannot be developed or subdivided so as to create a second residential unit. Given that the Proposed Plan does not differentiate between State, public or private developers, there is the risk that the granting of consent for three units will set an undesirable precedent where any other developer would have a reasonable expectation to be able to develop any other comparable site in a similar fashion. The minimum site size and density rules of the Proposed Plan for the General Residential 1 zone will be completely undermined.
3. The proposal is contrary to the Proposed Plan objectives and policies in respect to density of development. The proposed development will not reflect the present character of the area, nor

will it be in accordance with the intended character as set out by the zoning and Plan rules. While the Operative District Plan objectives and policies are more accommodating to this proposal, the Operative District Plan rules have been superseded by the respective Proposed Plan rules and therefore the objectives and policies have been given limited weighting.

4. The proposal does not meet either branch of the section 104D test and, in my opinion, the Council is not in a position to consider granting consent. This is only in respect to the density of development, with the residential use of the site being considered appropriate otherwise.

Report prepared by:



Lianne Darby
Planner

12 February 2021

Date

Report checked by:



Campbell Thomson
Senior Planner

12 February 2021

Date

APPENDIX A

APPLICATION



Application Form for a Resource Consent

50 The Octagon, PO Box 5045, Moray Place
Dunedin 9058, New Zealand
Ph 03 477 4000 | www.dunedin.govt.nz

PLEASE FILL IN ALL THE FIELDS

Application details

I/We Kainga Ora (Housing New Zealand Limited) (must be the FULL name(s) of an individual or an entity registered with the New Zealand Companies Office. Family Trust names and unofficial trading names are not acceptable: in those situations, use the trustee(s) and director(s) names instead) hereby apply for:

☒ Land Use Consent ☒ Subdivision Consent

I opt out/~~do not opt out~~ (delete one) of the fast-track consent process (only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity: To establish, use and maintain 3 residential units (1 room/unit) along with matters of non-compliance and 3 lot subdivision.

Have you applied for a Building Consent? ☐ Yes, Building Consent Number ABA _____ ☒ No

Site location/description

I am/We are the: ☒ owner ☐ occupier ☐ lessee ☐ prospective purchaser of the site (tick one)

Street Address of Site: 43 Perth Street, Mosgiel

Legal Description: Lot 14 DP 7452

Certificate of Title: OT9B/112

Contact details

Name: Conrad Anderson --(applicant/agent (delete one))

Address: PO Box 5933, Dunedin Postcode: 9058

Phone (daytime): 0272520141 Email: conrad_a@xtra.co.nz

Chosen contact method (this will be the first point of contact for all communications for this application)

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

Address for invoices or refunds (if different from above)

Name: _____

Address: _____

Bank details for refunds

Bank Account Name: Anderson & Co (Otago) Limited

Account Number:

0	3
---	---

0	9	0	5
---	---	---	---

0	1	7	0	4	8	5
---	---	---	---	---	---	---

0	0
---	---

Bank Branch

Account Number

Suffix

Ownership of the site

Who is the current owner of the site? Kainga Ora (Housing New Zealand Limited)

If the applicant is not the site owner, please provide the site owner's contact details:

Address: _____ Postcode: _____

Phone (daytime): _____ Email: _____

Occupation of the site

Please list the full name and address of each occupier of the site: The site is vacant

Monitoring of your Resource Consent

To assist with setting a date for monitoring, please estimate the date of completion of the work for which Resource Consent is required. Your Resource Consent may be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your Resource Consent, if granted, may be monitored three years from the decision date).

Dec 2020 _____ (month and year)

Monitoring is an additional cost over and above consent processing. You may be charged at the time of the consent being issued or at the time monitoring occurs. Please refer to City Planning's Schedule of Fees for the current monitoring fee.

Detailed description of proposed activity

Please describe the proposed activity for the site, giving as much detail as possible. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please provide proposed site plans and elevations.

Refer attached AEE

Description of site and existing activity

Please describe the existing site, its size, location, orientation and slope. Describe the current usage and type of activity being carried out on the site. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please also provide plans of the existing site and buildings. Photographs may help.

Refer attached AEE

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? Refer attached AEE

Are there any overlaying District Plan requirements that apply to the site e.g. in a Landscape Management Area, in a Townscape or Heritage Precinct, Scheduled Buildings on-site etc? If unsure, please check with City Planning staff.

Refer attached AEE

Breaches of district plan rules

Please detail the rules that will be breached by the proposed activity on the site (if any). Also detail the degree of those breaches. In most circumstances, the only rules you need to consider are the rules from the zone in which your proposal is located. However, you need to remember to consider not just the Zone rules but also the Special Provisions rules that apply to the activity. If unsure, please check with City Planning staff or the Council website.

Refer attached AEE

Affected persons' approvals

I/We have obtained the written approval of the following people/organisations and they have signed the plans of the proposal:

Name: _____

Address: _____

Name: _____

Address: _____

Please note: You must submit the completed written approval form(s), and any plans signed by affected persons, with this application, unless it is a fully notified application in which case affected persons' approvals need not be provided with the application. If a written approval is required, but not obtained from an affected person, it is likely that the application will be fully notified or limited notified.

Assessment of Effects on Environment (AEE)

In this section you need to consider what effects your proposal will have on the environment. You should discuss all actual and potential effects on the environment arising from this proposal. The amount of detail provided must reflect the nature and scale of the development and its likely effect. i.e. small effect equals small assessment.

You can refer to the Council's relevant checklist and brochure on preparing this assessment. If needed there is the Ministry for the Environment's publication "A Guide to Preparing a Basic Assessment of Environmental Effects" available on www.mfe.govt.nz. Schedule 4 of the Resource Management Act 1991(RMA) provides some guidance as to what to include.

Refer attached AEE

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have/have not (delete one) been applied for:

☐ Water Permit ☐ Discharge Permit ☐ Coastal Permit ☐ Land Use Consent for certain uses of lake beds and rivers ☒ Not applicable

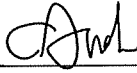
Declaration

I certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

I accept that I have a legal obligation to comply with any conditions imposed on the Resource Consent should this application be approved.

Subject to my/our rights under section 357B and 358 of the RMA to object to any costs, I agree to pay all the fees and charges levied by the Dunedin City Council for processing this application, including a further account if the cost of processing the application exceeds the deposit paid.

Signature of ~~Applicant~~/Agent (delete one): _____



17/4/20

Date: _____

Privacy – Local Government Official Information and Meetings Act 1987

You should be aware that this document becomes a public record once submitted. Under the above Act, anyone can request to see copies of applications lodged with the Council. The Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld, the Council will make a decision following consultation with you. If the Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen.

Please advise if you consider it necessary to withhold your application, or parts of it, from any persons (including the media) to (tick those that apply):

- ☐ Avoid unreasonably prejudicing your commercial position
- ☐ Protect information you have supplied to Council in confidence
- ☐ Avoid serious offence to tikanga Maori or disclosing location of waahi tapu

What happens when further information is required?

If an application is not in the required form, or does not include adequate information, the Council may reject the application, pursuant to section 88 of the RMA. In addition (section 92 RMA) the Council can request further information from an applicant at any stage through the process where it may help to a better understanding of the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated. The more complete the information provided with the application, the less costly and more quickly a decision will be reached.

Fees

Council recovers all actual and reasonable costs of processing your application. Most applications require a deposit and costs above this deposit will be recovered. A current fees schedule is available on www.dunedin.govt.nz or from Planning staff. Planning staff also have information on the actual cost of applications that have been processed. This can also be viewed on the Council website.

Development contributions

Your application may also be required to pay development contributions under the Council's Development Contributions Policy. For more information please ring 477 4000 and ask to speak to the Development Contributions Officer, or email [development.contributions@dcc.govt.nz](mailto:contributions@dcc.govt.nz).

Further assistance

Please discuss your proposal with us if you require any further help with preparing your application. The Council does provide pre-application meetings without charge to assist in understanding the issues associated with your proposal and completing your application. This service is there to help you.

Please note that we are able to provide you with planning information but we cannot prepare the application for you. You may need to discuss your application with an independent planning consultant if you need further planning advice.

City Planning Staff can be contacted as follows:

In Writing: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

In Person: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon

By Phone: (03) 477 4000, Fax: (03) 474 3451

By Email: planning@dcc.govt.nz

There is also information on our website at www.dunedin.govt.nz.

Information requirements (two copies required)

- ☒ Completed and Signed Application Form
- ☒ Description of Activity and Assessment of Effects
- ☒ Site Plan, Floor Plan and Elevations (where relevant)
- ☒ Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- ~~☐ Written Approval~~
- ~~☐ Forms and plans and any other relevant documentation signed and dated by Affected Persons~~
- ☒ Application Fee (cash, cheque or EFTPOS only; no Credit Cards accepted)
- ☒ Bank account details for refunds

In addition, subdivision applications also need the following information

- ☐ Number of existing lots.
- ☐ Number of proposed lots.
- ☐ Total area of subdivision.
- ☐ The position of all new boundaries.

In order to ensure your application is not rejected or delayed through requests for further information, please make sure you have included all of the necessary information. A full list of the information required for resource consent applications is in the Information Requirements Section of the District Plan.

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information and adequate assessment of effects)?

☐ Yes ☐ No

Application: ☐ Received ☐ Rejected

Received by: ☐ Counter ☐ Post ☐ Courier ☐ Other: _____

Comments: _____

(Include reasons for rejection and/or notes to handling officer)

Planning Officer: _____ Date: _____

RESOURCE CONSENT APPLICATION
(Subdivision and Residential Activity)

Assessment of Environmental Effects
Including
Commentary of the Relevant Provisions
of the
Dunedin City District Plan

Application
by
Kāinga Ora (Housing New Zealand Limited)
at
43 Perth Street, Mosgiel

Anderson & Co Resource Management
Advising on Planning and Resource Management
www.RMApro.co.nz *your RMA professionals*
P O Box 5933
Dunedin 9058

Ref:\2845/AEE2020417

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AUTHOR

1. My name is Conrad Anderson, and I am a director and employee of Anderson & Co (Otago) Limited.
2. I hold a Master in Planning from the University of Otago. I have over eight years of professional experience in planning, and I am an associate of the New Zealand Planning Institute.
3. I completed this Assessment of Environmental Effects (AEE).
4. While this assessment is not for an Environment Court hearing, I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it.
5. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

SUMMARY

6. The subject site consists of a single title and is currently vacant (following a house fire in late 2017). The site is zoned General Residential 1 (GR1).
7. This proposal will result in:
 - Earthworks to prepare the site for construction.
 - Construction, use and maintenance of three, one bedroom residential units.
 - Subdivision the site.
8. Resource consent is required due to:
 - Land Use Activities:
 - i. Minimum site area for a residential unit
 - Development Activities:
 - i. Building cover
 - ii. Yard/ROW encroachments
 - iii. Height plane encroachments
 - iv. Parking and access matters
 - Subdivision Activities:
 - i. Subdivision (due to activity status)
 - ii. Undersized lots
 - Hazards:
 - i. n/a
 - Earthworks:
 - i. n/a
 - HAIL:
 - i. n/a as this is subject to a separate application lodged by Tonkin & Taylor in December 2019 (reference LUC-2019-662).
9. Due to density matters, the proposal is a non-complying activity.

DESCRIPTION OF THE SITE AND LOCATION

10. The site is located within the residential area of Mosgiel, at 43 Perth Street, and is legally described as Lot 14 DP 7452 held in OT9B/112.
11. The owner of the site is the Applicant (Kāinga Ora/Housing New Zealand Limited). The Applicant's address is c/- Auckland Central Regional Office, PO Box 74598, Greenlane, Auckland 1546.
12. The site is currently vacant.

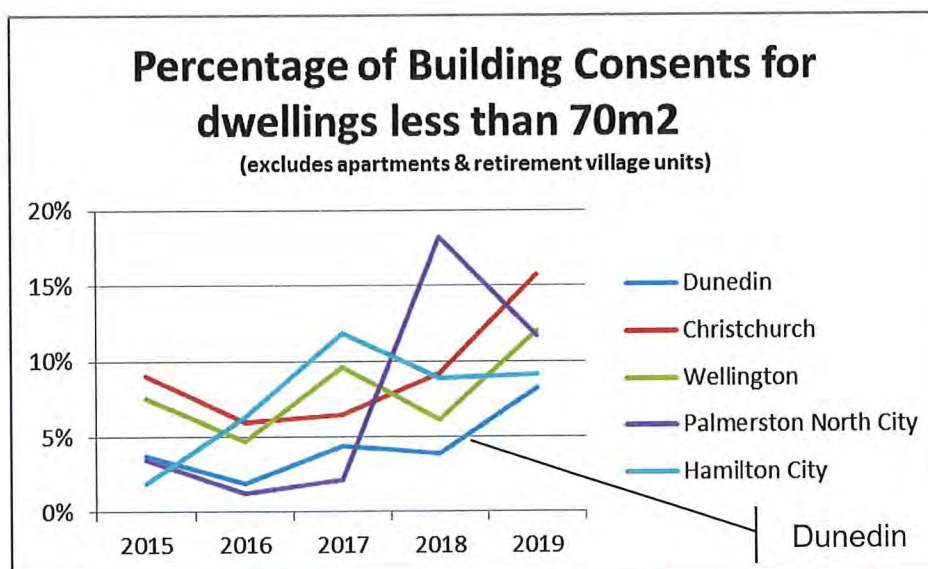
13. The site is flat and vacant, but contains a vehicle crossing on the western side of the frontage.
14. The site is 719 m².
15. The surrounding area is residential in nature.

DESCRIPTION OF THE PROPOSAL

16. This proposal will result in:
 - Earthworks to prepare the site for construction.
 - Construction, use and maintenance of three, one bedroom residential units.
 - Subdivision of the site (three lots), with Lot 3 having ownership of the access, with Lots 1 and 2 requiring a right of way over the access (for services, along with vehicle and pedestrian access).
17. Earthworks will be relatively minor due to the site being flat and the proposed dwellings being single level and of modest footprints. The quantum of excavation and fill is estimated to be less than 35 m³, with any soil removed being less than 7 m³.
18. The proposed units are detailed in the attached plans, and have the following attributes:
 - Single level.
 - One habitable room per dwelling/proposed site.
 - Low flow devices.
 - Vehicle access along the western side of the site, providing access to three car parks, along with space for manoeuvring.
 - Outdoor areas are provided towards the north/north-east side of each unit, with direct access from the main living area.
19. The proposed subdivision will create three lots, as shown in the attached plans.
20. In terms of the lot sizes, due to the vehicle access, the proposed lot sizes are somewhat immaterial, as the boundaries could be manipulated. Overall, given the site is 719 m² and three lots are proposed; the average lot size is 239 m².
21. For completeness, the proposed lots sizes are as follows (sizes approx. and subject to final survey):
 - Lot 1 221 m²
 - Lot 2 150 m²
 - Lot 3 347 m² (includes the ROW of 179 m²)
22. While the proposal does seek reduced lot sizes, when considered in the context of site cover (due to each unit being only one habitable room), the proposal is not fundamentally different from a permitted activity.
23. In terms of amenity and character associated with streetscape, the proposal will result in a building bulk less than what is anticipated when viewed from the street, with hard surfacing similar to what would result if a garage was located at the rear of the site. The retention of front yard space and no parking in the front yard provides for an uncluttered and anticipated streetscape. The single level design along with the narrow end of Unit 1 facing the street has benefits in terms of the streetscape, when compared to the permitted environment. Further, it is anticipated that landscape conditions will be included, which will ensure the amenity and character of the streetscape is further enhanced.
24. In terms of people density (habitable rooms), the proposal will result in three habitable rooms, while **the 2GP provides no upper limit**. Therefore, the density of habitable rooms is assessed as being low. *In term of the effects on infrastructure due to the proposed, it is highly relevant that Council only considers infrastructure effects against the*

baseline provided by Council RMA statutory documents, rather than against non-statutory documents.¹

25. In terms of current and future housing demand, Dunedin has a growing population, an ageing population, and a growing number of one person households. This proposal is directly aligned to assist with the current and future housing demands in Dunedin.
26. Council has been active in terms of understanding housing needs in Dunedin, as evident by the following reports:
 - 'The Housing We'd Choose' by Research First (Dec 2019) – on the Council agenda for the February 2020 meeting. This report identifies "a trend towards smaller homes" (para 3, page 5), with a preference for terraced or duplex homes. However, it is noted that the research questionnaire did not include the option of a standalone home on a site of less than 500 m². This failing is likely to have skewed the results towards terraced or duplex homes.
 - 'Update on Growth Planning work' by City Development (Feb 2020) – on the Council agenda for the February 2020 meeting. Paragraph 1 of this report states that Dunedin has "a current shortage of affordable and public housing".
27. This proposal is directly aligned to both of the above by seeking a resource consent for single bedroom dwellings, which will be leased to clients of Kāinga Ora.
28. To supplement the above reports, information from Statistics NZ has been reviewed. Of specific interest is the number of building consents granted for dwellings less than 70 m² (i.e., one or two bedroom homes), but excluding retirement villages and apartments. These figures have been reviewed for the past 5 years, and compared to other cities in New Zealand. The key 'take away' is: **As a percentage of new homes being constructed, Dunedin is building less than comparative cities.** Refer graph below. This trend will exacerbate the finds of the above reports.



29. The low supply of one bedroom units has resulted in high demand for such homes. This high demand is evident by the fact that over half the people on the Ministry of Social Developments waiting list in Dunedin are seeking a one bedroom home.

¹ It is noted that the 2GP does have Policy matters, such as Policy 9.2.1.1, which link land uses to planned infrastructure capacity. However, the permitted baseline does not limit habitable rooms.

30. In terms of housing quality, the proposal will result in new insulated single bedroom dwellings, which include sizeable bathrooms and living areas. In terms of on-site amenity, this includes the provision of sizeable, functional, sunny, and accessible outdoor living spaces. As detailed later in this AEE, the built cover is low, which results in a high ratio of unbuilt area on the site.

THE APPLICANT

31. The Applicant is Kāinga Ora (Housing New Zealand Limited), who is a Crown agent that provides housing services for people in need, and is a long-term owner and investor in housing.
32. The Applicant seeks to develop housing options that generally include features beyond what is offered by traditional developers. Such features, which are included in the current proposal, include:
- Wider doorways for enhanced accessibility (910 mm rather than 860 mm).
 - A layout that provides for increased accessibility (noting the bathroom has a shower with a flat floor and curtain (rather than glass walls) and flat access to the toilet).
 - Increased footprints per unit of 52 m².
 - Increased outdoor living areas.
33. To allow the Applicant to increase the number of homes available, they leverage funding against their property portfolio. This application includes subdivision, which enhances the financial leverage available to the Applicant, thus allowing the Applicant to increase the number of homes available.
33. In terms of the proposed dwelling specifications, the Applicant is seeking to match their local physical housing resource with local demand. As a specialist housing provider, Kāinga Ora is well placed to assess that demand and they believe the proposal is the best use of the site.

RELEVANT SITE HISTORY/BACKGROUND TO THE APPLICATION

34. The site has historically been associated solely with residential activity (one residential unit).

ACTIVITY STATUS

35. Dunedin currently has two district plans: the operative Dunedin City District Plan, and the proposed Second Generation Dunedin City District Plan (the "2GP"). Until the 2GP is made fully operative, both district plans need to be considered in determining the activity status and deciding what aspects of the activity require resource consent.
36. In situations where rules and/or zoning/overlays that apply to a site are subject to appeal, both the 2GP and operative District Plan rules apply.
37. Noting: With regards to the 2GP, on 20 November 2019 Variation 1 – Minor Amendments ('Variation 1') to the 2GP was notified for public submissions, and from that date the Variation 1 matters associated with heritage and/or biodiversity had immediate legal effect. The initial submission period closed on 18 December 2019, after which the majority of the Variation 1 changes were deemed to be operative. However, any Variation 1 matter which had an opposing submission is not considered to be operative, and were subject to a further submission period, which closed on 13 February 2020; these matters continue to be deemed as not being operative and will be subject to a Hearing.
38. In situations where there are no appeals on the rules and/or zoning/overlays that apply to a site, then only the 2GP is required to be considered (in terms of determining the activity status).

39. To follow is the consideration of the activity status under the operative District Plan and/or the 2GP. The activity status applied by the National Environmental Standard is also considered.

