

HEARINGS COMMITTEE AGENDA

MONDAY, 5 AUGUST 2024, 9.30 AM
Council Chamber, Dunedin Public Art Gallery,
30 The Octagon, Dunedin

MEMBERSHIP:

Commissioner Ros Day-Cleavin. Councillors David Benson-Pope and Cherry Lucas

IN ATTENDANCE:

Campbell Thomson (Senior Planner/Committee Advisor) Jane O'Dea (Processing Planner), Jakub Kochan (Subdivision Engineer, 3 Waters), Michael Garbett (Legal Counsel, Anderson Lloyd) and Wendy Collard (Governance Support Officer)

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

- 1 **s357 OBJECTION TO CONDITIONS – SUB-2023-141/A, 13 PENRICH STREET, ABBOTSFORD &**
- 2 **s357 OBJECTION TO CONDITIONS - SUB-2023-145/A, 288 GLADSTONE ROAD NORTH, MOSGIEL**

Introduction

Applicant to introduce themselves and their team.

Procedural Issues

Any procedural matters to be raised.

Memorandum from Senior Planner

Refer to pages 1 – 2

Memorandum from Legal Counsel

Refer to pages on process for the hearing 3 - 5

The Applicant's Presentation

s357 application - SUB-2023-141/A, 13 Penrich Street, Abbotsford

Refer to pages 6 - 12

Resource Consent Application and updated plan - SUB-2023-141, 13 Penrich Street, Abbotsford

Refer to pages 13 - 29

Decision – Resource Consent SUB-2023-141, 13 Penrich Street, Abbotsford

Refer to pages 30 - 54

S357 application – SUB-2023-145, 288 Gladstone Road North, Mosgiel

Refer to pages 55 - 61

Resource Consent Application and update Scheme Plan - SUB-2023-145, 288 Gladstone Road North, Mosgiel
Refer to pages 62 - 97

Decision – Resource Consent SUB-2023-145, 288 Gladstone Road North, Mosgiel
Refer to pages 98 - 138

Applicants' Planning Evidence - SUB-2023-141/A, 13 Penrich Street, Abbotsford, Dunedin; and SUB-2023-145, 288 Gladstone Road North, Mosgiel
Planning Evidence from Darryl Sycamore
Refer to pages 139 - 155

Rebuttal evidence from Darryl Sycamore
Refer to pages 156 - 179

Council Evidence - SUB-2023-141/A, 13 Penrich Street, Abbotsford, Dunedin; and SUB-2023-145, 288 Gladstone Road North, Mosgiel

- Planning Evidence from Jane O'Dea
Refer to page 180 - 192
- Evidence from Subdivision Engineer Jakub Kochan
Refer to pages 193 - 197

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 – 13 Penrich Street, Abbotsford and 288 Gladstone Road North, Mosgiel	That a right of appeal lies to any Court or Tribunal against the Dunedin City Council in these proceedings.	Section 48(1)(d)
2	Resource Consent application – 288 Gladstone Road North, Mosgiel	That a right of appeal lies to any Court or Tribunal against the Dunedin City Council in these proceedings.	Section 48(1)(d)

Memorandum

TO: Consents Hearing Committee

FROM: Campbell Thomson, Senior Planner

DATE: 12 July-2024

SUBJECT SUB-2023-141/A and SUB-2023-145/A
13 Penrich Street, Abbotsford and 288 Gladstone Road North,
Mosgiel

Background:

This hearing concerns two resource consents for subdivision development. One consent is for a subdivision at 13 Penrich Street, Abbotsford, which proposes to create two residential lots from a 1012m² property. The other consent is for a subdivision at 288 Gladstone Road North, Mosgiel, which proposes to create four residential lots in two stages from a 1514m² property.

The subdivision at Penrich Street (SUB-2023-141) creates a front and rear lot, with the front lot retaining the existing dwelling and the rear site being vacant. The land is situated at the western end of the road, which has reticulated infrastructure for water and wastewater available to the site, but not stormwater.

The subdivision at Gladstone Road North (SUB-2023-145) creates three lots as a first stage, two fronting Gladstone Road North and the other fronting Magazine Road. One lot contains an existing dwelling and others are vacant. The second stage of the subdivision divides the lot on Magazine Road in two lots in conjunction with the development of a duplex on this land. The land is situated between the roads, which both have reticulated infrastructure for water and wastewater available to the site, but not stormwater.

There are land use consents associated with both of the subdivisions (LUC-2023-448 & LUC-2023-430), but the objections subject of this hearing relate to requirements of the subdivision component only for each development.

Matters subject of Objection

The Section 357 Objections for these subdivisions both relate to conditions concerning stormwater management and an associated advice note. The requirements of concern to the applicant are as follows:

SUB-2023-141: Conditions 3(a), 3(b) and advice note 1

SUB-2023-145: Conditions 3(a), 3(b), 3(d) and advice note 1

Condition 3(a) of each consent requires that a Stormwater Management Plan (SWMP) be prepared, and the other conditions require consent notices be registered against the new titles based on the outcome of the SWMP. The advice note sets out an expectation of 3 Waters for the design of the SWMP.

The objections seek the removal of all the above provisions. As the objections for both consent applications relate to the same matter, and the issues of concern are the same, a decision was made to consider the two objections together, to avoid unnecessary duplication of the process and preparation of evidence.

Evidence Received:

Following consultation with the Councils legal advisors, a process for the resolution of these objections was determined, with a timetable for the provision of evidence (refer Memorandum of Counsel dated 28 May 2024). Evidence has been prepared for consideration in accordance with the memorandum and is set out in the hearing agenda, along with the resource consent applications, consent decisions and section 357 objections.

The Consents Hearing Committee is required to make a decision based on the evidence presented to it on the facts of the objections, and the applications they relate to.

A handwritten signature in cursive script, appearing to read "C.R. Thomson".

Campbell Thomson
SENIOR PLANNER

Before the Dunedin City Council Hearings Panel

Under	the Resource Management Act 1991
In the matter of	Objections under section 357 RMA in relation to SUB-2023-141 at 13 Penrich Street, and SUB-2023-145 at 288 Gladstone Road North, Dunedin
Between	Nicole Summerfield (13 Penrich Street)
	Eighty Eight Investments Limited (288 Gladstone Road North)
	Objectors
And	Dunedin City Council
	Respondent

Memorandum of Counsel

28 May 2024

Respondent's solicitors:

Michael Garbett
Anderson Lloyd
Level 12, Otago House, 477 Moray Place, Dunedin 9016
Private Bag 1959, Dunedin 9054
DX Box YX10107 Dunedin
p + 64 3 477 3973
michael.garbett@al.nz

**anderson
lloyd.**

To the Chair of the hearings panel

- 1 We have been instructed to act for Dunedin City Council (**Council**) in relation to two objections filed with Council under section 357 of the Resource Management Act 1991 (**RMA**).
- 2 This memorandum seeks directions in relation to a hearing of these objections.
- 3 The objections relate to stormwater conditions imposed on the following subdivision consents issued by Council:
 - (a) SUB-2023-145/A - a four lot subdivision at 288 Gladstone Road, North Mosgiel; and
 - (b) SUB-2023-141/A – a two lot subdivision at 13 Penrich Street Abbotsford.
- 4 Both objections relate to the imposition of conditions that require the preparation of a stormwater management plan that is designed to accommodate the maximum allowed impervious surface area, and a consent notice to address stormwater management for the relevant sites.
- 5 Counsel consider that a hearing will be necessary to resolve the issues raised in these objections.
- 6 Due to the same issues and grounds being argued in each objection it is considered there is a large overlap of issues to be addressed. For efficiency reasons and to reduce hearing time and repetition, Counsel request that the objections either be:
 - (a) heard together; or
 - (b) at the same hearing but sequentially.
- 7 Counsel propose the following timetable for the filing and serving of evidence and legal submissions.
 - (a) Objectors' evidence to be to filed and served by **Friday 7 June 2024**;
 - (b) Council evidence to be filed and served by **Friday 21 June 2024**;
 - (c) Objector's evidence in reply to be filed and served by **Friday 5 July 2024**;
 - (d) Legal submissions (if any) on behalf of the Objectors to be filed and served by **12 July 2024**;

- (e) Legal submissions on behalf of Council to be filed and served by **26 July 2024**; and
- (f) The matter can be listed as ready for hearing on or after **5 August 2024**.

Dated this 28th day of May 2024



Michael Garbett
Counsel for the Dunedin City Council

SUB-2023-141/A

13 PENRICH STREET, ABBOTSFORD

APPLICATION NUMBER:	SUB-2023-141/A
RELATED APPLICATIONS/LICENCES:	SUB-2023-141

PLANNING APPLICATION DETAILS FORM

Property Address	13 Penrich Street Abbotsford, 13 Penrich Street Abbotsford, 13A Penrich Street Abbotsford
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Property Description:	Property No: 5151120, 5062086, 5151121 Legal Description: LOT 1 A 2023-141, LOT 2 BLK XXI DP 587, LOT 2 A 2023-141
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First Contact: (Applicant)	Name:	N J Summerfield
	Mail Address:	C/O Terramark, 330 Moray Place, Dunedin Central, Dunedin 9016
	Contact Email:	darryl@terramark.co.nz
	Phone Number:	021 125 5554
	Method of Service	Preferred Method - Email

Description of Application:	s357 objection to decision - subdivision of the site into two lots
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Application Type:	Subdivision Consent
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Fast Track?	
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Consent Type:	s357 Objection	Consent Nature	Objection to decision
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Major Category	s357 Objection
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Minor Category	
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Senior Planner or Responsible Officer:	Phil Marshall
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Lodgement Date:	26-Jan-2024	Lodgement Officer:	Maxine Sannum
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Deposit Amount:	\$	Invoice Number:	
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Waived: ☐	
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Counter Comments:	
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*Objection to Resource Consent Decision
SUB-2023-141 in accordance with
s357 of the
Resource Management Act 1991*

13 Penrich Street, Dunedin

Surveying, Planning and Engineering Consultants

DUNEDIN

03 477 4783

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MOSGIEL

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BALCLUTHA

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balclutha@terramark.co.nz

MEMBER OF SURVEY AND SPATIAL NZ (S+SNZ) AND THE CONSULTING SURVEYORS OF NZ (CSNZ)

Terramark.co.nz

24 February 2024

Dunedin City Council
PO Box 5045
DUNEDIN 9054

Dear Sir

RE: OBJECTION TO CONDITIONS FOR SUB-2023-141, 13 PENRICH STREET, DUNEDIN

On behalf of our client Nicole Summerfield, we wish to object under section 357 with respect to conditions 3(a) and 3(b) and advice note (1) of consent SUB-2023-26.

Background

The site is a rectangular shaped parcel of 1012m² located on the northern side of Penrich St. The site slopes gently in a south westerly direction. The site contains one dwelling which is located in the southern half of the site. The site has 20m of frontage to Penrich St and there is an existing vehicle access towards the western boundary of the site which leads onto a gravel driveway. There are no Council wastewater or stormwater services within the site.

Consent was obtained to subdivide the property into two lots. Lot 1 will be 405m² and will contain the existing dwelling. This site will have frontage to Penrich St. Lot 2 will be a largely vacant, rear site, of 607m². This site will have access to Penrich St by way of a right of way over Lot 1. The subject site is legally described as Lot 2 Blk XXI DP 587 (held in Record of Title OT320/127).

The applicant may construct a modest sized home on the new site. The maximum bulk and impervious performance standards on either the parent title or each resultant lot would not be breached and therefore it is both unreasonable and inappropriate to require attenuation based on the maximum site coverage.

**Fig.1- The Subject Site (in Red)**

The 2GP s32A Report

SWMP's and/or detention tanks were articulated in the 2GP s32A report as being an infrastructural solution to mitigate any non-compliance of the bulk and impervious surface rules.

The 2GP s32 report¹ guiding the 2GP rules and policies which promoted the addition of impervious surface rules states-

"Managing site coverage with impermeable surfaces is necessary to ensure that the amount of stormwater run-off can be quantified, to ensure there is sufficient capacity within the Stormwater Network. Rules in the District Plan, which manages land use and associated development, are considered to be the best approach for achieving this".

And

"to give reasonable effect to the impermeable surface rules in the 2GP, each resource consent and building consent application should demonstrate compliance, or provide acceptable options for mitigation of the effects of any non-compliance. This could be achieved by either an additional financial contribution to the stormwater network or, the implementation of an infrastructure solution such as a holding tank or detention area".

In this and many other cases, the proposal complies with the rules of the District Plan. They demonstrate compliance with the bulk and impervious surfaces rules, and therefore there is no need to provide any option to mitigate the effects of non-compliance as there is none. As the subdivision complies with the rules, there is no need to implement an infrastructure solution "such as a holding tank or detention area".

The Variation 2 Amendments to the 3Waters Provisions

Following the DCC defeat in the 'Wray Street' appeal, 3Waters took some pleasure in stating the permitted baseline for bulk and hard-surfacing has been removed under Rule 15.4.4.2 as part of the Variation 2 2GP decision.

Terramark and others submitted in opposition to this amendment as it lacked natural justice and contradicts the intent of the bulk and impervious surface performance standards that were adopted in the 2GP. The submissions were rejected.

Consent Conditions for Deletion

We now seek the removal of the following conditions of consent on the basis 3Waters have indicated an expectation that the SWMP be 'designed to accommodate the maximum allowed impervious surface area, as per the permitted baseline of the Proposed District Plan (Rule 15.6.10)'. There is no rational basis for this approach.

Conditions

3. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:

Stormwater Management Plan

a) A stormwater management plan must be prepared by a suitably qualified person, and contain the following information:

- i. Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and
- ii. An assessment of the current and proposed imperviousness of the site; and
- iii. Secondary flow paths; and
- iv. Any watercourses located within the property; and
- v. Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and

¹ Maximum Site Coverage & Impermeable Surfaces Rule 15.6.11 (Second Generation District Plan) dated 11 August 2015 prepared by the Asset Planning Team Leader, Water and Waste Services

- vi. An assessment of the current network and its ability to accept any additional flow from the proposed development.
- vii. Measures to ensure acceptable level of stormwater quality being discharged from the site.
- viii. The stormwater management plan must be supplemented with detailed engineering plans if requested by 3 Waters.
- ix. All information in the plan must be in accordance with the following documents where applicable:
 - i. Acceptable Solutions and Verification Methods for New Zealand Building Code Clause E1 Surface Water – MBIE
 - ii. NZS 4404:2004 and amendments via the Dunedin Code of Subdivision and Development 2010
 - iii. The stormwater management plan must be submitted to rcmonitoring@dcc.govt.nz, for certification by the Council 3 Waters department as meeting the requirements of condition 2. Certification of the SWMP must be provided by the Council 3 Waters department.

b) A consent notice to address stormwater management must be prepared and registered on the record of title for Lot 2 hereon, for the following ongoing condition:

At the time a residential activity is established on this site, stormwater management systems, including the installation of any detention tanks that might be required, must be undertaken in accordance with the Stormwater Management Plan approved as a condition of subdivision consent SUB-2023-141, or any subsequent stormwater management plan approved by the Dunedin City Council 3 Waters department.

Advice Notes

Stormwater Management Plan

1. The consent holder is advised that 3 Waters have indicated an expectation that the SWMP be `designed to accommodate the maximum allowed impervious surface area, as per the permitted baseline of the Proposed District Plan (Rule 15.6.10).

Inconsistent application of the SWMP rules and consent conditions

The processing planner advised all subdivisions trigger the assessment of the SWMP. This is not correct. Only recently has Terramark had two consent decisions where a SWMP was not assessed, being-

1. At 18 Penrich Street, a similar development immediately across the road from the subject site.
2. At 151 Norwood Street, a recently approved two lot subdivision in a flood hazard zone.

Neither site included a SWMP assessment and no conditions were carried into the consent decision. On that basis, we consider the deletion of conditions 3(a), 3(b) and advice note (1) adopts a similar approach to other similar subdivisions.

Reason for Objection

There is no reference under Rule 9.9.X.3, Rule 9.9.X.7 or Policy 9.2.1.Z) stating that a SWMP should be prepared taking in to account the maximum permitted impervious coverage for the site. We are of the opinion this approach has been manufactured by 3Waters and is `over reaching` in relation to what the rules and policy specify.

Under Rule 9.9.X.7.a.i, it is our opinion that by applying a consent notice to the title stating that attenuation is required to ensure discharge doesn't exceed pre-development levels would provide confidence that when the scale of development is known, it can be dealt with more appropriately and correctly, while still ensuring the integrity of the 2GP is maintained.

We also seek removal of the 3 Waters expectation that the SWMP be `designed to accommodate the maximum allowed impervious surface area, as per the permitted baseline of the Proposed District Plan (Rule 15.6.10). There is no reference to this in the 2GP.

Proposed conditions

We propose the following condition be applied in lieu of the deletion of the SWMP conditions. This approach will allow a site-specific assessment of the effects from development commensurate with the scale of the development. This approach removes the expectation that any SWMP be `designed to accommodate the

maximum allowed impervious surface area, as per the permitted baseline of the Proposed District Plan (Rule 15.6.10)'.

This reads as-

3 Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:

- (a) A consent notice to address stormwater management must be prepared and registered on the title of Lot 2 hereon, for the following ongoing condition:

At the time a new residential dwelling is established on Lot 2, an individual attenuation device must be installed to ensure that stormwater discharge from the impervious area of the site does not exceed the pre-development discharge levels for stormwater runoff in a 10 year rainfall event. The attenuation tank must be designed to have an interchangeable orifice size that can accommodate both the historical and climate change adjusted RCP 8.5 2081 – 2100 events. The on-going operation and maintenance of the private stormwater device on the affected lot is the responsibility of the Lot owner. The attenuation design to fit the above criteria must be submitted as part of the building consent application for the new residential dwelling.

This will enable an assessment at Building Consent against the plans for the new residential unit, rather than applying the maximum site coverage as a starting point for assessment. This approach removes all inconsistencies and assumptions such that the actual effects on the Council's network are understood and appropriately mitigated.

Yours faithfully
Terramark Ltd



Darryl Sycamore
Resource Management Planner

APPLICATION NUMBER:	SUB-2023-141
RELATED APPLICATIONS/LICENCES:	HAIL-2022-81; HAIL-2023-135

PLANNING APPLICATION DETAILS FORM

Property Address		13 Penrich Street Abbotsford	
Property Description:		Property No: 5062086, Legal Description: LOT 2 BLK XXI DP 587	
First Contact: (Applicant)	Name:	N J Summerfield	
	Mail Address:	C/O Terramark Limited, 300 Moray Place, Dunedin Central, Dunedin 9016	
	Contact Email:	keryn@terramark.co.nz	
	Phone Number:		
	Method of Service	Preferred Method - Email	
Second Contact: (Agent)	Name:		
	Mail Address:		
	Phone Number:		
	Contact Person:		
Description of Application:		Two lot subdivision of GR1 zone with existing house	
Application Type:		Subdivision Consent	
Fast Track?			
Consent Type:	Subdivision	Consent Nature	Fee-Simple Additional Site One
Major Category		Subdivision Category A	
Minor Category		Non-Notified - Restricted Discretionary	
Senior Planner or Responsible Officer:		Alan Worthington	
Lodgement Date:		25 October 2023	Lodgement Officer: Paula Myers
Deposit Amount:	\$2,600.00	Invoice Number:	1005336
Waived: ☐			
Application Requirements	Signed Application Form		Copy of Title
	Locality Plan		Site Plan
	Plans and Elevations		AEE
	Affected Persons Consent		
Counter Comments:			

*Application for Resource Consent in accordance
with Schedule 4 of the Resource Management
Act 1991*

To undertake a Two Lot Subdivision

Nicole Summerfield
13 Penrich Street
Abbotsford

Surveying, Planning and Engineering Consultants

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MEMBER OF SURVEY AND SPATIAL NZ (S+SNZ) AND THE CONSULTING SURVEYORS OF NZ (CSNZ)

Terramark.co.nz

25 October 2023

Dunedin City Council
PO Box 5045
DUNEDIN 9054

ATTENTION: The Senior Planner

Dear Sir/Madam

Re: Resource Consent Application – 13 Penrich Street, Abbotsford

On behalf of Nicola Sommerfield, we submit for consideration by your Council an application for subdivision consent for a two-lot subdivision of their property at 13 Penrich Street, Abbotsford.

Please find enclosed the following documents:

1. Consent Application - subdivision
2. Terramark Plan 230537/1
3. Record of Title OT320/127

For reference, the applicant's details are:

Nicola Summerfield
13 Penrich Street
Abbotsford

All resource consent associated correspondence is to be directed via the writer; the applicant's agents, and our contact details are as follows:

Terramark Limited
Level 1 330 Moray Place
Dunedin 9016

Attention: Keryn Broughton
Phone: 03 477 4783
Email: keryn@terramark.co.nz

If you have any further queries, please do not hesitate to contact the undersigned.

Yours faithfully
Terramark Ltd



Keryn Broughton
Planner

Table of Contents

Table of Contents	3
Existing Title Structure.....	4
Site Description	4
Proposal.....	4
<i>Lot Layout.....</i>	<i>5</i>
<i>Access.....</i>	<i>5</i>
<i>Service Connections.....</i>	<i>6</i>
Public Mains	6
Lot 1	6
Lot 2	6
Fire Fighting Water Supply	6
<i>Easements.....</i>	<i>6</i>
Reasons for Application	6
<i>Proposed 2GP.....</i>	<i>7</i>
Subdivision Activity	7
Land Use Activity.....	7
Development Activity.....	8
<i>Overall Activity Status.....</i>	<i>8</i>
<i>National Environmental Standards.....</i>	<i>8</i>
Statutory Considerations	8
<i>Effects on the Environment.....</i>	<i>8</i>
Affected Persons.....	8
Assessment of Environmental Effects	9
Permitted Baseline and Receiving Environment.....	9
Assessment Matters	9
Effects on Residential Character and Amenity.....	9
Risk from Natural Hazard.....	9
Effects on the Efficiency and Affordability of Infrastructure.....	10
Effects on the Safety and Efficiency of the Transport Network Rule and Effects on Accessibility.....	10
<i>Offsetting or Compensation Measures</i>	<i>10</i>
<i>Relevant Provisions</i>	<i>10</i>
2GP Objective and Policy Analysis	10
Assessment of Regional Policy Statements	11
Other Planning Instruments	12
<i>Other Matters.....</i>	<i>12</i>
Draft Conditions.....	12
Notification and Affected Parties	12
Conclusion.....	12

Subdivision Consent Application

13 Penrich Street, Abbotsford

Existing Title Structure

The property at 13 Penrich Street is legally described as Lot 2 Block XXI DP 587. It is comprised in RT OT320/127, has an area of 1012m², and is in the name of Nicole Jane Summerfield. The site has legal and physical access to Penrich Street. There are no encumbrances registered on the Record of Title.

Site Description

The site is a rectangular shaped parcel of land that slopes down gently towards the west. It contains an existing dwelling located on the southern portion of the site, and a detached garage.

The site is currently offered one vehicle crossing off Penrich Street. The asphalt crossing services an approximately 18m gravel driveway which is located adjacent to the western boundary.

Penrich Street is a two-lane carriageway with kerb and channel on either side before footpaths extend to the boundaries.



Image 1: The site (Source: Grip)

Proposal

Terramark Plan 230537/1 details the proposal to subdivide the site into 2 lots.

Lot Layout

Lot 1 at 405m² will comprise the southern portion of the site. It will contain the existing dwelling and established curtilage. The site will utilise the existing vehicle crossing and driveway via Penrich Street. The garage will need to be demolished to facilitate this development.