Proposed Second Generation Dunedin City District Plan (the "2GP")

40. The 2GP maps show the site as being zoned General Residential 1, with the following overlays:
- Wāhi Tupuna Mapped Area (ID 56, Name Kokika o Te Matamata (area surrounding Mosgiel)
 - Hazard 3 (flood) Overlay Zone
 - Dunedin Airport Flight Fan
41. The 2GP maps show that neither the zone nor any overlay is subject to appeal. However, 2GP performance standards associated with access matters are.
42. The portion of Pert Street adjacent to the site is a Local Road in the Road Classification Hierarchy.
43. In terms of the Wāhi Tupuna Mapped Area, Appendix A4.45 notes there are no principal threats to the values. Therefore, further consideration under Section 14 is not required.
44. In terms of the Land Use Activity Performance Standards, I have assessed the following as being relevant to the proposal. Each are discussed below:
- Rule 15.3.3.3.a Density
 - Rule 15.3.3.3.b Minimum Car Parking
 - Rule 15.3.3.3.c Outdoor Living Space
 - Rule 15.3.3.3.d Service Areas
45. Rule 15.3.3.3.a Density links to Rule 15.5.2, with the relevant matters being:
- Rule 15.5.2.1.a.i provides for a minimum site size per residential unit of 500 m².
 - Rule 15.5.2.1.a.ii provides for a maximum development of one habitable room per 100 m² of site.
 - Rule 15.5.2.1.k provides for "*one family flat is allowed per site in association with a standard residential activity provided the maximum development potential per site is not exceeded.*"
46. While the proposal will easily comply in terms of maximum development potential (before and after subdivision), it is noted that Rule 15.5.2.2.c states that "*the calculation of maximum development potential only applies in the Inner City Residential and General Residential 2 Zones, and for determining whether a family flat can be developed in other zones.*" **As the proposal is not associated with a family flat, there is no applicable maximum development potential** (this is relevant in terms of the permitted baseline). As noted earlier, in term of effects associated with infrastructure, it is highly relevant that Council only considers effects associated with infrastructure against the baseline provided by Council RMA planning documents, rather than against documents which are not part of/required by the RMA. **In this situation, the 2GP does not limit the density of bedrooms on the GR1 zone.**
47. As the proposal will not comply with the minimum site area (before and after subdivision), in accordance with Rule 15.5.2.4 the proposal is a **non-complying** activity.
48. The relevance of Rule 15.5.2.1.k is that the GR1 zone anticipates that (in certain circumstances) a second residential unit (family flat) is permitted on a site. This assists to inform the permitted baseline in terms of future character and amenity.
49. Rule 15.3.3.3.b Minimum Car Parking links to Rule 15.5.8, which requires one parking space for one to four habitable rooms:

- Prior to subdivision, the proposal will comply (three habitable rooms on the site, with three car parks).
 - Subsequent to subdivision, the proposal will comply (one habitable room per site, with one car park per site).
50. Rule 15.3.3.3.c Outdoor Living Space links to Rule 15.5.11. The relevant Rule is 15.5.11.1.a. which requires 25 m² of space for one habitable room in the GR1 zone for ground level units. The proposal will comply with this rule.
51. In addition, Rule 15.5.11.3 provides standards in terms of the quality and location of outdoor living space, to which the proposal complies.
52. Rule 15.3.3.3.d Service Areas links to Rule 15.5.12, which is only associated with three or more residential units on a site.
- Prior to subdivision, this rule is relevant. Separate service areas of greater than 2.5 m² are shown for each unit.
 - Subsequent to subdivision, the proposal will result in one unit per site, therefore this rule will not apply.
53. Overall, in terms of **Land Use Activity Performance Standards**, due to proposed density, the proposal is a **non-complying** activity.
54. In terms of the Development Activity Performance Standards, I have assessed the following as being relevant to the proposal. Each are discussed below:
- Rule 15.3.4.1.b Maximum building site coverage and impermeable surfaces
 - Rule 15.3.4.2.a Boundary setbacks
 - Rule 15.3.4.2.c Fire fighting
 - Rule 15.3.4.2.d Height in relation to boundary
 - Rule 15.3.4.2.e Maximum height
 - Rule 15.3.4.31.a Parking, loading and access standards
 - Rule 15.3.4.31.b Location and screening of car parking
55. Rule 15.3.4.1.b Maximum building site coverage and impermeable surfaces links to Rule 15.6.10, which requires the following:
- A maximum building site coverage: buildings and structures with a footprint greater than 10 m² of 40% (% of site). Note the ROW is to be excluded for post subdivision calculations.
 - A maximum building site coverage: buildings and structures and any impermeable surfaces of 70% (% of site).
56. The following table outlines the relevant areas:

Lot	1	2	3 (excl ROW)	3 (incl ROW)	Whole site (incl ROW)	Note: Whole site, is prior to subdivision
Area	222	151	168	347	719	
Buildings & Structures						
Dwelling	52.5	52.5	52.5	see left		
Veranda	9.5	9.5	9.5	see left		Note: The veranda is included as part of 'dwelling and structure'
Deck	7	7	7	see left		as it is attached to the dwelling. This is a conservative approach
Total Built Cover	69	69	69	69	207	to the resulting calculations.
As % of Area	31%	46%	41%	20%	29%	
Complies? (max 40%)	Yes	No	No	n/a	Yes	Note: n/a Refer Rule 15.6.10.2
Impermeable Surfaces						
Carpark, paths etc	36.8	28.2	27.6	see left		
Within ROW	0	0	0	140.4		
Total Site cover	105.8	97.2	96.6	237	207	
As % of Area	48%	65%	58%	68%	29%	
Complies? (max 70%)	Yes	Yes	Yes	n/a	Yes	

57. In terms of building cover calculations, post subdivision, the vehicle access is to be excluded from the calculations (Rule 15.6.10.2).

58. The above table shows the proposed building cover pre-subdivision will be complying. However post subdivision Lots 2 and 3 both exceed the permitted building cover. In keeping with Rule 15.6.10.3 this is a **restricted discretionary** activity.

59. As the building cover complies pre-subdivision, there will be limited, if any real, effects in terms of neighbourhood character and amenity matters. Any effects will be associated with on-site amenity for residents, which are assessed as being less than minor due to the provision of the required outdoor areas and setbacks between dwellings.

60. In terms of site cover calculations, post subdivision, the vehicle access is to be included in the calculations (Rule 15.6.10.2).

61. The above table shows the proposed site cover both pre and post-subdivision will be complying. This assists in terms of stormwater management.

62. Rule 15.3.4.2.a Boundary setbacks links Rule 15.6.13, which requires:

- 4.5 m setback from the road.
- 2 m setback from the side and rear boundaries.
- 1 m setback from boundary with right of ways.

63. Within the 2GP the matter of eaves in the setbacks currently forms part of 'Variation 1 amendment'. Without the Variation 1, eaves are not permitted in the yards, while Variation 1 provides for:

"...eaves, gutters and downpipes less than 3m above ground level may project over a required setback provided that they project by no more than 25% of the width of the required setback".

64. In terms of the front yard: Unit 1 has the front eave encroaching the front yard, with the central part of the building frontage being greater than 3 m high. Within both the 2GP and Variation 1, this encroachment is a **restricted discretionary** activity.

65. In terms of the side and rear boundaries:

- Prior to subdivision:
 - A minor part of the Unit 2 deck, along with the stairs, encroaches the yard to the eastern neighbour (41 Perth Street).
 - The eaves of Unit 3 encroach the yard to the northern neighbour (61 Tay Street).
 - Part of the Unit 3 stairs encroaches the yard to the eastern neighbour (41 Perth Street).
- Subsequent to subdivision:
 - As above, plus:
 - The south-west eaves of proposed Unit 2 will encroach the side yard (to the car park of Unit 1).

Within both the 2GP and Variation 1, these encroachments are a **restricted discretionary** activity.

66. In terms of the setback from the right of way:

- The eave of Unit 2 is less than 1m from the ROW.
- The veranda and eaves of Unit 3 are less than 1m from the ROW.

Within both the 2GP and Variation 1, these encroachments are a **restricted discretionary** activity.

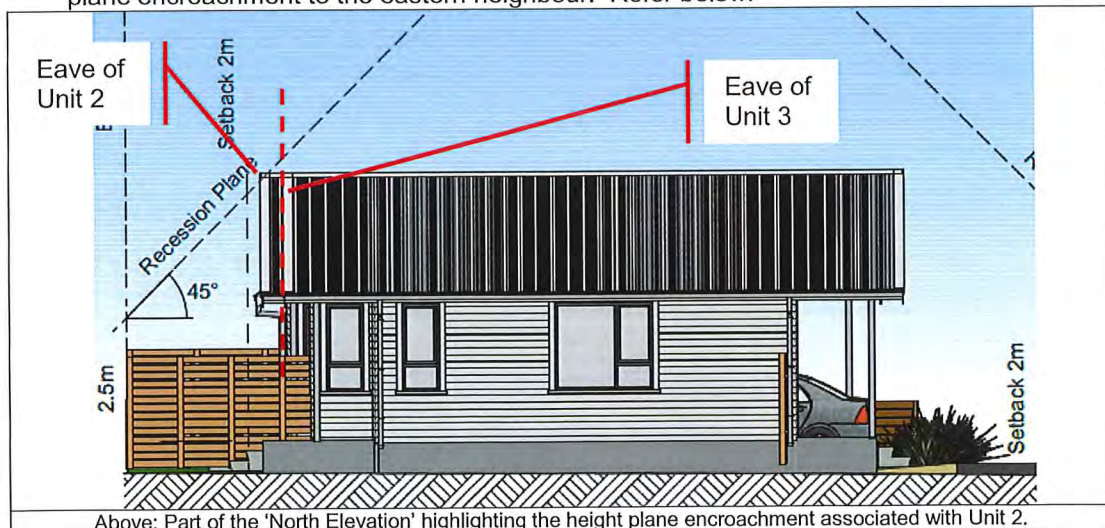
67. As the setback matters are either internal or very minor (eaves/deck) the effects are assessed as de minimis and require no further comment.

68. In accordance with Rule 15.6.13.1.b, contravention of the above performance standard is a **restricted discretionary** activity.

69. Rule 15.3.4.2.c Fire fighting links to Rule 15.6.3, which in turn links to Rule 9.3.3. In terms of new residential building (Rule 9.3.3.2), the proposal will be connected to the public water supply. And in terms of subdivision (Rule 9.3.3.1), while this is addressed later in this AEE, for completeness, it is anticipated that a condition of consent will be to ensure compliance with SNZ/PAS:4509:2008 New Zealand Fire Service fire fighting water supplies code of practice.

70. Rule 15.3.4.2.d Height in relation to boundary links to Rule 15.6.6, which requires all side and rear boundaries to fit within a plane rising at an angle of 45 degrees measured from a point 2.5 m above ground level at the boundary.

71. Due to Unit 2 being positioned slightly more to the east, Unit 2 has a very minor height plane encroachment to the eastern neighbour. Refer below:



72. Post-subdivision, the above encroachment continues, along with internal encroachments, such as:
- Unit 2 to the southern internal boundary with Unit 1.
 - Unit 2 and 3 to the ROW.
73. As these matters are very minor or internal, the effects are assessed as de minimis and require no further comment.
74. In accordance with Rule 15.6.6.1.b, the height plane encroachment is a **restricted discretionary** activity.
75. Rule 15.3.4.2.e height links to Rule 15.6.6, which provides for a maximum height of 9 m. As per the attached plans, the proposal complies with this performance standard.
76. Rule 15.3.4.31.a Parking, loading and access standards links to Rule 15.6.12 which requires compliance with Rule 6.6. The relevant matters of Rule 6.6 are below:
- a. Rule 6.6.1.1 Minimum parking space dimensions:
 - o All parking spaces are at a 90 degree angle, and this requires parking spaces of 2.5 m x 5 m. The proposal complies with this, with spaces being closer to 3.5 m wide.
 - o Parking at a 90 degree angle requires an aisle width of 5.8 m. The proposed aisle width behind the car parks is 3 m. In accordance with Rule 6.6.1.1.f, this is a **restricted discretionary** activity.
 - b. Rule 6.6.1.2 Minimum manoeuvring space dimensions for parking areas includes the following:
 - o Rule 6.6.1.2.a.iv does not provide for reversing from rear sites (relevant post-subdivision).
 - o The proposal provides a turning area to ensure vehicles can exit in a forward facing manner.

The proposal complies with the above.

- c. Rule 6.6.1.3 Minimum queuing space for parking areas – n/a as the ROW only provides for three car parks.
- d. Rule 6.6.1.4 Gradient of parking areas – n/a as the site and surrounding area is essentially flat.
- e. Rule 6.6.1.5 Surfacing and marking of parking areas – compliance with drainage and surfacing is anticipated.
- f. Rule 6.6.1.6 Lighting of parking areas – n/a as this is only required to be considered if all of the listed circumstances apply, which includes the requirement that the parking is for any activity other than standard residential.
- g. Rule 6.6.3.1 Maximum number of vehicle crossings – the subject site has frontage of approximately 17 m, hence this rule provides for one crossing only (on a local road). As per the plans the proposal complies.
- h. Rule 6.6.3.2 Minimum sight distance from a vehicle access – requires a sight distance of 69 m for a new vehicle crossing. The proposal is likely to use the existing crossing (rather than a new crossing). However, for prudence, assuming a new crossing is required, when looking east and west the proposal complies.
- i. Rule 6.6.3.3 Maximum width for a vehicle access – provides a maximum width of 6 m, which the proposal complies with.
- j. Rule 6.6.3.4 Minimum distances of new vehicle crossing from intersections and level crossings – requires a 10 m distance from the proposed crossing and the closest intersection. The proposal complies with this.
- k. Rule 6.6.3.6 Surfacing of driveways – requires the access way to be hard surfaced, as it serves three residential units. The proposal complies with this.

- l. Rule 6.6.3.8 Minimum distance between driveways and dwelling – requires the driveway to be set back from any residential building at least 1 m. For units 2 and 3 the distance is less than 1 m. In accordance with Rule 6.6.3.8.b, this is a **restricted discretionary** activity.
 - m. Rule 6.6.3.9 Width of driveways – requires a minimum 4 m wide legal width (**under appeal**) and a minimum 3 m formed width. The proposal ROW has a legal width of 4 m and formed width of 3 m, therefore the proposal complies. As the legal width portion of this rule is subject to appeal, it is noted that the operative District Plan requires a minimum legal width of 3.5 m – to which the proposal complies.
77. Rule 15.3.4.31.b Location and screening of car parking links to Rule 15.6.7 and requires that parking, loading and access areas, and garages and carports must not occupy more than 50% of the area of the front yard that is part of the road boundary setback. The proposal complies with this.
78. Overall, in terms of **Development Activity Performance Standards associated with yards, height planes and parking/access matters, the proposal is a restricted discretionary activity.**
79. In terms of the subdivision, in accordance with Rule 15.3.5.2 any subdivision is a **restricted discretionary** activity.
80. In terms of the Subdivision Activity Performance Standards, I have assessed the following as applying to the proposal:
- Rule 15.3.5.2.a Access
 - Rule 15.3.5.2.c Fire fighting
 - Rule 15.3.5.2.d Minimum site size
 - Rule 15.3.5.2.e Service connections
81. Rule 15.3.2.5.a Access links to Rule 15.7.1, which links to Rule 6.8.1, which requires legal and physical access to every lot. The proposal complies.
82. Rule 15.3.5.2.c Fire fighting links to Rule 15.7.3, which links to Rule 9.3.3. This is discussed above, with the expectation that the matters within Rule 9.3.3.1 will form conditions of consent.
83. Rule 15.3.5.2.d Minimum site size links to Rule 15.7.4. The relevant part of Rule 15.7.4 is Rule 15.7.4.1.a, which provides for a minimum site size of 500 m².
84. As noted earlier in this AEE, the proposal lot sizes vary from 151 m² to 347 m², with the largest lot including the shared access way. Due to the shared access, the lot sizes could be manipulated.
85. In accordance with Rule 15.7.4.2, due to the proposal including undersized lots, the proposal is a **non-complying** activity.
86. Rule 15.3.5.2.e Service connections links to Rule 15.7.5, which links to Rule 9.3.7, which requires all sites created via a subdivision to be connected to the listed infrastructure 'where available'. The proposal seeks to comply with this Rule, and anticipates the matter to be managed via a suitable condition of consent.
87. Overall, in terms of Subdivision Performance Standards associated with minimum site size, the proposal is a **non-complying** activity.
88. In terms of the Hazards Activity Status (Rule 15.3.6), this does not apply, as the site is only associated with the Hazard 3 overlay.
89. In terms of earthworks, the proposal includes earthworks for the creation of the access, services and building platforms.

90. In the 2GP, earthworks are managed via performance standards (for all earthworks), then as either 'small scale' or 'large scale'.

91. It is anticipated the earthwork scale will be within those provided for as 'small scale', which is a permitted activity (Rule 8A.3.2.2).

Operative Dunedin City District Plan

92. As the relevant 2GP zoning is not subject to appeal, there is no requirement to refer back to the operative District Plan zone rules.

93. In terms of the performance standards associated with the zone, there is only one relevant standard that is subject to appeal. This is the requirement for the driveway to have a legal width of 4 m. In the operative District Plan the required legal width is 3.5 m (refer Table 20.7). The proposal complies with this matter.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the "NES")

94. The proposal is not seeking to change the underlying activity; however, the proposal will disturb soil and includes subdivision.

95. Soil disturbance and removal is anticipated to be within permitted quantum.

96. In December 2019, on behalf of the Applicant, Tonkin & Taylor submitted a resource consent application to manage HAIL matters as a 'global consent'. Refer LUC-2019-622. Hence, any HAIL matters will be considered under that application.

Overall Activity Status

97. **Overall, in keeping with the 2GP rules associated with density, the proposal is non-complying.**

NOTIFICATION

98. The matter of both public and limited notification is discussed below:

Public Notification (s95A)

99. In terms of Step 1 (Mandatory public notification in certain circumstances), public notification is not being requested and the application does not involve the exchange of recreation reserve land. Step 2 is to be considered.

100. In terms of Step 2 (Public notification precluded in certain circumstances), there are no rules or national environmental standards precluding public notification. The application is not for the listed activities. Step 3 is to be considered.

101. In terms of Step 3 (Public notification required in certain circumstances), there are no rules or national environmental standards requiring public notification, nor will the activity have, or be likely to have, adverse effects on the environment that are more than minor. Step 4 is to be considered.

102. In terms of Step 4 (Public notification in special circumstances), there are no special circumstances that warrant the application being publicly notified. There is nothing exceptional or unusual about the application that makes public notification desirable. In terms of matters such as precedent and plan integrity, these are discussed under Other Matters.

Limited Notification (s95B)

103. In terms of Step 1 (Certain affected groups and affected persons must be notified), the activity is not in a protected customary rights area; the activity is not an accommodated activity in a customary marine title area; and, the activity is not on or adjacent to, or might affect, land that is the subject of a statutory acknowledgement. Step 2 is to be considered.
104. In terms of Step 2 (Limited notification precluded in certain circumstances), there are no rules or national environmental standards precluding limited notification. The application is not for: a controlled activity that is not a subdivision; nor an activity prescribed in regulations as being precluded from limited notification. Step 3 is to be considered.
105. In terms of Step 3 (Certain other affected persons must be notified), the application does involve a boundary activity, but not an activity prescribed in regulations that prescribe who is an affected person. It is assessed that there are no persons where the activity's adverse effects on the person are minor or more than minor (but are not less than minor). Step 4 is to be considered.
106. In terms of Step 4 (Further notification in special circumstances), there are no special circumstances that warrant the application being limited notified. There is nothing exceptional or unusual about the application that makes limited notification to any other persons desirable.

EFFECTS ON THE ENVIRONMENT

107. To follow is a review of both the permitted baseline and the receiving environment. That review informs the assessment of effects.

Permitted Baseline

108. Under Sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect. This is called the permitted baseline.
109. For the subject site, the use of the site for residential purposes is anticipated, and the key 2GP matters are:
- Unlimited habitable rooms.²
 - A single residential unit and a family flat may be erected on a site.
 - Maximum building site cover of 40%, and a maximum site cover (building and impermeable surfaces) of 70%.
 - Maximum height of 9 m, which provides for a two level dwelling.
110. Also, the 2GP provides for a minimum site size of 500 m², however subdivision does require a resource consent.
111. Therefore, the permitted baseline allows for either a large two-level dwelling, or a family home along with a family flat. Large family homes in the GR1 zone of Mosgiel are increasingly common. Refer example below³. This is considered an appropriate baseline against which the activity should be considered. As a result, it is the effects arising from the proposal beyond the permitted baseline that are the crucial elements for consideration.

² Assuming no family flat, and subject to compliance with matters such as yards, height, height plane, coverage, etc.

³ Noting the dwelling at 3 Kura Place required a resource consent (RMA20060541) for some minor encroachment matters.



Above: Example of a permitted baseline dwelling, located at 3 Kura Place, on a 507 m² site.

Receiving Environment

112. The existing and reasonably foreseeable receiving environment is made up of:
- The existing environment and associated effects from lawfully established activities;
 - Effects from any consents on the subject site (not impacted by the proposal) that are likely to be implemented;
 - The existing environment as modified by any resource consents granted and likely to be implemented; and
 - The environment as likely to be modified by activities permitted in the district plan.
113. With regards to the subject site, the receiving environment is a vacant section.
114. It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment of Effects

115. The assessment matters of the 2GP are considered to be more relevant than those of the operative District Plan, therefore the following only considers the 2GP assessment matters.
116. The relevant assessment matters are listed in Rule 15.10, 15.11 and 15.13. These are considered below, and the following table shows the linkages of the various assessment matters:

Activity	Assessment section	Relevant sub section(s)	Relevant Performance Standard	Includes links to	Relevant Performance Standard	Includes links to
Restricted Discretionary Activities (Performance Standard Contraventions)	15.10	15.10.2	15.10.2.1			
		15.10.4	15.10.4.1			
			15.10.4.7			
			15.10.4.12	6.10	6.10.5.1 6.10.5.6	
Restricted Discretionary Activities (not being Performance Standard Contraventions)	15.11	15.11.4	15.11.4.1	11.5	11.5.2.5	
				9.6	9.6.2.4	
				6.11	6.11.2.7	
Non-complying Activities	15.13	15.13.5	15.13.5.1	9.8	9.8.2.1 9.8.2.2 9.8.2.5	
			15.13.5.5	9.8	As above	

117. Rule 15.10: Restricted Discretionary⁴ activities is associated with:

- Boundary setbacks
- Height in relation to boundary
- Parking and access standards

118. Assessment matters for all Residential zone performance standard contraventions that are restricted discretionary:

Standard	Details	Comment
15.10.2 Assessment of all performance standard contraventions		
15.10.2.1 All performance standard contraventions		
Potential circumstances that may support a consent application include:		
15.10.2.1.a	The degree of non-compliance with the performance standard is minor.	The matters associated with the Restricted Discretionary Activities are all relevantly minor and mostly internal to the site.
15.10.2.1.b	The need to meet other performance standards or topography, or other site specific factors, make meeting the standard impracticable.	To meet the performance standards, the footprint of the dwellings would need to be reduced, or the eaves would need to be deleted/removed/amended (which assist to provide weather protection). A revised access layout is likely to have negative implications in terms of building footprints/outdoor areas.
15.10.2.1.c	Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.	Non-compliance is considered to result in an enhanced on-site outcome, with effects assessed as being less than minor.
General assessment guidance:		
15.10.2.1.d	Where more than one standard is contravened, the combined effects of the contraventions should be considered.	Agreed.
15.10.2.1.e	In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies.	n/a as the site is not within a heritage precinct.

119. Assessment matters for boundary setback encroachment, which has two matters of discretion (both discussed below):

- a. Effects on surrounding sites' residential amenity
- b. Effects on neighbourhood residential character and amenity

Standard	Details	Comment
15.10.4 Assessment of development performance standard contraventions		
15.10.4.1 Boundary setback		

⁴ As per earlier in this AEE the matter of the site cover post subdivision is internal to the site, assessed as resulting in de minimis effects and are not discussed further.

Matters of discretion 15.10.4.1.a Effects on surrounding sites' residential amenity		
Relevant objectives and policies:		
15.10.4.1.a.i	Objective 15.2.3 Activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.	The boundary setback encroachments relate to: • The eaves of Unit 1 to the front yard. • The eaves of Unit 2 to the side yard with Unit 1. • The deck/stairs of Unit 2 and 3 to the eastern neighbour. • The eaves of Unit 3 to the northern neighbour. • Internal matters to the parking areas/ROW. These encroachments are minor, and will have no effect to the surrounding sites (the matter of discretion).
15.10.4.1.a.ii	Buildings and structures are of a height and setback from boundaries that ensures no more than minor effects on the sunlight access of current and future residential buildings and their outdoor amenity spaces (Policy 15.2.3.1).	As above, plus all yard encroachments to the external neighbours comply with the height plane angles hence will have no effect on access to sunlight.
15.10.4.1.a.iii	In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that avoids or, if avoidance is not practicable, adequately mitigates adverse effects on sunlight access on outdoor space at the rear of adjacent sites (Policy 15.2.3.3.c).	n/a
Potential circumstances that may support a consent application include:		
15.10.4.1.a.iv	Residential buildings on neighbouring sites receive adequate natural light and privacy.	As above.
15.10.4.1.a.v	The reduced setback will mirror the setback of the adjacent residential building, both in minimum distance from the boundary, and the maximum extent to which the encroachment occurs along the boundary (including length and height).	n/a
15.10.4.1.a.vi	There are no windows from living or sleeping areas proposed along the wall of the new building or existing along the wall of any adjacent parallel residential building.	No.

Standard	Details	Comment
15.10.4 Assessment of development performance standard contraventions		
15.10.4.1 Boundary setback		
Matters of discretion 15.10.4.1.b Effects on neighbourhood residential character and amenity		
Relevant objectives and policies:		

15.10.4.1.b.i	Objective 15.2.4 Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.	In terms of the neighbourhood residential character and amenity (the matter of discretion), only the Unit 1 encroachment is relevant. This is limited to the eaves of Unit 1 in the front yard. Due to the minor extent of the encroachment, the effects are assessed as being de minimis.
15.10.4.1.b.ii	Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect existing or intended future residential character (Policy 15.2.4.1.c).	As above, plus noting that a number of sites in close proximity have garages within the front yards.
15.10.4.1.b.iii	In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that: 1. enables a high quality, medium density development (Policy 15.2.3.3.a); 2. is consistent with the existing streetscape character of the zone (Policy 15.2.3.3.b).	n/a
Potential circumstances that may support a consent application include:		
15.10.4.1.b.iv	The boundary setback is consistent with surrounding properties.	Yes, as a number of sites in close proximity have garages within the front yards, while the front yard of 47 Perth Street seems to be less than 4.5m.
15.10.4.1.b.v	Landscaping or fences screen or soften the visual effects of buildings.	Offered.
15.10.4.1.b.vi	The building is designed to integrate with residential buildings on the site and contribute to residential character and amenity e.g. similar materials to residential buildings, and roof pitch.	Correct.

120. Assessment matters for height plane encroachment, which has two matters of discretion (both discussed below):

- a. Effects on surrounding sites' residential amenity
- b. Effects on neighbourhood residential character and amenity

Standard	Details	Comment
15.10.4 Assessment of development performance standard contraventions		
15.10.4.7 Height in relation to boundary		
Matters of discretion 15.10.4.7.a Effects on surrounding sites' residential amenity		
Relevant objectives and policies:		
15.10.4.7.a.i	Objective 15.2.3 Activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.	The only external height plane encroachment relates to the eastern side of Unit 2, and is very minor. Due to the minor extent of the encroachment and its western location (when considered from the neighbours property), the encroachment will have no

		noticeable effects to surrounding sites' residential amenity.
15.10.4.7.a.ii	Buildings and structures are of a height and setback from boundaries that ensures no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces (Policy 15.2.3.1).	As above.
15.10.4.7.a.iii	In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that avoids or, if avoidance is not practicable, adequately mitigates adverse effects on sunlight access on outdoor space at the rear of adjacent sites (Policy 15.2.3.3.c).	n/a

Standard	Details	Comment
15.10.4 Assessment of development performance standard contraventions		
15.10.4.7 Height in relation to boundary		
Matters of discretion 15.10.4.7.b Effects on neighbourhood residential character and amenity		
Relevant objectives and policies:		
15.10.4.7.b.i	Objective 15.2.4 Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.	The height plane encroachments will not be noticeable to any relevant extent from the public domain. Therefore, they will have no effects to neighbourhood residential character and amenity.
15.10.4.7.b.ii	Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect existing or intended future residential character (Policy 15.2.4.1.c).	As above.
15.10.4.7.b.iii	In the Inner City Residential Zone, buildings and structures are of a height and setback from boundaries that: 1. enables a high quality, medium density development (Policy 15.2.3.3.a); 2. is consistent with the existing streetscape character of the zone (Policy 15.2.3.3.b).	n/a
Potential circumstances that may support a consent application include:		
15.10.4.7.b.iv	The height and/or height in relation to boundary is consistent with surrounding properties.	The immediate area is associated with some reduced boundaries, which may result existing height plane breaches in the neighbourhood.
15.10.4.7.b.v	Landscaping or fences screen or soften the visual effects of buildings.	No.
15.10.4.7.b.vi	Natural landforms or topography (e.g. cliffs, tall trees on adjacent reserves) provide a backdrop to the building.	No.

121. Assessment matters for parking and access matters:

Standard	Details	Comment
15.10.4 Assessment of development performance standard contraventions		
15.10.4.12 Parking, loading and access standards		
Matters of discretion 15.10.4.12.a Effects on the safety and efficiency of the transport network		
15.10.4.12.a	See Rule 6.10	Refer below

122. The relevant part of Rule 6.10 is:

- Rule 6.10.5.1 Minimum parking space dimensions
- Rule 6.10.5.6 Minimum distance between driveways and dwelling.

123. In terms of Rule 6.10.5.1 (reduced aisle width), this has matters of discretion associated with the effects on the safety and efficiency of the transport network. The reduced aisle width (but complying access width and manoeuvring area) is internal to the site and will have no effect outside of the site to the transportation network.

124. In terms of Rule 6.10.5.6 Minimum distance between driveways and dwelling, again the matters of discretion are associated with the effects on the safety and efficiency of the transport network, and the relevant matters are internal to the site and will have no effect outside of the site to the transportation network.

125. As noted earlier, all subdivisions are a Restricted Discretionary activity in the residential zone (Rule 15.3.5.2 Activity Status). The assessment matters are in Rule 15.11.

126. Rule 15.11: Restricted Discretionary activities is associated with:

- Subdivision

127. The assessment matters under Rule 15.11.4.1 (All subdivision activities) has four matters of discretion, as listed below, and each are considered:

- Effects on neighbourhood residential character and amenity
- Risk from natural hazards
- Effects on efficiency and affordability of infrastructure
- Effects on the safety and efficiency of the transport network

Standard	Details	Comment
15.11.4 Assessment of restricted discretionary subdivision activities		
15.11.4.1 All subdivision activities		
Matters of discretion 15.11.4.1.a Effects on neighbourhood residential character and amenity		
Relevant objectives and policies:		
15.11.4.1.a.i	Objective 15.2.4 Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.	Discussed elsewhere in this AEE.
15.11.4.1.a.ii	Subdivision is designed to ensure any future land use and development will: 1. maintain the amenity of the streetscape; 2. reflect the current or future intended character of the neighbourhood; 3. provide for development to occur without unreasonable earthworks	All discussed elsewhere in this AEE.

	or engineering requirements; and 4. provide for quality housing (Policy 15.2.4.6).	
Design considerations that may support a consent application include:		
15.11.4.1.a.iii	The layout of the subdivision takes into account solar orientation and is designed to ensure future development will facilitate a high level of passive solar gain.	The proposal has been designed to have the ROW on the south-western side of the dwellings, with the living and outdoor areas on the north/north-west side of the dwellings. The spacing between dwellings also assists with this matter.
Conditions that may be imposed include:		
15.11.4.1.a.i	Building platforms registered against the title by way of consent notice.	n/a

Standard	Details	Comment
15.11.4 Assessment of restricted discretionary subdivision activities		
15.11.4.1 All subdivision activities		
Matters of discretion 15.11.4.1.b Risk from natural hazards		
15.11.4.1.b	See Rule 11.5	Refer below

128. Rule 11.5 is associated with natural hazards, and the relevant part (subdivision) is in Rule 11.5.2.5, with the assessment matter being 'Risk from natural hazards'.

129. The site is associated with a Hazard 3 (flood) overlay, which indicates the risk level is low. In addition, the attached plans show raised floor levels. For these reasons, additional review of the matters within Rule 11.5.2.5 is considered unnecessary.

Standard	Details	Comment
15.11.4 Assessment of restricted discretionary subdivision activities		
15.11.4.1 All subdivision activities		
Matters of discretion 15.11.4.1.c Effects on efficiency and affordability of infrastructure		
15.11.4.1.c	See Rule 9.6	Refer below

130. Rule 9.6 is associated with health and safety, and the relevant part (subdivision) is in Rule 9.6.2.4, with the assessment matter being 'Effects on efficiency and affordability of infrastructure'.

131. The matter of infrastructure is discussed elsewhere in this AEE, and a number of the matters within Rule 9.6.2.4 are not relevant. Hence a review of the matters within Rule 9.6.2.4 is considered unnecessary.

Standard	Details	Comment
15.11.4 Assessment of restricted discretionary subdivision activities		
15.11.4.1 All subdivision activities		
Matters of discretion 15.11.4.1.d Effects on the safety and efficiency of the transport network		
15.11.4.1.d	See Rule 6.11	Refer below

132. Rule 6.11 is associated with transportation, and the relevant part (subdivision) is in Rule 6.11.2.7, with the assessment matter being 'Effects on the safety and efficiency of the transport network'.

133. The matter of transportation is discussed elsewhere in this AEE, while the proposal is small scale in terms of transportation matters, and is associated with a local road. Hence a review of the matters within Rule 6.11 is considered unnecessary.

134. In terms of the assessment matters for the non-complying activity (pre-subdivision: minimum site area, post-subdivision: undersized lots), the relevant rules are:

- Rule 15.13.5.1 Density (pre-subdivision)
- Rule 15.13.5.5 Minimum site size (post-subdivision).

135. Assessment matters for exceeding density (pre-subdivision matter):

Standard	Details	Comment
15.13.5 Assessment of non-complying performance standard contraventions		
15.13.5.1 Density		
Relevant objectives and policies (priority considerations):		
15.13.5.1.a	Strategic Directions – Objectives 2.7.1 (policies 2.7.1.1, 2.7.1.3), 2.4.1 (Policy 2.4.1.5).	In keeping with the Environment Court direction within decision NZEnvC 250 (ENV-2017-CHC-038), strategic directions are not intended to be applied directly to applications for resource consents. Therefore, Section 2 of the 2GP is not required to be assessed as part of this resource consent application.
15.13.5.1.b	Objective 15.2.4 Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood. Policy 15.2.4.2 Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone.	In terms of the streetscape, the following is noted: • The proposal will result in a new residential dwelling facing the street. • The setback from the road is maintained, save for the eaves. • No car parking is at the front of the site. • Landscaping is anticipated. • When viewed from the street the proposal is in keeping with in the intended character. • The single level design assists in terms streetscape matters. The term 'density' is not defined in the 2GP. Taking a broad view, the following is relevant: The 2GP has no maximum development potential (refer earlier in this AEE). However, the proposal results (on average) in one habitable room per 239 m², which is likely to be considered a very low density. In terms of density of the built environment, as measured by building cover, the proposal is significantly under the permitted cover. In terms of density of residential units, the 2GP provides for 1/500 m² of site, with each allowed a family flat. The subject site and the surrounding sites are all circa 700 m², which means two sites

	Policy 15.2.4.3 Restrict the tenancy and design of family flats to...	could almost be subdivided into three (or three lots subdivide into four), with each having a residential unit and a family flat. The result being effectively six units over two existing sites, which on average is three units per site (this is what is being proposed). The current and future character of the zone are not the same. The future character is likely to include increased densities, and for residential units to include a family flat. That future character is similar to what is being proposed. n/a
15.13.5.1.c	See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.	Due to the proposal have less site cover than provided for, and a very low habitable rooms per m2, the proposal is assessed as resulting in positive effect in terms of infrastructure (when compared to the District Plan permitted activities). In terms of Section 9.8, both of the following are relevant: 9.8.2.1, 9.8.2.2, and 9.8.2.5. These are discussed below.

Standard	Details	Comment
9.8.2 Assessment of non-complying performance standard contraventions		
9.8.2.1 All non-complying performance standard contraventions that are linked to Section 9.8		
General assessment guidance:		
9.8.2.1.a	In assessing the significance of effects, consideration will be given to: I. both short and long term effects, including effects in combination with other activities; and II. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.	Agreed. A key reason for the proposal is the housing market is not providing quality small residential dwellings in Dunedin. Such dwellings are effectively anticipated in the GR2 zone, but a shortfall continues. This situation is likely due to the limited financial incentive to undertake such developments due to the low density of habitable rooms. Therefore, it is proposed that there are unlikely to be cumulative effects.

Standard	Details	Comment
9.8.2 Assessment of non-complying performance standard contraventions		
9.8.2.2 Density		
Relevant objectives and policies (priority considerations):		
9.8.2.2.a	Objective 9.2. Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure. Policy 9.2.1.1 Only allow land use or subdivision activities that may result in land use or development activities where: a. in an area with public water supply and/or wastewater infrastructure, it will not exceed the current or planned capacity of that infrastructure or compromise its ability to service any activities permitted within the zone; and b. in an area without public water supply and/or wastewater infrastructure, it will not lead to future pressure for unplanned expansion of that infrastructure.	In terms of planning documents, the proposed density of habitable rooms is less than provided for by the 2GP. Further, the future density of residential units of the area is likely to result in two sites being subdivided into three. This infers that a density of dwellings within the area will increase. In terms of wastewater management, Council often refers to a non-planning document. Objective 9.2 does not refer to the non-planning document, hence, limited, if any weight should be placed on such documents when considering Objective 9.2. In terms of Objective 9.2 and wastewater flows, when compared to the permitted activities associated with the site, along with the offered condition of consent to install low flow devices, the proposal is assessed as being beneficial. Therefore the proposal must align with Objective 9.2. Refer below.

136. In terms wastewater infrastructure, Council is guided by the Code of Subdivision and Development, which allows for 3.5 persons per site, generating 270 litres of wastewater

per person per day. This amounts to a planned capacity of 945 litres of wastewater per site.

137. The Code of Subdivision and Development has not been updated to reflect the permitted activities associated with family flats.
138. The Code of Subdivision and Development has no requirement for the installation of water saving devices. Such devices are offered as a condition of consent.
139. A factsheet produced by the Hamilton City Council identifies the various sources of wastewater, and the potential savings available from water saving devices. The savings available amounts to 41.6%, being:
- The biggest user of water is showers, and low flow shower heads can save up to 56%.
 - The second biggest user of water is washing machines; using a 4 star machine (compared to 2.5 star) will provide a 39% saving.
 - Toilets are the third largest producer of wastewater. Depending on toilet design, low flow toilets can represent a saving of 68%.
140. In terms of the current proposal, which is in the form one bedroom dwellings, it is noted that Council has previously used 576 l / day for a single bedroom dwelling (as per MetCalf and Eddy, 4th edition – Table 3-1) to calculate wastewater flows.
141. Bringing the above together, the anticipated wastewater flows per unit is 576 l / day (MetClaf et al.) x potential waster savings (1 - 0.416) = 336 litres/day. Therefore, for the proposed development of three single bedroom units, the wastewater flows should be 336 x 3 = 1,008 litres/day. This is only 6% above the level provided for by the Code of Subdivision and Development.
142. An alternative measure is to continue to use the Code of Subdivision and Development level of wastewater of 270 litres per person per day. Assuming a maximum occupation of two people per unit and three units on the site, along with the use of water saving devices (saving 41.6%), then the amount of wastewater produced is 948 litres per day. This is only 0.3% greater than anticipated by the Code of Subdivision and Development.
143. Based on the above, the proposal for three, one bedroom units will generate a less than minor increase in wastewater flows. This results in the effects being assessed as less than minor. Therefore the proposal is in keeping with Policy 9.2.1.1.

Standard	Details	Comment
9.8.2 Assessment of non-complying performance standard contraventions		
9.8.2.5 Minimum site size		
Relevant objectives and policies (priority considerations):		
9.8.2.5.a	Objective 9.2. Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.	As above.
	Policy 9.2.1.1 Only allow land use or subdivision activities that may result in land use or development activities where: a. in an area with public water supply and/or wastewater infrastructure, it will not	As above.

	exceed the current or planned capacity of that infrastructure or compromise its ability to service any activities permitted within the zone; and b. in an area without public water supply and/or wastewater infrastructure, it will not lead to future pressure for unplanned expansion of that infrastructure.	
9.8.2.5.b	Objective 2.7.1, policies 2.7.1.1 and 2.7.1.3.	In keeping with the Environment Court direction within decision NZEnvC 250 (ENV-2017-CHC-038), strategic directions are not intended to be applied directly to applications for resource consents. Therefore, Section 2 of the 2GP is not required to be assessed as part of this resource consent application.

144. Assessment matters for reduced site size (post-subdivision):

Standard	Details	Comment
15.13.5 Assessment of non-complying performance standard contraventions		
15.13.5.5 Minimum site size		
Relevant objectives and policies (priority considerations):		
15.13.5.5.a	Objective 15.2.4 Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood. Objective 9.2.1 Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.	The proposed site sizes will not impact the streetscape, due to the shape of the subdivision. The future character of the neighbourhood is discussed above, which is likely to include using two/three existing sites to create three/four sites, with the permitted built environment on the resulting site including a dwelling along with a family flat. Discussed above. Site cover is less than provided for, and density of habitable rooms per m2 is assessed low.
Relevant guidance from other sections (priority considerations):		
15.13.5.5.b	See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.	The above discussion includes the situation of three, one bedroom units on the site pre-subdivision. The situation post-subdivision on these matters is unchanged, therefore refer above.

Effects Assessment Conclusion

145. The majority of the matters that result in the requirement for a resource consent are either internal to the site or assessed less than minor.
146. From outside the site, the design provides for a single dwelling fronting the street with a drive along one boundary. This is in keeping with the anticipated streetscape. In addition, the proposal is anticipating a condition of consent associated with landscaping of the street front.
147. Further, the single level design assists to mitigate effect to immediate neighbours.
148. In terms of residential character, an important matter is building cover, which the proposal easily complies with.
149. The key matter is associated with the proposed density (minimum site area – pre-subdivision, and undersized lots – post-subdivision).
150. The proposal is not a typical development, due to each residential unit being restricted to a single habitable room. As discussed earlier, the effect on wastewater infrastructure will be negligible. Further, the proposed unit sizes assists to mitigate any concerns associated with cumulative effects (this is evident by the lack of similar development in the GR2 zone).
151. Overall, the effects are internal, or assessed as being less than minor.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

152. Conditions of consent offered include:

- Landscaping of the front yard.
- Acoustic fence adjacent to the ROW.

OBJECTIVES AND POLICIES ASSESSMENT

153. In accordance with Section 104(1)(b) of the RMA, the objectives and policies of the operative District Plan and the 2GP are assessed below:

Operative District Plan:

154. Within the operative District Plan there are a number of sections that have relevance in terms of the Objectives and Policies. The relevant items are included below:

Section 8 (Residential)

Objective/Policy	Comment
8.2.1 Seeks to ensure the adverse effect on amenity values and character are avoided, remedied or mitigated.	The amenity and character of the area is residential, and described earlier in this AEE. The proposal includes a number of design elements that assists the proposal to maintain the amenity values and character.
8.3.1 Seeks to maintain or enhance amenity values and character.	
8.3.2 Seeks to encourage the maintenance of the residential amenity in neighbourhoods and areas by managing the coordination of the subdivision of land.	

8.2.4 Seeks to ensure that the existing urban service infrastructure servicing residential areas is sustained for the use of future generations. 8.3.4 Seeks to ensure that the density of new development does not exceed the design capacity of the urban service infrastructure. 8.3.5 Seeks to restrict the density of subdivision and new residential development in areas in which water supply is currently inadequate.	Service infrastructure is protected by both density of people/dwellings (i.e., water/sewer) and site cover (stormwater). In terms of stormwater, the proposal has less cover for the whole site than anticipated by the more relevant 2GP. Therefore the proposal does not threaten stormwater infrastructure. There are no known water supply issues associated with the subject site/area. In terms of wastewater, as discussed above, the proposal does not threaten sewer infrastructure. Further, no infrastructure constraints are shown on the proposed District Plan maps.
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Section 18 (Subdivision)

Objective / Policy	Comment
18.2.1 Ensure that subdivision activity takes place in a coordinated and sustainable manner throughout the City. 18.3.1 Avoid subdivisions that inhibit further subdivision activity and development. 18.3.5 Require subdividers to provide information to satisfy the Council that the land to be subdivided is suitable for subdivision and that the physical limitations are identified and will be managed in a sustainable manner.	The site is within the water zone boundary, with access from an existing formed road. There are no known infrastructure constraints. The proposal will not inhibit further subdivisions/developments. There is no known land information which would restrict the proposed subdivision and use.
18.2.2 Ensure that the physical limitations of land and water are taken into account at the time of the subdivision activity. 18.3.5 Refer above	There are no known physical limitations.
18.2.3 Ensure that the potential uses of land and water are recognised at the time of the subdivision activity. 18.3.1 Refer above	Residential activity is proposed.

18.3.4 Subdivision activity consents should be considered together with appropriate land use consents and be heard jointly.	The proposed land use of the resulting lots is part of the current application.
18.2.6 Ensure that the adverse effects of subdivision activities and subsequent land use activities on the City's natural, physical and heritage resources are avoided, remedied or mitigated.	Mitigation has been achieved via the subdivision layout, and the effects are assessed as being largely internal and less than minor.
18.3.5 Refer above	
18.3.8 Control foul effluent disposal and adequately dispose of stormwater to avoid adversely affecting adjoining land.	All disposals will be connected to the appropriate network/services.
18.3.12 Require plans of subdivision to be in accordance with safe traffic engineering principles.	
18.3.14 Require reticulation services to be underground in urban subdivisions.	This is offered as a condition of consent.
18.2.7 Ensure that subdividers provide the necessary infrastructure to and within subdivisions to avoid, remedy or mitigate all adverse effects of the land use at no cost to the community while ensuring that the future potential of the infrastructure is sustained.	Water – There is a 100 mm water main in the road. It is envisaged that new water connections for the proposed lots will be sought via the "Application for Water Supply" process.
18.3.7 Require the provision of all necessary access, infrastructure and services to every allotment to meet the reasonably foreseeable needs of both current and future development.	Foul Sewer – There is a 150 mm foul sewer in the road. New connections are anticipated. This will be managed via the building consent process.
18.3.8 Refer above.	Stormwater – New stormwater drains will be installed as part of the construction of new dwellings on the proposed new lots. This will be managed via the building consent process.
	Electricity/Telecommunication – We are unaware of any capacity constraints and new connections will be installed as part of the construction of a new dwelling on the proposed new lots.