Lot 2 at 607m² will comprise the northern portion of the site. It be a vacant section. The site will utilise the existing vehicle crossing and driveway via right of way "Easement A" over Lot 1.

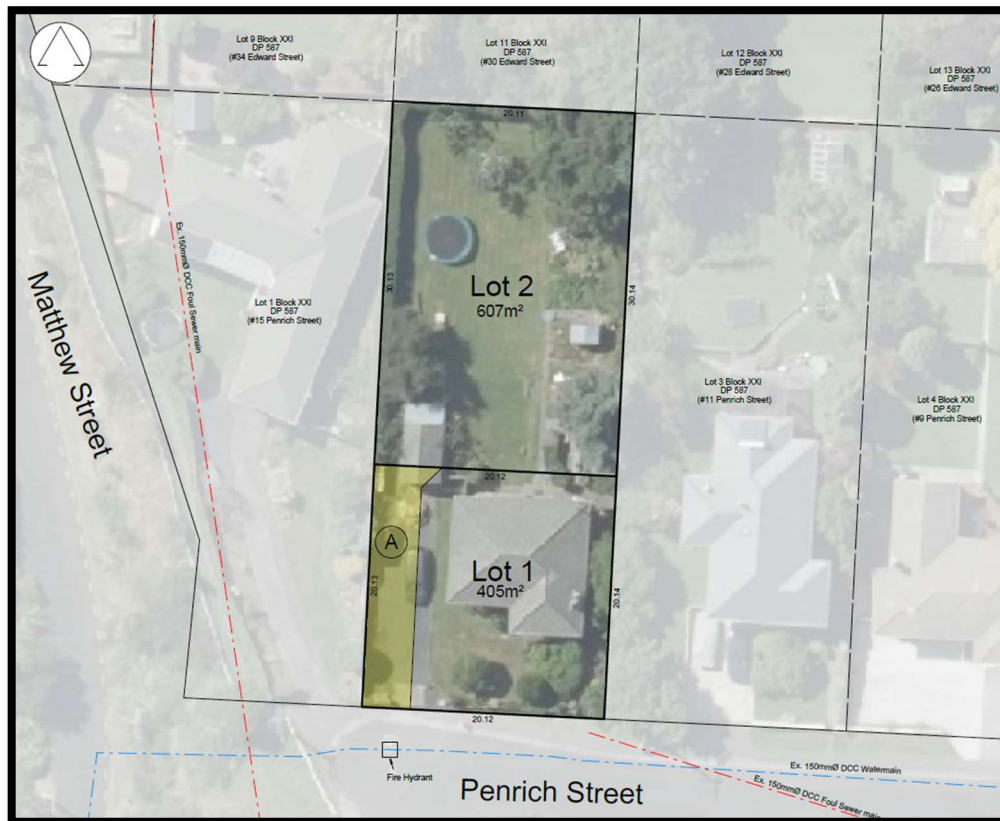


Image 2: Lot Layout

Access

Both Lots 1 and 2 will utilise the existing vehicle crossing and driveway. The driveway will need to be upgraded to be hard surfaced in accordance with Rule 6.6 of the 2GP. There is sufficient space on both sites to enable vehicles to exit the site in a forward facing manner. A right of way "Easement A" will be created over the existing driveway within Lot 1 to enable Lot 2 to have legal access.



Image 3: Existing access at #13 Penrich Street

Service Connections

Public Mains

A 150mm water main is located within Penrich Street along with a 150mm DCC foul main. Stormwater is managed via kerb and channel.

Lot 1

Lot 1 has existing connections to the Council services within Penrich Street. There will be no change to these as a result of this proposal.

Lot 2

New connections will need to be made to the Council services within Penrich Street. These will be connected via "Easement A".

Fire Fighting Water Supply

There are two fire hydrants located near the subject site. Between the two hydrants, this will comply with the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

Easements

There are no existing easements on the title. To facilitate this development an easement will need to be created to allow for vehicular access and services. This is detailed on the Scheme Plan.

It is appropriate to incorporate the following notice into the consent decision to address any unforeseen easement matters.

"If a requirement for any easements for services, including private water supply pipes or 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."

Reasons for Application

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 2GP"). Until the Proposed

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.

In this case, the application when the Proposed Plan rules were already in effect. The relevant zone and rules of the Proposed Plan are mostly beyond challenge. Accordingly, the relevant rules of the Operative District Plan are considered to have been superseded.

The site is zoned Residential 1 in the Operative District Plan. The site is zoned General Residential 1 under the 2GP, and there are no other relevant planning overlays appended to the site. There are no 2GP appeals relevant to this site.

As such, it is assessed that the 2GP rules for this site can be deemed operative and the 2006 District Plan Rules deemed inoperative in accordance with Section 86F of the Act.

Proposed 2GP

The subject site is zoned General Residential 1 under the 2GP and Penrich Street is classified as a Local Road within the 2GP Road Classification Hierarchy Mapped Area.

The activity status tables in rules 15.3.3 to 15.3.5 specify the activity status of land use activities, development activities and subdivision activities in the residential zones and relevant overlay zones.

Subdivision Activity

Rule 15.3.5.2 lists general subdivision as being restricted-discretionary activity in the residential zones as subject to performance standards tabled.

Rule 15.3.5.2	a	Access (Rule 15.7.1)	Compliant with Rule 6.8.1
	b	Esplanade Reserves & Strips (Rule 15.7.2)	N/A
	c	Firefighting (Rule 15.7.3)	Compliant with Rule 9.3.3.1
	d	Minimum site size (Rule 15.7.4)	Compliant with Rule 15.7.4.2.a
	e	Service Connections (Rule 15.7.5)	Compliant with Rule 9.3.7
	f	Shape (Rule 15.7.6)	Compliant with Rule 15.7.6
	g	Structure plan mapped area performance standards (Rule 15.8)	N/A

The subdivision activity remains a **restricted discretionary** activity.

Land Use Activity

Rule 15.3.3 set outs the activity status of all land use activities and the performance standards associated therewith. The proposed land use activities on both lots is defined as "standard residential activity". Rule 15.3.3.3 provides for these as a permitted activity subject to compliance with performance standards 15.3.3.1, and 15.3.3.3a-e.

The existing land use on Lot 1 will continue to comply with these standards upon subdivision.

The proposed subdivision will not introduce any new breaches. Rule 15.5.2.1(k) provides for a single residential unit be erected on a site provided all other performance standards are met. In this case the establishment of a new dwelling on Lot 2 is anticipated to meet the remaining performance standards.

Development Activity

The Performance Standards in 15.6 apply to all development activities. No new buildings or structures are proposed as part of the proposal. It is considered that the existing dwellings on Lot 1 are not a development activity as it is unaffected by the subdivision. Site development on Lot 2 will be assessed against the development activity rules at the time of building consent.

Overall Activity Status

Overall, the proposal shall be assessed as a **restricted discretionary** activity and will be assessed in accordance with section 104 and 104C of the RMA. Only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.

National Environmental Standards

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

A search of DCC records has been requested to determine whether the site has a history of HAIL activity. We will comment on that report once it has been received.

A search of the ORC database has been undertaken and there is no evidence of HAIL activity on the site or in the immediate vicinity of the site.

There are no other National Environmental Standards triggered by this application.

Statutory Considerations

This application must be considered in terms of Section 104 of the RMA. Subject to Part 2 of the RMA, Section 104(1) sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of:
 - (i) A national environmental standard;
 - (ii) Other regulations;
 - (iii) a national policy statement
 - (iv) a New Zealand coastal policy statement
 - (v) a regional policy statement or proposed regional policy statement
 - (vi) a plan or proposed plan; and
- (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

Effects on the Environment

Affected Persons

No persons are considered to be adversely affected by this proposal for the reasons outlined below.

Assessment of Environmental Effects

Section 104(1)(a) requires consideration of the actual and potential effects on the environment of the activity.

Permitted Baseline and Receiving Environment

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. In this instance, there is no subdivision permitted as of right and no permitted baseline to be applied to this application with respect to the subdivision component.

When considering the receiving environment, the subject site is 1012m² and contains a single existing residential unit. The 2GP anticipates a density of one residential unit per 400m² or a duplex per 500m² and in this case four residential units could be established on the site as a permitted activity provided the relevant performance standards for land use and development were met.

Whilst there is no permitted baseline for subdivision as complying subdivisions are restricted discretionary activities, it is likely that a restricted discretionary subdivision that meet the relevant performance standards would normally be granted consent on a non-notified basis.

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.

For the subject site, the receiving environment comprises low density residential development. For surrounding land, the existing and reasonably foreseeable receiving environment comprises low density residential development and others to an average density of 1 per 1012m².

It is the effects arising from the proposal, beyond the permitted baseline and existing and lawfully established receiving environment that are the crucial elements for consideration, and which form the basis of this assessment of effects.

Assessment Matters

Effects on Residential Character and Amenity

Amenity values are commonly controlled via the District Plan density provisions of the various zones. In this case, the proposed subdivision will produce two lots at a density consistent with that set by the Proposed 2GP. Each lot will have the sufficient space to provide for onsite amenity in keeping with the current planning provisions. The second site will not be visible from Penrich Street as a result of the existing dwelling. Overall, the character and amenity of the wider environment will be consistent with that anticipated within the zone and characteristic of the surrounding environment.

Risk from Natural Hazard

There are no hazards appended to this site and there are less than minor risk of land stability. No earthworks are proposed as part of this development.

Overall, it is considered that the risks from natural hazards are no more than minor and are not exacerbated by the subdivision proposal.

Effects on the Efficiency and Affordability of Infrastructure

Lots 1 has existing service connections which will remain.

New service connections will be required for Lot 2 to public networks for water, and foul drainage however the subdivision proposal complies with the permitted scale of development for this zone and hence the effects of the additional service connections on the networks have been anticipated. Stormwater is to be directed to the kerb and channel.

Overall, the proposal is considered to have no more than minor effects on existing infrastructure.

Effects on the Safety and Efficiency of the Transport Network Rule and Effects on Accessibility

Both lots will utilise the existing vehicle crossing and driveway onto Penrich Street. There is sufficient space on both lots for parking and to manoeuvre to enable cars to exit the site in a forward facing manner.

There will be one additional user as a result of this subdivision and Penrich Street is a well formed street with sufficient site lines from the vehicle crossing to enable safe exit from the site.

Overall, we consider that the proposal will have no more than minor adverse effects on the existing transportation network.

Offsetting or Compensation Measures

In accordance with Section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures offered nor are any deemed necessary.

Relevant Provisions

2GP Objective and Policy Analysis

Objectives	Supporting Policies	Assessment
Objective 2.4.1: Form and Structure of the environment The elements of the environment that contribute to residents' and visitors' aesthetic appreciation for the enjoyment of the city are protected and enhanced.	Policy 2.4.1.5 To maintain or enhance the attractiveness of streetscapes, public open spaces and residential amenity by using rules the manage building bulk and location, site development and overall development density.	The subdivision will not introduce any perceptible change to the existing neighbourhood. The proposal is at a density commensurate with the surrounding area and development can occur which complies with the bulk and location provisions of the district plan. The proposal is considered consistent with this objective and policy.
Objective 2.7.1 Efficient public infrastructure Public infrastructure networks operate efficiently and effectively and have the least possible long-term cost burden on the public.	Policy 2.7.1.1 Manage the location of new housing to ensure efficient use and provision of public infrastructure	The proposal does not seek to introduce additional residential activity beyond what is anticipated within the zone. The proposal is assessed as consistent with this objective and policy
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 6.2.3.9 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	Both proposed lots will enjoy legal and physical access at the time of subdivision. One additional user is proposed and consistent with the zone provisions. Penrich Street is a well formed street. The proposal is therefore considered consistent with this objective and the relevant policies.

	any associated changes to the transportation network will be affordable to the public in the long term.	
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.	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.	Lot 1 has existing connections to the DCC networks in the area. The new site can be served by all critical services from Penrich Street. No additional servicing is required beyond that contemplated by the underlying zone and therefore is assumed the proposal poses no threat to the infrastructure capacity. The proposal is assessed as consistent with this objective and policy.
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; and c. retaining adequate open space uncluttered by buildings; and d. having adequate space available for service areas.	The subdivision seeks to establish one additional unit and as noted above no additional residential development is proposed beyond that anticipated in the zone. The existing residential activity on Lot 1 will retain an established curtilage and established gardens. New Lot 2 will be sufficiently spacious and set within pleasant surroundings commensurate with the zone density that aligns with the intent of the policy. Overall, the proposal is found to be consistent with this objective and policy.
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: a. maintain the amenity of the streetscape b. reflect the current or future intended character of the neighbourhood; c. provide for development to occur without unreasonable <u>earthworks</u> or engineering requirements; and d. provide for quality housing.	The bulk and location of the existing buildings or any future residential activity will be managed to ensure that no adverse amenity effects on surrounding residential properties and public spaces will be introduced as a result of this proposal. The proposal is considered consistent with this objective and the relevant policies.

Having regard to the relevant objectives and policies individually, and considering these holistically, the above assessment indicates that the application is consistent with those provisions set out in the Proposed 2GP.

Assessment of Regional Policy Statements

Section 104(1)(b)(v) of the Act requires that any relevant regional policy statements be considered. The Partially Operative 2019 Regional Policy Statement and Proposed Otago Regional Policy Statement 2021 (PORPS) were reviewed in respect of this proposal. The 2019 RPS must be given effect to, and the 2021 RPS must have regard to. No policies specifically relevant to this proposal were identified. Overall, the proposal is considered consistent with the Proposed Otago Regional Policy Statements 2021.

Other Planning Instruments

Section 104(1)(b) requires consideration of other relevant planning instruments. There are no other planning instruments considered relevant to this proposal.

Other Matters

Draft Conditions

In previous years, your Council has circulated to agents, draft consent conditions for comment prior to the formal consent decision being issued. We wholeheartedly support this initiative as it provides an early opportunity for any contentious consent issues or unworkable conditions to be resolved at a departmental level. While there are unlikely to be any significant issues in respect of this application, it is considered appropriate that such draft conditions be circulated in this same manner. We look forward to receiving those in due course.

Notification and Affected Parties

With regard to notification:

- The applicant does not request notification.
- The proposal does not relate to the exchange of reserves land, does not involve a statutory acknowledgement area and does not involve an affected protected customary rights group.
- There are no rules in the District Plans or NES which require notification.
- It is considered that there are no special circumstances relating to the application.
- It is assessed above that the effects of the proposal on the wider environment are less than minor.

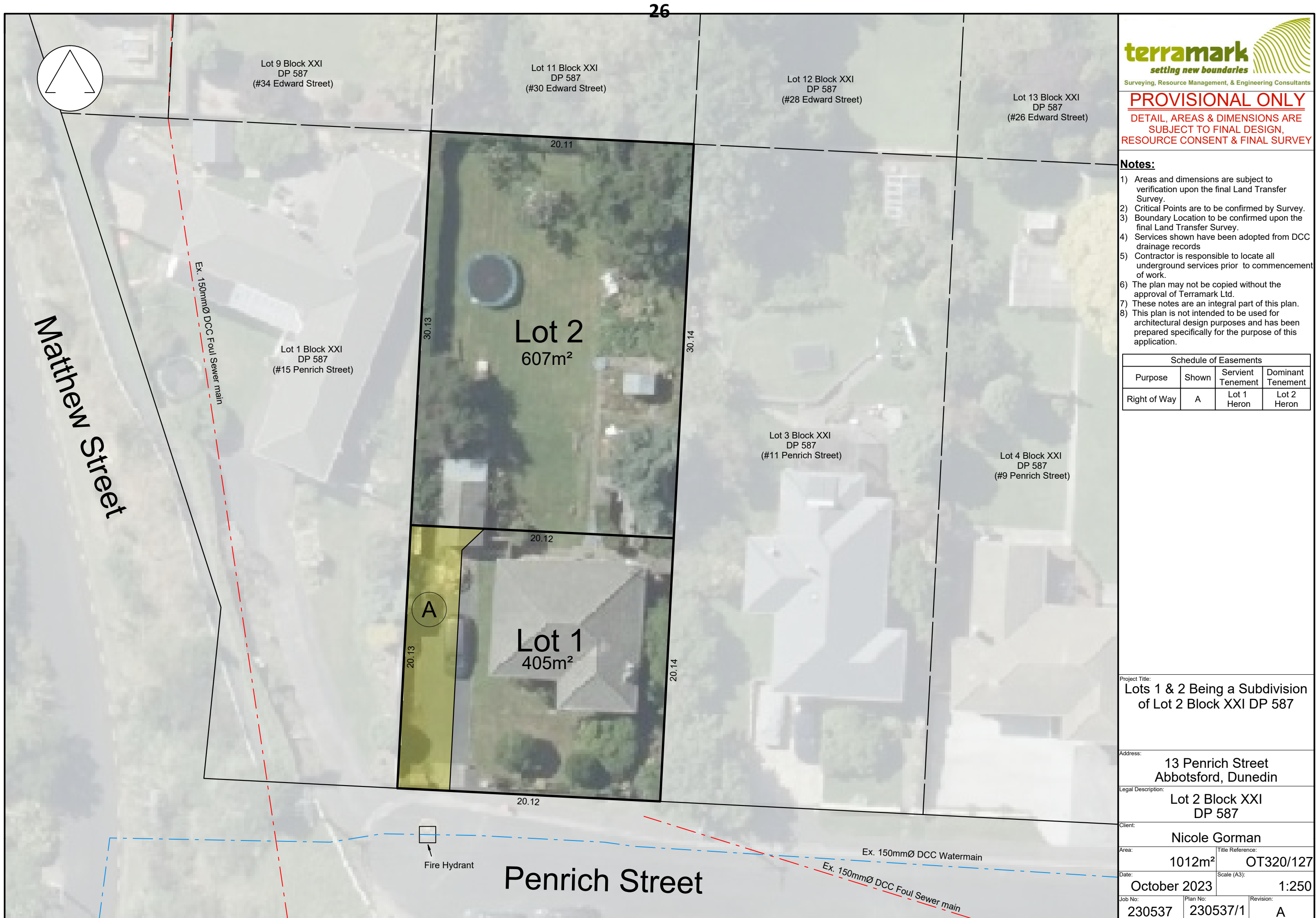
Conclusion

The proposal to subdivide the subject site is a restricted discretionary activity, consistent with the performance standards of the zone, will result in potential adverse effects on the environment which are less than minor and remains consistent with the overall policies and objectives of Second-Generation District Plan. Accordingly, we would ask for Council's favourable consideration to the approval of this application.

Yours faithfully,
Terramark Ltd



Keryn Broughton
Graduate Planner
keryn@terramark.co.nz





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

**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**




R.W. Muir
Registrar-General
of Land

Identifier **OT320/127**

Land Registration District **Otago**

Date Issued 09 July 1946

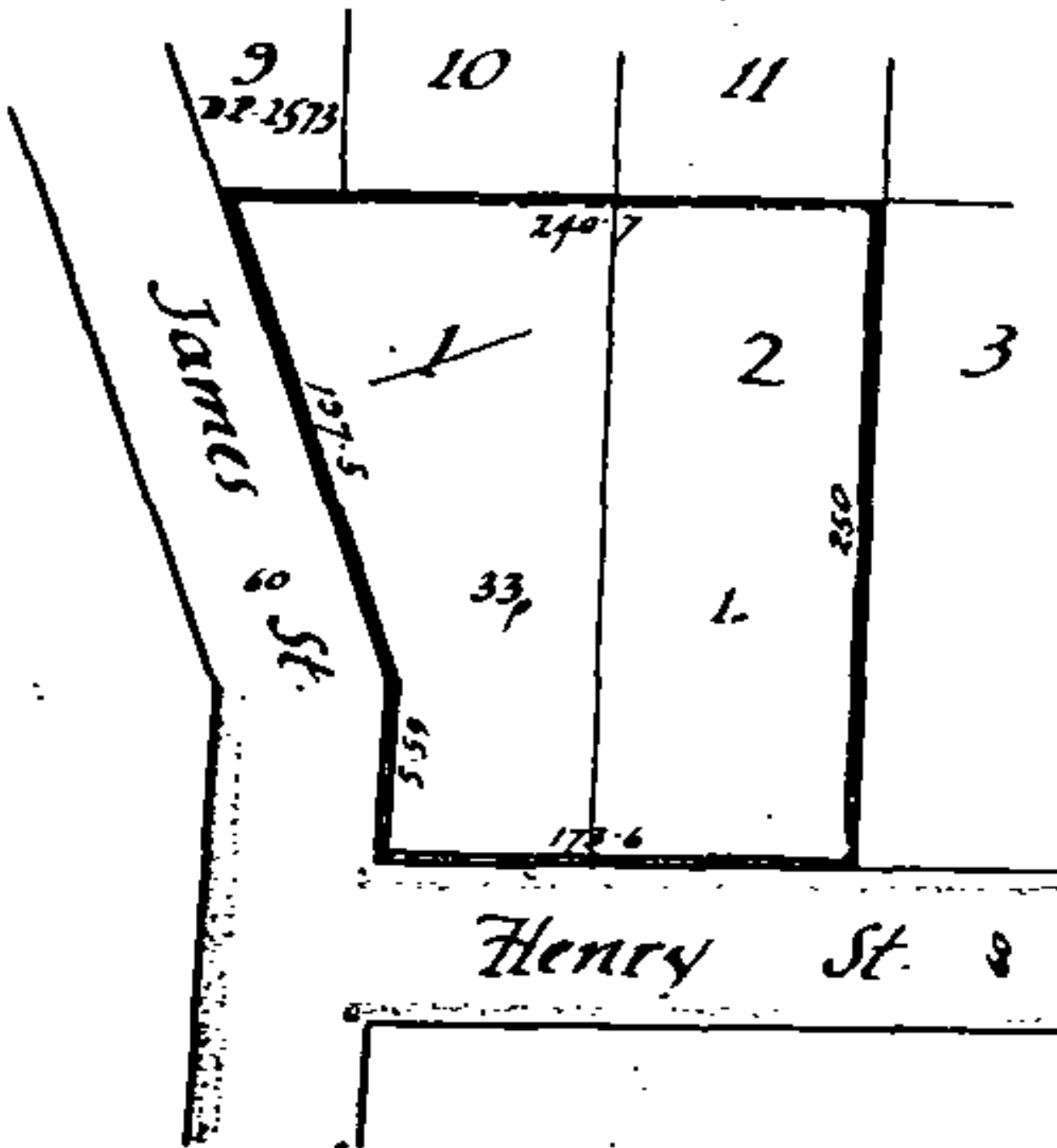
Prior References

OT313/129

Estate	Fee Simple
Area	1012 square metres more or less
Legal Description	Lot 2 Block XXI Deposited Plan 587
Registered Owners	
Nicole Jean Summerfield	

Interests

10499623.3 Mortgage to ANZ Bank New Zealand Limited - 15.7.2016 at 3:25 pm





PROVISIONAL ONLY
DETAIL, AREAS & DIMENSIONS ARE
SUBJECT TO FINAL DESIGN,
RESOURCE CONSENT & FINAL SURVEY

- Notes:**
- 1) Areas and dimensions are subject to verification upon the final Land Transfer Survey.
 - 2) Critical Points are to be confirmed by Survey.
 - 3) Boundary Location to be confirmed upon the final Land Transfer Survey.
 - 4) Services shown have been adopted from DCC drainage records
 - 5) Contractor is responsible to locate all underground services prior to commencement of work.
 - 6) The plan may not be copied without the approval of Terramark Ltd.
 - 7) These notes are an integral part of this plan.
 - 8) This plan is not intended to be used for architectural design purposes and has been prepared specifically for the purpose of this application.