Section 20 (Transportation)

Objective / Policy	Comment
Objective 20.2.2 Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the	The effects associated with transportation matters are assessed as being less than minor.

transportation network. Policy 20.3.5 Ensure safe standards for vehicle access.	
Objective 20.2.4 Maintain and enhance a safe, efficient and effective transportation network. Policy 20.3.5 Ensure safe standards for vehicle access.	As above.

155. Overall, it is assessed that the proposal is consistent with the relevant objectives and policies of the operative District Plan.

2GP:

156. Within the 2GP there are a number of sections that have relevance in terms of the Objectives and Policies. The relevant items are included below:

157. Note: Some of the objectives and policies of the 2GP are subject to appeal and these are highlighted below with shading.

Strategic Directions (Section 2):

158. In keeping with the Environment Court direction within decision NZEnvC 250 (ENV-2017-CHC-038), strategic directions are not intended to be applied directly to applications for resource consents. Therefore, Section 2 of the 2GP is not required to be assessed as part of this resource consent application.

Residential Zones (Section 15)

Objective	Supporting Policy	Comment
Objective 15.2.2 Residential activities, development, and subdivision activities provide high quality on-site amenity for residents.	Policy 15.2.2.1 Require residential development to achieve a high quality of on-site amenity by: a. providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, green space or recreation; b. having adequate separation distances between residential buildings; c. retaining adequate open space uncluttered by buildings; and d. having adequate space available for service areas.	The proposal seeks to create an enhanced living environment, with high quality on-site amenity. The finer grain design provides for functional and accessible outdoor spaces on the north/north-east side of the dwellings. The yard encroachments are limited. The front yard setback is almost complying, with no parking in the front yard. Landscaping of the front yard is anticipated to be managed via a condition of consent. Service spaces are provided in easily accessible locations.
Objective 15.2.3 Activities in residential zones maintain a good level of amenity on surrounding	Policy 15.2.3.1 Require buildings and structures to be of a height and setback from boundaries	All external boundary setbacks/height planes are either complying, with any encroachment being de

residential properties and public spaces.	that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces.	minimis. Further, the dwellings are separated from the southern neighbours by the access way. All dwellings are single level.
Objective 15.2.4 Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.	Policy 15.2.4.1 Require development to maintain or enhance streetscape amenity by ensuring: - garages, carports and car parking do not dominate the street; - there are adequate green space areas free from buildings or hard surfacing; - buildings' height and boundary setbacks, and scale reflect the existing or intended future residential character; ... Policy 15.2.4.2 Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone. Policy 15.2.4.6 Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will: - maintain the amenity of the streetscape - reflect the current or future intended character of the neighbourhood; - provide for development to occur without unreasonable earthworks or engineering requirements; and - provide for quality housing.	Objective 15.2.4 is discussed earlier in this AEE. In terms of Policy 15.2.4.1: - There is no parking in the front yard. - When viewed from the street the building is lower profile than provided for, with a greater setback. Policy 15.2.4.2 is discussed earlier in this AEE. In terms of streetscape, when viewed from the street, the proposal will appear like a complying development. In term of the the current character of the neighbourhood, the proposal is in keeping with the current use of the site, which forms part of the current character of the neighbourhood; The proposal will require limited earthworks/ engineering requirements due to the flat site with no known land instability issues. Quality housing is anticipated, which includes a high level of internal and

		external space, and orientation towards the north.
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Transportation (Section 6)

Objective	Supporting Policy	Comment
Objective 6.2.3 Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.	Policy 6.2.3.4 Require land use activities to provide the amount of parking necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated. Policy 6.2.3.9 Only allow land use and development activities or subdivision activities that may lead to land use or development activities, where: - adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated; and - any associated changes to the transportation network will be affordable to the public in the long term.	The required quantum of parking is provided. The transportation matters are assessed as being de minimis. In terms of the efficiency of the transportation network, the proposed site layout provides for all vehicles to exit the site in a forward facing direction, which is a benefit when compared to the existing situation.
Objective 6.2.4 Parking areas, loading areas and vehicle accesses are designed and located to: - provide for the safe and efficient operation of both the parking or loading area and the transport network; and - facilitate the safe and efficient functioning of the transport network and connectivity for all travel modes.	Policy 6.2.4.2 Require driveways to be designed to ensure that: the surfacing and gradient of the driveway allows it to be used safely and efficiently; - mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths; - the width of the driveway is sufficient to allow the type and number of vehicles (including emergency vehicles), likely to be using it to do so safely and efficiently; and - sufficient distance is provided between shared driveways and dwellings.	Discussed above.

159. In terms of the objectives and policies in the 2GP that are subject to appeal, lesser weight can be applied to the provisions under appeal during the decision making process.

160. Overall, it is assessed that the proposal is consistent with the relevant objectives and policies of the 2GP.

Operative and Proposed Regional Policy Statement for Otago

161. The operative and proposed Regional Policy Statement for Otago raises no matter of concern.

DECISION MAKING FRAMEWORK

Part 2 Matters

162. It is considered that there is sufficient assessment guidance within both the operative District Plan and in the 2GP. As a result, there is no need for an assessment in terms of Part 2 RMA.

Actual and Potential Effects

163. The effects of the proposal are largely internal to the site, provide some beneficial effects to the immediate environment (acoustic fence, front yard planting, reduced building cover and restricting the built environment to single level), or have wider positive effects (enhancing the housing supply for those in need). Therefore, the effects are assessed as being no more than minor.

Any Relevant Provisions

164. The only relevant provisions relate to the district plans, and it is concluded that the proposal is aligned with the anticipated outcomes.

Other Matters

165. S104(1)(c) RMA requires regard to be given to any other matters considered relevant and reasonably necessary to determine the application, such as precedent and Plan integrity. Case law now directs consideration of whether approving a non-complying activity will create an undesirable precedent. If a plan's integrity is at risk by such a precedent, then the 'true exception test is to be applied'. Conversely, if the potential precedent is not undesirable, then the risk to the plan integrity is not of concern.

166. In terms of effects, overall these are assessed as being less than minor, with a number of positive effects. Therefore, any precedent is unlikely to be 'undesirable'.

167. Further, the proposed style of housing (single bedroom, standalone homes, with surrounding open space) is not a style generally undertaken in zones (such as the GR2 zone) which provides for such styles. Therefore, there is limited risk of any precedent being set.

168. There are no other matters relevant to this application.

Section 104D

169. S104D RMA requires an application for a non-complying activity to pass at least one of the s104D 'gateways': either the effects will be no more than minor, or the proposal is not contrary to the relevant objectives and policies.

170. As detailed above, the proposal passes both the effects gateway and the policy gateway. Therefore, consideration to granting consent can be given under s104D.

Specific Considerations

171. Details of any permitted activity that is part of the proposal: Not applicable.

172. S124/S165ZH91(e): Not applicable.
173. S85 of the Marine and Coastal Area: Not applicable.
174. Subdivision Consent – Additional Information: With regards to the plan attached to this application, the following is noted:
- (a) The plan adequately defines the position of all new boundaries.
 - (b) The plan adequately defines the areas of all new allotments.
 - (c) No new reserves are proposed.
 - (d) The proposal is not associated with any existing esplanade reserves, esplanade strips, and access strips.
 - (e) The proposal is not located near any part of the bed of a river or lake.
 - (f) The site is not located within the coastal marine area.
 - (g) The proposal does not anticipate land being set aside as new roads.
175. Reclamation Consent – Additional Information: Not applicable.

Written Approvals

176. As no person is identified as being affected by the proposal, this application does not include any written approvals.
177. In terms of the Wāhi Tupuna Mapped Area, Appendix A4.45 notes there are no principal threats to the values. Therefore written approval from Manawhenua is not required.

CONCLUSION

178. This application will allow a specialist social housing provider the opportunity to establish and use three new purpose built one bedroom homes, with each home having an internal size and features beyond a typical development, along with highly functional and usable outdoor space.
179. The effects of the proposal when considering the existing situation/permitted environment are either internal, or positive to the immediate and/or wider community because:
- The proposal is beneficial to the anticipated streetscape and character (single level, with a condition of consent associated with front yard planting).
 - There are no external adverse effects on amenity, as residential activity is anticipated, and the proposal largely complies with matters such as external setbacks and height planes.
 - The proposed housing design is aligned with current and future housing needs, and the Applicant is well placed to make such a finding. The dwellings are specially designed for an ageing population and/or a one to two person household, while providing for high quality on-site amenity.
180. The ability to subdivide the site effectively provides the opportunity for the Applicant to increase financial leverage, and thus the provision of additional housing. When the subdivision is considered within the context of the proposed dwellings, the subdivision will not result in any additional negative effects.
181. Overall, due to the anticipated use of the resulting sites (one bedroom units), along with the overall design, the proposal is assessed as being suitable for consent to be granted.

Anderson & Co (Otago) Limited

Perth Street

43 Perth Street Mosgiel Dunedin

Sheet Index	Layout Name	Current Revision
RESOURCE CONSENT		
RG01	COVERSHEET	03
RG02	SECTION - PROPOSED	03
RG03	ELEVATIONS - PROPOSED	03
RG04	RENDERED IMAGES	03
RG05	SUN STUDY PLAN	03





Hampton Jones

Building Specialists

43 Mosgiel Ave
Mosgiel 9042
04 350 572
04 426 301

Wellington
04 350 572
04 426 301

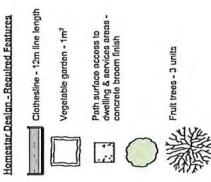
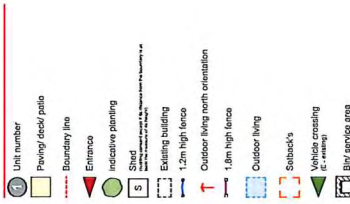
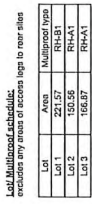
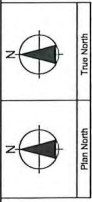
- GENERAL NOTES
1. Do not scale off drawings.
 2. Any Existing Dimensions shown are clearly marked on the drawings and are the responsibility of the client. All measurements on site.
 3. Architect / Designer to be notified of any variation between site dimensions and those on plans.
 4. All work to be carried out in accordance with the New Zealand Building Code and all relevant specifications. Architect / Designer to be notified of any variations.
 5. These drawings remain the property of Hampton Jones Property Consultancy LTD and are not to be used or reproduced in any form without written consent.
 6. Architectural plans to be used in conjunction with specification, approved building consent documentation and all other consultants recommendations.

Project Name	Perth Street
Client Name	Kāinga Ora
Project Address	43 Perth Street Mosgiel Dunedin



C	Drawn	CSA	14/04/2020
B	Checked	CSA	14/04/2020
A	Reviewed	CSA	14/04/2020
1	Approved	CSA	14/04/2020
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20	Approved	CSA	14/04/2020

Project No.	RC01
Revision	03
Sheet Title	COVERSHEET

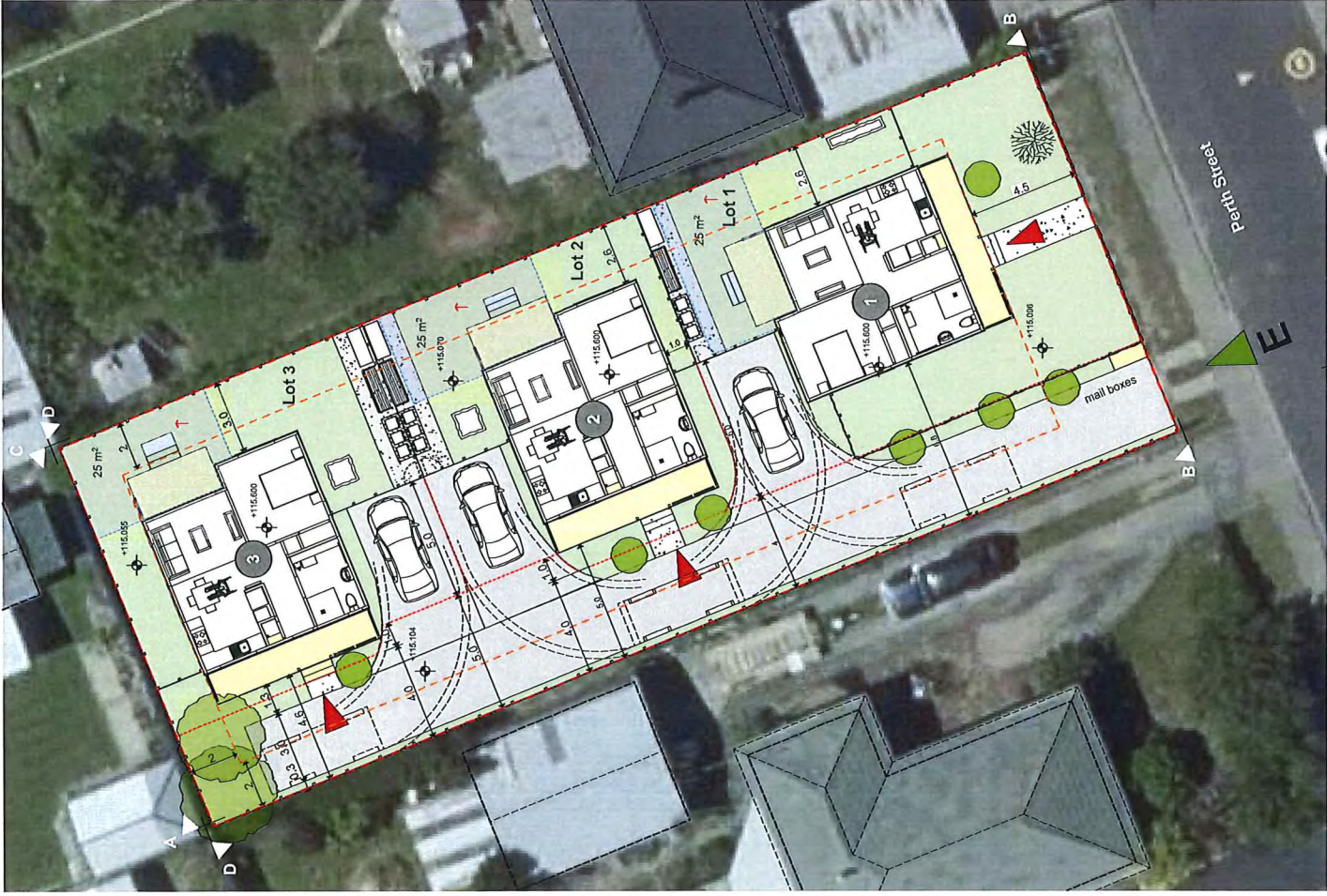


SITE INFORMATION	
LOT	14
Parcel ID	7453
LEGAL INFORMATION	
COUNCIL	DUNDAS CITY COUNCIL
PLAN ZONE	General Residential 1
PLAN INFORMATION	
REG. MTRN	N/A
WIND ZONE	Eng. to define
EARTHQUAKE ZONE	1
CORROSION ZONE	B1
CLIMATE ZONE	1 (Homestar definition)
SNOW LOAD	NS
SITE BUILDING INFORMATION	
SITE ALTITUDE	
AREA	54.42 Acres
AREA	54.42 Acres
BUILDINGS FOOTPRINT AREA	52.5 sqm ± 3 units

Multi Proof House Code Table

Main		Cladding Option	
		Weatherboard	Brick
Code Number	1 Bed	1	2
	1 Bed Mirrored	1	2
2 Bed	2 Bed	1	2
	2 Bed Mirrored	1	2
3 Bed accessible	3 Bed accessible	1	2
	3 Bed accessible Mirrored	1	2
	3 Bed non-access Mirrored	1	2

eg RH - E2 = 3 Bed, accessible, brick (not mirrored)
RH - CN1 = 2 Bed, accessible, weatherboard, north loade





Building Specialists

Auckland	Christchurch	Wellington
+64 9 050 7478	+64 3 365 0732	+64 4 440 3051

GENERAL NOTES

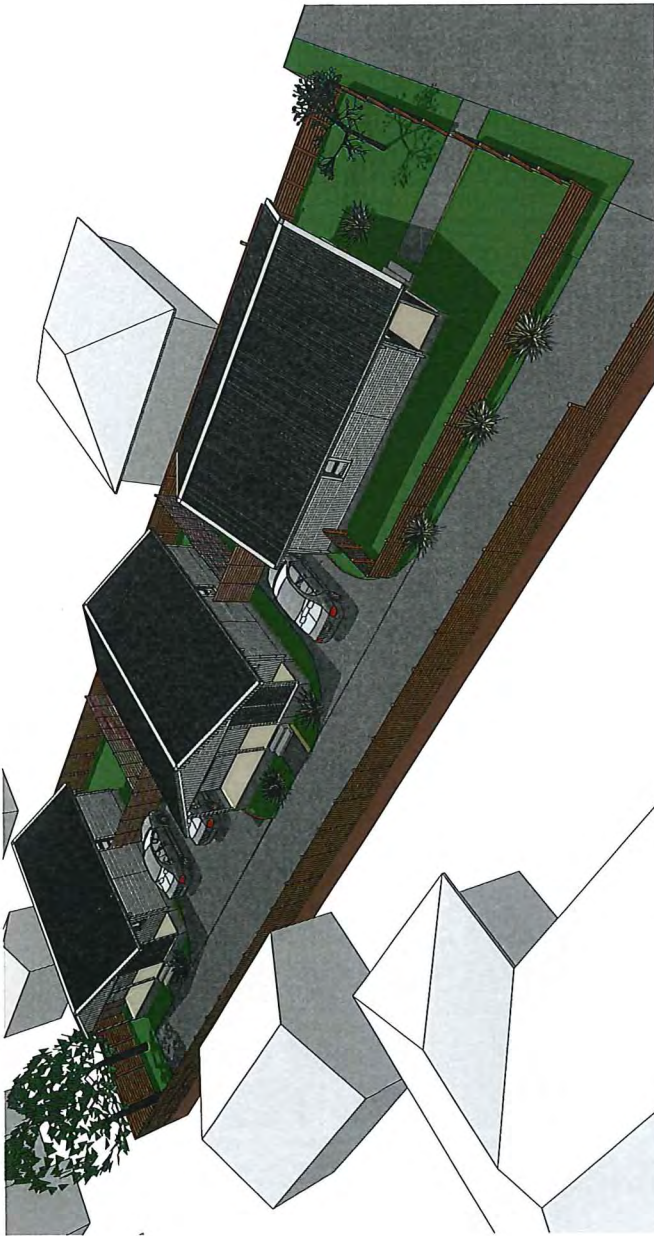
1. Do not scale off drawings.
2. Existing Dimensions shown are generally taken from original construction plans and Contractor shall verify and be responsible for all measurements on site.
3. Architect / Designer to be notified of any variation between site dimensions and those on plans.
4. All work to be carried out in accordance with these drawings and the accompanying specification, and the Designer to be notified of any variations.
5. These drawings remain the property of Hampton Jones Property Consultancy LTD and must not be copied in any form or passed on to a third party without written consent.
6. Architectural plans to be read in conjunction with specification, approved building consent

Project Name	Porth Street
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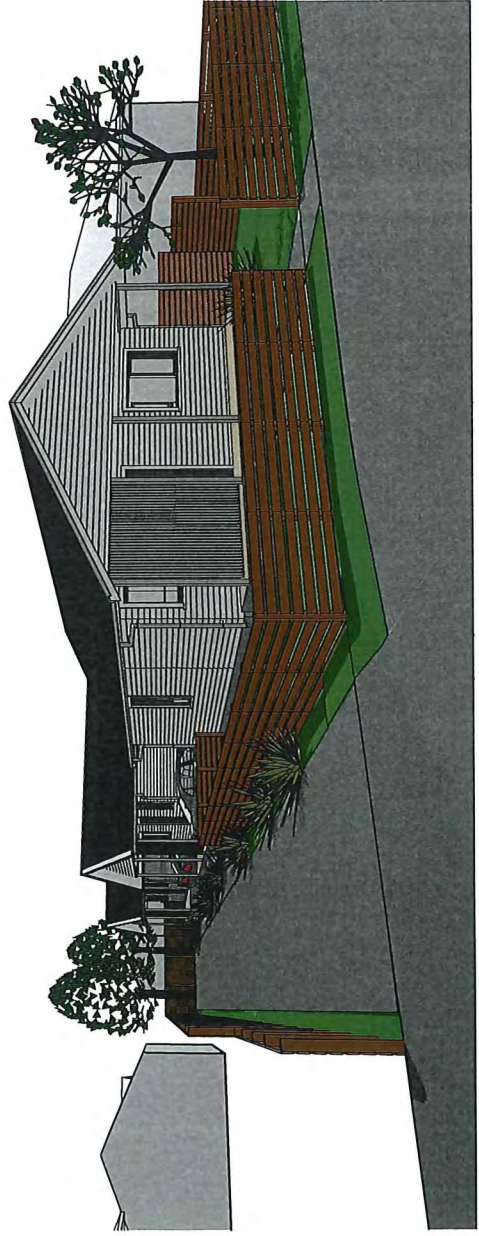
Client Name **Kāinga Ora**
Homes and Communities

Project Address
43 Perth Street
Mosgiel
Dunedin

aerial view



street frontage view

[illegible]

1. Do not scale drawings.
2. Any Existing Dimensions shown are for information only. The Architect and Engineer are responsible for all measurements on site.
3. Architect / Designer to be notified of any variation between site dimensions and those on plan.
4. All work to be carried out in accordance with the New Zealand Building Code and any applicable specifications. Architect / Designer to be notified of any variations.
5. These drawings remain the property of Hampton Jones Property Consultancy LTD and are not to be used or reproduced on a third party without written consent.
6. Architectural plans to be read in conjunction with specification, approved building consent documentation and all other consultants recommendations.

Client Name
Kāinga Ora
Kāinga Ora
Homes and Communities

Project Address
403 South Street
Mangere
Dunedin

Project Name
Puriri School

Project No.
P13-004

Project Name
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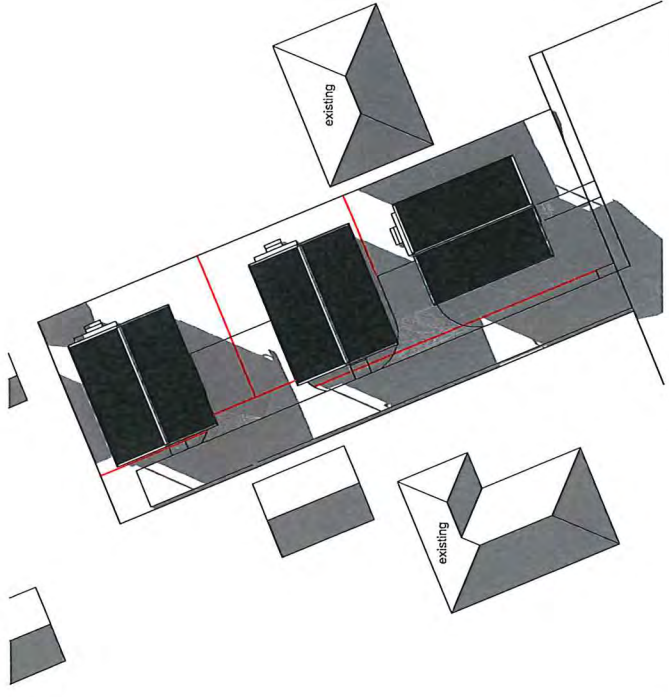
Project Name
Puriri School

Project Name
Puriri School

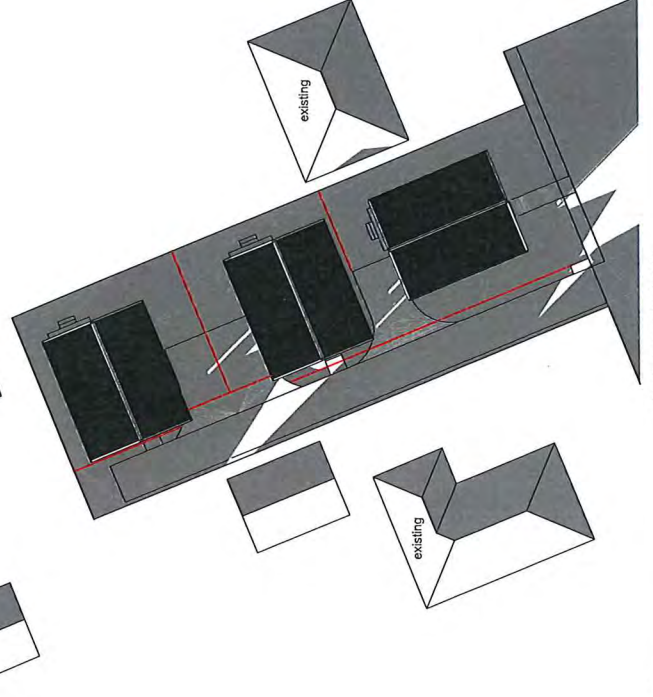
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Puriri School

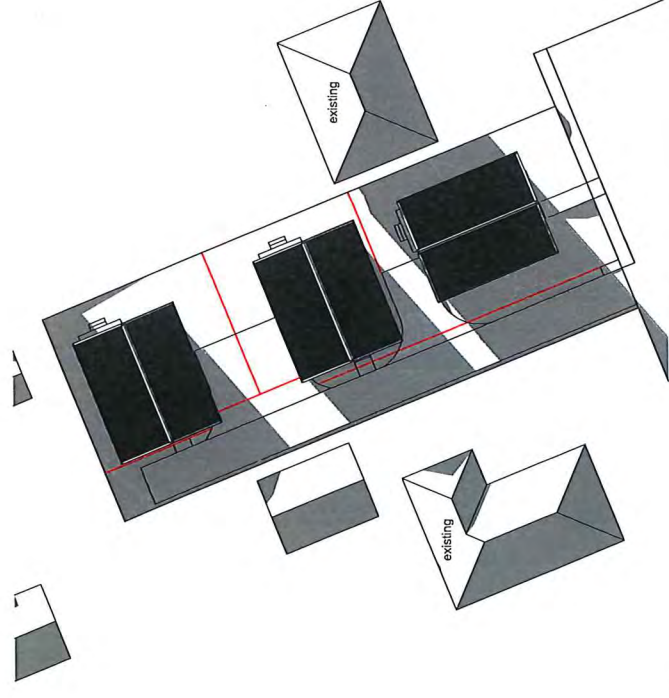
Project Name
Puriri School



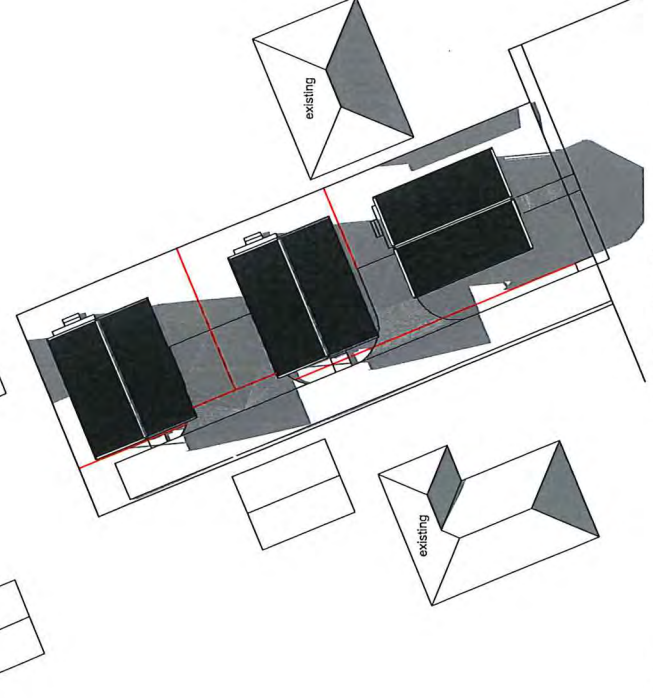
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4 Sun Study June 21 @ 1600 1:200



1 Sun Study June 21 @ 0900 1:200



3 Sun Study June 21 @ 1300 1:200

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Certificate of Title with diagram: 9B/112

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**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier OT9B/112
Land Registration District Otago
Date Issued 22 March 1983

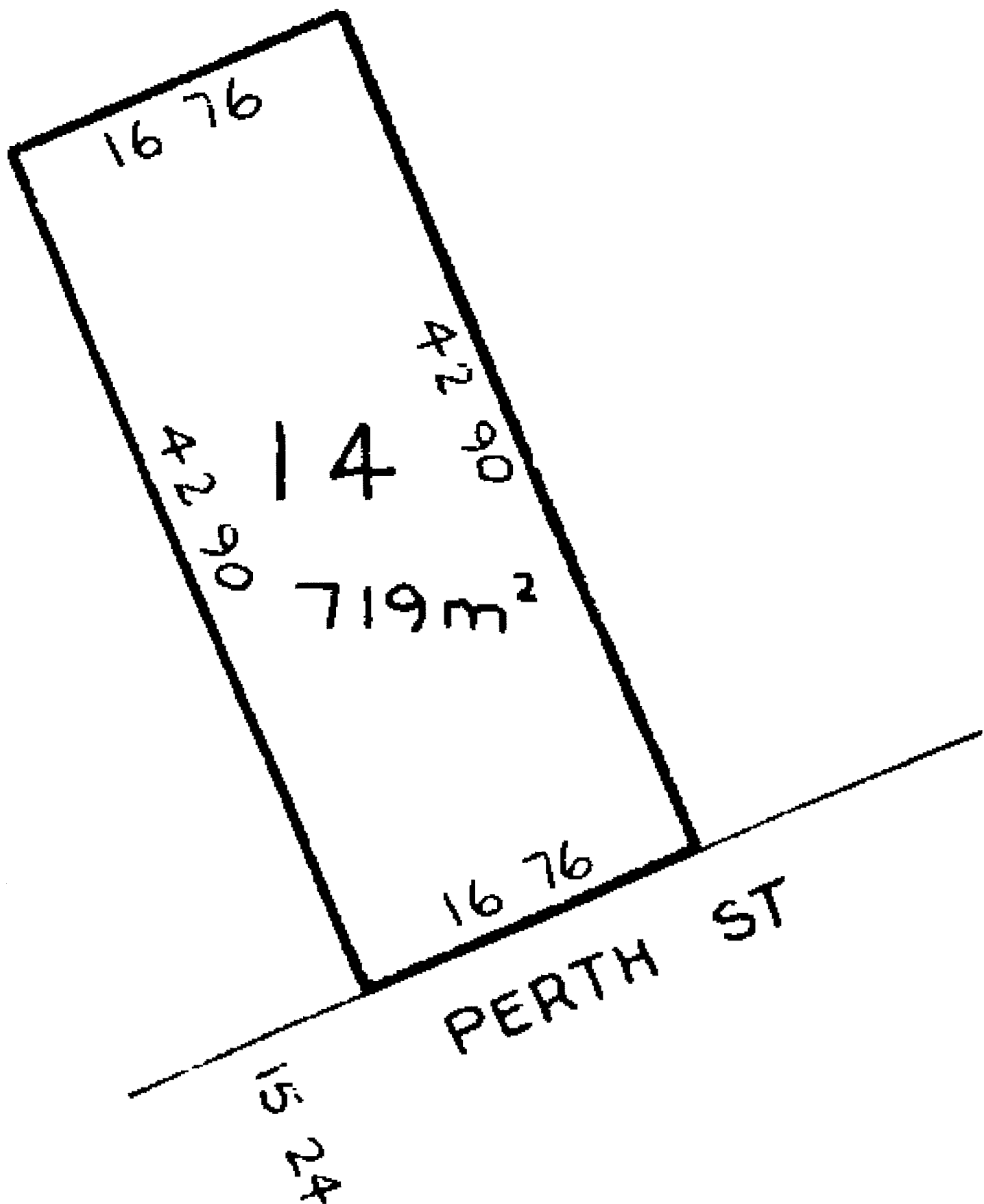
Prior References
OT360/238

Estate	Fee Simple
Area	719 square metres more or less
Legal Description	Lot 14 Deposited Plan 7453

Registered Owners
Housing New Zealand Limited

Interests

Subject to Section 206 Land Act 1924
Subject to Section 8 Coal Mines Amendment Act 1950
Subject to Section 11 Crown Minerals Act 1991
Subject to Part IV A Conservation Act 1987
6179 Order in Council imposing Building Line Restriction - 6.6.1952 at 2.05 pm



Resource Consent Affected Person(s) Written Approval Form

Important: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): Barry Anderson

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

of the property situated at (address and/or legal description of your property): 41 Perth Street Mosgiel 9024
41 Perth Street Mosgiel 9024

have read and understand the information on the reverse side of this page and give written approval to the proposal by (name of applicant(s)): Kāinga Ora Homes and Communities

to (description of proposed activity): To establish, use and maintain three residential units (one bedroom per unit), along with various matters of noncompliance, and a three lot subdivision, all as shown in the attached plans.

a fence along the 41-43 Perth st boundary including features: wood construction, closeboarded palings, palings to 43 Perth st, height of 2.4m, except height in front yard.

on the following property (address of application site): 43 Perth Street, Mosgiel
being described as Lot 14 DP 7452 held in OT9B/112.

☒ I/we have read and understand the application as described above and have signed and dated the application and plans as attached.

If there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or tick the declaration box below:

☐ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Signed: [Signature]

A signature is not required if you give your written approval by electronic means

Date: 1-7-2020

Telephone: 489 2469

Contact person (name, and designation if applicable): _____

Postal address: 41 Perth St Mosgiel

Email address: _____ Telephone: 489 2469

Method of service: ☐ Email ☒ Post ☐ Other _____

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Resource Consents Team, City Planning Department, Dunedin City Council, Telephone: 03 477 4000
Facsimile: 474 3451, PO Box 5045, Moray Place, Dunedin 9058, www.dunedin.govt.nz



Written Approval of Affected Person(s) in Relation to an Application for Resource Consent under the Resource Management Act 1991

Introduction

Any proposal to do something that is not a Permitted Activity in the Dunedin City District Plan requires a Resource Consent.

If you have been asked to sign this form, it will be because your neighbour proposes to do something that is not a Permitted Activity, and therefore their proposal requires a Resource Consent. This is not a bad thing in itself, but the Resource Consent process provides the opportunity to determine whether the proposal can be granted consent in terms of the Resource Management Act 1991.

Why is your written approval required?

If an application for a Resource Consent is to be processed as a non-notified application, the Resource Management Act 1991 requires that:

- The activity have or be likely to have adverse effects on the environment that are no more than minor; and
- Written approval be obtained from all affected persons, in relation to an activity, if the activity's adverse effects on the parties are minor or more than minor (but are not less than minor).

If you have been asked to give your written approval it is because you may be adversely affected by the proposed activity. However, just because your written approval is being sought does not mean that you are definitely adversely affected. The affected persons written approval process is designed to give you the opportunity to consider the particular proposal and decide for yourself whether you are adversely affected and/or the degrees to which you may be adversely affected.

What should you do?

If you are asked to give your written approval to someone's proposal as part of their application for a Resource Consent, you should do the following:

1. Request that your neighbour (or their representative) explain the proposal clearly and fully to you.
2. Study the application and associated plans for the proposed activity provided by them in order to understand the effects of the proposal. If there are no plans available at this stage, you are quite entitled to wait until they are available.
3. Decide whether the proposal will adversely affect you or your property and, if so, to what extent. You can take your time over this decision and you are quite entitled to ask the applicant for more information. You may suggest amendments to the proposal that you consider improve aspects of the proposal in terms of its adverse effects on you.
4. If you are satisfied that the proposed activity will not adversely affect you, complete and sign the affected person/s written approval form on the reverse side of this page and sign a copy of the associated plans. If you wish to give written approval to the proposed activity subject to conditions, these should be discussed with your neighbour (or their representative) directly and a satisfactory conclusion reached before your written

approval is given. This may require your neighbour amending the application or plans, or entering into a private (side) agreement with you. The Council will not enter into any negotiations on the subject.

5. Return all documentation to your neighbour (or their representative).

Please note that:

- You do not have to give written approval if you are unhappy with what is being proposed;
- The Council will not get involved in any negotiations between you and the applicant;
- The Council will not accept conditional written approvals;
- Side agreements do not bind the Council in any way.

Important information

Please note that even though you may sign the affected person(s) written approval form, the Council must still give full consideration to the application in terms of the Resource Management Act 1991. However, if you give your approval to the application, the Council cannot have regard to any actual or potential effects that the proposal may have on you. If Resource Consent is granted by the Council there is no way for either you or the Council to retract the Resource Consent later. You are therefore encouraged to weigh up all the effects of the proposed activity before giving written approval to it.

If you do not give your approval, and you are considered to be an adversely affected party, then the application must be treated as a limited notified or publicly notified application, as a result of which you will have a formal right of objection by way of submission.

If the proposal requires resource consent and you change your mind after giving your written approval to the proposed activity, your written approval may only be withdrawn and the effects on you considered for the notification decision if a final decision on affected parties has not already been made by the Council. Accordingly, you need to contact the Council immediately if you do wish to withdraw your written approval.

If the Council determines that the activity is a deemed permitted boundary activity under section 87BA of the Resource Management Act 1991, your written approval cannot be withdrawn if this process is followed instead.

For further information

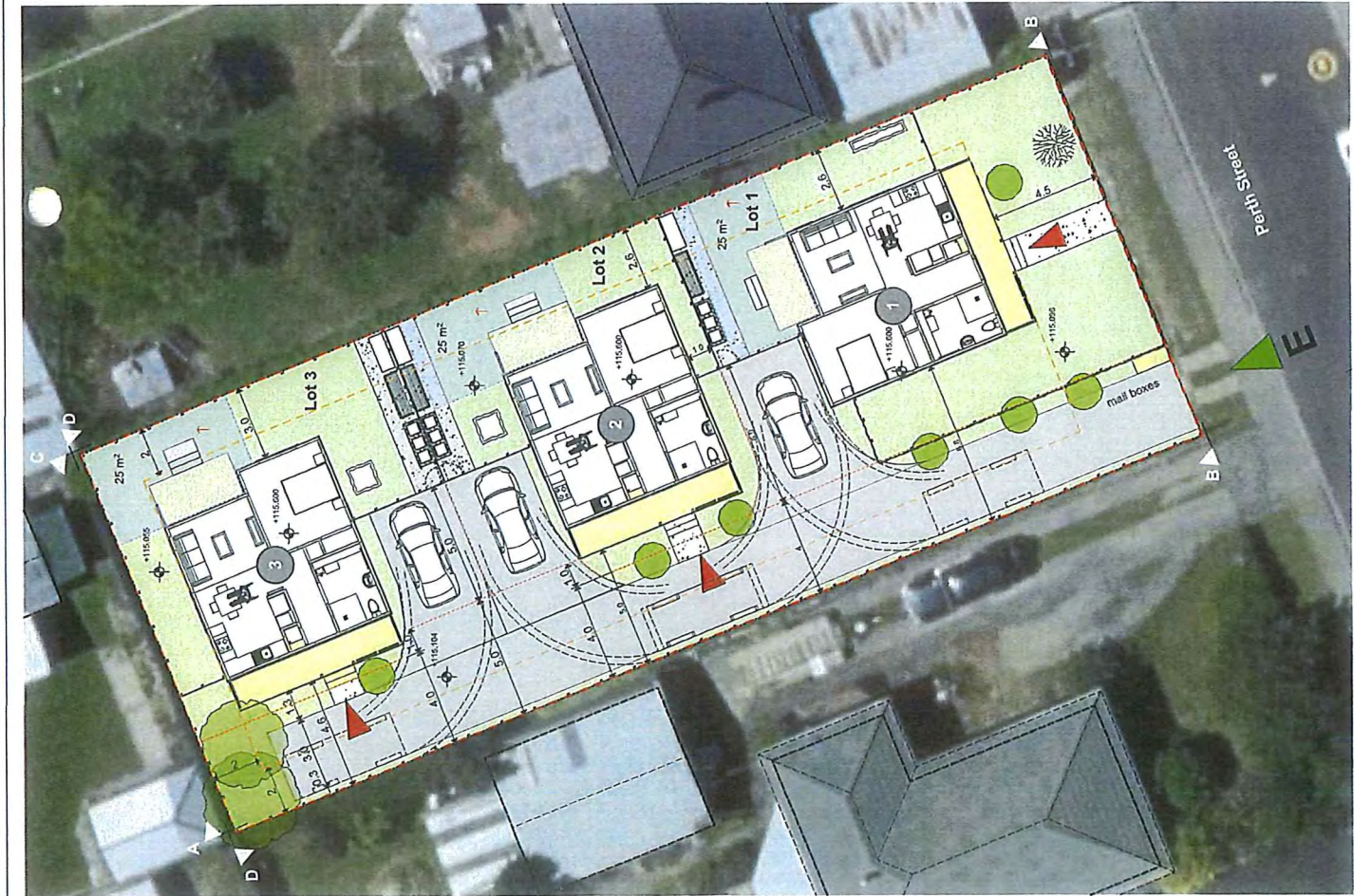
Read the Council's "Written Approvals of Affected Persons - What Are They?" pamphlet.

Refer to the Ministry for the Environment's publication "Your Rights as an Affected Person" available on www.mfe.govt.nz.

Privacy: Please note that written approvals form part of the application for resource consent and are public documents. Your name, and any other details you provide, are public documents and will be made available upon request from the media and the public. Your written approval will only be used for the purpose of this resource consent application.

Sheet Index	Layout Name	Current Revision
RESOURCE CONSENT		
RC001	COVER SHEET	03
RC002	SITE/CONPLAN - PROPOSED	03
RC003	SITE/CONPLAN - EXISTING	03
RC004	PERMITTED MAPS	03
RC005	SURVEY STUDY PLAN	03





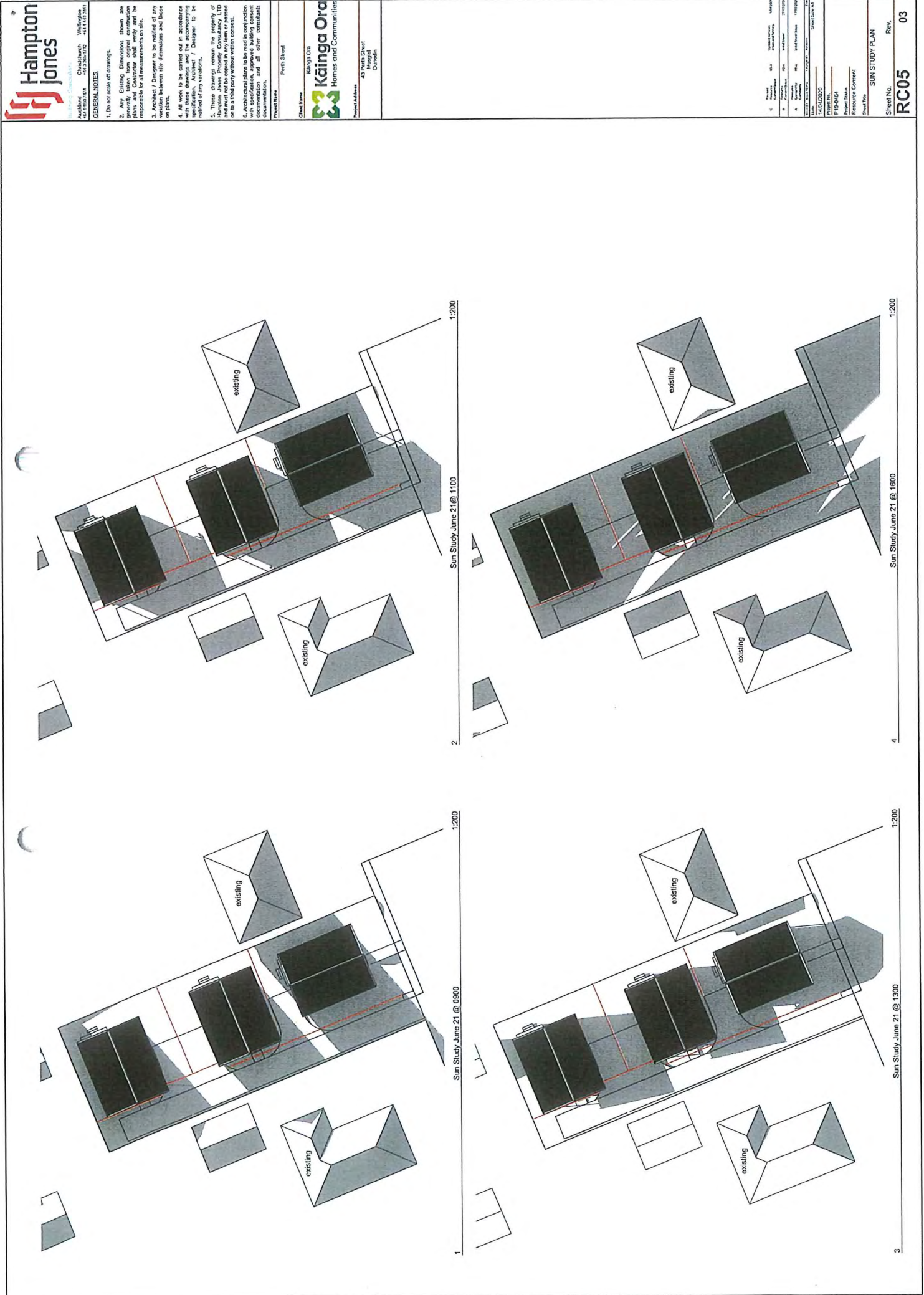
Multi Proof House Code Table

Table shows codes within for all Proposed House Type Options at time of publishing.