Project Title: Lots 1 & 2 Being a Subdivision of Lot 2 Block XXI DP 587 Parking Area & Outdoor Living Space		
Address: 13 Penrich Street Abbotsford, Dunedin		
Legal Description: Lot 2 Block XXI DP 587		
Client: Nicole Gorman		
Area: 1012m²	Title Reference: OT320/127	
Date: November 2023	Scale (A3): 1:150	
Job No: 230537	Plan No: 230537/1	Revision: A



14 December 2023

N Summerfield
C/- Terramark Ltd
300 Moray Place
dunedin

Via email: keryn@terramark.co.nz

Dear Ms Summerfield

RESOURCE CONSENT APPLICATION:

**SUB-2023-141 & LUC-2023-448
13 PENRICH ST
DUNEDIN**

Your application for resource consent was processed on a non-notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. The application was considered by a Senior Planner, under delegated authority, on 14 December 2023.

The Council has granted subdivision consent and land use consent with conditions. The assessment of the application, including the reasons for the decision, is set out in the report attached to this letter. The consent certificates are attached to the rear of this letter.

The consent certificates outline the conditions that apply to your proposal. Please ensure that you have read and understand all of the consent conditions.

You may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

Senior Planner - Enquiries
Dunedin City Council
PO Box 5045
Dunedin 9054

You may request that the objection be considered by a hearings commissioner. The Council will then delegate its functions, powers and duties to an independent hearings commissioner to consider and decide the objection. Please note that you may be required to pay for the full costs of the independent hearings commissioner.

Alternatively, there may be appeal rights to the Environment Court. Please refer to section 120 of the Resource Management Act 1991. It is recommended that you consult a lawyer if you are considering this option.

You will be contacted in due course if you are due a partial refund or you have to pay additional costs for the processing of your application.

Development contributions are payable for this resource consent. A development contribution notice will be sent in due course outlining how the development contribution has been calculated and when payment is required.

Please feel free to contact me if you have any questions.

Yours faithfully

A handwritten signature in grey ink, appearing to be 'JO'DEA', written in a cursive style.

Jane O'Dea
Associate Senior Planner

APPLICATION SUB-2023-141 & LUC-2023-448: 13 PENRICH ST, DUNEDINDepartment: Resource Consents

DESCRIPTION OF ACTIVITY

The site is a rectangular shaped parcel of 1012m² located on the northern side of Penrich St. The site slopes gently in a south westerly direction. The site contains one dwelling which is located in the southern half of the site. The site has 20m of frontage to Penrich St and there is an existing vehicle access towards the western boundary of the site which leads onto a gravel driveway.

There are no Council wastewater or stormwater services within the site.

It is proposed to subdivide the property into two lots.

Lot 1 will be 405m² and will contain the existing dwelling. This site will have frontage to Penrich St.

Lot 2 will be a largely vacant, rear site, of 607m². This site will have access to Penrich St by way of a right of way over Lot 1.

The subject site is legally described as Lot 2 Blk XXI DP 587 (held in Record of Title OT320/127).

REASONS FOR APPLICATION

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 2GP”). Until the Proposed 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.

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.

Operative District Plan

The Operative District Plan has been usurped by the Proposed 2GP in terms of the site’s zoning and rules of relevance to this application. Accordingly, no Operative District Plan zoning or rule assessment has been undertaken.

Proposed 2GP

The subject site is zoned General Residential 1 in the Proposed 2GP and is not subject to any overlays or mapped areas.

The Proposed 2GP was notified on 26 September 2015, and some Proposed 2GP 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.

Subdivision

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 is considered to be a restricted discretionary activity pursuant to Rule 15.3.5.2.

Council's discretion is restricted to the following matters:

- effects on effects on neighbourhood residential character and amenity,
- risk from natural hazards,
- effects on efficiency and affordability of infrastructure,
- effects of stormwater from future development,
- effects on the safety and efficiency of the transport network.

Earthworks

Small-scale earthworks will be required to form the vehicle access to Lot 2 and install services. This will possibly require earthworks to be undertaken within 1.5m of the water pipe serving the adjoining property at 15 Penrich St (not the Council main which would require a 2.5m setback). I therefore consider it prudent to include a breach of Rule 5.6.2. This aspect is a restricted discretionary activity pursuant to Rule 5.6.2.2. Council's discretion is restricted to:

- effects on public health and safety; and
- effects on efficient and effective operation of network utilities.'

Land Use

The proposal falls under the definition of standard residential activity. Under the Proposed 2GP, activities have both a land use activity and a development activity component.

Land Use Activity

No land use rules or performance standards would be breached.

Development Activity

While slightly difficult to ascertain from the plans, access and parking appears to occupy more than 50% of the road boundary setback. This is a breach of Rule 15.6.7 and is a restricted discretionary activity in accordance with Rule 15.6.7.3.

There are no breaches of development rules or performance standards. Separate resource consent application will be required for any future development proposal that would breach development rules or performance standards.

National Environmental Standards

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.

The site is not entered in the Otago Regional Council's HAIL database. The applicant commissioned HAIL Search Report HAIL-2023-135 which did not find any explicit information about HAIL activity. The existing house was built in 1947 and prior to that the site appears to have been vacant.

The HAIL report did note the following as precautionary advice:

- Building products containing asbestos were widely used in New Zealand. If there are/were any buildings containing asbestos products in a deteriorated condition, or any buildings containing asbestos were removed not in accordance with best practice, then categories E1 and/or I on the HAIL may be applicable:

E1: Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition.

I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.

- The long-term use of lead-based paints on buildings can, in some cases, cause soil contamination. Category I on the HAIL may be applicable in such a situation:

I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.

(The Ministry of Health have determined that pre-1945's dwellings' paintwork is almost certain to contain lead in a high concentration (Ministry of Health, 2021). In the case, the dwelling was built in 1947 and hence the benefit of any doubt in regards to lead paint has been given. However, if lead paint has been used and it has caused soil contamination in sufficient quantity, then Category I will be relevant.)

An advice note has been included in the consent to provide the above advice to the consent holder.

The applicant provided the following response to the HAIL report:

I have received HAIL-2023-135 for the Proposed Subdivision at 13 Penrich Street and has concluded there is no explicit information found regarding HAIL activity for the site.

However it does note that lead based paints and building materials containing asbestos may have been used due to the age of the buildings on site. As there is no proposed demolition thus not disturbing any paint or building materials there is no risk of contamination of soil. It is my opinion that the NES HAIL does not apply in this instance.

I note that the garage will need to be demolished at some point to provide vehicular access to Lot 2. A building report from 2016 (included in the HAIL report) noted that this building is constructed of 'concrete floor..., timber framed walls and roof structure, Duroc wall sidings with some Hardie sheet panels – a mixture of concrete tiles (matching the house) and corrugated iron – single entry roller door.

The applicant also provided an email from a Senior Analyst at the Ministry for the Environment which stated that the Ministry's advice is that 'buildings that are painted with lead-based paint is not a HAIL activity... Lead-painted buildings being demolished may release contaminants to the environment. Whether the release is in sufficient quantities to pose a risk to human health or the environment will depend on the circumstances specific to each case.'

Based on the HAIL report and applicant's assessment, there is insufficient evidence to conclude that deteriorated lead paint or asbestos building materials are present, or have been released in such a way as to have caused soil contamination that would pose a risk to human health if the site were subdivided, as proposed.

It is therefore considered, more likely than not, that no activities have been undertaken on the site that appear on the HAIL. As such, the National Environmental Standard is not applicable to the subdivision.

There are no other National Environmental Standards relevant to this application.

Overall Status

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.

In this case, there is more than one rule involved, and the effects are linked. As a result, having regard to the most restrictive activity classification, the proposal is considered to be a restricted discretionary activity.

In this case, the rules all have the same activity status. The proposal is therefore a restricted discretionary activity.

WRITTEN APPROVALS AND EFFECTS ASSESSMENT

Affected Persons

No affected persons forms were submitted with the application. No person or party is considered to be adversely affected by the activity. This is because the environmental effects of the proposal are internalised within the site boundaries or relate to wider effects such as those on network utilities, rather than effects on any particular person or property.

Effects on the Environment

Permitted Baseline

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 the permitted baseline.

All subdivision requires consent and accordingly there is no permitted baseline for subdivision. However, the 2GP could be said to anticipate subdivision to a minimum site size of 400m² in the General Residential 1 zone, provided performance standards concerning matters such as firefighting and access can be complied with.

In terms of residential activity, the 2GP anticipates standard residential activity in the zone at a density of 1 unit per 400m² or 2 units per 500m² where in the form of a duplex.

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.

Receiving Environment

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.

For the subject site, the existing and reasonably foreseeable receiving environment comprises an expansive residential property of sufficient size that subdivision and further residential activity are foreseeable.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises a low density residential neighbourhood.

It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment Matters/Rules

Consideration is required of the relevant assessment matters in the Operative District Plan and the relevant assessment rules in the Proposed 2GP, along with the matters in any relevant national environmental standard. This assessment is limited to the matters to which the Council's discretion has been restricted. No regard has been given to any trade competition or any effects of trade competition.

1. Lot Size and Dimensions and Physical Limitations

Both lots will exceed the 400m² minimum site size for the zone and will be regular shaped sites on gently sloping land. Both sites have physical access, with access to Lot 2 being via an easement over Lot 1. Lot 1 already contains a house.

The design of the subdivision somewhat compromises the quality of outdoor living space for the dwelling on Lot 1, with there being very little space on the northern side of the dwelling for outdoor living. Outdoor living space will therefore be provided on the western side of the house, in the form of a strip between the house and driveway. There is additional outdoor space in the front garden on the southern side of the house. The proposed outdoor living space is technically compliant with Rule 15.5.11 and accordingly is acceptable.

Overall, I consider the subdivision will create two sites suitable for the existing and future residential activity.

2. Easements

A service easement over proposed Lot 1 in favour of proposed Lot 2 is identified on the subdivision plan. This will allow for access and to run services to Penrich St.

Building Services have identified that Easement A will need to be extended along the frontage of Lot 1 (within the site) in order to enable Lot 2 a connection to the DCC foul sewer and avoid the need to install a long private lateral from easement A as currently shown, within the road.

A condition allowing any further easements to be created, as necessary, has been included.

3. Infrastructure

The Senior Building Consent Officer – Plumbing and Drainage, provided the following comments:

General: *There are no DCC Service crossing this site*

All private drainage matters will be dealt with at time of Building Consent.

Foul Drainage: *The Foul Drainage from proposed Lot 1 shall continue to discharge to the 150mm DCC Foul Sewer in Penrich Street*

The Foul Drainage from proposed Lot 2 shall discharge to the 150mm DCC Foul Sewer in Penrich Street.

Advice Note: *The proposed easement “A” will need to be extended within the front Boundary of proposed Lot 1 to discharge to the 150mm DCC Foul Sewer in Penrich Street. The DCC Sewer does not extend far enough along to be connected to by Lot 2 without this easement*

Stormwater Drainage: *The Stormwater Drainage from proposed Lot 1 shall continue to the Kerb and Channel in Penrich Street*

The Stormwater from Proposed Lot 2 shall discharge to the Kerb and Channel in Penrich Street via easement A.

Surface Water: *Collected or concentrated by Building or siteworks shall not cause nuisance to neighbouring property and must discharge to an appropriate outfall.*

The Subdivision Support Officer – 3 Waters has considered the application. They note:

1. The Proposed Activity

Subdivision consent is sought from Council to undertake a 2 lot subdivision at 13 Penrich Street, Abbotsford. The proposed activity is located within the General Residential 1 Zone in the Second-Generation District Plan (2GP).

Subdivision Description

*The proposal is to subdivide 13 Penrich Street, Abbotsford into 2 lots.
Proposed lot 1 contains the existing dwelling and has an area of 405m².
Proposed lot 2 will be a vacant residential site with an area of 607m².*

Existing Services

The DCC's GIS records show a 150mm diameter water supply pipe, and a 150mm diameter wastewater pipe in Penrich 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, if suitable. A new water connection is required for proposed lot 2. 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 connection is established, the water supply pipe must be laid at least 600mm into the lot.

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 (WFH06183) 65m from the development and a second Fire Hydrant (WFH06182) 175m from the development. 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

To allow adequate pervious area for natural stormwater drainage, the maximum site coverage specified in the District Plan must be complied with. Please note that there are new site coverage rules in the 2GP for both building coverage and maximum site imperviousness.

A separate private stormwater connection is required for each residential lot.

Any existing private stormwater connections can be retained, one for each lot, if suitable.

Any new private stormwater connections should be made to the kerb and channel of Penrich Street.

Any existing stormwater connections that will not be utilised as part of the new development shall be cut and plugged at the DCC owned stormwater main.

No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.

The proposal is for a subdivision that may result in new residential development and does not propose to discharge stormwater to reticulated infrastructure, therefore a Stormwater Management Plan (SWMP) is required.

A SWMP prepared by a suitably qualified person shall be submitted to Dunedin City Council, containing the following:

- i. Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow.*
- ii. An assessment of the current and proposed imperviousness of the site.
Secondary flow paths.*
- iii. Any watercourses located within the property.*
- iv. Detail of proposed stormwater management systems for the development to v
accommodate for any excess runoff from extra impervious surfaces.*
- v. An assessment of the current network and its ability to accept any additional flow from the
proposed development.*
- vi. Measures to ensure acceptable level of stormwater quality being discharged from the site.*

The SWMP must be submitted to and approved by 3 Waters prior to any earthworks or construction commencing.

The SWMP shall be supplemented with detailed engineering plans when requested by Council.

The SWMP must either be designed to accommodate the maximum impervious surface area of the development, as per the permitted baseline of the 2GP, or a consent notice shall be required on each new title limiting the maximum impervious area to the design of the SWMP. Any increase in impervious surface area in excess of the SWMP's design shall require a new SWMP.

Wastewater Services

A separate private wastewater connection is required for each residential lot.

Any existing private wastewater connections can be retained, one for each lot, if suitable.

Any new private wastewater connections should be made to the 150mm diameter wastewater pipe located within Penrich Street.

Any existing wastewater connections that will not be utilised as part of the new development shall be cut and plugged at the DCC owned wastewater main.

No drains in common shall be retained, extended, or installed unless prior approval is obtained from 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. Any easement/s required for the development shall be at the consent holder's expense (including, if applicable, DCC's legal costs).

The application was not accompanied by a stormwater management plan and accordingly the details of how stormwater will be managed will need to be decided through the provision of a stormwater management plan. A condition has been imposed accordingly. 3 Waters have indicated based on initial calculations provided by the applicant that it is likely that on-site stormwater detention will be required.

Following consultation with the applicant it was decided that the consent notice suggested by 3 Waters to limit impervious surfacing to the design of the stormwater management plan lacked certainty given that the details of the stormwater management plan are not known at this time. Accordingly no provision for this has been made in the consent conditions.

It is clear from the comments received from 3 Waters and Building Services that subject to the compliance with recommended conditions of consent, the adverse effects of the proposal on the City's reticulated infrastructure are able to be avoided remedied or mitigated.

Advice notes are included in this decision regarding the future requirements for servicing.

4. Transportation

The application was forwarded to the Council's Transportation department for comment. The Transportation Planner is satisfied that the adverse effects of the activity on the transportation network are no more than minor, subject to compliance with recommended conditions of consent.

...

The site is zoned as General Residential 1, and Penrich Street is classified as a Local Road as per the 2GP Road Classification Hierarchy.

ACCESS:

The site is currently accessed via a hard surfaced, 3.5m wide vehicle crossing which leads onto an approximately 18.0m long, metalled driveway situated along the western property boundary. The driveway provides access to a detached garage located at the terminus of the driveway, and a single dwelling to the east of the driveway. The applicant proposes to subdivide the site into two separate Lots, with Lot 1 containing the existing dwelling and access provisions, and Lot 2 being a vacant section for the time being. Lot 2 will be accessed via the existing vehicle crossing and driveway, via Right of Way easement "A" over Lot 1. It is noted that in order to gain access to the Penrich Street carriageway from Lot 2, the existing garage will be removed.

2GP Rule 6.6.3.2 requires the provision of minimum sight distance requirements which in this instance requires 69.0m of available site visibility in either direction. It is noted that sight visibility from the existing crossing are sufficient in an easterly direction, however sightlines to the west and are unable to reach the aforementioned requirement. This is due to the fact that Penrich Street ends in a cul-de-sac only a few metres away from the current driveway. Therefore, being unable to achieve this sightline requirement is due to the road formation and not due to the applicant's proposal. Therefore, the effects of this technical breach are considered to be less than minor.

2GP Rule 6.6.3.6.b requires that all driveways that serve two or more Lots must be hard surfaced for their full duration. It is noted that the applicant proposes to upgrade the existing driveway to a suitable hard surface for its entirety, which is therefore acceptable to Transport and a condition requiring this is recommended below.

In summary, the access provisions provided by this application is considered acceptable to Transport, subject to the access formation condition and advice notes detailed below.

PARKING AND MANOEUVRING:

As previously noted, the site currently contains a detached garage located at the terminus of the existing driveway which provides on-site parking. The applicant proposes that this will be removed as part of this development to provide adequate access for Lot 2. The applicant proposes that a new on-site parking will be constructed within Lot 1, located between the existing dwelling and the sites frontage, accessed via a "nose-in" style parking bay. The applicant notes that sufficient on-site manoeuvring can be provided. No parking or manoeuvring provisions are proposed for Lot 2 at this stage; however, it is expected that this can be legally achieved in the event of future development.

2GP Rule 6.6.1.1 requires that all car parks on a 90-degree angle have a stall width of 2.5m and a depth of 5.0m. From assessing the provided plans, it is noted that the proposed car parking space on Lot 1 meets/exceeds this requirement and is therefore acceptable.

The applicant has demonstrated that sufficient space is available to allow for manoeuvring within the proposed Right of Way driveway to ensure that vehicles using the Lot 1 parking space are not required to reverse off the site. It is noted that the provision of manoeuvring space for Lot 1 is not required, as outlined by Rule 6.6.1.2.a, however the provision of manoeuvring space is acceptable to Transport regardless. It is advised that as per the aforementioned rule, in the event of future development on Lot 2, manoeuvring space must be provided as the activity is taking place on a rear Lot.

In summary, the existing and proposed parking and manoeuvring provisions are considered acceptable to Transport, subject to the advice note detailed below.

GENERATED TRAFFIC:

Transport considers that the effects of the traffic generated as a result of this proposal on the transport network to be less than minor.

It is clear from Transport's comments that there are no significant concerns regarding the proposed parking and access arrangements for the subdivision.

Notwithstanding that Transport have noted the existing vehicle crossing will be utilised, it appears that the driveway crossing will need to be extended to the west, and the western portion of front boundary wall will need to be removed in order to accommodate the vehicle crossing and driveway

in the position shown on the plan; and to ensure that the outdoor living space can be provided as shown. This work will require a separate vehicle entrance approval from DCC Transport.

I consider that any effects on the transportation network will be in line with expectations for the zone and the consent conditions will ensure that the access is formed to an appropriate standard.

5. Hazards

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.

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).*

The Council's consultant engineer, Stantec, has reviewed the application and provided the following (abridged) comments:

Proposal

The proposed activity is to subdivide the above lot into two.

Site investigation reports have not been provided.

Plans for the proposal are provided within the application.

Hazards

There are no hazards identified within the hazards register for the above lot.

Global Setting

The underlying geology consists of Abbotsford Mudstone and is sloping by less than 12 degrees.

Earthworks / Excavations / Retaining Structures

The proposed earthworks is limited to creation of an access on the newly created lots.

Discussion

The site lies within a thin strip of land between the east and west Abbotsford historic landslides. While there are no hazards listed for the lot, it is within similar geology as these previous large scale land movements. The West Abbotsford landslide is a very large landslide feature that has proven to be sensitive to groundwater and excavation (the toe support was excavated for the motorway, causing the slip in 1967. Global stability of the wider West Abbotsford Landslide is dependent on the ongoing management of stormwater, surcharge of earthworks and retention of toe support.

The risk of future movement of the West Abbotsford landslide is unlikely to be exacerbated by this subdivision and subsequent minor development. However, the newly created lot and any new structure will be subject to the same level as risk as all of the other dwellings within this area.

Control of stormwater remains extremely important throughout this area to ensure ongoing stability.

We recommend that the application not be declined on the ground of known natural hazards.

Stantec recommended a number of conditions of consent to manage foreseeable earthworks on the property. No development is proposed at this time, and accordingly the recommended conditions are more appropriately provided as advice notes.

Having regards to this assessment, it is considered that the subdivision itself will not itself exacerbate risk from natural hazards. Stantec have recognised that any future development on the site will need to be designed and carried out in order to manage the risk of landslide. Stantec have not indicated that the risk of such magnitude that it cannot be managed by appropriate design and execution of future development works.

Based on the above, there are no significant risks from natural hazards that need addressing as part of this subdivision, however earthworks associated with any potential future development will need to be appropriately managed.

6. Amenity Values and Character

The proposed subdivision and any resulting permitted land use are in accordance with the density requirements for the General Residential 1 zone. There is therefore no particular reason to consider that the subdivision will adversely affect amenity values or the character of the neighbourhood to any extent not anticipated by the 2GP.

Any future development on either lot will need to comply with the relevant development rules/performance standards of the Plan concerning matters such as building heights and setbacks. If resource consent is required for any future development then this will provide an opportunity to further consider effects on neighbours' amenity and the character and amenity of the wider neighbourhood.

NOTIFICATION ASSESSMENT

Public Notification

Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification. Each step is considered in turn below.

Step 1: Mandatory public notification in certain circumstances

- Public notification has not been requested.
- There has been no failure or refusal to provide further information.
- There has been no failure to respond or refusal to a report commissioning request.
- The application does not involve the exchange of recreation reserve land.

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

- There are no rules or national environmental standards precluding public notification.
- The application does not involve: a controlled activity, nor a boundary activity. As a result, public notification is not precluded under Step 2.

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

- There are no rules or national environmental standards requiring public notification.
- The activity will not have, or be likely to have, adverse effects on the environment that are more than minor.

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.

Limited Notification

Section 95B of the Resource Management Act 1991 sets out a step-by-step process for determining limited notification. Each step is considered in turn below.

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

- There are no rules or national environmental standards precluding limited notification.
- The application does not involve a controlled activity that is not a subdivision.

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

- The application does not involve a boundary activity.
- 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 3 does not apply because limited notification is precluded under Step 2.

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.

SUBSTANTIVE DECISION ASSESSMENT

Effects

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. It is considered that the adverse effects on the environment arising from the proposal are no more than minor.

Offsetting or Compensation Measures

In accordance with section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Operative District Plan and the Proposed 2GP were taken into account when assessing the application.

The Proposed 2GP is now at an advanced stage. The zoning and rules of relevance to this application are operative, and the objectives and policies are not subject to appeal. Therefore, while regard has been had to the objectives and policies of the Operative District Plan, these are not discussed further in this report.

because no weight has been given to them, and full weight has been given to the objectives and policies of the Proposed 2GP. The relevant objectives and policies of the Proposed 2GP are discussed below.