Refer drawing number prefix for house code relating to sect.

Main		North, Landscape = N	
Cladding Option		Cladding Option	
Weatherboard	Brick	Weatherboard	Brick
1	2	1	2
Code Number	Code Number	Code Number	Code Number
WH + A	RH + A	WH + AN	RH + AN
1 Bed	1 Bed	1 Bed NORTH	1 Bed NORTH Mirrored
2 Bed	2 Bed	2 Bed NORTH	2 Bed NORTH Mirrored
3 Bed	3 Bed	3 Bed NORTH	3 Bed NORTH Mirrored
3 Bed accessible	3 Bed accessible	3 Bed accessible NORTH	3 Bed accessible NORTH Mirrored
3 Bed non-acc	3 Bed non-acc	3 Bed non-acc NORTH	3 Bed non-acc NORTH Mirrored
3 Bed non-acc Mirrored	3 Bed non-acc Mirrored	3 Bed non-acc NORTH Mirrored	3 Bed non-acc NORTH Mirrored

og RH - E2 = 3 Bed, accessible, brick (not mirrored)
RH - CN1 = 2 Bed, accessible, weatherboard, north loaded



Resource Consent Affected Person(s) Written Approval Form

Important: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): Murray Gordon Adam and Kerry Joy Adam

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

of the property situated at (address and/or legal description of your property): 45 Perth Street Mosgiel 9024

45 Perth Street Mosgiel 9024

have read and understand the information on the reverse side of this page and give written approval to the

proposal by (name of applicant(s)): Kāinga Ora Homes and Communities

to (description of proposed activity): To establish, use and maintain three residential units (one bedroom per unit),

along with various matters of noncompliance, and a three lot subdivision, all as shown in the attached plans. Including a 1.8m high

close boarded fence along the boundary between 43 and 45 Perth St (except in the front yard set back).

and that I
Murray Gordon Adam retain ownership of existing fence
between 43 & 45 Perth street

on the following property (address of application site): 43 Perth Street, Mosgiel

being described as Lot 14 DP 7452 held in OT9B/112.

☒ I/we have read and understand the application as described above and have signed and dated the application and plans as attached.

If there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or tick the declaration box below:

☐ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Signed:

A signature is not required if you give your written approval by electronic means

Date: 28/10/20

Telephone: 027 227 5173

Contact person (name, and designation if applicable): Murray Adam

Postal address: 45 Perth street mosgiel

Email address: muzzadam06@gmail.com

Telephone: as above

Method of service: ☒ Email ☐ Post ☐ Other

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Resource Consents Team, City Planning Department, Dunedin City Council, Telephone: 03 477 4000
Facsimile: 474 3451, PO Box 5045, Moray Place, Dunedin 9058, www.dunedin.govt.nz



Written Approval of Affected Person(s) in Relation to an Application for Resource Consent under the Resource Management Act 1991

Introduction

Any proposal to do something that is not a Permitted Activity in the Dunedin City District Plan requires a Resource Consent.

If you have been asked to sign this form, it will be because your neighbour proposes to do something that is not a Permitted Activity, and therefore their proposal requires a Resource Consent. This is not a bad thing in itself, but the Resource Consent process provides the opportunity to determine whether the proposal can be granted consent in terms of the Resource Management Act 1991.

Why is your written approval required?

If an application for a Resource Consent is to be processed as a non-notified application, the Resource Management Act 1991 requires that:

- The activity have or be likely to have adverse effects on the environment that are no more than minor; and
- Written approval be obtained from all affected persons, in relation to an activity, if the activity's adverse effects on the parties are minor or more than minor (but are not less than minor).

If you have been asked to give your written approval it is because you may be adversely affected by the proposed activity. However, just because your written approval is being sought does not mean that you are definitely adversely affected. The affected persons written approval process is designed to give you the opportunity to consider the particular proposal and decide for yourself whether you are adversely affected and/or the degrees to which you may be adversely affected.

What should you do?

If you are asked to give your written approval to someone's proposal as part of their application for a Resource Consent, you should do the following:

1. Request that your neighbour (or their representative) explain the proposal clearly and fully to you.
2. Study the application and associated plans for the proposed activity provided by them in order to understand the effects of the proposal. If there are no plans available at this stage, you are quite entitled to wait until they are available.
3. Decide whether the proposal will adversely affect you or your property and, if so, to what extent. You can take your time over this decision and you are quite entitled to ask the applicant for more information. You may suggest amendments to the proposal that you consider improve aspects of the proposal in terms of its adverse effects on you.
4. If you are satisfied that the proposed activity will not adversely affect you, complete and sign the affected person/s written approval form on the reverse side of this page and sign a copy of the associated plans. If you wish to give written approval to the proposed activity subject to conditions, these should be discussed with your neighbour (or their representative) directly and a satisfactory conclusion reached before your written

approval is given. This may require your neighbour amending the application or plans, or entering into a private (side) agreement with you. The Council will not enter into any negotiations on the subject.

5. Return all documentation to your neighbour (or their representative).

Please note that:

- You do not have to give written approval if you are unhappy with what is being proposed;
- The Council will not get involved in any negotiations between you and the applicant;
- The Council will not accept conditional written approvals;
- Side agreements do not bind the Council in any way.

Important information

Please note that even though you may sign the affected person(s) written approval form, the Council must still give full consideration to the application in terms of the Resource Management Act 1991. However, **if you give your approval to the application, the Council cannot have regard to any actual or potential effects that the proposal may have on you.** If Resource Consent is granted by the Council there is no way for either you or the Council to retract the Resource Consent later. You are therefore encouraged to weigh up all the effects of the proposed activity before giving written approval to it.

If you do not give your approval, and you are considered to be an adversely affected party, then the application must be treated as a limited notified or publicly notified application, as a result of which you will have a formal right of objection by way of submission.

If the proposal requires resource consent and you change your mind after giving your written approval to the proposed activity, your written approval may only be withdrawn and the effects on you considered for the notification decision if a final decision on affected parties has not already been made by the Council. Accordingly, you need to contact the Council immediately if you do wish to withdraw your written approval.

If the Council determines that the activity is a deemed permitted boundary activity under section 87BA of the Resource Management Act 1991, your written approval cannot be withdrawn if this process is followed instead.

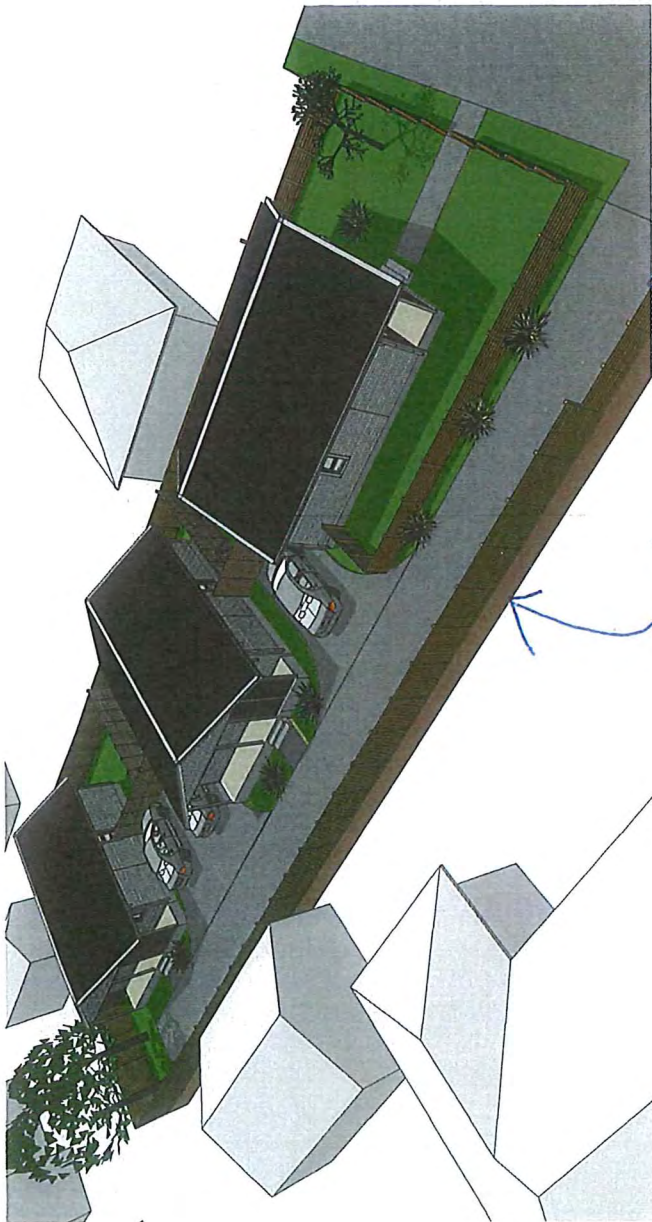
For further information

Read the Council's "Written Approvals of Affected Persons - What Are They?" pamphlet.

Refer to the Ministry for the Environment's publication "Your Rights as an Affected Person" available on www.mfe.govt.nz.

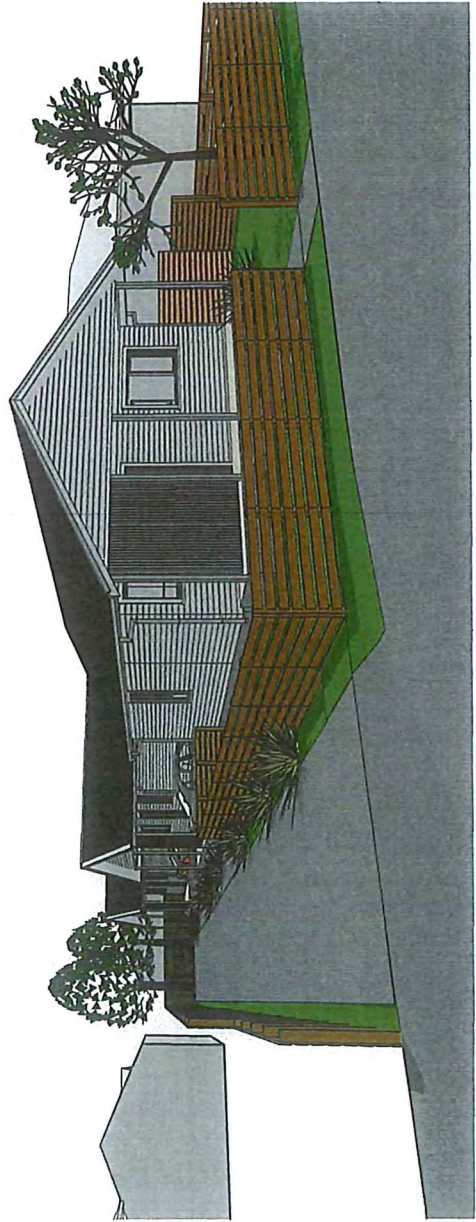
Privacy: Please note that written approvals form part of the application for resource consent and are public documents. Your name, and any other details you provide, are public documents and will be made available upon request from the media and the public. Your written approval will only be used for the purpose of this resource consent application.

initial



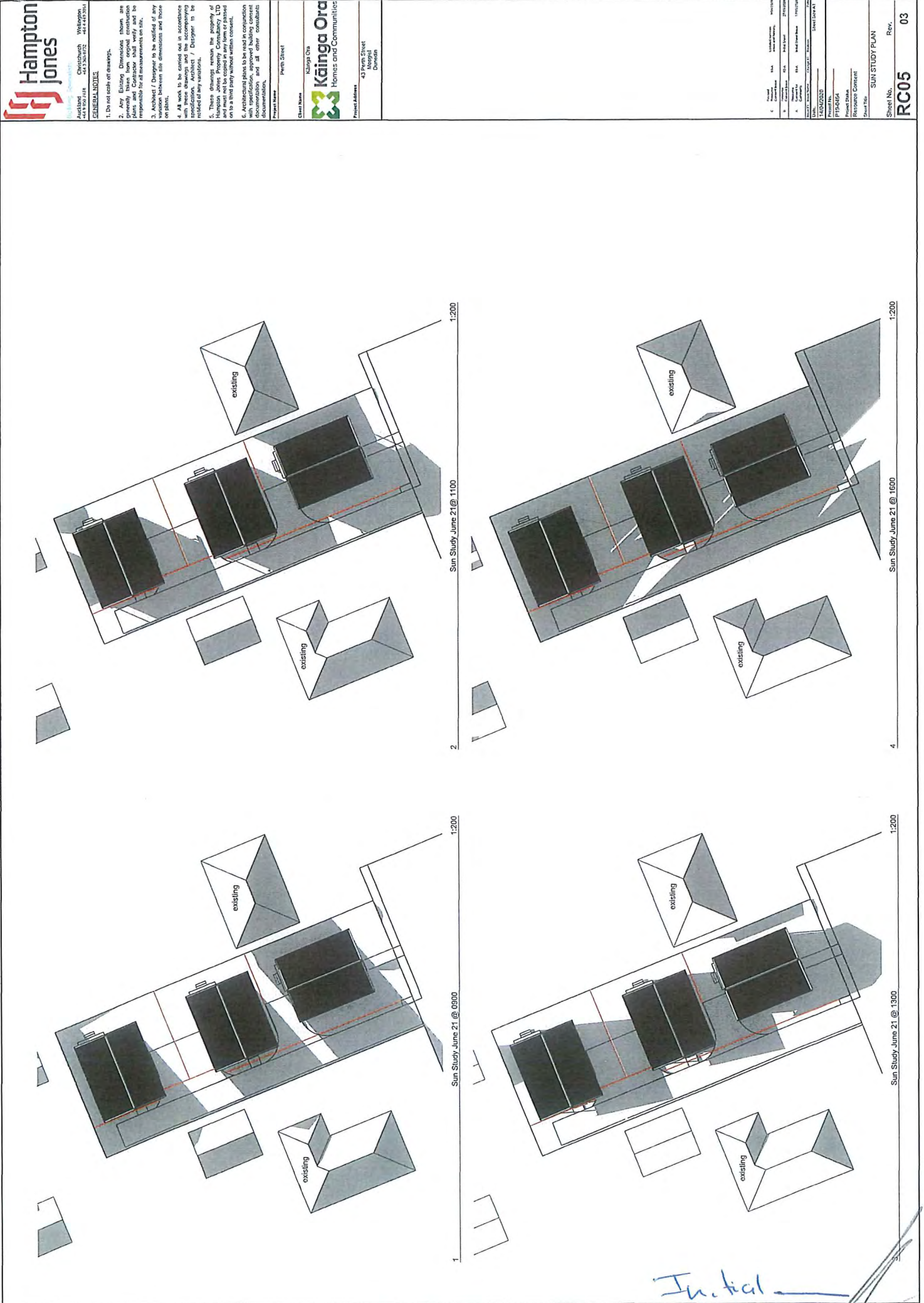
aerial view

boundary fence to be 1.8m tall, close boarded (except in front yard set back)



street frontage view

Initial



Hampton Jones
Architects
441704/117
441704/117
441704/117

GENERAL NOTES

1. Do not scale off drawings.
2. Any existing dimensions shown are for information only. The Architect / Designer is responsible for all measurements on site.
3. Architect / Designer to be notified of any variation between site dimensions and those on plans.
4. All work to be carried out in accordance with the relevant building codes and standards. Architect / Designer to be notified of any variation.
5. These drawings remain the property of the Architect / Designer and are not to be used or reproduced in any form or shown to a third party without written consent.
6. Architectural plans to be read in conjunction with specification, approved building consent documentation, and all other consultants' documentation.

Client Name
Kainga Ora
Homes and Communities

Project Name
Puriri Street

Project Address
43 Puriri Street
Auckland
New Zealand

Project No.
P114-0054

Project Title
SUN STUDY PLAN

Sheet No.
RC05

Rev.
03

Lianne Darby

From: Conrad Anderson <conrad_a@xtra.co.nz>
Sent: Friday, 13 November 2020 09:40 a.m.
To: Lianne Darby; Campbell Thomson
Subject: Re: 43 Perth Street: SUB-2020-59 & LUC-2020-188

Follow Up Flag: Follow up
Flag Status: Flagged

Campbell & Lianne,

With regards to this application, the Applicant is also open to offering to have the resource consent personalised to the Applicant. This would ensure the residential units are utilised for social housing, and as the Applicant is a large specialist social housing provider, this would assist to differentiate the application.

Happy to discuss as required. Kind regards, Conrad

On 04 November 2020 at 13:56 Conrad Anderson <conrad_a@xtra.co.nz> wrote:

John & Lianne,

With regards to the above, please find attached APAs from both neighbours. This is in line with the Notification Assessment, and should avoid the need for limited/public notification.

In terms of the application, we wish to amend it as follows:

- The subdivision component is to be withdrawn. Thus, the proposal is for three residential units (one bed per unit) on one lot.
- That the proposed residential activity is limited to be solely for the purposes of social housing.

It is considered the above amendments do not increase the effects to the neighbours, hence the attached forms are considered to continue to be sufficient.

We believe the above/attached is now sufficient to restart the processing of the application.

We are happy to discuss any concerns that might arise during the assessment – please feel free to contact me at any stage to discuss. Many thanks.

Kind regards, Conrad

Conrad Anderson

Assoc.NZPI (New Zealand Planning Institute)
 MPlan (Master of Planning, Otago), MBA, BCom (finance), DipGrad (economics)

Anderson & Co (Otago) Ltd
Planning, Resource Management & Business Professionals

C: 027 252 0141

E: conrad_a@xtra.co.nz

Lianne Darby

From: conrad_a <conrad_a@xtra.co.nz>
Sent: Thursday, 28 January 2021 04:51 p.m.
To: Lianne Darby
Subject: RE: 43 Perth Street: SUB-2020-59 & LUC-2020-188

Follow Up Flag: Follow up
Flag Status: Flagged

Hi. Please revert to original application details. Many thanks conrad

Sent from mobile device. Please excuse any typos / brevity of emails.

Conrad Anderson

Assoc.NZPI (New Zealand Planning Institute)
 MPlan (Master of Planning, Otago), MBA, BCom (finance), DipGrad (economics)

Anderson & Co (Otago) Ltd
Planning, Resource Management & Business Professionals

C: 027 252 0141

E: conrad_a@xtra.co.nz

W: www.AndersonAndCo.co.nz

W: www.RMApro.co.nz

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----- Original message -----

From: Lianne Darby <Lianne.Darby@dcc.govt.nz>
Date: 27/01/21 11:00 am (GMT+12:00)
To: Conrad Anderson <conrad_a@xtra.co.nz>
Subject: RE: 43 Perth Street: SUB-2020-59 & LUC-2020-188

Hi Conrad

APPENDIX B

COUNCIL OFFICERS' REPORTS

Memorandum

City Planning – Resource Consents

Development Support Officer, 3 Waters

12 February 2021~~13 May 2020~~

SUB-2020-59

3 LOT SUBDIVISION

LUC-2020-188

43 PERTH STREET, MOSGIEL

3 WATERS GROUP

1. The proposed activity

Subdivision consent is sought from Council to undertake a 3 lot subdivision at 43 Perth Street, Mosgiel. The proposed activity is located within the General Residential 1 zone in the Second Generation District Plan (2GP).

Subdivision description

The proposal is to develop and subdivide 43 Perth Street into 3 lots.

Proposed lot 1 will contain a new one-bedroom unit and have a land area of 221m².

Proposed lot 2 will contain a new one-bedroom unit and have a land area of 150m².

Proposed lot 3 will contain a new one-bedroom unit and have a land area of 347m².

Density assessment

General Residential 1 rules in the Dunedin District Plan set a minimum site size of 500m² but allows one undersized site provided the overall density is compliant. The overall site is 718m² which is 782m² undersized for 3 lots. The development as proposed is over-dense.

Existing services

The DCC's GIS records a 100mm diameter water supply pipe and a 150mm diameter stormwater pipe in Perth Street and a 225mm diameter stormwater pipe in Braemar Street.

2. Infrastructure requirements

Dunedin Code of Subdivision & Development 2010

All aspects of this development shall be undertaken in accordance with the requirements of the Dunedin Code of Subdivision and Development 2010.

Water services

The Dunedin City Council Water Bylaw 2011 sets out the requirements for connections to the water supply network.

Each lot must be serviced from an individual Point of Supply. There is an existing water connection to the property which can be retained for proposed lot 1. New water connections are required for lots 2 & 3. For a new water connection or any change to an existing water connection, an "Application for Water Supply" is required. 2GP rule 9.3.7 requires that all services are laid at least 600mm into resultant sites. Therefore, when the connections are established, the water supply pipe must be laid at least 600mm into the lots.