Proposed 2GP

The proposal is considered to be consistent with the following Proposed 2GP objectives and policies:

- **Objective 5.2.2 and Policy 5.2.2.1 (Network Utilities)**
These seek to ensure that the efficiency and effectiveness of network utilities is not compromised by development, including earthworks, taking place near these utilities.
- **Objective 6.2.3 and Policies 6.2.3.3, 6.2.3.4 and 6.2.3.9 (Transportation Section)**
These seek to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.
- **Objective 9.2.1 and Policy 9.2.1.1 (Public Health and Safety Section)**
These seek to have land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.
- **Objective 15.2.2 and Policy 15.2.2.1 (Residential Zones)**
These seek to ensure that residential activities, development, and subdivision activities provide high quality on-site amenity for residents.
- **Objective 15.2.3 and Policy 15.2.3.1 (Residential Zones)**
These seek to ensure that activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.
- **Objective 15.2.4 and Policy 15.2.4.2 (Residential Zones)**
These seek to ensure that subdivision activities and development maintain or enhance the amenity of the streetscape and reflect the current of intended future character of the neighbourhood.
- **Policy 11.2.1.13 (Hazards)**
This seeks to only allow subdivision where the risk from natural hazards, including any future development, will be avoided or no more than low.

Objectives and Policies Assessment

Full weight has been given to the objectives and policies of the Proposed 2GP which are deemed to be operative. I consider that the effects are in line with the Plan's expectations for the zone and the objectives and policies support the granting of consent.

Other Matters

Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

Part 2

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.

RECOMMENDATION

After having regard to the above planning assessment, I recommend that:

1. This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.

2. The Council grant consent to the proposed activity under delegated authority, in accordance with sections 104 and 104C of the Resource Management Act 1991.



Jane O'Dea
Associate Senior Planner

Date: 14 December 2023

DECISION

I have read both the notification assessment and substantive decision assessment in this report. I agree with both recommendations above.

Under delegated authority on behalf of the Dunedin City Council, I accordingly approve the granting of resource consent to the proposal:

*Pursuant to Part 2 and sections 34A(1), 104 and 104C of the Resource Management Act 1991, and the provisions of the Operative Dunedin City District Plan 2006 and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary activity** being the subdivision of the site into two lots and to a land use consent for earthworks for driveway and services within 1.5m of a network utility, at 13 Penrich St, Dunedin, legally described as Lot 2 Blk XXI DP 587 (Record of Title OT320/127), subject to conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificates.*



Phil Marshall
Senior Planner

Date: 14 December 2023

Consent Type: Subdivision Consent

Consent Number: SUB-2023-141

Purpose: The subdivision of the site into two lots.

Location of Activity: 13 Penrich St, Dunedin.

Legal Description: Lot 2 Blk XXI DP 587 (Record of Title OT320/127).

Lapse Date: 14 December 2028, unless the consent has been given effect to before this date.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 25 October 2023, and further information received on 2 November 2023 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) *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.*
 - c) *If necessary, Easement "A" may be extended within the front portion of Lot 1 to enable Lot 2 to connect to the DCC Foul Sewer which terminates near the western boundary of the site.*

Advice note to condition 2.c) – DCC Transport and Building Services have expressed a preference for the foul sewer lateral to Lot 2 to be contained, as far as possible, within the site boundary. This would require an extension of the easement.

3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*

Stormwater Management Plan

- a) *A stormwater management plan must be prepared by a suitably qualified person, and contain the following information:*
 - i. *Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and*

- ii. *An assessment of the current and proposed imperviousness of the site; and*
- iii. *Secondary flow paths; and*
- iv. *Any watercourses located within the property; and*
- v. *Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and*
- vi. *An assessment of the current network and its ability to accept any additional flow from the proposed development.*
- vii. *Measures to ensure acceptable level of stormwater quality being discharged from the site.*
- viii. *The stormwater management plan must be supplemented with detailed engineering plans if requested by 3 Waters.*
- ix. *All information in the plan must be in accordance with the following documents where applicable:*
 - i. *Acceptable Solutions and Verification Methods for New Zealand Building Code Clause E1 Surface Water – MBIE*
 - ii. *NZS 4404:2004 and amendments via the Dunedin Code of Subdivision and Development 2010*
 - iii. *The stormwater management plan must be submitted to rcmonitoring@dcc.govt.nz, for certification by the Council 3 Waters department as meeting the requirements of condition 2. Certification of the SWMP must be provided by the Council 3 Waters department.*

- b) *A consent notice to address stormwater management must be prepared and registered on the record of title for Lot 2 hereon, for the following ongoing condition:*

At the time a residential activity is established on this site, stormwater management systems, including the installation of any detention tanks that might be required, must be undertaken in accordance with the Stormwater Management Plan approved as a condition of subdivision consent SUB-2023-141, or any subsequent stormwater management plan approved by the Dunedin City Council 3 Waters department.

Infrastructure

- c) *Each lot must have a separate water service connection installed. The existing water connection to the property can be retained for proposed Lot 1, if suitable. An “Application for Water Supply” shall be submitted to the Dunedin City Council for approval to establish a water connection to Lot 2. Details of how this lot is to be serviced for water shall accompany the “Application for Water Supply”. The water supply pipe from the newly installed water connection must be laid at least 600mm into the new lot.*
- d) *A separate private stormwater connection must be installed for each lot.*
- e) *A separate private wastewater connection must be installed for each lot.*
- f) *No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.*
- g) *Any existing stormwater connections that will not be utilised as part of the new development shall be cut and plugged at the DCC owned stormwater main.*

- h) *Any existing wastewater connections that will not be utilised as part of the new development shall be cut and plugged at the DCC owned wastewater main.*

Transport

- i) *The vehicle access must be formed to a minimum 3.0m wide, be hard surfaced from the edge of the Penrich Street carriageway, and adequately drained for its full duration.*
- j) *All redundant vehicle crossings (or part thereof) must be reinstated as footpath, kerb, and channel at the applicant's cost.*

Advice Notes:

Stormwater Management Plan

1. The consent holder is advised that 3 Waters have indicated an expectation that the SWMP be designed to accommodate the maximum allowed impervious surface area, as per the permitted baseline of the Proposed District Plan (Rule 15.6.10).

Transportation

2. The vehicle crossing, between the road carriageway and the property boundary, is within legal road and any alterations to the crossing will therefore require a separate Vehicle Entrance Approval from DCC Transport to ensure that any alterations are 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).
3. It is advised that any works within legal road are required to be undertaken by a DCC approved contractor and will require an approved corridor access request.
4. It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.
5. It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

Advice Regarding Future Earthworks

6. The following recommendations are made in relation to future developments on the site:-
 - All walls retaining over 1.5m, or supporting a surcharge / slope, including terracing, should be designed, specified and supervised by appropriately qualified person/s.
 - No earthworks should be undertaken until building consent has been granted.
 - Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431:2022 Engineered fill construction for lightweight structures.
 - Slopes should not be cut steeper than 1:1 (45°) or two metres high without specific engineering design and construction.

- Slopes should not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and construction.
- As-built records of the final extent and thickness of any un-engineered fill should be recorded.
- All temporary slopes should be inspected and signed off by a suitably qualified individual.
- Any modification to the site should not increase any adverse stormwater effects on neighbouring lots as a result of the work.

Water Services

7. Detail of the water supply application process can be found at:

<http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.

8. 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, unless otherwise approved by Fire and Emergency New Zealand (FENZ).

Code of Subdivision & Development

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

Erosion and Sediment Control

10. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
- The Erosion & Sediment control Toolbox for Canterbury found on the ECan website link CRC Erosion & Sediment Control Toolbox <http://esccantelbury.co.nz>
 - Dunedin City Council “Silt and Sediment Control for Smaller Sites” (information brochure).

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

11. Building products containing asbestos were widely used in New Zealand. If there are/were any buildings containing asbestos products in a deteriorated condition, or any buildings containing asbestos were/are removed not in accordance with best practice, then categories E1 and/or I on the HAIL may be applicable:
- E1: Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition.
 - I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.

The long-term use of lead-based paints on buildings can, in some cases, cause soil contamination. Category I on the HAIL may be applicable in such a situation.

(The Ministry of Health have determined that pre-1945's dwellings' paintwork is almost certain to contain lead in a high concentration (Ministry of Health, 2021). In the case, the dwelling was built in 1947 and hence the benefit of any doubt in regards to lead paint has been given. However, if lead paint has been used and it has caused soil contamination in sufficient quantity, then Category I will be relevant.)

General

12. 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.
13. 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.
14. 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.
15. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
16. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 14 December 2023



Jane O'Dea
Associate Senior Planner

Consent Type: Land Use Consent

Consent Number: LUC-2023-448

Purpose: Earthworks for vehicle access, driveway and services within 1.5m of network utility; and breach of car parking location.

Location of Activity: 18 Penrich St, Abbotsford.

Legal Description: Lot 1 of SUB-2023-96 or Lot 2 Blk XXI DP 587.

Lapse Date: LUC-2023-448 shall lapse 5 years from the date that the s223 certificate for SUB-2023-141 is issued.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 25 October 2023, and further information received on 2 November 2023, except where modified by the following condition:*
2. *Extreme care must be taken with any earthworks carried out near the private water lateral serving 15 Penrich St during the formation of the vehicle crossing and driveway. Any damage to the pipe during the earthworks and/or the construction process of the vehicle crossing and driveway will be at the responsibility of the applicant and must be reported to the DCC immediately.*
3. *A planted strip must be established along the Penrich St frontage of the site, except where the driveway is located. The purpose of the plantings is to screen the parking area. Plantings should consist of evergreen species that will grow to a height of at least 1m.*

General

1. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
2. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
3. It is the 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.
4. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.

5. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 14 December 2023

A handwritten signature in grey ink, appearing to read 'JO'DEA', with a stylized flourish at the end.

Jane O'Dea
Associate Senior Planner





SUB-2023-145/A
288 GLADSTONE ROAD NORTH
MOSGIEL

APPLICATION NUMBER:	SUB-2023-145/A
RELATED APPLICATIONS/LICENCES:	SUB-2023-145 LUC-2023-430

PLANNING APPLICATION DETAILS FORM

Property Address	288 Gladstone Road Nth Mosgiel
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Property Description:	Property No: 5049161, Legal Description: LOT 3 DP 18658
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First Contact: (Applicant)	Name:	Eighty Eight Investments Limited
	Mail Address:	C/O Terramark, 330 Moray Place, Dunedin Central, Dunedin 9016
	Contact Email:	keryn@terramark.co.nz
	Phone Number:	03 477 4783
	Method of Service	Preferred Method - Email

Description of Application:	s357 objection to conditions - the staged four-lot subdivision breaching Minimum Site Size and subdivision of a piece of land under the NES-CS
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Application Type:	Subdivision Consent
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Fast Track?	
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Consent Type:	s357 Objection	Consent Nature	Objection to decision
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Major Category	s357 Objection
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Minor Category	Non-Notified - Unrestricted Discretionary
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Senior Planner or Responsible Officer:	Campbell Thomson
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Lodgement Date:	08-Feb-2024	Lodgement Officer:	Maxine Sannum
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Deposit Amount:	\$	Invoice Number:	
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Waived: ☐	
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Counter Comments:	
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24 February 2024

Dunedin City Council
PO Box 5045
DUNEDIN 9054

Dear Sir/Madam

RE: OBJECTION TO CONDITIONS FOR SUB-2023-145, 288 Gladstone Road North, MOSGIEL

On behalf of our client Logan McLennan of Eighty Eight Investments Limited we wish to object under section 357 with respect to conditions 3(a) and 3(d) and Advice Note 1 of consent SUB-2023-145.

Background

The site is an irregular shaped parcel of 1514m² located between Gladstone Road North and Magazine Road. The site contains one dwelling which is located centrally within the site and a detached garage. The site is currently offered one vehicle crossing which serves a gravel driveway within the site.

Consent was obtained to subdivide the property over two stages into four resultant lots and land use to construct a duplex with breaches to the height in relation to boundary rules. Lot 1 will be 538m² and will contain the existing dwelling. This site will have frontage to Gladstone Road North. Lot 2 will be a vacant site of 400m² and have frontage to Gladstone Road North. At this stage a duplex will be constructed and further subdivided into Lots 3 and 4 being 307m² and 269m² respectively. Each dwelling will contain four habitable rooms and will have frontage to Magazine Road. The subject site is legally described as Lot 3 DP 18658 (held in Record of Title OT9C/1197).



Fig.1- The Subject Site

The 2GP s32A Report

SWMP's and/or detention tanks were articulated in the 2GP s32A report as being an infrastructural solution to mitigate any non-compliance of the bulk and impervious surface rules.

The 2GP s32 report¹ guiding the 2GP rules and policies which promoted the addition of impervious surface rules states-

"Managing site coverage with impermeable surfaces is necessary to ensure that the amount of stormwater run-off can be quantified, to ensure there is sufficient capacity within the Stormwater Network. Rules in the District Plan, which manages land use and associated development, are considered to be the best approach for achieving this".

And

"to give reasonable effect to the impermeable surface rules in the 2GP, each resource consent and building consent application should demonstrate compliance, or provide acceptable options for mitigation of the effects of any non-compliance. This could be achieved by either an additional financial contribution to the stormwater network or, the implementation of an infrastructure solution such as a holding tank or detention area".

In this and many other cases, the proposal complies with the rules of the District Plan. They demonstrate compliance with the bulk and impervious surfaces rules, and therefore there is no need to provide any option to mitigate the effects of non-compliance as there is none. As the subdivision complies with the rules, there is no need to implement an infrastructure solution "such as a holding tank or detention area".

The Variation 2 Amendments to the 3Waters Provisions

Following the DCC defeat in the 'Wray Street' appeal, 3Waters took some pleasure in stating the permitted baseline for bulk and hard-surfacing has been removed under Rule 15.4.4.2 as part of the Variation 2 2GP decision.

Terramark and others submitted in opposition to this amendment as it lacked natural justice and contradicts the intent of the bulk and impervious surface performance standards. The submissions were rejected.

Consent Conditions for Deletion

We now seek the removal of the following conditions of consent on the basis 3Waters have indicated an expectation that the SWMP be 'designed to accommodate the maximum allowed impervious surface area, as per the permitted baseline of the Proposed District Plan (Rule 15.6.10)'. There is no rational basis for this approach.

Conditions

3. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:

Stormwater Management Plan

a) A stormwater management plan must be prepared by a suitably qualified person, and contain the following information:

- i. Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and*
- ii. An assessment of the current and proposed imperviousness of the site; and*

¹ Maximum Site Coverage & Impermeable Surfaces Rule 15.6.11 (Second Generation District Plan) dated 11 August 2015 prepared by the Asset Planning Team Leader, Water and Waste Services

- iii. Secondary flow paths; and
- iv. Any watercourses located within the property; and
- v. Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and
- vi. An assessment of the current network and its ability to accept any additional flow from the proposed development.
- vii. Measures to ensure acceptable level of stormwater quality being discharged from the site.
- viii. The stormwater management plan must be supplemented with detailed engineering plans if requested by 3 Waters.
- ix. All information in the plan must be in accordance with the following documents where applicable:
 - a. Acceptable Solutions and Verification Methods for New Zealand Building Code Clause E1 Surface Water – MBIE
 - b. NZS 4404:2004 and amendments via the Dunedin Code of Subdivision and Development 2010
 - c. The stormwater management plan must be submitted to rcmonitoring@dcc.govt.nz, for certification by the Council 3 Waters department as meeting the requirements of condition 2. Certification of the SWMP must be provided by the Council 3 Waters department.

b) A consent notice to address stormwater management must be prepared and registered on the record of title for Lots 2 and 100 hereon, for the following ongoing condition:

At the time a residential activity is established on this site, stormwater management systems, including the installation of any detention tanks that might be required, must be undertaken in accordance with the Stormwater Management Plan approved as a condition of subdivision consent SUB-2023-145, or any subsequent stormwater management plan approved by the Dunedin City Council 3 Waters department.

d) A consent notice to avoid overdevelopment of the site must be prepared and registered on the record of title for Lot 2 hereon, for the following ongoing condition: i) This site has a maximum development potential of four habitable rooms and cannot contain more than four habitable rooms overall. The definition of habitable room for the purpose of this consent notice is the definition contained within Section 1 of the Second Generation District Plan.

Advice Notes

Stormwater Management Plan

1. The consent holder is advised that 3 Waters have indicated an expectation that the SWMP be designed to accommodate the maximum allowed impervious surface area, as per the permitted baseline of the Proposed District Plan (Rule 15.6.10).

Inconsistent application of the SWMP rules and consent conditions

The processing planner advised all subdivisions trigger the assessment of the SWMP. This is not correct. Only recently has Terramark had two consent decisions where a SWMP was not assessed, being-

1. At 18 Penrich Street, a similar development immediately across the road from the subject site.
2. At 151 Norwood Street, a recently approved two lot subdivision in a flood hazard zone.

Neither site included a SWMP assessment and no conditions were carried into the consent decision. On that basis, we consider the deletion of conditions 3(a), 3(b) and advice note (1) adopts a similar approach to other similar subdivisions.

Reason for Objection

There is no reference under Rule 9.9.X.3, Rule 9.9.X.7 or Policy 9.2.1.Z) stating that a SWMP should be prepared taking in to account the maximum permitted impervious coverage for the site. We are of the opinion this approach has been manufactured by 3Waters and is 'over reaching' in relation to what the rules and policy specify.

Under Rule 9.9.X.7.a.i, it is our opinion that by applying a consent notice to the title stating that attenuation is required to ensure discharge doesn't exceed pre-development levels would provide confidence that when the scale of development is known, it can be dealt with more appropriately and correctly, while still ensuring the integrity of the 2GP is maintained.

Consent notice over Lot 2. Objection on the basis that the lot area meets the current minimum zone requirements, and the consent notice is simply restricting the number of habitable rooms to that which is permitted under the district plan. The consent notices over Lots 1 & 100 (3 & 4, Stage 2) are reasonable and understandable. While the overall development will comply with the overall density threshold on the basis of the underlying titles area, we are 'sharing' the available habitable room capacity between these lots, making Lot 100 (3& 4, Stage 2) over-dense, however the same cannot be said for Lot 2. Inclusion of the consent notice on Lot 2 unreasonably encumbers the title in a manner which is simply re-stating the permitted density threshold for the zone. Someone has to pay for the preparation and registration of the consent notice, and it is unreasonable to require one when it does not have a purpose of restricting anything beyond the permitted density threshold of the district plan. Furthermore, if density thresholds were to change in the area in the future to become more permissive, a landowner would have to specifically apply to remove the consent notice to develop in accordance with any new density requirements. This is not reasonable, and cannot realistically be seen as 'future-proofing' to ensure overdevelopment

Proposed conditions

We propose the following condition be applied in lieu of the deletion of the SWMP conditions. This approach will allow a site-specific assessment of the effects from development commensurate with the scale of the development. This approach removes the expectation that any SWMP be 'designed to accommodate the maximum allowed impervious surface area, as per the permitted baseline of the Proposed District Plan (Rule 15.6.10)'.

This reads as-

3 Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:

- (a) A consent notice to address stormwater management must be prepared and registered on the tile of Lots 2 and 100 hereon, for the following ongoing condition:

At the time a new residential dwelling is established on Lots 2 and 100, an individual attenuation device must be installed to ensure that stormwater discharge from the impervious area of the site does not exceed the pre-development discharge levels for stormwater runoff in a 10 year rainfall event. The attenuation tank must be designed to have an interchangeable orifice size that can accommodate both the historical and climate change adjusted RCP 8.5 2081 – 2100 events. The on-going operation and maintenance of the private stormwater device on the affected lot is the responsibility of the Lot owner. The attenuation design to fit the above criteria must be submitted as part of the building consent application for the new residential dwelling.

This will enable an assessment at Building Consent against the plans for the new residential unit, rather than applying the maximum site coverage as a starting point for assessment. This approach removes all inconsistencies and assumptions such that the actual effects on the Council's network are understood and appropriately mitigated.

I am aware that an objection is with Council for 13 Penrich Street, a supplementary report is being prepared by Terramark to support and expand on that objection. This objection is a 'place-holder' to enable consideration of the Penrich Street objection and how that may influence how Council elects to address this objection.

Yours faithfully
Terramark Ltd

A handwritten signature in black ink, appearing to read 'K Broughton'.

Keryn Broughton
Planner – AssocNZPI

APPLICATION NUMBER:	SUB-2023-145
RELATED APPLICATIONS/LICENCES:	

PLANNING APPLICATION DETAILS FORM

Property Address		288 Gladstone Road Nth Mosgiel	
Property Description:		Property No: 5049161 Legal Description: LOT 3 DP 18658	
First Contact: (Applicant)	Name:	Eighty Eight Investments Limited	
	Mail Address:	121 Wingatui Road, Mosgiel 9024	
	Contact Email:	keryn@terramark.co.nz	
	Phone Number:	03 477 4783	
	Method of Service	Preferred Method - Email	
Second Contact: (Agent)	Name:		
	Mail Address:		
	Phone Number:		
	Contact Person:		
Description of Application:		Four lot subdivision over two stages, which includes a duplex that breaches boundary to height requirements	
Application Type:		Subdivision Consent	
Fast Track?			
Consent Type:	Subdivision	Consent Nature	Fee-Simple Two or More Additional Sites
Major Category		Subdivision Category A	
Minor Category		Non-Notified - Restricted Discretionary	
Senior Planner or Responsible Officer:		Alan Worthington	
Lodgement Date:		13 November 2023	Lodgement Officer: Kerry Hamilton
Deposit Amount:	\$2,600.00	Invoice Number:	1008133
Waived: ☐			
Application Requirements	Signed Application Form		Copy of Title
	Locality Plan		Site Plan
	Plans and Elevations		AEE
	Affected Persons Consent		
Counter Comments:			

APPLICATION NUMBER:	LUC-2023-430
RELATED APPLICATIONS/LICENCES:	SUB-2023-145

PLANNING APPLICATION DETAILS FORM

Property Address		288 Gladstone Road Nth Mosgiel	
Property Description:		Property No: 5049161 Legal Description: LOT 3 DP 18658	
First Contact: (Applicant)	Name:	Eighty Eight Investments Limited	
	Mail Address:	121 Wingatui Road, Mosgiel 9024	
	Contact Email:	keryn@terramark.co.nz	
	Phone Number:	03 477 4783	
	Method of Service	Preferred Method - Email	
Second Contact: (Agent)	Name:		
	Mail Address:		
	Phone Number:		
	Contact Person:		
Description of Application:		Four lot subdivision over two stages, which includes a duplex that breaches boundary to height requirements	
Application Type:		Land Use Consent	
Fast Track?			
Consent Type:	Combined with or Consequential to another consent	Consent Nature	To Another Non Notified Consent
Major Category		Land Use Category A	
Minor Category		Non-Notified - Restricted Discretionary	
Senior Planner or Responsible Officer:		Alan Worthington	
Lodgement Date:		13 November 2023	Lodgement Officer: Kerry Hamilton
Deposit Amount:	\$	Invoice Number:	
Waived: ☐			
Application Requirements	Signed Application Form		Copy of Title
	Locality Plan		Site Plan
	Plans and Elevations		AEE
	Affected Persons Consent		
Counter Comments:			

*Application for Resource Consent in accordance
with Schedule 4 of the Resource Management
Act 1991*

*To undertake a two-staged Subdivision and land
use for a Duplex*

Logan Mclennan
288 Gladstone Road North
Mosgiel

Surveying, Planning and Engineering Consultants

DUNEDIN

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BALCLUTHA

03 418 0470

balclutha@terramark.co.nz

MEMBER OF SURVEY AND SPATIAL NZ (S+SNZ) AND THE CONSULTING SURVEYORS OF NZ (CSNZ)

Terramark.co.nz

13 November 2023

Dunedin City Council
PO Box 5045
DUNEDIN 9054

ATTENTION: The Senior Planner

Dear Sir/Madam

Re: Resource Consent Application – 288 Gladstone Road North, Mosgiel

On behalf of Logan McLennan of Eighty Eight Investments Limited, we submit for consideration by your Council an application for subdivision and land use consent for a four lot subdivision and duplex at 288 Gladstone Road North, Mosgiel.

Please find enclosed the following documents:

1. Consent Application – subdivision and land use
2. Terramark Plan 230574/1
3. Record of Title OT9C/1197
4. Lee Preston Design Plans Sheets 1 - 6
5. Affected Party Approvals

For reference, the applicant's details are:

Logan McLennan
Eighty Eight Investments Limited
121 Wingatui Road
Mosgiel
Email: loganmclennan@icloud.com

All resource consent associated correspondence is to be directed via the writer; the applicant's agents, and our contact details are as follows:

Terramark Limited
Level 1 330 Moray Place
Dunedin 9016

Attention: Keryn Broughton
Phone: 03 477 4783
Email: keryn@terramark.co.nz

If you have any further queries, please do not hesitate to contact the undersigned.

Yours faithfully
Terramark Ltd



Keryn Broughton
Planner

Quality Assurance Statement

Revision History

Rev. No.	Prepared By	Description	Date
1	Keryn Broughton	Draft for Senior Review	9 November 2023
2	Keryn Broughton	Final Amendment	9 November 2023

Document Review

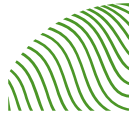
Action	Name	Signed	Date
Prepared by:	Keryn Broughton		9 November 2023
Reviewed by:	Darryl Sycamore		9 November 2023
Approved by:	Darryl Sycamore		9 November 2023
on behalf of	Terramark Limited	 Terramark Setting New Boundaries	

Table of Contents

Quality Assurance Statement	3
<i>Revision History</i>	<i>3</i>
<i>Document Review</i>	<i>3</i>
Table of Contents	4
Existing Title Structure.....	5
Site Description	5
Proposal.....	6
<i>Lot Layout.....</i>	<i>6</i>
Stage 1.....	6
Stage 2.....	7
<i>Access.....</i>	<i>7</i>
<i>Service Connections.....</i>	<i>8</i>
<i>Easements.....</i>	<i>9</i>
Reasons for Application	9
<i>Proposed 2GP.....</i>	<i>9</i>
Stage 1.....	9
Subdivision Activity	9
Land Use Activity.....	10
Development Activity.....	10
Earthworks Activity	10
Stage 2.....	11
Subdivision Activity	11
<i>Overall Activity Status.....</i>	<i>11</i>
<i>National Environmental Standards.....</i>	<i>11</i>
Statutory Considerations.....	11
<i>Effects on the Environment.....</i>	<i>12</i>
Affected Persons.....	12
Assessment of Environmental Effects	12
Permitted Baseline and Receiving Environment.....	13
Assessment Matters	13
<i>Offsetting or Compensation Measures</i>	<i>15</i>
<i>Relevant Provisions.....</i>	<i>15</i>
2GP Objective and Policy Analysis	15
Assessment of Regional Policy Statements	17
Other Planning Instruments	17
<i>Other Matters.....</i>	<i>17</i>
Draft Conditions.....	17
Notification and Affected Parties	17
Conclusion.....	18

Subdivision and Land use Consent Application

288 Gladstone Road North, Mosgiel

Existing Title Structure

The property at 288 Gladstone Road North is legally described as Lot 3 DP 18658. It is comprised in Record of Title OT9C/1197, has an area of 1514m², and is in the name of Eighty Eight Investments Limited. The site has legal and physical access to Gladstone Road North and Magazine Road.

Site Description

The site is an irregular shaped parcel of land that slopes up gently towards the south. It contains an existing dwelling located centrally within the site, and a detached garage. The site is located between two legal roads, Gladstone Road North and Magazine Road.

The site is currently offered one vehicle crossing, the southern crossing off Magazine Road comprises a gravel vehicle crossing which services a gravel driveway approximately 22m long within the site to the garage. Whilst the north of the site does not have a vehicle crossing, parking is offered via the gravel access way with pedestrian access that is located within the road reserve of Gladstone Road North.

Gladstone Road North is a two-lane carriageway with grass drainage channels on the north side before berms extend to the boundaries, there is a gravel access road that serves the properties of 282, 286, 288, 290, 290A and 292 Gladstone Road, this takes the form of a gravel access with areas of formed kerbing and parking areas within the road reserve. The Council does not maintain this access road. Magazine Road is a two-lane carriageway with grass channels on either side before berms extend to the boundaries.

There are a number of easements registered on the title. Easement 615944.2 specifies the following easements.

L DP 18658 – Right to convey water, over Lot 3 DP 18658 in favour of Lot 1 & 2 DP 18658.

M and O DP 18658 – Right to convey water over Lot 4 DP 18658 in favour of Lot 3 DP 18658.

These easements will be carried down to the resultant titles.



Image 1 : The site (Source: Grip)

Proposal

The proposal is two-fold. From a s95 and effects perspective, the development will occur over two distinct steps, being the subdivision of the existing dwelling into its own record of title which will require the demolition of the lean-to garage, at this stage a residential duplex will be constructed, and then a subsequent subdivision of the duplex into fee-simple lots.

The proposal begins with the removal of the existing garage and subdivision to create three records of title. The residential duplex will be constructed at this stage on the balance parcel. The units will be set on a slab foundation at a height that mitigates flood hazard risk and be fire-rated with respect to the common wall. Each unit will be two-storied with a mix of cladding materials and design features to soften the presence of bulk whilst sitting comfortably within the site.

The form whilst quite intensified has been deliberately considered to create the perception of openness and good design.

Terramark Plan 230574/1 details the two stages. Stage 1 proposal is to subdivide the site into three lots, stage 2 proposal is to subdivide Lot 100 hereon into two lots.

The outcome of this proposal is four sites in individual records of titles, one vacant and the remaining three comprising a residential unit.

Lot Layout

Stage 1

Lot 1 at 538m² will comprise the north western portion of the site. It will contain the existing dwelling and established curtilage. A new vehicle crossing and hard surfaced driveway will need to be installed off Gladstone Road North.

Lot 2 at 400m² will comprise the eastern portion of the site. It will be a vacant section. A new vehicle crossing and hard surfaced driveway will need to be installed off Gladstone Road North along with services.

Lot 100 at 576m² will comprise the southern portion of the site. At the time of subdivision a duplex will be constructed on this site, each comprising three bedrooms.

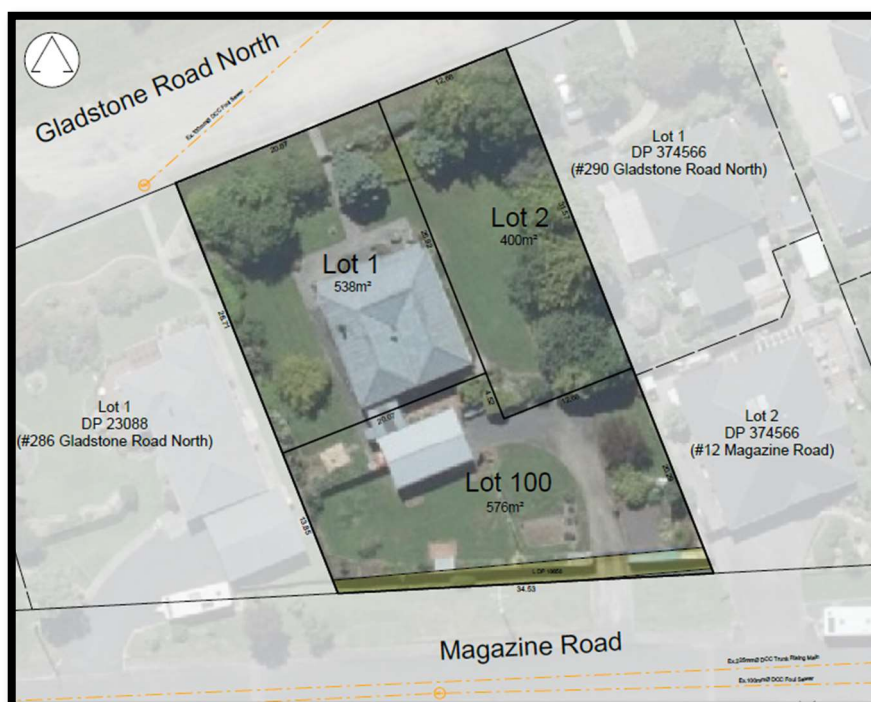


Image 2 : Stage 1 Lot Layout

Stage 2

Lot 4 at 307m² will comprise the western portion of Stage 1 Lot 100. At this stage the duplex residential unit will be established on the site, the boundary will bisect the duplex and include a Party Wall easement.

Lot 5 at 269m² will comprise the eastern portion of Stage 1 Lot 100. At this stage the duplex residential unit will be established on the site, the boundary will bisect the duplex and include a Party Wall easement.

In terms of the subdivision of the duplex, it is our understanding Council is agreeable for subdivision provided no other performance standards are breached. In this case the height to boundary is breached but affected party approval has been obtained. In previous discussions with your senior planners, they accept this is also acceptable, and therefore subdivision is appropriate.



Image 3 : Stage 2 Lot Layout

Access

Lot 1 and 2 will require new vehicle crossings to be constructed off the gravel access road that is within the Gladstone Road North road reserve. Two new hard surfaced driveways will need to be constructed in accordance with Rule 6.6 of the 2GP for each site.

At the time of Stage 2 subdivision a new hard surfaced driveway will be established for each residential unit servicing the garages. These will be in accordance with Rule 6.6 of the 2GP.



Image 4 : Existing access off Magazine Road

Service Connections

Public Mains

A 225mm water main is located within Gladstone Road North along with a 100mm DCC foul main. A 100mm watermain is located within Magazine Road along with a 100mm DCC foul main. Stormwater is managed by discharge to the open water channel drain within Gladstone Road North road reserve.

Lot 1

Lot 1 has an existing connection to the watermain within Magazine Road however this will need to be relocated to enable development on site. A new water connection to the watermain within Gladstone Road North will need to be made. The current foul sewer has existing connections to the Council services within Gladstone Road North, these will remain.

Lot 2

New connections will need to be made to the Council services within Gladstone Road North. These connections will be laid 600mm into Lot 2 at the time of subdivision.

Lot 4 and 5

Connections will be established at time of subdivision to the residential units. These will be separate and in accordance with Rule 9.3.7 of the 2GP.

Fire Fighting Water Supply

There are multiple fire hydrants located near the subject site on both Gladstone Road North and Magazine Road. This proposal will comply with the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

Easements

There are existing easements on the title, these will remain as part of this proposal and carry down to the resultant titles.

Party wall easements will be required as a result of this proposal. It is also appropriate to incorporate the following notice into the consent decision to address any unforeseen easement matters.

"If a requirement for any easements for services, including private water supply pipes or 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."

Reasons for Application

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 2GP"). Until the Proposed 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.

In this case, the application when the Proposed Plan rules were already in effect. Accordingly, the relevant rules of the Operative District Plan are considered to have been superseded.

The site is zoned General Residential 1 under the 2GP, and there are a number of planning overlays appended to the site.

- Hazard 3 (flood) Overlay Zone
- Hazard 3 (alluvial fan) Overlay Zone
- Dunedin Airport Flight Fan (D274)

As such, it is assessed that the 2GP rules for this site can be deemed operative in accordance with Section 86F of the Act.

Proposed 2GP

The subject site is zoned General Residential 1 under the 2GP. Gladstone Road North is classified as a Collector road and Magazine Road is classified as a Local Road within the 2GP Road Classification Hierarchy Mapped Area.

The activity status tables in rules 15.3.3 to 15.3.5 specify the activity status of land use activities, development activities and subdivision activities in the residential zones and relevant overlay zones.

Stage 1

Subdivision Activity

Rule 15.3.5.2 lists general subdivision as being restricted discretionary activity in the residential zones as subject to performance standards tabled.

Rule 15.3.5.2	a	Access (Rule 15.7.1)	Compliant with Rule 6.8.1
	b	Esplanade Reserves & Strips (Rule 15.7.2)	N/A
	c	Firefighting (Rule 15.7.3)	Compliant with Rule 9.3.3.1
	d	Minimum site size	Compliant with Rule 15.7.4.1.a

		(Rule 15.7.4)	
	e	Service Connections (Rule 15.7.5)	Compliant with Rule 9.3.7
	f	Shape (Rule 15.7.6)	Compliant with Rule 15.7.6
	g	Structure plan mapped area performance standards (Rule 15.8)	N/A

The subdivision activity remains a ***restricted discretionary*** activity.

Land Use Activity

Rule 15.3.3 set outs the activity status of all land use activities and the performance standards associated therewith. The proposed land use activities on both lots is defined as "standard residential activity". Rule 15.3.3.3 provides for these as a permitted activity subject to compliance with performance standards 15.3.3.1, and 15.3.3.3a-e.

The existing land use on Lot 1 will continue to comply with these standards upon subdivision.

Rule 15.5.2.1(k) provides for a single residential unit be erected on a site provided all other performance standards are met. In this case the establishment of a new duplex on Lot 2 is anticipated to meet the remaining performance standards.

The new duplex proposed for Lot 100 is assessed below against the following performance standards.

Rule 15.3.3.3	a	Density (Rule 15.5.2)	Compliant with Rule 15.5.2.1.a. Lot 100 has a site size of 576m ² and the duplex has a total of 6 habitable rooms, however on an overall site basis the site is 1514m ² so 15 habitable rooms are able to be established.
	b	Outdoor living space (Rule 15.5.11)	Compliant with Rule 15.5.11.1.a.iii
	c	Service Areas (Rule 15.5.12)	Compliant with Rule 15.5.12.1
	d	Ancillary Residential Units (Rule 15.5.14)	N/A

Development Activity

The Performance Standards in 15.6 apply to all development activities. It is considered that the existing dwellings on Lot 1 are not a development activity as it is unaffected by the subdivision. Site development on Lot 2 will be assessed against the development activity rules at the time of building consent. A new duplex is proposed on Lot 100. This breaches the following development rules.

Rule 15.6.6.1 Height in relation to boundary. The duplex proposed for Lot 100 has two areas of breaches of the height in relation to boundary. These are shown on the Lee Preston Design Plans. Affected Party Approval has been sought and obtained for this breach.

Earthworks Activity

Earthworks for the construction of the driveway are considered small scale and are a ***permitted*** activity.

To construct the vehicle crossing and driveway for Lot 1 we seek an earthworks consent for a breach under Rule 8A.5.6. The earthworks associated with the driveway do not comply with Rule 5.6.2.1 Setback from Network Utilities. The DCC foul sewer are located within the road corridor within the grass berm where the proposed driveway is located. This is considered a ***restricted discretionary*** activity in accordance with 5.6.2.2.

Stage 2

Subdivision Activity

Rule 15.3.5.2 lists general subdivision as being restricted discretionary activity in the residential zones as subject to performance standards tabled.

Rule 15.3.5.2	a	Access (Rule 15.7.1)	Compliant with Rule 6.8.1
	b	Esplanade Reserves & Strips (Rule 15.7.2)	N/A
	c	Firefighting (Rule 15.7.3)	Compliant with Rule 9.3.3.1
	d	Minimum site size (Rule 15.7.4)	Compliant with Rule 15.7.4.2.j.ii.1
	e	Service Connections (Rule 15.7.5)	Compliant with Rule 9.3.7
	f	Shape (Rule 15.7.6)	Compliant with Rule 15.7.6
	g	Structure plan mapped area performance standards (Rule 15.8)	N/A

The subdivision activity remains a ***restricted discretionary*** activity.

Overall Activity Status

Overall, the proposal shall be assessed as a ***restricted discretionary*** activity and will be assessed in accordance with section 104 and 104C of the RMA. Only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.

National Environmental Standards

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

A search of DCC records has been requested to determine whether the site has a history of HAIL activity. We will comment on that report once it has been received.

A search of the ORC database has been undertaken and there is no evidence of HAIL activity on the site or in the immediate vicinity of the site.

There are no other National Environmental Standards triggered by this application.

Statutory Considerations

This application must be considered in terms of Section 104 of the RMA. Subject to Part 2 of the RMA, Section 104(1) sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

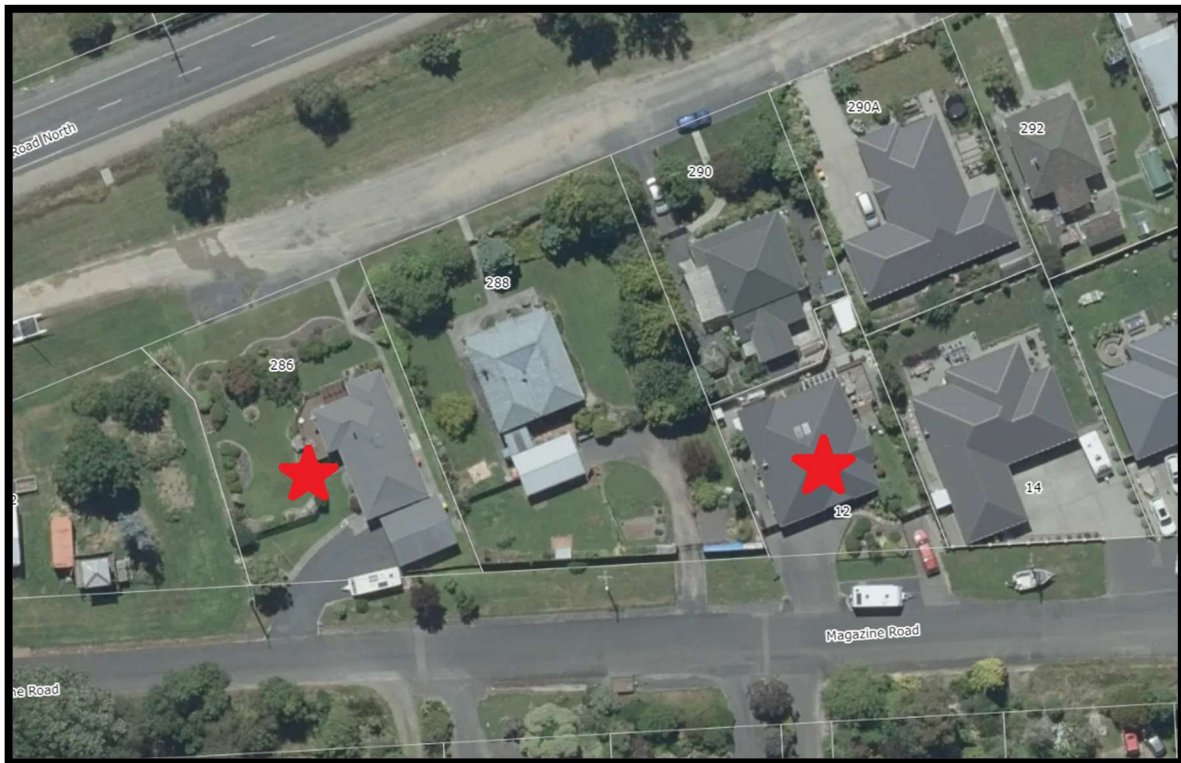
- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of:

- (i) A national environmental standard;
 - (ii) Other regulations;
 - (iii) a national policy statement
 - (iv) a New Zealand coastal policy statement
 - (v) a regional policy statement or proposed regional policy statement
 - (vi) a plan or proposed plan; and
- (b) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

Effects on the Environment

Affected Persons

The following two properties has been identified as affected parties for the reasons below.



#286 Gladstone Road North, Mosgiel

The proposed duplex breaches the height in relation to boundary as identified in the Development assessment above. The owners of 286 Gladstone Road North, Janice Lavinia Hodges and David Ross Hodges have provided their written approval for this breach. This has been appended to this application.

#12 Magazine Road, Mosgiel

The proposed duplex breaches the height in relation to boundary as identified in the Development assessment above. The owners of 12 Magazine Road, Carmen Jane Woods and Lance Andrew Woods have provided their written approval for this breach. This has been appended to this application.

There are no other affected parties as a result of this application.

Assessment of Environmental Effects

Section 104(1)(a) requires consideration of the actual and potential effects on the environment of the activity.

Permitted Baseline and Receiving Environment

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. In this instance, there is no subdivision permitted as of right and no permitted baseline to be applied to this application with respect to the subdivision component.

When considering the receiving environment, the subject site is 1514m² and contains a single existing residential unit. The 2GP anticipates a density of one residential unit per 400m² or a duplex per 500m² and in this case four residential units in the form of a duplex could potentially be established on the site as a permitted activity provided the relevant performance standards for land use and development were met.

Whilst there is no permitted baseline for subdivision as complying subdivisions are restricted discretionary activities, it is likely that a restricted discretionary subdivision that meet the relevant performance standards would normally be granted consent on a non-notified basis.

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.

For the subject site, the receiving environment comprises low density residential development. For surrounding land, the existing and reasonably foreseeable receiving environment comprises low density residential development and others to an average density of one per 700m².

It is the effects arising from the proposal, beyond the permitted baseline and existing and lawfully established receiving environment that are the crucial elements for consideration, and which form the basis of this assessment of effects.

Assessment Matters

Effects on Residential Character and Amenity

Residential activity is existing on the site and is anticipated given the underlying zoning. Whilst the density complies at an overall level, the proposed duplex provides six habitable rooms at a site size of 576m². At an overall site level 15 habitable rooms are able to be established as a permitted activity. Or the site increased to 600m². However this would not add any tangible benefit to the site. With respect to outdoor amenity, there is sufficient area for each new residential unit that enjoys a favourable aspect.

The height in relation to boundary breaches have received affected party approval and this breach is not discussed further.

With respect to character, the development will appear consistent with the surrounding area and the General Residential 1 zone overall.

Overall, the character and amenity of the wider environment will be consistent with that anticipated within the zone and characteristic of the surrounding environment.

Risk from Natural Hazard

The 2GP maps identify the site as a Hazard 3 (low risk) area for flooding. There are no rules in the 2GP relating to managing the flood risk which can be addressed at the time of assessing the building consents.

The 2GP maps identify the site as a Hazard 3 alluvial fan overlay zone. The risk of any natural hazard event occurring due to this is low. I consider this proposal will not be affected by this hazard considering the permitted baseline.

Effects on the Efficiency and Affordability of Infrastructure

Lots 1 has existing service connections, however these may need to be realigned to facilitate this subdivision.

New service connections will be required for Lot 2 to public networks for water, and foul drainage.

New service connections for Lots 3 and 4 will be established at time of subdivision. The subdivision proposal complies with the permitted scale of development for this zone and hence the effects of the additional service connections on the networks have been anticipated. Stormwater is to be directed to the kerb and channel.

In respect of building site coverage and impermeable surfaces, and the impact that can have on stormwater management, it is noted that all impervious services calculations for Lots 3 and 4 comply with the standards set out in Rule 15.6.10.1.a



Job #:

230574

Proposal:

Subdivision

Client:

L. McLennan

Date:

9 November 2023

Zone:

GR 1

Net Area:

576

Area Calculations

	Permitted	Lot 3	307
Building Coverage	40.0%	Lot 4	269
Impervious Surface	30.0%		
Impervious Area (Total)	70.0%	Total	576
Landscaping	30.0%		

Lot 3	Area (m ²)	Percentage (%)	Permitted (m ²)	Complies (Y/N)
Building Coverage	116.0	37.8%	122.8	Yes
Impervious Surface	20.0	6.5%	92.1	Yes
Impervious Area (Total)	136.0	44.3%	214.9	Yes
Landscaping	171.0	55.7%	92.1	Yes

Lot 4	Area (m ²)	Percentage (%)	Permitted (m ²)	Complies (Y/N)
Building Coverage	103.0	38.3%	107.6	Yes
Impervious Surface	20.0	7.4%	80.7	Yes
Impervious Area (Total)	123.0	45.7%	188.3	Yes
Landscaping	146.0	54.3%	80.7	Yes

Overall	Area (m ²)	Percentage (%)	Permitted (m ²)	Complies (Y/N)
Building Coverage	219.0	38.0%	230.4	Yes
Impervious Surface	40.0	6.9%	172.8	Yes
Impervious Area (Total)	259.0	45.0%	403.2	Yes
Landscaping	317.0	55.0%	172.8	Yes

Overall, the proposal is considered to have less than minor effects on existing infrastructure.