Firefighting requirements

All aspects relating to the availability of water for firefighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies.

There is a Fire Hydrant (WFH05826) directly opposite the development entrance and a second Fire Hydrant (WFH05827) 100m from the development entrance. Based on SNZ PAS

4509:2008 a FW2 (25l/s) zone requires a Fire Hydrant within 135m and a second within 270m. These Fire Hydrants requirements are compliant for the development.

Stormwater services

The proposal is non-compliant to the current District Plan rules of minimum site size for a Residential 1 zone, therefore a Stormwater Management Plan (SWMP) is required. Additionally, the development site is located in a Hazard (flood) zone.

Stormwater Management Plan (SWMP) prepared by a suitably qualified person must be submitted to Dunedin City Council.

Wastewater services

During a 1 in 10yr AEP rainfall event the receiving WW pipe work from 43 Perth Street to the Mosgiel WWTP is predicted to be fully surcharged, and a wastewater manhole overflow is predicted down a connecting branch sewer on Kura Place. Any additional flow will further exacerbate these predicted issues.

Maximum flow from this site at allowable density is 1,359 L/d.

Proposed development would be discharging 1,728 L/d which would cause more than minor adverse effects on infrastructure.

1x1bedroom unit and 1x2bedroom unit (as suggested by 3Waters and discussed with the applicant) would be discharging 1,376L/d, this configuration combined with water saving devices would have no more than minor effects on infrastructure and would be supported by 3 Waters.

Easements

Service easement/s are required where any private water supply pipes or wastewater/stormwater laterals cross property boundaries in favour of the property they service.

3. Consent conditions

The following conditions should be imposed on any resource consent granted:

Water Services

1. Each lot shall have a separate service connection installed. An "Application for Water Supply" shall be submitted to the Dunedin City Council for approval to establish any new water connections to the property. Details of how each lot is to be serviced for water shall accompany the "Application for Water Supply". The water supply pipe from the newly installed water connections shall be laid at least 600mm into new lots.

Stormwater services

2. The SWMP must ensure proposed development will not exacerbate any current capacity or surcharge issues within the area. The SWMP is to include:
 - a. Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and
 - b. An assessment of the current and proposed imperviousness of the site; and
 - c. Secondary flow paths; and
 - d. Any watercourses located within the property; and
 - e. Proposed building floor levels, taking in to account the current issues with the Mosgiel flood levels; and
 - f. Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and
 - g. An assessment of the current network and its ability to accept any additional flow from the proposed development.

3. The SWMP must be submitted and accepted by 3 Waters prior to any construction commencing.
4. It is to be noted that the post-development flows may need to be reduced to be as little as 80% of pre-development flows.

Easements

5. How to Service easement/s are required where any private water supply pipes or wastewater/stormwater laterals cross property boundaries in favour of the property they service.

4. Advice notes

The following advice notes may be helpful for any resource consent granted:

Code of Subdivision & Development

- All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.

Water services

- Detail of the water supply application process can be found at <http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
- All aspects relating to the availability of 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.

Water Conservation and Wastewater Flow Reduction

- To reduce water consumption and therefore the volume of wastewater generated, 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.

Erosion and sediment control

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

Development Support Officer

3 Waters

Dunedin City Council

CC: Subdivision Engineer



Memorandum

TO: Lianne Darby

FROM: Seepage Control Unit

DATE: 27 April 2020

SUBJECT: SUB 2020-59, LUC 2020-188
43 Perth Street
Mosgiel

This consent deals with the creation of 3 new Lots from 1 certificate of title.

New Lot 1

New lot 1 foul drain can connect to the DCC foul sewer in Perth Street. Stormwater can discharge to the kerb and channel in Perth Street.

New Lot 2

New lot 2 foul drain to connect to the DCC foul sewer in Perth Street via new lot 1, or via Right of Way. Stormwater to discharge to the kerb and channel in Perth Street via new lot 1, or via Right of way. Easements for both foul and stormwater will be required.

New Lot 3

New lot 3 foul drain to connect to the DCC foul sewer in Perth Street via Right of Way. Stormwater to discharge to the kerb and channel in Perth Street via Right of Way.

New Note: 2 GP rule 9.3.7 requires that all services are laid at least 600mm into resultant sites, therefore this is provided as a condition of consent for both the waste water and stormwater connections. This work would require a Building Consent under Section 40 of the NZBC 2004.

Note: These services may require pumping.

- Storm water from driveways, sealed areas and drain coils is not to cause nuisance on and 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.

All rights reserved for any necessary easements required for this subdivision.

Technical Support Officer
Neville Mackay

Lianne Darby

From: MWH Hazards Team <MWHHazardsTeam@stantec.com>
Sent: Friday, 1 May 2020 10:27 a.m.
To: Lianne Darby; MWH Hazards Team
Subject: RE: 43 Perth Street

Hello Lianne,

We have assessed the application in relation to the hazard register, street files and available aerial photography. We have not visited the site.

We have the following comments to make regarding the application.

Proposal

The proposed activity is to subdivide the above lot and development of 3 units.

Site investigation reports have not been provided.

Plans for the proposal are provided within the application.

Hazards

From the Hazard Register, street files, and previously sent emails ; for both this title and nearby properties

- Hazard ID 10106 – Land Movement, Alluvial Fans Active Floodwater
- Hazard ID 10111 – Intensified shaking, Earthquake Likely Amplification
- Hazard ID 11407 – Seismic – Liquefaction Domain B
- Hazard ID 12074 – Flood Overland Flow Path (Upper Taieri Flood Level Including 500mm Freeboard)
- Hazard ID 11582 – Overland Flow Path Flood Area 20

The ORC Lower Taieri Floodplain hazards (September 2006) identify the property within zone I – where “Existing protection is provided to a 100 year (1% AEP) flood level, and floors are to be set 200mm above flood level.”

This 200mm flooding relates to local ponding, and the dwelling should be set 200mm above any known local ponding levels.

This report was revised and updated by the Otago Regional Council Report on Natural Hazards on the Taieri Plains, Otago, Engineering and Hazards Committee, July 2012. Figure 4.10 of this report places the property within Area 20 – Mosgiel, with the flood hazard characteristics defined for this area as follows.

Mosgiel has limited exposure to flood hazard from the Silver Stream, Owhiro Stream, Quarry Creek, and from internal ponding. Because of its elevation it is not affected by the flood hazard of the Taieri River or the operation (or in-operation) of the Upper and Lower Ponds or by sea level. Part of this area was flooded in 1868 and 1923 (Figure 4.1).

Floodbanks are located along the length of the Silver Stream, containing flows of 260m³/s (the assessed peak flow of the April 2006 event) or more on the Mosgiel (southern) side of the Silver Stream. As noted above, flow over the true right (northern) bank of the Silver Stream, downstream of Gordon Road, into Area 15 (thence Area 12) occurs when flows exceed about 170m³/s (the assessed threshold flow for the April 2006 event) (Figure 4.26).

Surface flooding and runoff from the eastern hills can cause localized ponding, such as occurred in April 2006, especially in the industrial, southern part of the urban area near Quarry Creek. Quarry Creek has a history of flooding (OCB, 1974). The extent of localized ponding within urban Mosgiel is determined in part by the stormwater network which is designed to provide primary drainage to an urban standard.

Part of the area is located within the East Taieri Drainage Scheme which provides land drainage to a rural standard (ORC, 2012c).

This report was further updated by ORC report: Flood hazard on the Taieri Plain, Review of Dunedin City District Plan: Natural hazards First revision: August 2015; with the following description:

Most of the Mosgiel urban area is elevated slightly above the land on the northern side of Silver Stream (Figure 50) and the land to the south alongside the Owhiro Stream. As such, it has limited exposure to flood hazard from Silver Stream, Owhiro Stream, Quarry Creek, internal runoff from within Area 20, and downslope runoff from Area 21. The floodbanks along the southern (true-left) side of Silver Stream are designed to contain flows that have an assessed return period of about 100 years.

The characteristics of flood hazard (including depth, duration and velocity) within urban Mosgiel are determined in part by the capacity of the drainage network, and most of Area 20 is serviced by an urban standard storm-water network. Heavy-rainfall events that exceed the design capability of this network can result in internal runoff and ponding of floodwater (Figure 51).

During periods of heavy rainfall, surface flooding and runoff from the eastern hills can cause localised ponding, especially in the industrial, southern part of the urban area, near Quarry Creek (ORC, 2013) (Figure 52). The flooding in the industrial area is not directly caused by Quarry Creek overtopping its true-right bank but is the result of an undersized stormwater network (Figure 53). The flooding is exacerbated by the location of the stormwater-network outlets discharging into Quarry Creek. When the water level in the creek is high, flood water can impede the stormwater discharge, and water can back up through the stormwater network causing flooding in the industrial area

Global Setting

The underlying geology consists of alluvial material and is relatively flat.

Earthworks / Excavations / Retaining Structures

The proposed earthworks will consist of preparing access, building platforms and service trenching.

Discussion

The proposed earthworks appear to be minimal with less than 35m³ of proposed material to be moved. The ground is predominantly underlain by poorly consolidated river or stream sediments with a shallow groundwater table. The following advice and conditions below will address the underlying hazards of the site for subdivision and development.

We recommend that the application not be declined on the ground of known natural hazards. There are no general potential instabilities of concern. The proposal will not create or exacerbate instabilities on this or adjacent properties.

Advice

At the time of the subdivision, the developer must, for each potential Lot / Title:

- Confirm a minimum floor level to ensure that any development meets Building Act requirements to avoid potential inundation (including flooding, overland flow, storm surge, tidal effects, and ponding) on the land on which the building work is to be carried out or adjacent landowners property.
- This proposed level must therefore address the potential for egress of water from the property via secondary flow paths, ensure that construction is not proposed in low-lying areas and that the path of storm water is not displaced from ephemeral flow paths into neighbouring properties.
- Normal building requirements exist to ensure that overland stormwater flows are not interrupted and the dwelling should be situated to avoid any adverse effects from local ponding during storm rainfall events.

The site lies in an area where underlying soils have been identified as having potential for amplified movement and liquefaction during a significant seismic event.

- The cases for seismic loading are normally addressed at building control stage.
- The Dunedin City Council Building Control Authority will ask for verification that the site is 'good ground' in accordance with NZS3604, Section 3.1.

- Further to this, we recommend that specific engineering design be required to address recognised potential liquefaction hazards.
- Specific Engineering Design, or exclusion of liquefaction risk may require investigation testing to 10m depth to quantify the potential for liquefaction for each dwelling.

Conditions

The following conditions are standard conditions, some of which are generic in order to address a potential of work that whilst not indicated, could conceivable occur at the site. We recommend that the following conditions be required:-

- Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development
- As-built records of the final extent and thickness of any un-engineered fill should be recorded
- Any modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events.

Regards,

Edward Guerreiro

BEng Civil
Civil Engineer

Mobile: +64 21 866 028

Email: edward.guerreiro@stantec.com

Stantec New Zealand
134a Gorge Road,
Queenstown 9300, New Zealand

PO Box 13052,
Christchurch 8141, New Zealand



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Please consider the environment before printing this email.

From: Lianne Darby <Lianne.Darby@dcc.govt.nz>

Sent: 22 April, 2020 7:04 AM

To: Resource Consents WWS-BC Comments <resconsent.wwsbc-comments@dcc.govt.nz>; Transport <Transport@dcc.govt.nz>; MWH Hazards Team <MWHHazardsTeam@stantec.com>; Waste & Environmental Solutions <waste.environmental.solutions@dcc.govt.nz>; City Development - Consent Comments <citydevelopmentconsentcomments@dcc.govt.nz>

Subject: Re: 43 Perth Street

Hi All

If the memo is not attached this time, then the problem (believe it or not) is not me.

If it is attached ...

TO: Lianne Darby, Planner

FROM: Logan Copland, Planner – Transportation

DATE: 12 May 2020

SUBJECT: **SUB-2020-59 & LUC-2020-188**
43 PERTH STREET, MOSGIEL

APPLICATION:

Resource consent is sought for the three-unit development of the above site and the subsequent fee-simple subdivision of the units onto separate lots. The site is zoned General Residential 1 in the 2GP. Perth Street is classified as a Local Road in the 2GP's Road Classification Hierarchy. The proposal is a non-complying activity, due to the creation of undersized sites.

Each unit will contain one habitable room and will be provided with one car park. Each unit will be accessed by way of a shared driveway, owned by Lot 3.

ACCESS:

As noted, access to all lots will be over a newly constructed shared driveway connecting to Perth Street. There is an existing bevel kerb vehicle crossing, with a concrete laneway between the footpath and the property boundary. This standard of on-street drive is not recognised by DCC Transport and must therefore be upgraded in accordance with Council's vehicle entrance specification.

Within the property, the vehicle access will be at least 3.0m wide, which complies with Rule 6.6.3.9.a for a driveway serving 3 residential properties. The driveway will widen where vehicles will need to use the driveway to manoeuvre onsite. The vehicle access must be a minimum 3.0m formed width, hard surfaced from the edge of the Perth Street road carriageway for its full duration, and be adequately drained. A formal agreement should be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

The vehicle crossing, between the road carriageway and the property boundary, is within legal road and is therefore required to be upgraded in accordance with Council's Vehicle Entrance Specification (note – separate approval will be required pursuant to the Roding Bylaw).

PARKING AND MANOEUVRING:

One onsite car park will be provided for each unit, representing compliance with Rule 15.5.8. The car parks will be arranged in a 90° format, perpendicular to the shared driveway, which will serve as the manoeuvring aisle. Rule 6.6.1.1.a.i requires a minimum aisle width of 5.8m, and for each car park to be at least 5.0m deep by 2.5m wide.

In this instance, each car parking space complies with the requirements, but the available aisle width for each car park will be 5.0m, representing a shortfall of 0.8m. The driveway will be separated 0.3m from the western boundary fence, providing for additional overhang. In addition, each car parking space will be 3.4m wide, and the corners will be arced to assist with vehicle tracking.

It is understood that the swept paths that have been superimposed on the site plan replicate those of an 85th percentile motorcar. Those swept paths demonstrate that vehicles can enter/exit each car parking space using only a single reversing movement.

In this instance, I consider that due to the increased width of the car parks, and the inclusion of arcs, an 85th percentile motorcar will be capable of manoeuvring onsite without the need to undertake more than two reverse manoeuvres, as required by Rule 6.6.1.2.c.iii. On that basis, I consider the proposed car parking and manoeuvring arrangements to be suitable. For completeness, a condition is recommended to ensure compliance with this requirement.

GENERATED TRAFFIC:

It is considered that the effects of the proposal on the transportation network will be less than minor.

CONCLUSION

Transport considers the effects of the proposed development on the transportation network to be less than minor, subject to the following condition(s) and advice note(s):

CONDITIONS:

- (i) The vehicle access must be a minimum 3.0m formed width, hard surfaced from the edge of the Perth Street road carriageway for its full duration and be adequately drained.
- (ii) The on-street drive must be upgraded in accordance with Council's Vehicle Entrance Specification.
- (iii) Manoeuvring space must be provided on the site to prevent vehicles reversing directly onto or off Perth Street. The area must be large enough so that an 85th percentile design motor car is not required to make more than two reversing movements when manoeuvring into or out of any car parking space. Manoeuvring must not be obstructed by any permanent structures.

ADVICE NOTES:

- (i) A formal agreement should be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.
- (ii) The vehicle crossing, between the road carriageway and the property boundary, is within legal road and is therefore required to be upgraded in accordance with Council's Vehicle Entrance Specification (note – separate approval will be required pursuant to the Roding Bylaw).

Lianne Darby

From: Logan Copland
Sent: Wednesday, 10 February 2021 12:52 p.m.
To: Lianne Darby
Subject: RE: BLR for Perth Street Mosgiel

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lianne,

The unit will comply with the 2GP front yard setback rule so I do not have any objections to the removal of the BLR in this instance. I also note that the road corridor of Perth St is 15.0m and comprises existing infrastructure that would normally be expected for a Local Road such as this, including footpaths both sides, 7.0m road carriageway with parking permitted and established grass berms.

Kind regards,
 Logan

Logan Copland
 PLANNER
 TRANSPORTATION

P 03 477 4000 | M 021 951 290 | E logan.copland@dcc.govt.nz
 Dunedin City Council, 50 The Octagon, Dunedin
 PO Box 5045, Dunedin 9054
 New Zealand
www.dunedin.govt.nz

From: Lianne Darby <Lianne.Darby@dcc.govt.nz>
Sent: Wednesday, 10 February 2021 11:46 a.m.
To: Logan Copland <Logan.Copland@dcc.govt.nz>
Subject: BLR for Perth Street Mosgiel

Hi Logan

I'm typing up SUB-2020-59 for 43 Perth Street in a hurry before I go on leave. This is one of the Kaianga Ora consents that you provided comment for last year. All good.

I've now realised that there is a building line restriction affecting 7.0m of the site which will prevent the front unit being built. The applicant hasn't asked, but the committee will, ... can we remove the blr from this site?

L.

Memorandum

TO: Lianne Darby, Planner

FROM: Peter Christos, Urban Designer

DATE: 14 May 2020

SUBJECT: LUC 2020- 188 43 PERTH STREET, MOSGIEL

Hi Lianne,

Regarding the above and the likely effects to streetscape and amenity values.

The receiving environment:

Perth Street is accessed to the north of Bush Road and is about 500m west of the intersection of Gordon and Factory Roads. The subject site is zoned GR1. The existing environment is characterised by a very uniform urban form with small/medium sized, single storeyed stand-a-lone 1950/60s brick and plaster bungalows on flat and regular sized sections. Regular boundary treatments and setbacks further add to the coherent character of the streetscape.

The Proposal:

The existing building is proposed for removal and replaced with three separate single storeyed, one-bedroom units. The proposal meets the amenity and service space requirements, habitable room and impermeable surfaces requirements, although the proposed sites being under sized. The development would meet setback requirements. The proposed houses would be aligned along the eastern boundary with a shared vehicle access along the west boundary. Carparking would be behind buildings with limited views from the street. Unit 1 (front unit) would address the street with a gable and clearly defined front door while units 2 and 3, would be aligned east/west. In my view, this would be consistent with the existing environment.

Effects on streetscape and amenity values:

In my view, the streetscape can absorb some intensity of housing, providing the surrounding architecture is respected. I believe the proposed design does this by picking out the critical building elements and providing a compatible modern built form. The proposed buildings are aligned to reduce bulk and scale and shading would not be beyond what is anticipated on the site and the design has considered on site amenity by providing clear separation between vehicle manoeuvring space and outdoor amenity space.

In my view, effects on streetscape and amenity values would be less than minor.

Regards, Peter Christos
Urban Designer

Lianne Darby

From: Nick Wells
Sent: Friday, 31 July 2020 02:01 p.m.
To: Lianne Darby
Cc: Megan Bell
Subject: RE: comments for consents ...

Hi Lianne,

Thanks for the opportunity to comment on the subdivision of both 43 Perth Street, Mosgiel & 58-60 Mayfield Ave, Dunedin.

Both sites are within the Rubbish and Recycling collection zone and all dwellings will be zoned residential.

The Waste & Environmental Solutions team do not foresee any issues with rubbish & recycling collections caused by the proposed subdivisions. Collections for both DCC rubbish bags, and DCC kerbside recycling bins will be undertaken from the kerbside area in front of proposed sites..

Many thanks

Nick Wells

Contract Coordinator

Waste & Environmental Solutions

P 03 477 4000 | DD 03 474 3600 | M 021 543 560 | E nick.wells@dcc.govt.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz

From: Lianne Darby <Lianne.Darby@dcc.govt.nz>

Sent: Friday, 31 July 2020 9:31 a.m.

To: Nick Wells <Nick.Wells@dcc.govt.nz>

Subject: comments for consents ...

Hi Nick

I'm looking for comments on 17 Church Street (SUB-2020-72) urgently as that is likely to be finished today.

Also looking for 43 Perth Street (SUB-2020-43) and 58-60 Mayfield (SUB-2020-63) which are less urgent as the consents are currently sitting while Kaianga Ora decide what to do (they might be waiting for the RMA to be tossed out).

I notes that 500A Kaikorai Valley Road (consent one: SUB-2020-4) got a cautious downtick from Waste but consent two (SUB-2020-105) has a green tick. Just checking you are really happy.

L.

APPENDIX C

DRAFT CONDITIONS

Should the Committee be of the mind to grant consent to the proposed subdivision and land use consent, it is recommended that the following conditions be included in the decision certificates:

SUB-2020-59:

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans prepared by Hampton Jones, dated 30 March 2020, attached to this certificate as Appendix One, and the information provided with the resource consent application SUB-2020-59 received by the Council on 17 April 2020, except where modified by the following conditions.*
2. *Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:*
 - a) *If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.*
 - b) *That a right of way over Lot 3 must be duly created or reserved in favour of Lots 1 and 2, and must be shown on the survey plan in a Memorandum of Easements. The right of way must have a minimum legal width of 4.0m.*
 - c) *That service easements for Lot 2 at least must be duly created or reserved in order to provide this lot with full access to reticulated services. The easement/s must be shown on the survey plan in a Memorandum of Easements.*
3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*

Infrastructure

- a) *A separate water service must be installed at the street boundary to serve each unserved lot hereon. An "Application for Water Supply" must be submitted to the Council's Water and Waste Services Business Unit. Details of how each lot is to be served for water must be provided to the Water and Waste Services Business Unit for approval. This detail can accompany the application for water supply.*
- b) *Upon approval by the Three Waters Group, the water service connections must be installed in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010. The water supply pipe from the newly installed water connections must be laid at least 600mm into the new lots.*
- c) *A Stormwater Management Plan (SWMP) prepared by a suitably qualified person must be submitted to Dunedin City Council including the following:*
 - a. *Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and*
 - b. *An assessment of the current and proposed imperviousness of the site; and*
 - c. *Secondary flow paths; and*
 - d. *Any watercourses located within the property; and*
 - e. *Proposed building floor levels, taking in to account the current issues with the Mosgiel flood levels; and*

- f. *Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and*
- d) *Stormwater management must be undertaken in accordance with the approved stormwater management plan of condition 3(c) above.*
- e) *Laterals for stormwater and wastewater drainage must be installed at least 600mm inside the property boundaries.*

Transport

- g) *The right of way must be formed to a minimum width of 3.0m, and be hard surfaced from the edge of Perth Street and adequately drained for its entirety.*

General

- h) *The building line restriction 6179 registered on the title of the subject site must be formally cancelled so that it does not carry down onto the titles of Lots 1 and 3.*

Advice Notes:

Transportation

1. Any vehicle access from the carriageway to the property boundary will be over road reserve and is to be constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (available from Council's Transportation Operations Department).