Effects on the Safety and Efficiency of the Transport Network Rule and Effects on Accessibility

The site is accessed via both Gladstone Road North and Magazine Road.

There will be one additional user as a result of this subdivision onto Gladstone Road North. Whilst Gladstone Road North is a Collector Road in the 2GP this site is serviced by a driveway within the road reserve. The duplex will be accessed via Magazine Road which is a local road. Both roads are well formed streets with sufficient site lines from the vehicle crossing to enable safe exit from the site.

Overall, we consider that the proposal to have three additional users on the network will have less than minor adverse effects on the existing transportation network.

Effects of Earthworks on Health and Safety and Efficient and Effective Operation Network Utilities

The vehicle crossing for Lot 1 will be a standard design and will not interfere with the Council network utilities.

The effects of the proposed earthworks will be no more than minor.

Offsetting or Compensation Measures

In accordance with Section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures offered nor are any deemed necessary.

Relevant Provisions

2GP Objective and Policy Analysis

Objectives	Supporting Policies	Assessment
Objective 2.4.1: Form and Structure of the environment The elements of the environment that contribute to residents' and visitors' aesthetic appreciation for the enjoyment of the city are protected and enhanced.	Policy 2.4.1.5 To maintain or enhance the attractiveness of streetscapes, public open spaces and residential amenity by using rules the manage building bulk and location, site development and overall development density.	The subdivision will not introduce a change to the existing neighbourhood beyond that anticipated by the zoning. The proposal is at a density commensurate with the surrounding area and development can occur which complies with the bulk and location provisions of the district plan. The proposal is considered consistent with this objective and policy.
Objective 2.7.1 Efficient public infrastructure Public infrastructure networks operate efficiently and effectively and have the least possible long-term cost burden on the public.	Policy 2.7.1.1 Manage the location of new housing to ensure efficient use and provision of public infrastructure	All services are located within the road reserves to the north and south of the site. The property can provide for up to 15 habitable rooms as of right assuming other performance standards can be met. This proposal seeks to construct two residential units in the form of a duplex with a total of six habitable rooms. Demand on the network capacity is not likely to be any greater than that permitted. The proposal is assessed as consistent with this objective and policy
Objective 5.2.2	Policy 5.2.2.1	The proposed earthworks associated with the construction of the driveway

The operational efficiency and effectiveness of network utilities is not compromised by development locating near these activities.	Require earthworks to be set back from network utilities an adequate distance to avoid: a. damage to existing network utilities; b. obstruction of access to existing underground network utilities; and c. adverse effects on the health and safety of people.	will be minimal and will not cause any adverse effects on the health and safety of people. The depth of the services will be determined prior to earthworks taking place. The proposal is assessed as generally consistent with this objective and the relevant policies.
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 6.2.3.9 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.	All proposed lots will enjoy legal and physical access at the time of subdivision. Three additional users are proposed and consistent with the zone provisions and Gladstone Road North and Magazine Road are well formed streets. The proposal is therefore considered consistent with this objective and the relevant policies.
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.	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.	Lot 1 has existing connections to the DCC networks in the area. Lot 2 can be served by all critical services from Gladstone Road North and Lots 3 and 4 can be served by all critical services from Magazine Road. No additional servicing is required beyond that contemplated by the underlying zone and therefore is assumed the proposal poses no threat to the infrastructure capacity. The proposal is assessed as consistent with this objective and policy.
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; and c. retaining adequate open space uncluttered by buildings; and d. having adequate space available for service areas.	The subdivision seeks to establish three additional units and as noted above no additional residential development is proposed beyond that anticipated in the zone. The existing residential activity on Lot 1 will retain an established curtilage and established gardens. New Lots 2 - 4 will be sufficiently spacious and set within pleasant surroundings commensurate with the zone density that aligns with the intent of the policy. Overall, the proposal is found to be consistent with this objective and policy
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: a. maintain the amenity of the streetscape	The bulk and location of the existing buildings, proposed duplex for Lots 3 and 4 and any future residential activity on Lot 2 will be managed to ensure that no adverse amenity effects on surrounding residential properties and public spaces will be introduced as a result of this proposal. The proposal is considered consistent with this objective and the relevant policies.

	b. reflect the current or future intended character of the neighbourhood; c. provide for development to occur without unreasonable earthworks or engineering requirements; and d. provide for quality housing.	
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Having regard to the relevant objectives and policies individually, and considering these holistically, the above assessment indicates that the application is consistent with those provisions set out in the Proposed 2GP.

Assessment of Regional Policy Statements

Section 104(1)(b)(v) of the Act requires that any relevant regional policy statements be considered. The Partially Operative Otago Regional Policy Statement 2019 (POORPS) and Proposed Otago Regional Policy Statement 2021 (PORPS) were reviewed in respect of this proposal. The 2019 PROORPS must be given effect to, and the 2021 PRORPS must have regard to. No policies specifically relevant to this proposal were identified. Overall, the proposal is considered consistent with the Proposed Otago Regional Policy Statement 2021.

Other Planning Instruments

Section 104(1)(b) requires consideration of other relevant planning instruments. There are no other planning instruments considered relevant to this proposal.

Other Matters

Draft Conditions

In previous years, your Council has circulated to agents, draft consent conditions for comment prior to the formal consent decision being issued. We wholeheartedly support this initiative as it provides an early opportunity for any contentious consent issues or unworkable conditions to be resolved at a departmental level. While there are unlikely to be any significant issues in respect of this application, it is considered appropriate that such draft conditions be circulated in this same manner. We look forward to receiving those in due course.

Notification and Affected Parties

With regard to notification:

- The applicant does not request notification.
- The proposal does not relate to the exchange of reserves land, does not involve a statutory acknowledgement area and does not involve an affected protected customary rights group.
- There are no rules in the District Plans or NES which require notification.
- It is considered that there are no special circumstances relating to the application.
- It is assessed above that the effects of the proposal on the wider environment are less than minor.

It is my opinion no other landowners are affected by this proposal. There are no other affected parties beyond those who have provided this approval.

Conclusion

The proposal to subdivide the subject site and construct a duplex is a restricted discretionary activity, consistent with the performance standards of the zone, will result in potential adverse effects on the environment which are less than minor and remains consistent with the overall policies and objectives of Second-Generation District Plan. Accordingly, we would ask for Council's favourable consideration to the approval of this application.

Yours faithfully,
Terramark Ltd



Keryn Broughton
Graduate Planner
keryn@terramark.co.nz

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): Carmen Jane Woods and Lance Andrew Woods

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

of the property situated at (address and/or legal description of your property): Lot 2 DP 374566 12 Magazine Road, Mosgiel
Lot 2 DP 374566 12 Magazine Road, Mosgiel

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)): Logan McLennan - Eighty Eight Investments Limited

to (description of proposed activity): Breach the Height in relation to boundary plane of the 2GP Rule 15.6.6.1.a

on the following property (address of application site): 288 Gladstone Road North, Mosgiel

☐ 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: **Telephone:**

Contact person (name, and designation if applicable):

Postal address:

Email address: **Telephone:**

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;
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- 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.

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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.

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

I/We (full names): Janice Lavinia Hodges and David Ross Hodges

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

of the property situated at (address and/or legal description of your property): Lot 1 DP 23088 286 Gladstone Road North,
Lot 1 DP 23088 286 Gladstone Road North, Mosgiel

**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)):** Logan McLennan - Eighty Eight Investments Limited

to (description of proposed activity): Breach the Height in relation to boundary plane of the 2GP Rule 15.6.6.1.a

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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: _____ **Telephone:** _____

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

Postal address: _____

Email address: _____ **Telephone:** _____

Method of service: ☐ Email ☐ Post ☐ Other _____

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floor level 40.0 would require building platform cut from nothing at north to 1.3 at south (road)

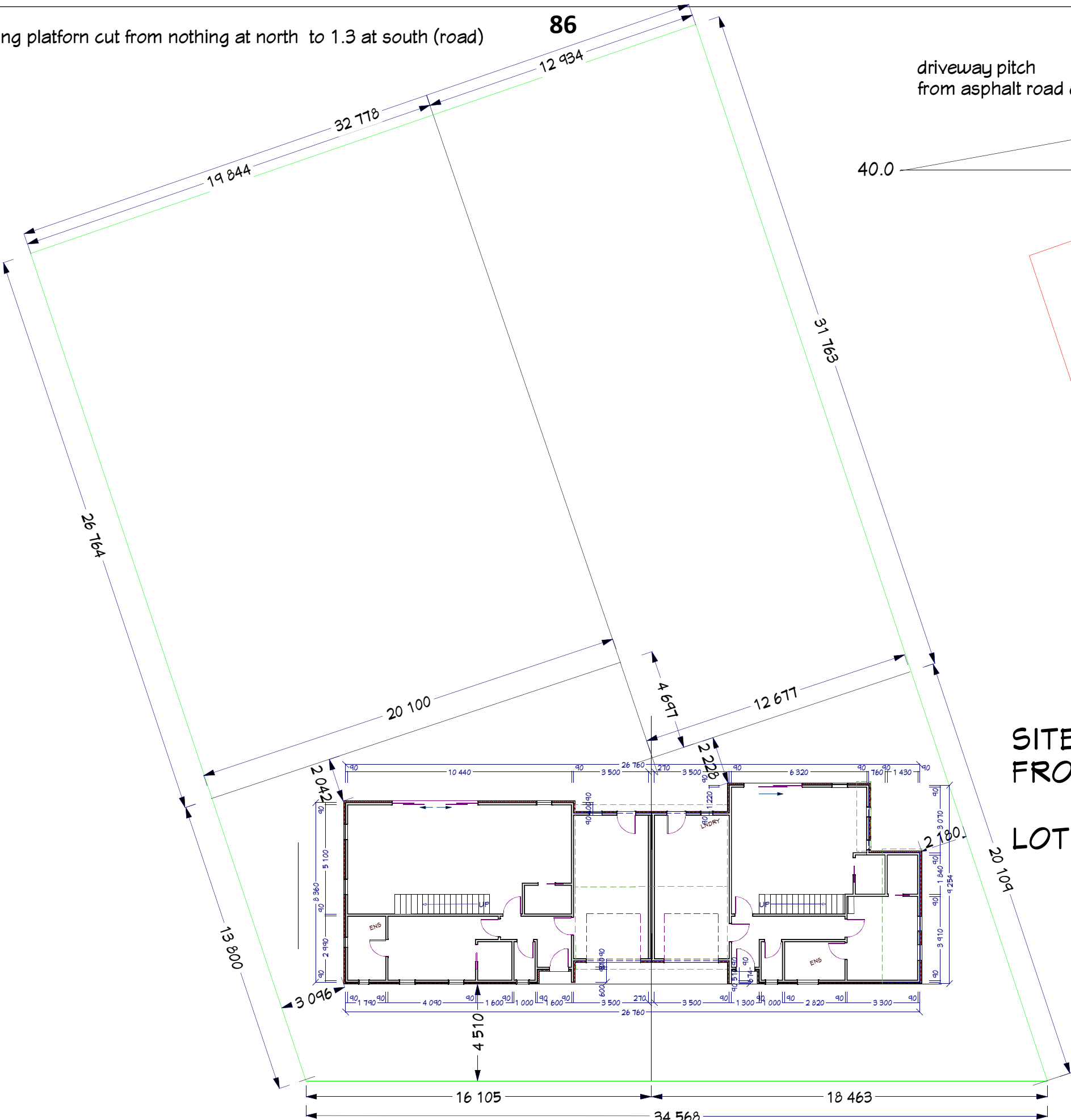
86

driveway pitch
from asphalt road down to garage door

41.2

11m

40.0



SITE PERIMETER CREATED
FROM YOUR TOPO DWG

LOT 4 118m2 LOT 5 102m2



Lee Preston Design
MOB. 0275520130
leeprestondesign@yahoo.
co.nz

ALL CONSTRUCTION TO COMPLY WITH NZBC REGULATIONS. ALL MATERIALS TO BE
FIXED IN STRICT ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.
THE DRAWINGS SHOW THE EXTENT OF THE WORK BUT THERE IS NO WARRANTEE
EXPRESSED OR INFERRED THAT EACH AND EVERY DETAIL IS SHOWN.
SHOULD THERE BE ANY OMMISSION, DOUBT OR AMBIGUITY AS TO THE MEANING OF
ANY PART OF THE DRAWINGS & SPECIFICATIONS, CONTACT THE DESIGNER BEFORE
CONTINUING FURTHER WORK.

ROOF: LIGHT
CLADDING: MEDIUM
WIND ZONE: HIGH
EQUAKE ZONE: 1
EXPOSURE ZONE: B
SNOW LOAD: 1.0KPA

**CONTRACTOR MUST CONFIRM
ALL DIMENSIONS ON SITE**

JOB TITLE:
**2 ATTACHED DWELLINGS FOR
LOGAN MCLENNAN**

SITE: GLADSTONE RD
MOSSGIEL

LEGAL DESCRIPTION:

DRAWING:

SITE PLAN

SCALE:

1:200

AMENDMENT:

JOB REF:

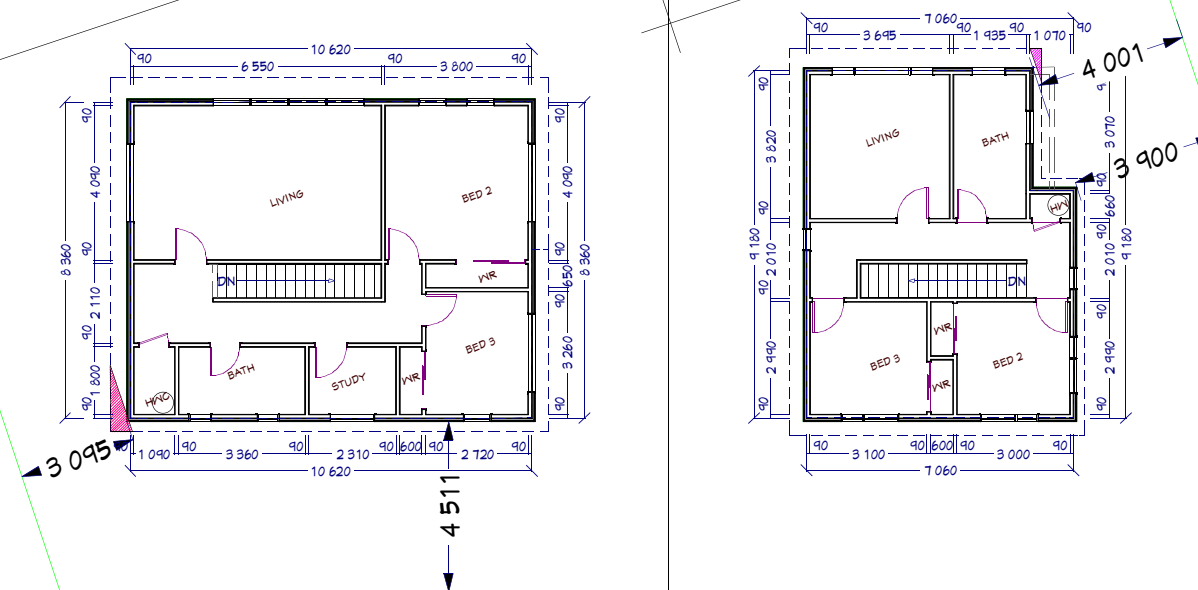
2310

DATE:

26/07/2023

SHEET:

1A



Lee Preston Design
 MOB. 0275520130
 leeprestondesign@yahoo.co.nz

ALL CONSTRUCTION TO COMPLY WITH NZBC REGULATIONS. ALL MATERIALS TO BE FIXED IN STRICT ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS. THE DRAWINGS SHOW THE EXTENT OF THE WORK BUT THERE IS NO WARRANTY EXPRESSED OR IMPLIED THAT EACH AND EVERY DETAIL IS SHOWN. SHOULD THERE BE ANY OMISSION, DOUBT OR AMBIGUITY AS TO THE MEANING OF ANY PART OF THE DRAWINGS & SPECIFICATIONS, CONTACT THE DESIGNER BEFORE CONTINUING FURTHER WORK.

ROOF: LIGHT
 CLADDING: MEDIUM
 WIND ZONE: HIGH
 EARTHQUAKE ZONE: 1
 EXPOSURE ZONE: B
 SNOW LOAD: 1.0KPA

**CONTRACTOR MUST CONFIRM
 ALL DIMENSIONS ON SITE**

JOB TITLE:
**2 ATTACHED DWELLINGS FOR
 LOGAN MCLENNAN**

SITE:
 GLADSTONE RD
 MOSGIEL

LEGAL DESCRIPTION:

DRAWING:
**SITE PLAN
 FIRST FLOOR SHOWN**

SCALE:
 1:200

AMENDMENT:

JOB REF:
 2310

DATE:
 26/07/2023

SHEET:

88



**PARALLEL TO SIDE BNDRYS
FLOOR LEVEL 40.0**



**WEST PARALLEL TO NORTH BNDRY
FLOOR LEVEL 40.0**



**EAST PARALLEL TO NORTH BNDRY
FLOOR LEVEL 40.0**

Lee Preston Design
MOB. 0275520130
leeprestondesign@yahoo.
co.nz

ALL CONSTRUCTION TO COMPLY WITH NZBC REGULATIONS. ALL MATERIALS TO BE FIXED IN STRICT ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS. THE DRAWINGS SHOW THE EXTENT OF THE WORK BUT THERE IS NO WARRANTY EXPRESSED OR IMPLIED THAT EACH AND EVERY DETAIL IS SHOWN. SHOULD THERE BE ANY OMISSION, DOUBT OR AMBIGUITY AS TO THE MEANING OF ANY PART OF THE DRAWINGS & SPECIFICATIONS, CONTACT THE DESIGNER BEFORE CONTINUING FURTHER WORK.

ROOF: LIGHT
CLADDING: MEDIUM
WIND ZONE: HIGH
EQUAKE ZONE: 1
EXPOSURE ZONE: B
SNOW LOAD: 1.0KPA

**CONTRACTOR MUST CONFIRM
ALL DIMENSIONS ON SITE**

JOB TITLE:
**2 ATTACHED DWELLINGS FOR
LOGAN MCLENNAN**

SITE: GLADSTONE RD
MOGGIEL

LEGAL DESCRIPTION:

DRAWING: ELEVATIONS

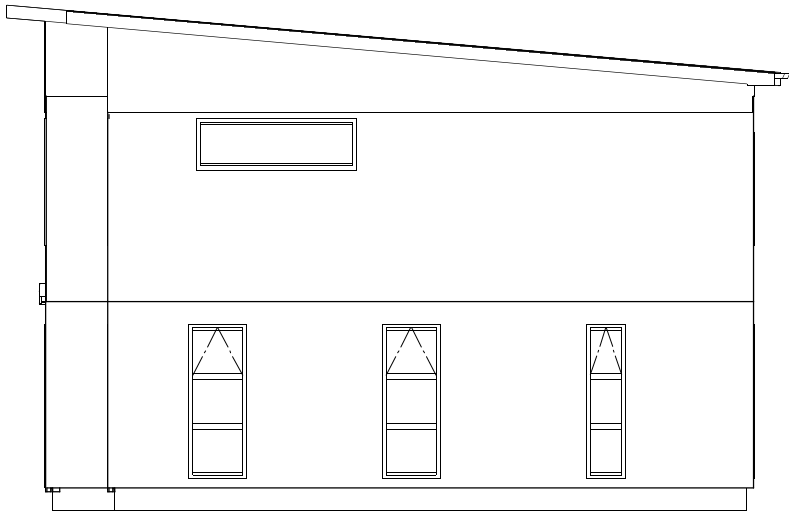
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AMENDMENT:

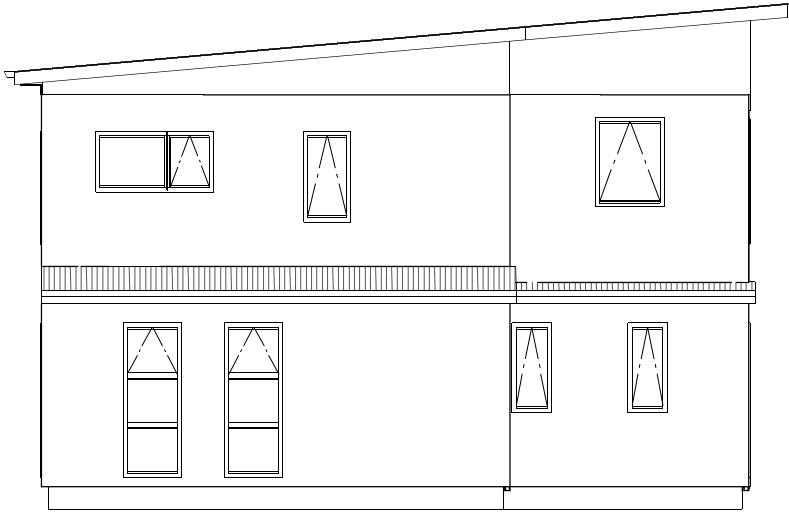
JOB REF: 2310

DATE: 26/07/2023

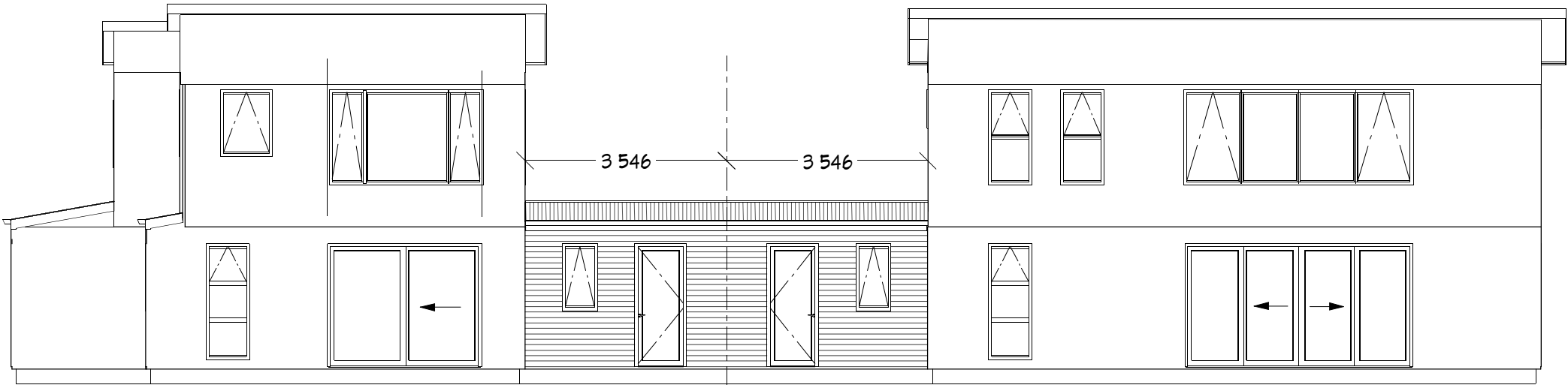
SHEET: 2



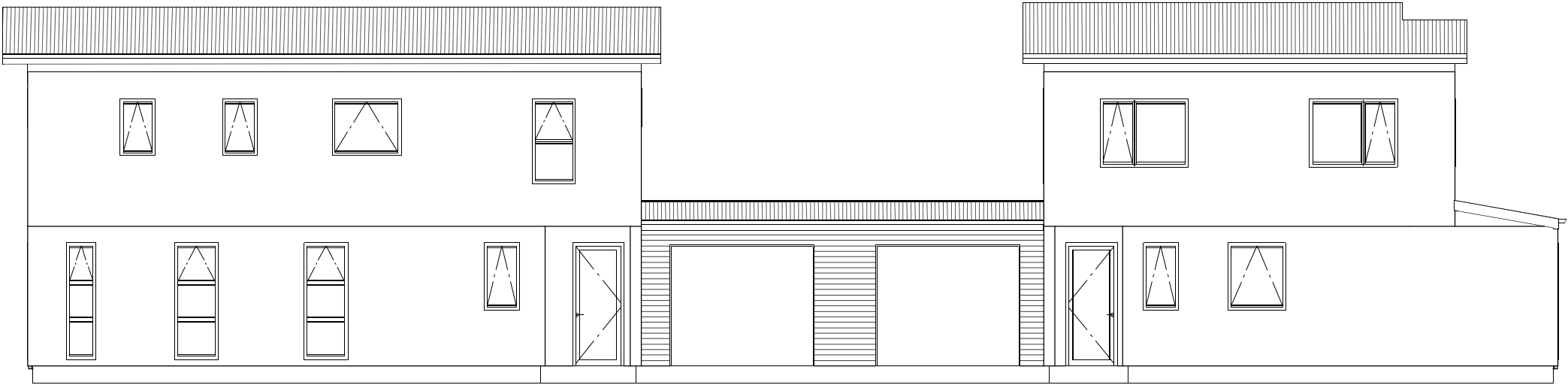
WEST



EAST



NORTH



SOUTH

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leeprestondesign@yahoo.co.nz

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ROOF: LIGHT
CLADDING: MEDIUM
WIND ZONE: HIGH
EQUAKE ZONE: 1
EXPOSURE ZONE: B
SNOW LOAD: 1.0KPA
CONTRACTOR MUST CONFIRM ALL DIMENSIONS ON SITE

JOB TITLE:
2 ATTACHED DWELLINGS FOR LOGAN MCLENNAN

SITE: GLADSTONE RD
MOSSGIEL

LEGAL DESCRIPTION:

DRAWING:

SCALE:

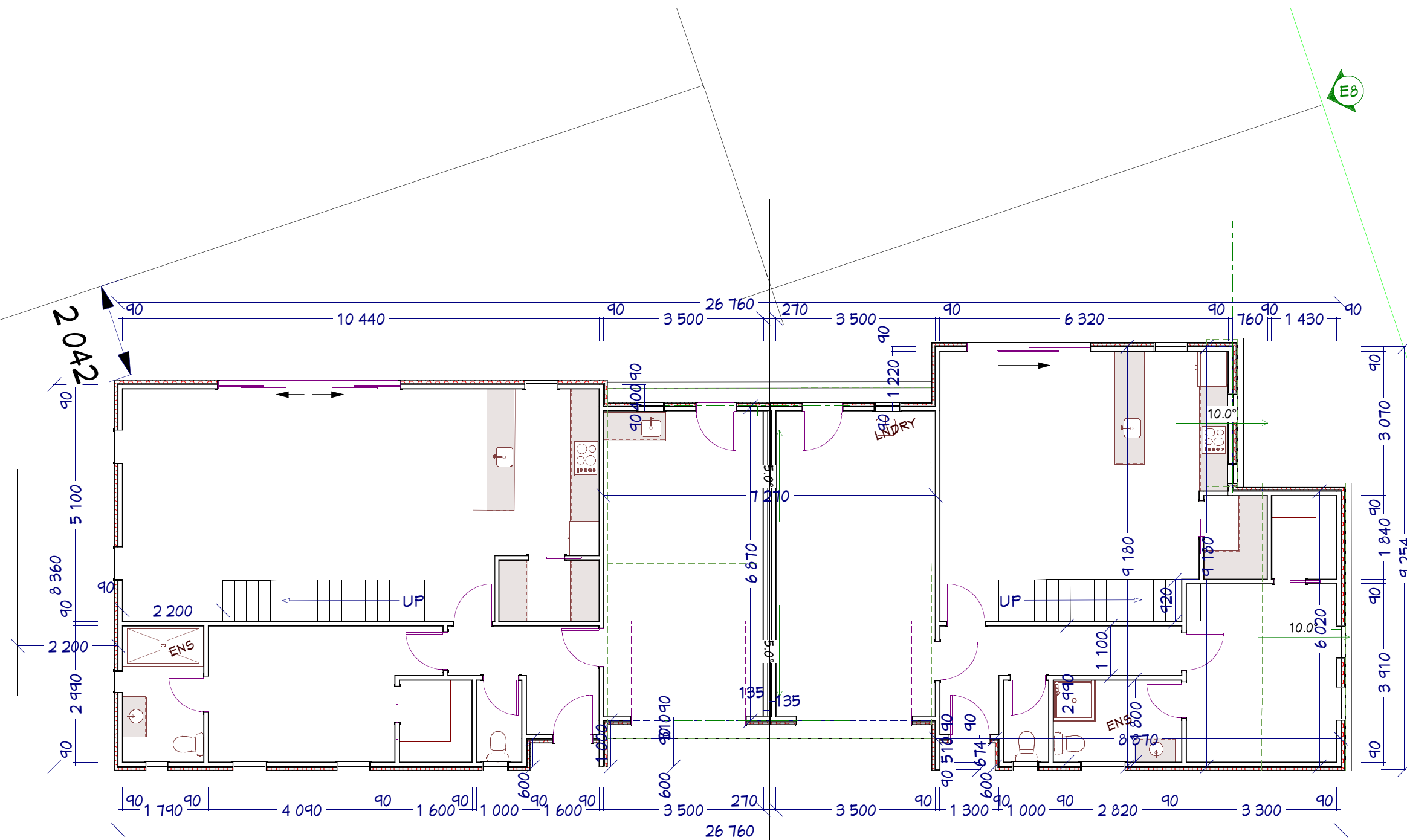
AMENDMENT:

JOB REF:

2310

DATE: 26/07/2023

SHEET:



SD

SMOKE ALARM

SEE FRAMING PLAN FOR WINDOW/DOOR LOCATION & FRAMING TRIM SIZES

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 leeprestondesign@yahoo.co.nz

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ROOF: LIGHT
 CLADDING: MEDIUM
 WIND ZONE: HIGH
 EARTHQUAKE ZONE: 1
 EXPOSURE ZONE: B
 SNOW LOAD: 1.0KPA

**CONTRACTOR MUST CONFIRM
 ALL DIMENSIONS ON SITE**

JOB TITLE:
**2 ATTACHED DWELLINGS FOR
 LOGAN MCLENNAN**

SITE: GLADSTONE RD
 MOSGIEL

LEGAL DESCRIPTION:

DRAWING: **GROUND FLOOR PLAN**

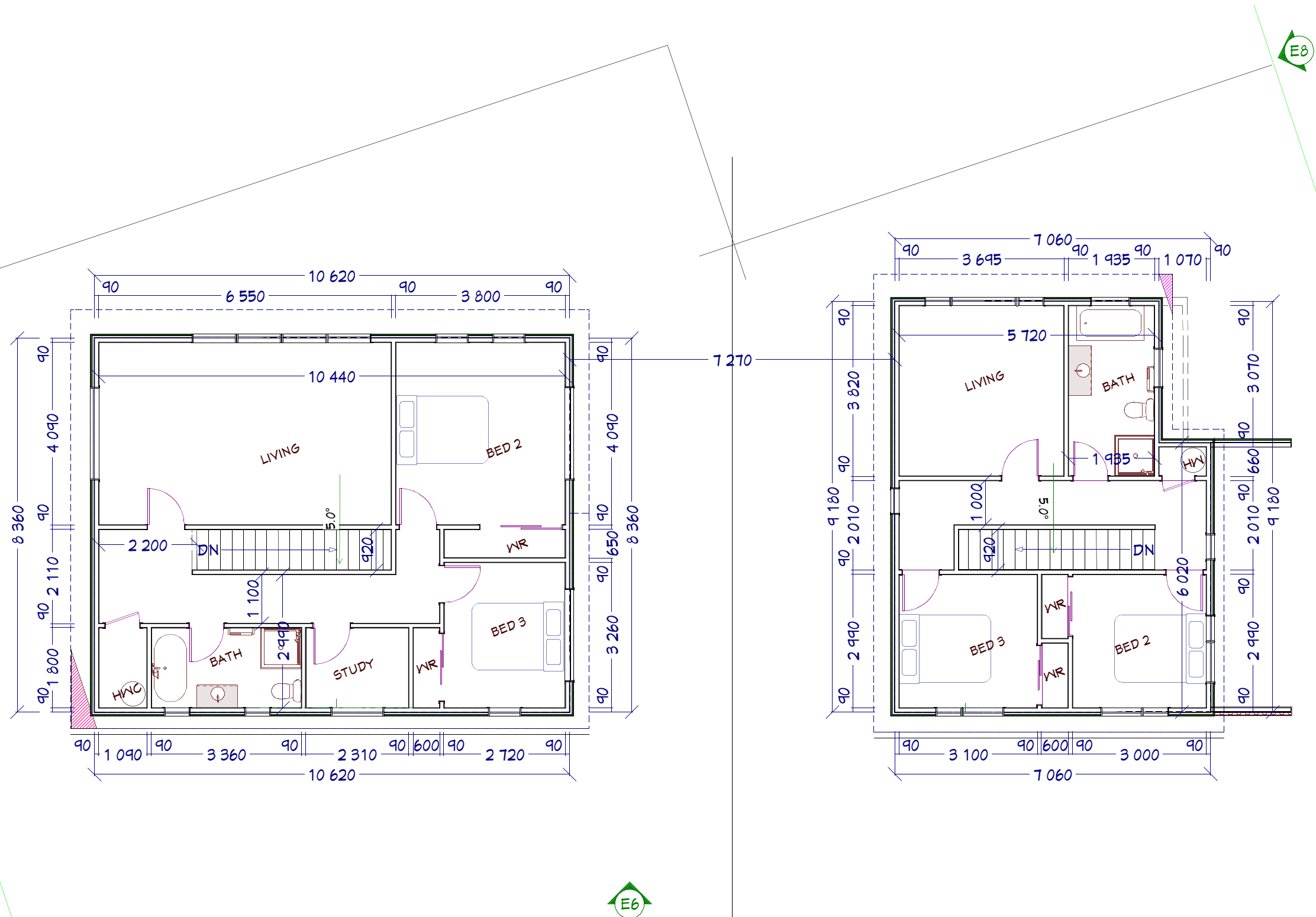
SCALE: 1:100

AMENDMENT:

JOB REF: 2310

DATE: 26/07/2023

SHEET: 3



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leeprestondesign@yahoo.co.nz

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ROOF: LIGHT
CLADDING: MEDIUM
WIND ZONE: HIGH
EQUAKE ZONE: 1
EXPOSURE ZONE: B
SNOW LOAD: 1.0KPA
CONTRACTOR MUST CONFIRM ALL DIMENSIONS ON SITE

JOB TITLE:
2 ATTACHED DWELLINGS FOR LOGAN MCLENNAN

SITE: GLADSTONE RD
MOGGIEL

LEGAL DESCRIPTION:

DRAWING:
FIRST FLOOR PLAN

SCALE:

AMENDMENT:

JOB REF:
2310

DATE: **26/07/2023**

SHEET:



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

**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**



R.W. Muir
Registrar-General
of Land

Identifier **OT9C/1197**

Land Registration District **Otago**

Date Issued 05 June 1984

Prior References

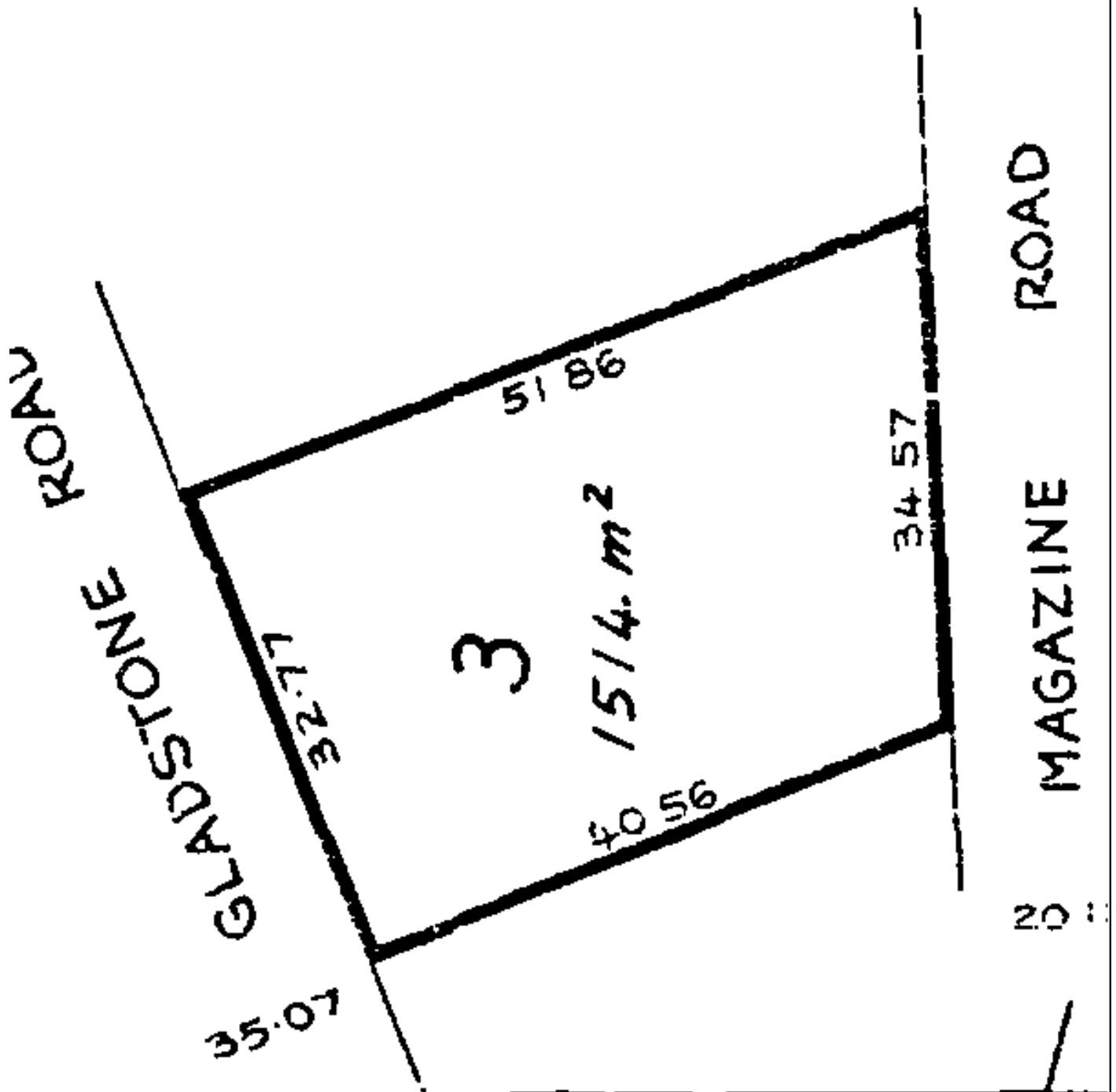
DI 0/75

Estate Fee Simple
Area 1514 square metres more or less
Legal Description Lot 3 Deposited Plan 18658
Registered Owners
 Eighty Eight Investments Limited

Interests

615944.2 Easement Certificate specifying the following easements - 5.6.1984 at 10.46 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Convey water	Lot 3 Deposited Plan 18658 - herein	L DP 18658	Lot 1 Deposited Plan 18658 - CT OT9C/1195	
Convey water	Lot 3 Deposited Plan 18658 - herein	L DP 18658	Lot 2 Deposited Plan 18658 - CT OT9C/1196	
Convey water	Lot 4 Deposited Plan 18658 - CT OT9C/1198	M DP 18658	Lot 3 Deposited Plan 18658 - herein	
Convey water	Lot 4 Deposited Plan 18658 - CT OT9C/1198	O DP 18658	Lot 3 Deposited Plan 18658 - herein	





Gladstone Road North

Ex. 100mmØ DCC Foul Sewer



Lot 1
538m²

Lot 2
400m²

Lot 100
576m²

Lot 1
DP 374566
(#290 Gladstone Road North)

Lot 2
DP 374566
(#12 Magazine Road)

Magazine Road

Ex. 225mmØ DCC Trunk Rising Main

Ex. 100mmØ DCC Foul Sewer

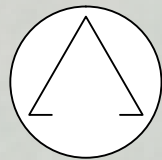
Ex. 100mmØ DCC Watermain



PROVISIONAL ONLY
DETAIL, AREAS & DIMENSIONS ARE
SUBJECT TO FINAL DESIGN,
RESOURCE CONSENT & FINAL SURVEY

- Notes:**
- 1) Areas and dimensions are subject to verification upon the final Land Transfer Survey.
 - 2) Critical Points are to be confirmed by Survey.
 - 3) Boundary Location to be confirmed upon the final Land Transfer Survey.
 - 4) Services shown have been adopted from DCC drainage records
 - 5) Contractor is responsible to locate all underground services prior to commencement of work.
 - 6) The plan may not be copied without the approval of Terramark Ltd.
 - 7) These notes are an integral part of this plan.
 - 8) This plan is not intended to be used for architectural design purposes and has been prepared specifically for the purpose of this application.

Project Title:			STAGE 1 Proposed Subdivision of Lot 3 DP 18658		
Address:			288 Gladstone Road North Mosgiel		
Legal Description:			Lot 3 DP 18658		
Client:			L. McLennan		
Area:		1514m ²		Title Reference: OT9C/1197	
Date:		10/10/2023		Scale (A3): 1:250	
Job No:	230574	Plan No:	230574/1	Revision:	A



Gladstone Road North

Ex. 100mmØ DCC Foul Sewer

95

Lot 1
DP 374566
(#290 Gladstone Road North)

1

2

Lot 1
DP 23088
(#286 Gladstone Road North)

Lot 2
DP 374566
(#12 Magazine Road)

Lot 3
307m²

Lot 4
269m²

16.07

18.46

Magazine Road

Ex. 225mmØ DCC Trunk Rising Main

Ex. 100mmØ DCC Foul Sewer

Ex. 100mmØ DCC Watermain



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Project Title: **STAGE 2
Proposed Subdivision of
Lot 100 Hereon**

Address: **288 Gladstone Road North
Mosgiel**

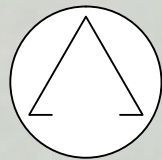
Legal Description: **Lot 3 DP 18658**

Client: **L. McLennan**

Area: **576m²** Title Reference: **OT9C/1197**

Date: **10/10/2023** Scale (A3): **1:250**

Job No: **230574** Plan No: **230574/1** Revision: **A**



Gladstone Road North

96

Ex. 100mmØ DCC Foul Sewer

proposed vehicle access

proposed vehicle access

Lot 1
538m²

Lot 2
400m²

Lot 1
DP 374566
(#290 Gladstone Road North)

Lot 1
DP 23088
(#286 Gladstone Road North)

Lot 100
576m²

Lot 2
DP 374566
(#12 Magazine Road)

Magazine Road

Ex. 225mmØ DCC Trunk Rising Main

Ex. 100mmØ DCC Foul Sewer

Ex. 100mmØ DCC Watermain



PROVISIONAL ONLY
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RESOURCE CONSENT & FINAL SURVEY

- Notes:**
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Project Title: **STAGE 1
Proposed Subdivision of
Lot 3 DP 18658**

Address: **288 Gladstone Road North
Mosgiel**

Legal Description: **Lot 3 DP 18658**

Client: **L. McLennan**

Area: **1514m²** Title Reference: **OT9C/1197**

Date: **10/10/2023** Scale (A3): **1:250**

Job No: **230574** Plan No: **230574/1** Revision: **A**



Gladstone Road North

Ex. 100mmØ DCC Foul Sewer

MH

97

Lot 1
DP 374566
(#290 Gladstone Road North)

2

1

Lot 1
DP 23088
(#286 Gladstone Road North)

Lot 2
DP 374566
(#12 Magazine Road)

Lot 3
307m²

Lot 4
269m²

16.07

18.46

Magazine Road

Ex. 225mmØ DCC Trunk Rising Main

Ex. 100mmØ DCC Foul Sewer

Ex. 100mmØ DCC Watermain

MH



PROVISIONAL ONLY
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SUBJECT TO FINAL DESIGN,
RESOURCE CONSENT & FINAL SURVEY

- Notes:**
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Project Title:			STAGE 2 Proposed Subdivision of Lot 100 Hereon		
Address:			288 Gladstone Road North Mosgiel		
Legal Description:			Lot 3 DP 18658		
Client:			L. McLennan		
Area:		576m ²		Title Reference: OT9C/1197	
Date:		10/10/2023		Scale (A3): 1:250	
Job No:	230574	Plan No:	230574/1	Revision:	A



31 January 2024

Logan McLennan
Eighty Eight Investments Limited
C/- Terramark Limited
Level 1
330 Moray Place
Dunedin 9016

Via email: keryn@terramark.co.nz

Dear Applicant

RESOURCE CONSENT APPLICATION:

**SUB-2023-145 & LUC-2023-430
288 GLADSTONE ROAD NORTH
MOSGIEL**

Your application for resource consent was processed on a non-notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991 and under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. The application was considered by a Senior Planner, under delegated authority, on 31 January 2024.

The Council has granted subdivision consent and land use consent with conditions. The assessment of the application, including the reasons for the decision, is set out in the report attached to this letter. The consent certificates are attached to the rear of this letter.

Please note that the processing of this application could not be completed within the 20 working day time limit prescribed under section 115 of the Resource Management Act 1991. The time limits for the processing of this consent have been extended pursuant to sections 37A(2)(a) and 37A(4)(b)(i) of the Resource Management Act 1991.

The consent certificates outline the conditions that apply to your proposal. Please ensure that you have read and understand all of the consent conditions.

You may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

Senior Planner - Enquiries
Dunedin City Council
PO Box 5045
Dunedin 9054

You may request that the objection be considered by a hearings commissioner. The Council will then delegate its functions, powers and duties to an independent hearings commissioner to consider and decide the objection. Please note that you may be required to pay for the full costs of the independent hearings commissioner.

Alternatively, there may be appeal rights to the Environment Court. Please refer to section 120 of the Resource Management Act 1991. It is recommended that you consult a lawyer if you are considering this option.

You will be contacted in due course if you are due a partial refund or you have to pay additional costs for the processing of your application. Given the nature of your intended works/activity, this consent will require one inspection. The fee for your scheduled inspection will be included in the invoice for your application. If additional inspections are required beyond those scheduled, then you will be invoiced at that time in accordance with the Council's fees schedule.

Development contributions are payable for this resource consent. A development contribution notice will be sent in due course outlining how the development contribution has been calculated and when payment is required.

Please feel free to contact me if you have any questions.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M Seeley', with a stylized flourish at the end.