Infrastructure

2. Integrated Catchment Management Plans (ICMPs) are used for planning and management of the stormwater system. For each stormwater management area, or catchment, issues are identified and prioritised, and solutions are identified and implemented. There are 11 ICMP for Dunedin. They are mainly in the metropolitan Dunedin area (including Mosgiel and Port Chalmers).

The plans are available via the DCC website at:

<http://www.dunedin.govt.nz/services/stormwater/integrated-catchment-management-plans>

3. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
4. Detail of the water supply application process can be found at:
<http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
5. All aspects relating to the availability of 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.

Earthworks

6. This consent does not address any earthworks for this subdivision. Should future earthworks within the new lots breach the performance standards of Rule 8A of the Proposed Plan, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.

7. When undertaking future earthworks, the developer is advised that:

- Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development.
- Slopes may not be filled steeper than 2h:1v (27°) without specific engineering design and construction
- Any modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events.

8. The site lies in an area where underlying soils have been identified as having potential for amplified movement and liquefaction during a significant seismic event. The cases for seismic loading are normally addressed at building control stage when the Dunedin City Council Building Control Authority will ask for verification that the site is 'good ground' in accordance with NZS3604, Section 3.1. It is recommended that specific engineering design be required to address recognised potential liquefaction hazards. Specific engineering design, or exclusion of liquefaction risk, may require investigation testing to 10.0m depth to quantify the potential for liquefaction for each dwelling.

9. Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check whether a site is an archaeological site, the consent holder is advised to discuss any development or earthworks proposal with Heritage New Zealand.

10. If the consent holder:

- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:
 - i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
 - ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
 - i) 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, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and
 - iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may recommence following consultation with the Consent Authority.

General

11. 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.
12. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
13. 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.
14. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
15. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

LUC-2020-188

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans prepared by Hampton Jones, dated 14 April 2020, attached to this certificate as Appendix Two, and the information provided with the resource consent application SUB-2020-49 received by the Council on 17 April 2020, except where modified by the following conditions.*

Conditions to be met prior to any site works or construction commencing:

2. *A Stormwater Management Plan (SWMP) prepared by a suitably qualified person must be submitted to Dunedin City Council including the following:*
 - a. *Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and*
 - b. *An assessment of the current and proposed imperviousness of the site; and*
 - c. *Secondary flow paths; and*
 - d. *Any watercourses located within the property; and*
 - e. *Proposed building floor levels, taking in to account the current issues with the Mosgiel flood levels; and*
 - f. *Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and*
 - g. *An assessment of the current network and its ability to accept any additional flow from the proposed development.*

Conditions to be met at commencement of, or during, site works or construction

Infrastructure:

3. *Stormwater management must be undertaken in accordance with the approved stormwater management plan of condition 2 above.*
4. *A separate water service must be installed at the street boundary to serve each unserved unit. An "Application for Water Supply" must be submitted to the Council's Water and Waste Services Business Unit. Details of how each unit is to be served for water must be provided to the Water and Waste Services Business Unit for approval. This detail can accompany the application for water supply.*
5. *Upon approval by the Three Waters Group, the water service connections must be installed in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010. The water supply pipe from the newly installed water connections must be laid at least 600mm into the property.*
6. *Separate foul and stormwater laterals for each unit must be installed.*

Transport

7. *The vehicle access must be formed to a minimum width of 3.0m, be hard surfaced from the edge of the carriageway of Perth Street for its full length, and be adequately drained.*
8. *The vehicle access serving the units of proposed Lots 4 and 5 SUB-2020-49 must be formed to a maximum width of 6.0m, be hard surfaced from the edge of the carriageway of Reid Avenue for a distance of at least 5.0m measured towards the property boundary, and be adequately drained.*
9. *Any damage to any part of the footpath or road or road formation as a result of the demolition or construction works must be reinstated at the consent holder's expense.*

Advice Notes:Transportation

1. The vehicle crossing, between the road carriageway and the property boundary, is within legal road and will therefore require a separate Vehicle Entrance Approval from DCC Transport to ensure that the vehicle crossing is constructed/upgraded in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).
2. Any work within road reserve will require a Corridor Access Request, submitted and approved prior to work commencing on-site.

Infrastructure

3. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
4. Detail of the water supply application process can be found at <http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
5. All aspects relating to the availability of 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.
6. To reduce water consumption and therefore the volume of wastewater generated, 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.
7. Integrated Catchment Management Plans (ICMPs) are used for planning and management of the stormwater system. For each stormwater management area, or catchment, issues are identified and prioritised, and solutions are identified and implemented. There are 11 ICMP for Dunedin. They are mainly in the metropolitan Dunedin area (including Mosgiel and Port Chalmers).

The plans are available via the DCC website at:

<http://www.dunedin.govt.nz/services/stormwater/integrated-catchment-management-plans>

Earthworks

8. This consent does not address any earthworks for this development. Should earthworks in construction the new units contravene the performance standards of Rule 8A of the Proposed Plan, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.
9. All earthworks associated with this development must be undertaken in accordance with the requirements of resource consent LUC-2019-662 which addresses the NES requirements for this site.
10. When undertaking future earthworks, the developer is advised that:
 - Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development.
 - Slopes may not be filled steeper than 2h:1v (27°) without specific engineering design and construction
 - Any modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events.

11. The site lies in an area where underlying soils have been identified as having potential for amplified movement and liquefaction during a significant seismic event. The cases for seismic loading are normally addressed at building control stage when the Dunedin City Council Building Control Authority will ask for verification that the site is 'good ground' in accordance with NZS3604, Section 3.1. It is recommended that specific engineering design be required to address recognised potential liquefaction hazards. Specific engineering design, or exclusion of liquefaction risk, may require investigation testing to 10.0m depth to quantify the potential for liquefaction for each dwelling.
12. Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check whether a site is an archaeological site, the consent holder is advised to discuss any development or earthworks proposal with Heritage New Zealand.

13. If the consent holder:

- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:
 - (i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
 - (i) 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, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may recommence following consultation with the Consent Authority.

13. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:

- Environment Canterbury, 2007 "Erosion and Sediment Control Guideline 2007" Report No. R06/23.
- Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).

General

14. 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.
15. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
16. 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.
17. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
18. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

APPENDIX D

NOTIFICATION ASSESSMENT

TO: Alan Worthington , Resource Consents Manager

FROM: John Sule, Planner

DATE: 4 June 2020

SUBJECT: SUB-2020-59 & LUC-2020-188 – NOTIFICATION ASSESSMENT
43 PERTH STREET, MOSGIEL

Public Notification

Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification.

Step 1: Mandatory public notification in certain circumstances

- If the answer to any of the below questions is yes, then public notification is required and consideration of the other steps in Section 95A is not needed.

Question	Yes	No	N/A	Assessment Notes
Has the applicant requested public notification? (s95A(3)(a))	—	✓	—	
Is public notification required under Section 95C (applicant has not provided or refuses to provide further information; or, applicant refuses to agree to commissioning of report or does not respond to report commissioning request)? (s95A(3)(b))	—	✓	—	
Has the application been made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977? (s95A(3)(c))	—	✓	—	

Step 2: If not required by Step 1, public notification precluded in certain circumstances

- If the answer is yes to any of the below questions, then Step 3 must be skipped and Step 4 considered.
- If the answer is no to all of these questions, then Step 3 must be considered.

Question	Yes	No	N/A	Assessment Notes
Does a rule or national environmental standard preclude public notification of each activity in the application?	—	✓	—	

(s95A(5)(a))				
Is the application for one or more of the following, but no other, activities:				
• A controlled activity? (s95A(5)(b)(i))	—	✓	—	
• A restricted discretionary or discretionary subdivision of land? (s95A(5)(b)(ii))	—	✓	—	
• A restricted discretionary or discretionary 'residential activity'? (s95A(5)(b)(iii))	—	✓	—	
• A restricted discretionary, discretionary or non-complying 'boundary activity'? (s95A(5)(b)(iii))	—	✓	—	
• An activity prescribed in regulations as being precluded from public notification? (s95A(5)(b)(iv))	—	✓	—	No regulations have been made under Section 360H(1)(a)(i) precluding public notification.

Step 3: If not precluded by Step 2, public notification required in certain circumstances

- If any of the answers to these questions is yes, then public notification is required, and consideration of Step 4 is not needed. If the application is for multiple activities and is being processed as a 'bundled application', and any part of that application meets either of the below criteria, the application must be publicly notified in its entirety.
- If the answer to both of these questions is no, then Step 4 must be considered.

Question	Yes	No	N/A	Assessment Notes
Does a rule or national environmental standard require public notification of the activity or any of the activities? (s95A(8)(a))	—	✓	—	
Will the activity have, or be likely to have, adverse effects on the environment that are more than minor? (s95A(8)(b) and s95D)	—	✓	—	The proposal is not likely to have adverse effects which are more than minor for the reasons given below.

Proposal

The proposal is for a residential development in a residential area involving subdivision and land use components. The development of three new units to be subdivided onto their own sites will contravene the Proposed Plan rules for minimum site size, density, site coverage, setbacks, height in relation to boundary, parking and access.

Permitted Baseline

The subject site is a vacant property of 719m². While there is no baseline for subdivision, I have considered the land use baseline for permitted residential development. The site is large enough for only one dwelling to be built as a permitted activity, with accessory buildings and one family flat. A site coverage of 287.6m² is allowed.

Rule 15.4.4 directs that a family flat is not to be considered as part of the permitted baseline when considering residential density effects (i.e. a house and family flat is not comparable to two small residential units), and the habitable room calculation of Rule 15.5.2.1 does not apply to this proposal as there is no family flat involved (i.e. density is calculated on a unit basis and not a count of bedrooms). However, it is noted that the development of the permitted baseline (excluding family flat) could have a similar site coverage to the proposed multiple units, although three small units would be distributed across the land resource more evenly than a larger residential unit and would clearly be a different type of residential activity. There would also be three parking areas and three independent areas of open space being used by three different household units.

Effects Assessment

Having considered the nature of the breaches I consider any adverse effects arising from bulk and location contraventions will likely be confined to the subject site and possibly neighbouring properties. There will be no wider implications for setback or height in relation to boundary contraventions. I note, however, that the density contraventions are significant. Council's Transport Planner has assessed the access and parking provisions and has determined that the effects will be less than minor. There are no cultural threats identified and effects on cultural values are expected to be less than minor. Hazard issues can be managed by conditions and are considered to be no more than minor.

The Council's Three Waters Department has assessed infrastructure effects and considers these effects to be more than minor. The proposed development will be discharging 127% of the maximum flow for a permitted density. During a 1 in 10yr AEP rainfall event, the pipes from 43 Perth Street to the Mosgiel Wastewater treatment plant will be fully surcharged.

The receiving environment is relevant when considering the effects of a development proposal, particularly when the proposal is not consistent with the expectations of the Proposed Plan but is comparable with the immediate location. In this case, the sites of the General Residential 1 zone of Perth Street, and well beyond, are almost exclusively sites of 500m² or larger containing a single residential dwelling. The proposed development is completely out of character for this very homogeneous area. This distribution of buildings, amenity area and parking areas and the use of the site by three independent households may result in minor effects on neighbours but the effects are unlikely to be more than minor in the wider environment.

Regarding subdivision, the new lots will all be significantly smaller than minimum site size at 30% to 69% of the minimum requirement. The area of the lots will be less evident than the overall density as the three proposed units will read as a single development of three units regardless of the fee-simple subdivision. The subdivision proposal merely allows the units to be held in separate ownership. Nevertheless, the proposed subdivision will introduce fee-simple sites considerably smaller than minimum site size into Perth Street and the surrounding area and which will be a change the character of the area. Given the number of small lots being created, the subdivision will have the effect of cementing the fragmentation of the land resource to a degree not envisaged by General Residential 1 rules with sites well below 500m². This will potentially have a longer lasting effect than the buildings which may only be there for 50 years or less.

Overall, I consider the adverse effects of the proposal are likely to be no more than minor.

Step 4: Public notification in special circumstances

- If the answer is yes to this question, then the application must be publicly notified.
- If the answer is no, then the application needs to be considered for limited notification.

Question	Yes	No	N/A	Assessment Notes
Do special circumstances exist that warrant the public notification of the application? (s95A(9))	—	✓	—	The proposal is not considered to be a special circumstance for the reasons given below.

Given that the effects of the proposal are considered to be more than minor, it is not necessary to consider Step 4. Nevertheless, an assessment under Step 4 has been completed.

I note that the subject sites are General Residential 1 zoned land which is the predominant residential zone for Dunedin and Mosgiel. The sites are in a well-established residential area comprising hundreds of comparable General Residential 1 zoned properties in Mosgiel alone. To allow these sites to be developed in a manner not anticipated by the Proposed Plan could lead to expectations to develop other properties in a like manner, with potential implications for amenity, character of the area, and servicing in particular. There are no small lots of under 500m² on Perth Street.

It is also noted that the proposal mimics a multi-unit approach to density and subdivision consistent with the Inner City Residential and General Residential 2 zones, which are the locations identified by the Proposed Plan for more intensified residential development. Objective 15.2.4 and Policy 15.2.4.2 require residential activity to be at a density that reflects the intended future character of the zone to maintain the amenity of the streetscape and the character of the neighbourhood. The proposed density is not considered to be at a level reflective of the zone or the existing environment. The proposed development departs significantly from the Proposed Plan's expectation for the General Residential 1 zone.

I have considered whether a significant departure from zone expectations for density, in a very homogeneous residential environment that currently comprises detached housing on sites over 500m² in area, is a special circumstance. In this area, the relatively modest dwellings on sites such as those fronting Perth Street will present a generous redevelopment option for developers, if three units are able to be placed on them in the manner envisaged by this application. While it is acknowledged that this proposal is a government initiative for affordable housing, the operative and proposed District Plans do not differentiate between private developers, state developers or any other affordable housing developers at this time. I therefore consider this proposal may give rise to a plethora of like applications and as the Council is expected to process applications consistently then it will be obligated to treat similar applications in the same way regardless of the applicant. This has the potential to undermine the integrity of the General Residential 1 zoning of the proposed Plan.

I also consider the proposal does not align with the following objectives and policies of the 2GP as it does not reflect the existing or intended character of the zone:

Objective 15.2.4 *Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood*

Policy 15.2.4.2 *Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone.*

Policy 15.2.4.6 *Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will:*

- *maintain the amenity of the streetscape*
- *reflect the current or future intended character of the neighbourhood;*
- *provide for development to occur without unreasonable earthworks or engineering requirements; and*
- *provide for quality housing.*

I have considered the previous approach to notification at the DCC, case law and recent advice from the Council's legal advisors on whether conflict with the policy framework or the matter of precedent is a special circumstance warranting notification of this application.

Clearly the proposal is not unusual in the sense that it is a residential subdivision and residential development in a residential zone involving a single existing residential site. It will however, result in a significant breach of the density rules and establish a type of development that is atypical for its setting. While the DCC has notified this type of application in the past, I consider that this may have been too conservative a position and although the breach of the density rule is large and the proposal seemingly out of character with its setting, I am not persuaded that this is a special circumstance at the scale of a single site. I also note that while there is clear policy conflict and an obvious potential for a precedent that would could alter the character of the area and may lead to a recommendation to decline the consent, the legal advice we have received indicates that policy and precedent implications do not automatically translate in to necessitating public notification. The matters of policy and precedent can be considered in determining whether it is appropriate to grant consent.

I also consider it unlikely that public involvement would elicit additional information that would impact of the assessment of the proposal. It is a residential development where the likely effects are well understood.

Limited Notification

Section 95B of the Resource Management Act 1991 sets out a step-by-step process for determining limited notification. The Council must decide whether there is any affected person, affected protected customary rights group, or affected customary marine title group in relation to the activity.

Step 1: Certain affected groups and affected persons must be notified

- If there is any affected protected customary rights group or affected customary marine title group, or any person to whom a statutory acknowledgement has been made that is affected in a minor or more than minor way, then the application must be limited notified to these parties unless their written approval has been obtained.
- Irrespective of the above, Step 2 must then be considered.

Question	Yes	No	N/A	Assessment Notes
Is the activity in a protected customary rights area?	—	✓	—	

Will the activity have adverse effects on the protected customary right?	—	—	✓	n/a, the activity is not in a protected customary rights area.
Has the protected customary rights group given written approval for the activity and it has not been withdrawn?	—	—	✓	n/a, the activity is not in a protected customary rights area.
Is the activity an accommodated activity in a customary marine title area?	—	✓	—	
Does the activity have adverse effects on the exercise of the rights applying to a customary marine title group?	—	—	✓	n/a, the activity is not an accommodated activity in a customary marine title area.
Has the customary marine title group given written approval for the activity and it has not been withdrawn?	—	—	✓	n/a, the activity is not an accommodated activity in a customary marine title area.
Is the activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement? (s95B(3) and s95E(2)(c))	—	✓	—	
Is the person to whom the statutory acknowledgement made affected in a minor or more than minor way and has their written approval been obtained? (s95B(3) and s95E(2)(c))	—	—	✓	n/a, the activity is not on or adjacent to, or might affect, land that is subject of a statutory acknowledgement.

Step 2: If not required by Step 1, limited notification precluded in certain circumstances

- If the answer is yes to any of these questions, then Step 3 must be skipped and Step 4 considered.
- If the answer is no to all of these questions, then Step 3 must be considered.

Question	Yes	No	N/A	Assessment Notes
Does a rule or national environmental standard preclude limited notification of each activity in the application? (s95B(6)(a))	—	✓	—	
Is the application for a controlled activity (and no other activities) under the district plan(s) and is not a subdivision? (s95B(6)(b)(i))	—	✓	—	
Are there any regulations precluding limited notification of the activity/activities? (s95B(6)(b)(ii) and s360H(1)(a)(ii))	—	✓	—	No regulations have been made under Section 360H(1)(a)(ii) precluding limited notification for the activity.

Is the application for either or both of the following, but no other, activities:				
• A controlled activity under the district plan(s) and it is not a subdivision? (s95B(6)(b)(i))	—	✓	—	
• An activity prescribed in regulations as being precluded from limited notification? (s95B(6)(b)(ii) and s360H(1)(a)(ii))	—	✓	—	No regulations have been made under Section 360H(1)(a)(ii) precluding limited notification for the activity.

Step 3: If not precluded by Step 2, certain other affected persons must be notified

- If there are any persons who might be adversely affected, then the application must be limited notified to these parties unless their written approval has been obtained.
- Irrespective of the above, Step 4 must then be considered.

Question	Yes	No	N/A	Assessment Notes
Is the application for a 'boundary activity', and have all owners of an allotment with an 'infringed boundary', where the activity's adverse effects on the owner are minor or more than minor (but are not less than minor), given written approval? (s95B(7)(a))	—	✓	—	
Is the activity prescribed in regulations, with those regulations prescribing who is an affected person, and have those persons, where the activity's adverse effects on the person are minor or more than minor (but are not less than minor), given written approval? (s95B(7)(b))	—	✓	—	No regulations have been made under Section 360H(1)(b) prescribing the activity and who is eligible to be considered an affected person.
In all other cases, will the activity have adverse effects on any person that is minor or more than minor (but not less than minor), and have these persons given their written approval? (s95B(8) and s95E)	✓	—	—	Amenity effects on the owners and occupiers of 41 and 45 Perth Street are expected to be minor due to the unanticipated density and unit arrangement and the intensity of the residential land use that arises from this. No affected party approvals have been provided.

Looking purely at the position of the units on-site in terms of rule contraventions, the units will have a small height in relation to boundary contravention in respect of 41 Perth Street. The units

are to the west of 41 Perth Street, and could result in additional shading over and above that anticipated by the Proposed Plan, but only by a very minor degree. As such, the effects of the bulk and location infringements are considered to be less than minor. Having noted that the breaches of the bulk and location issues are minimal, I also note the proposal for three proposed residential units will be at a significantly greater density than that anticipated by the Proposed Plan. I consider that this will potentially have effects on the neighbours because of the nature and distribution of the physical units, the number of units, and the increase in the intensity of residential activity adjoining sites. I consider the distribution of buildings, amenity areas and parking areas and the use of the site by three independent households will likely have minor effects on the owners and occupiers of the properties at 41 and 45 Perth Street. These properties have a shared boundary with the development site that will experience the activity of three new units and minor effects are likely after the baseline effects are disregarded. The applicant suggests that one large unit could have similar effects to three units if the number of occupants are the same. It is accepted that not all family units produce the same effects, despite this I think it is likely there will be minor effects on 41 and 45 Perth Street arising from the distribution of units and the presence of three amenity areas and three parking areas. Three units are not anticipated and the owners and occupiers of the properties at 41 and 45 Perth Street are therefore considered to be affected parties to this proposed development. I do not consider the sites at the rear of 43 Perth Street will experience minor effects beyond the baseline as they will only directly experience the effects of the proposed rear having a degree of separation from the other units. Effects on the owners and occupiers of these properties (59, 61, & 63 Tay Street) are likely to be less than minor.

Step 4: Further notification in special circumstances

- If the answer is yes to the below question, then the application must be limited notified to these other persons.

Question	Yes	No	N/A	Assessment Notes
Are there special circumstances that warrant the application being limited notified to any other persons not already determined to be eligible for limited notification (excluding persons assessed under Section 95E as not being affected persons)? (s95B(10))	—	✓	—	I do not consider there are any special circumstances that would warrant the limited notification of any other party based on the case law principle for special circumstances.

Conclusion

Having regard to the step-by-step process for considering public notification and limited notification, it is determined that:

- The application is to be Limited Notified to the owners and occupiers of 41 and 45 Perth Street unless their affected party approval is obtained.

Notification Recommendation

That, for the reasons concluded above, this application be processed on a limited notified basis, pursuant to Sections 95A and 95B of the Resource Management Act 1991.



John Sule
Senior Planner

4 June 2020

Date

Notification Decision

That the recommendation above be adopted under delegated authority.



Alan Worthington
Resource Consents Manager

4 June 2020

Date