Madeline Seeley
Planner

APPLICATION SUB-2023-145 & LUC-2023-430: 288 GLADSTONE ROAD NORTH , MOSGIEL

Department: Resource Consents

DESCRIPTION OF ACTIVITY

Resource consent is sought for the four-lot residential subdivision of 288 Gladstone Road North, Mosgiel, over two stages.

The subject site is a 1514m² site, located between Gladstone Road North Drive to the north and Magazine Road to the south. The site has legal frontage to both roads and one formed vehicle access to Magazine Road via a gravel driveway, 22m long, while pedestrian access is provided only to Gladstone Road North. There is an existing house located centrally within the site, and a detached garage to the south of the dwelling. The curtilage of the dwelling comprises lawns, paths and vegetation. Prior to the Stage 1 of the subdivision, the lean-to garage and smaller accessory building will be demolished.

The proposed subdivision will create four lots over two stages.

Stage 1 will be the subdivision of 288 Gladstone Road North into three lots. The three lots to be created are as follows:

- **Lot 1** will be a site of 538m² containing the existing house and established curtilage in the north-western portion of the site. Access is to be provided from Gladstone Road North access road via a new vehicle crossing and hard surfaced driveway.
- **Lot 2** will be a vacant site of 400m² to east of Lot 1. Access is to be provided from Gladstone Road North via new vehicle crossing and hard surfaced driveway.
- **Lot 100** will be a vacant site of 576m² to the south of Lots 1 and 2. Lot 100 will have frontage to Magazine Road.

Upon completion of Stage 1, a two story residential duplex will be constructed on Lot 100, containing two residential units, each with four bedrooms.

Stage 2 will be the subdivision of the duplex on Lot 100 into two lots; Lots 4 and 5. Lots 4 and 5 will be as follows:

- **Lot 4** will be a site of 307m² comprising the western residential unit of the duplex established on Lot 100 of Stage 1 and its curtilage. The boundary will bisect the duplex and include a party wall easement. Access will be via the existing vehicle crossing and access from Magazine Road.
- **Lot 5** will be a site of 269m² comprising the eastern residential unit of the duplex established on Stage 1 Lot 100 and its curtilage. The boundary will bisect the duplex and include a party wall easement. Access will be via a new vehicle crossing and access from Magazine Road.

The site is an irregular square shaped parcel of land that slopes up gently towards the south. The site has well established vegetation along the boundary and a patio on the north side of the dwelling. Gladstone Road North is a two-lane carriageway with grass drainage channels on the north side. On the south side of Gladstone Road North, the road widens and includes the gravel access track off the main carriage way. This access track forms part of Gladstone Road North, and is labelled in Council's maps as "Gladstone Road North Drive" serving the properties of 282, 286, 288, 290, 290A and 292 Gladstone Road. The access road has formed kerbing, large grassed berms and parking areas within the road reserve. The Council does not maintain this access road. Magazine Road is a two-lane carriageway with grass channels on either side before berms extend to the boundaries.

The subject site is legally described as Lot 3 Deposited Plan 18658 (held in Record of Title OT9C/1197).

REASONS FOR APPLICATION

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 2GP”). Until the Proposed 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.

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.

Proposed 2GP

The subject site is zoned **General Residential 1** in the Proposed 2GP. The site is within the following overlays/mapped areas:

- **Hazard 3 (flood) Overlay Zone**
- **Hazard 3 (alluvial fan) Overlay Zone**
- **Dunedin Airport Flight Fan**

Gladstone Road North is classified as a **Collector Road** and Magazine Road is classified as a **Local Road** within the 2GP Road Classification Hierarchy Mapped Area.

Subdivision

Rule 15.3.5.2 lists general subdivision as being a **restricted discretionary** activity subject to the performance standards. The proposed resultant sites at stage one will comply with all of the subdivision performance standards. Restricted discretionary subdivisions restrict Council’s discretion to the following matters:

- *Effects on neighbourhood residential character and amenity (Rule 15.11.4.1(a))*
- *Risk from natural hazards (Rule 15.11.4.1(b))*
- *Effects on efficiency and affordability of infrastructure (Rule 15.11.4.1(c))*
- *Effects of stormwater from future development (Rule 15.11.4.1(d))*
- *Effects on the safety and efficiency of the transport network (Rule 15.11.4.1(e))*

The minimum site size of Proposed Lots 4 and 5 at stage two of the subdivision will not have a minimum site area of 400m², but they will be compliant with Rule 15.7.4.1.j.ii.1 and Rule 15.7.4.3.a, meaning they also carry a **restricted discretionary** activity status in accordance with Rule 15.7.4.3.

As such, Council’s discretion is limited to the following matters of discretion, in addition to those listed above for subdivision:

- *Effects on neighbourhood residential character and amenity (Rule 15.10.5.4)*

Land Use

Under the Proposed Plan, activities have both a land-use activity and a development activity component. Additionally, some activities sit in the city-wide provisions or city-wide activities sections, such as activities related to earthworks or transport. The land use proposal comes under the definition of *standard residential activity; parking, loading and access and Earthworks - small scale*.

Earthworks

Rule 8A.3.2.2 lists earthworks- small scale as a permitted activity, subject to compliance with performance standards. The proposed earthworks associated with the driveway to Lot 1 will not be able to comply with *Rule 5.6.2.1 - Setback from Network Utilities* as a Council-owned wastewater pipe is located within the road corridor within the grass berm where the proposed driveway is located. In accordance with 5.6.2.2, the proposal is a restricted discretionary activity, Council's discretion is limited to the following matters:

- *Effects on health and safety (Proposed Plan Rule 8A.6.3.8.a)*
- *Effects on efficient and effective operation of network utilities (Proposed Plan Rule 8A.6.3.8.b)*

Land Use

Rule 15.3.3.3 lists standard residential activity as a permitted activity subject to compliance with the performance standards. Lot 1 contains an existing dwelling. Lot 2 will be a vacant site with no plan of development. The construction of the duplex on Lot 100 after the completion of Stage 1, will fail comply with the following performance standard:

- 15.5.2.1.a **Density** – allows for 1 residential unit per 400m² of site or 2 residential units per 500m² of site where in the form of a duplex. Maximum development potential is applicable for duplexes and 1 habitable room per 100m² is permitted. The proposal includes a duplex, each unit having four habitable rooms, making a total of eight bedrooms, across a site of 576m². In accordance with Rule 15.5.2.6, the proposal is a **non-complying activity**.

Development

The proposed duplex will fail to comply with the following performance standard applying to development activities:

- Rule 15.6.6.1 **Height in relation to boundary** requires buildings and structures to be clear of a plane rising at an angle of 45 degrees measured from a point 2.5m above ground level at the boundary. The proposed duplex for Lot 100 has two areas of breaches of the height in relation to boundary; the western most unit will breach the height plane angle to the western boundary shared with 286 Gladstone Road North and the eastern most unit will breach the height plane angle in relation to the eastern boundary shared with 12 Magazine Road (and for which written approval has been obtained). In accordance with Rule 15.6.6.1.b, the proposal is a **restricted discretionary** activity, Council's discretion is limited to the following matters of discretion:
 - *Effects on surrounding sites' residential amenity (Proposed Plan Rule 15.10.4.7.a)*
 - *Effects on neighbourhood residential character and amenity (Proposed Plan Rule 15.10.4.7.b)*

Operative District Plan

The relevant rules of the Proposed Plan for this zone and site have not been appealed and the equivalent rules of the Operative Plan have been superseded. There are no other rules of the Operative District Plan that remain applicable to the proposal. In accordance with Section 86F of the Resource Management Act 1991, they do not need to be considered as part of this subdivision and land use application.

National Environmental Standards

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. The applicant's agent has had a search of the Dunedin City Council records undertaken (HAIL-2023-158). The HAIL Search Report concluded that the following category of activities on the HAIL may be applicable to the site/piece of land, due to the dwelling having been built before 1945 and the common usage of lead paint before this time:

I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.

The report also noted the potential applicability of the following category for historical use of Asbestos products, however, the report does not explicitly identify any potential asbestos products or any asbestos product in a deteriorated state on the site:

E1: Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition.

As such, the site or part of the site is considered 'a piece of land' under Regulation 5(7) of the NES-CS, which describes the land covered under the Regulations. Regulation 5(7) states that a 'piece of land' is a piece of land that is described in the following way: *it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.* As the existing dwelling is a painted weatherboard dwelling that was established before 1945, it is more likely than not that it has had lead-laden paint applied and it is likely that the paint would have deteriorated and/or been removed/repainted overtime, and potentially as a result, got into the soil. The applicant's response to the HAIL Search Report results is as follows:

It is our view it is unlikely that there has been any release of lead based paint that is of a sufficient quantity that would be a risk to human health in this instance. This proposal does not disturb any soil around the perimeter of the dwelling. It is my opinion the HAIL does not apply. The dwelling on the site is not in a deteriorated condition, if the dwelling does contain asbestos products as there is no intention to demolish it and thus no risk of any asbestos to become airborne, it is my opinion the HAIL does not apply.

The applicant has not produced any evidence to support the theory that the release of lead-based paint has not occurred on the site, and given the long period of time that has passed and the lack of public health information regarding the health risks around lead (a nation-wide ban of lead-paint in NZ did not occur until 1965), it is considered that hazardous substances, namely, lead, are, or may be, present in the environment, and there is the potential for those hazardous substances to pose risks to people or to have wider environmental effects. There are no soil testing results that demonstrate that any contaminants in or on the piece of land are at, or below, background concentrations (Regulation 9, which describes land not covered by the regulations). Further, the subdivision involves the intensification of residential activity, which increases any existing risk from contaminants harming human health, as more people will be using the same area of land, thus the exposure risk increases. Taking into account the available information, it is considered more likely than not, that the NES(C-S) applies.

Subdivision is an activity covered by the NES (CS) and Regulation 5(1) states the regulations apply when a person wants to do an activity described in any of subclauses (2) to (6) (including subdivision in subclause (5)) on a piece of land described in subclause (7) or (8) (Regulation 5(7) describes the land covered and is discussed above).

The following conditions must be met for the subdivision to be permitted under Regulation 8 of the National Environmental Standard:

Subdividing or changing use

- (4) *Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met:*
- (a) *A preliminary site investigation of the land or piece of land must exist:*
 - (b) *The report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:*
 - (c) *The report must be accompanied by a relevant site plan to which the report is referenced:*
 - (d) *The consent authority must have the report and the plan.*

The proposal fails to comply with the following permitted activity conditions:

- Permitted activity conditions 4(a), 4(b), 4(c) and 4(d) which require a preliminary site investigation to exist and submitted to Council, be accompanied by a site plan and state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land.

The requirements for controlled and restricted discretionary activities under the National Environmental Standard are also not met, because they also require a preliminary site investigation or detailed site investigation to exist. Accordingly, the proposal is a **discretionary activity** under the National Environmental Standard.

There are no other National Environmental Standards relevant to this application.

Overall Status

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. However, in this instance, the consents are discrete and have not been bundled.

The activity status of the proposed subdivision is considered to be a **discretionary** activity. The activity status of the land use is also determined by the Proposed Plan and is considered to be a **non-complying** activity.

WRITTEN APPROVALS AND EFFECTS ASSESSMENT

Affected Persons

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
Carmen and Lance Woods	✓	✓	12 Magazine Road	28/10/2023
Janice and David Hodges	✓	✓	286 Gladstone Road North	29/10/2023

No other persons are considered to be adversely affected by this proposal. This is because there are no breaches of the District Plan that would generate minor adverse effects on any party/person.

Effects on the Environment

Permitted Baseline

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.

Residential activity is a permitted activity on residential sites at a density of not less than 400m² of land area per residential unit, or a duplex (two residential units) on a site of at least 500m², or a residential unit on an existing site of any size (subject to conditions). The construction of residential buildings up to 300m² in footprint are permitted activities, subject to compliance with bulk and location performance standards. Only two residential units can be constructed on a site within a two-year period for multiple units to be permitted.

A certain amount of earthworks is permitted, based in part on the slope of the ground. No earthworks are permitted within 1.5m of Council-owned infrastructure (or 2.5m where it concerns water supply).

The site area being 1514m² could support a permitted development of two standalone residential units in addition to the existing dwelling, or a duplex meeting all relevant performance standards (in addition to the existing dwelling). Where the existing dwelling was demolished, only two residential units could be established as a permitted activity. Accessory buildings which could include a sleepout would also be permitted.

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.

Receiving Environment

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.

For the subject site, the existing and reasonably foreseeable receiving environment comprises medium density residential land, to the immediate south of the Wingatui Racecourse on the eastern edge of Mosgiel.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises a mixture of residential land and recreational land, such as the Wingatui Racecourse, on the residential/rural boundary of Mosgiel.

It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment Matters/Rules

Consideration is required of the relevant assessment matters in the Operative District Plan and the relevant assessment rules in the Proposed 2GP, along with the matters in any relevant national environmental standard. This assessment is limited to the matters to which the Council's discretion has been restricted. No regard has been given to any trade competition or any effects of trade competition.

1. Subdivision of the piece of land under the NES-CS

The site is not listed in the Otago Regional Council's HAIL database. As noted above, the applicant's agent has had a search of the Dunedin City Council records undertaken (HAIL-2023-158). The Search Report, dated 12 December 2023, concluded that an activity on the HAIL may be applicable to the site as follows:

The long-term use of lead-based paints on buildings will, in some cases, cause soil contamination. The Ministry of Health have determined that pre-1945's dwellings' paintwork is almost certain to contain lead in a high concentration (Ministry of Health, 2021). Council's consultant environmental scientists from Stantec New Zealand have stated that it is 'most likely' that the soil immediately surrounding a pre-1940's painted building will have lead contamination above soil contaminant standards. In this case, the dwelling appears to have been built before 1945, based on the historical aerial photography. Therefore, the relevant parts of this property should be treated as possible HAIL under the following category:

I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.

The HAIL Search Report also notes that building products containing asbestos were widely used in New Zealand. If there are or were any buildings containing asbestos products in a deteriorated condition, then category E1 and/or I on the HAIL may be applicable:

E1: Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition.

I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.

The HAIL Search Report further notes the following:

Any historical farming activity may have included HAIL activities that the Council holds no records about (such as agrichemical use, fertiliser bulk storage, livestock dips/spray races, persistent pesticide storage/use, storage tanks for fuel, farm landfills).

The HAIL Search Report information and the applicant's agent's response to this information were subsequently reviewed by a Senior Environmental Scientist at Stantec New Zealand.

The Senior Environmental Scientist makes the following comment on the applicability of the NES-CS:

Given that the existing dwelling was built prior to 1942 and the garage sometime between 1942 and 1947 (see the aerial photos below) and the data on residential lead currently available, it is more likely than not that lead is present in the curtilage of both buildings in sufficient quantities to present a risk to human health. Based on that, it is Stantec's opinion that the site qualifies as a HAIL site and the requirements of the NESCS apply.

Stantec subsequently made a correction to this above statement, noting that the garage on the site is visible in the historical aerial photograph from 1942, sourced from Retrolens, – thus noting that the garage was erected prior to 1942. The aerial photographs referred to in their comment are sourced from Retrolens and contained within the HAIL Search Report for the site.

Stantec recommends that the site soils should be tested to rule out contamination or understand the actual risk. Stantec's recommendations are as follows:

- *Require testing of the curtilage soils around the existing house and garage and would recommend one sample adjacent to the north, east and west walls of the house, and one to the south of the garage.*
 - *As it appears the area between the house and garage is concreted or paved, there's no need to sample between the two buildings.*
- *This testing could be reported in a soil or contamination assessment. A PSI or DSI is not required.*
- *If testing indicates that lead concentrations exceed the soil contaminant standards of the NESCS, a remedial or management strategy should be proposed and submitted to council.*
 - *Following remediation, a site validation report should be prepared confirming that any remaining soils do not pose a risk to human health or documenting the management procedures that have been put in place.*

Stantec further provided an alternative option to soil testing, and recommend imposing consent conditions around future land use and vegetable gardens as follows:

In this case, a conservative approach would be to prohibit vegetable gardens within 3 m of the existing house and the footprint of the garage.

The applicant has opted to not undertake any soil testing of the site and has provided a plan, mapping the building outline of the garage and dwelling and a 3m offset around each building (Figure 1 shown below). This plan shows that the 3m offset of both buildings overlaps with all proposed lots; although the area overlapping Lot 4 is very small and the coverage of Lot 2, is only a 2m (approx.) strip down the western boundary of the proposed lot. This plan is intended to compliment a consent notice condition, stating that vegetable gardens may not be established in the area shown on the plan in accordance with the option given by Stantec.

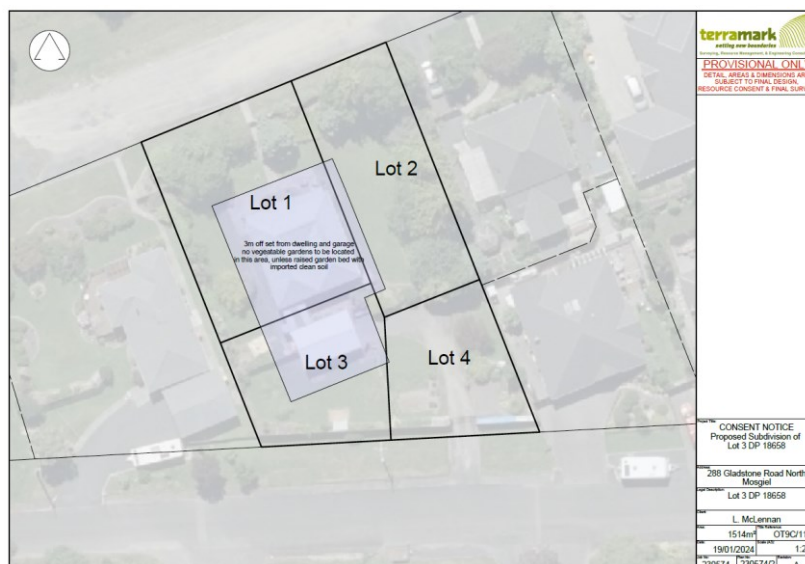


Figure 1: Plans submitted by Terramark showing 3m offset of dwelling and garage footprints

Taking into account Stantec's expert advice, it is considered appropriate to impose a condition of consent requiring a consent notice on each record of title (with the exception of Lot 4, as this Lot is only very slightly affected and is likely to have a building over it) effectively prohibiting the use of the site's soils (in the hatched areas shown on plan) in food production, to ensure the risk to human health from the lead detected in the soils on the site, does not eventuate via the uptake into vegetables/edible plants grown in the soils. Soil will be able to be imported to the site into raised garden beds or other containers designed to grow food to allow for food production at a domestic

scale. Gardens can otherwise be established outside of the affected areas. An exception to the application of the consent notice condition would be a PSI or a DSI undertaken by a suitably qualified person, demonstrating that any contaminants in or on the piece of land are at, or below, background concentrations.

As noted by Stantec, a 3m 'buffer' from the building footprints is considered a 'conservative' approach, and thus is considered an appropriate approach when dealing with human health. A consent notice will be evident to future owners of the units/future properties if the information is not communicated directly. A further condition of consent is included to ensure the relevant risk information is communicated to any tenant of the properties as they are unlikely to see the Record of Title/Consent Notices.

Overall, Council's Consultant Scientist has not required mandatory investigation / testing of soils to eliminate/understand any risk and has given the option of a consent notice, deeming the above condition/consent notice sufficient to protect current and future occupants of the land, provided the advice is followed.

It is also noted that the demolition of the garage and an accessory building will occur prior to the subdivision. If the demolition involves any soil disturbance, this will need to be undertaken in accordance with Regulation 8(3) due to the possible contamination of the soil in this area. This advice is included as an advice note.

2. *Effects on neighbourhood residential character and amenity (Proposed Plan Rules 15.10.4.7.b and Rule 15.11.4.1(a))*

Lot Size and Dimensions and Physical Limitations

The proposed subdivision will create four residential lots over two stages. Stage One will subdivide the entire subject site into three lots, all of compliant sizes at this stage and each lot having a regular shape and a frontage to legal road.

Proposed Lots 2 and 100 will be vacant sites of 400m² and 576m² respectively, while Lot 1 will contain the existing dwelling and will have an area of 538m². New vehicle accesses from Gladstone Road North Drive will be formed to Lots 1 and 2, both lots have legal frontage to Gladstone Road North Drive. Lot 100 will be developed with a two storey duplex upon completion of Stage 1, each unit containing four bedrooms. Two vehicle accesses to Magazine Road are proposed to serve each unit of the duplex, as ultimately these units will be subdivided onto their own lots under Stage 2 of the subdivision.

Proposed Lots 1 and 2, each compliant sized sites in the General Residential 1 and having frontage to legal road will provide adequate, largely flat, developable land with a northerly outlook. Proposed Lot 1 is already developed with an older three-bedroom dwelling, this could be later removed for redevelopment.

Proposed Lots 4 and 5 will be formed at Stage 2, by the subdivision of Lot 100, dividing the recently constructed duplex on this site down the middle /down a party wall. Proposed Lot 4 will contain the western most unit of the duplex with four bedrooms and an open study on a site of 307m². The site will have 50m² of outdoor living space on the north side, directly accessible from the open plan living on the ground floor. A single garage will adjoin the dwelling, with a 6m shared boundary wall with the adjoining unit to the east. The site, while non-compliant with density, will be an adequate size and shape to accommodate the proposed four bedroom unit. The dwelling will be two storied, reducing the site coverage and allowing ample space on the north, west and south sides of the dwelling for gardens (raised or in-ground where outside of the contamination area), vegetation, lawns or open space.

Proposed Lot 5 will contain the eastern most unit of the duplex with four bedrooms on a site of 269m². The site will have 50m² of outdoor living space on the north side, directly accessible from the open plan living on the ground floor. A single garage will adjoin the dwelling to the west, with a 6m shared boundary wall adjoining the unit to the west. The site, while non-compliant with density, will be an adequate size and shape to accommodate the proposed four bedroom unit. The dwelling will be two storied, reducing the site coverage and allowing a reasonable amount of space on the north, east and south sides of the dwelling for garden (raised or in-ground where outside of the contamination area), vegetation, lawns or open space.

Minimum site size for the General Residential 1 zone is 400m² and maximum development potential in the General Residential 1 Zones is 1 habitable room per 100 square meters of site. Currently, in terms of density, the 1514m² site could be developed with two dwellings containing up to 15 habitable rooms across the site. The proposal will result in one vacant site (Lot 2), a three bedroom older dwelling on Lot 1 and eight bedrooms across the duplex units on Proposed Lots 4 and 5. While Proposed Lots 4 and 5 will be over dense in terms of the site areas and number of rooms proposed, overall the maximum development potential of the current site will not be exceeded, as the development will result in 11 rooms, where 15 are permitted. Were the development to occur prior to the subdivision of the site, the density would not be breached and thus the proposal would be unlikely considered to have adverse effects on the infrastructure and amenity of the area as it would be developed at a permitted and serviced level (in terms of the 2GP). Proposed Lots 4 and 5 will be undersized, but already developed with on-site parking, vehicle access, compliant outdoor living areas and four bedroom dwellings and probably some pre-existing boundary vegetation. The proposed duplex units will provide smaller townhouse style sections, with less area to maintain. There are no significant adverse effects anticipated from the smaller site sizes of Proposed Lots 4 and 5 on the neighbourhood residential character and amenity.

Overall, the proposed breach of density from the building of the duplex after the subdivision of Lot 100 is unlikely to have much of an effect on the character and amenity of the neighbourhood. The sites will be smaller than many of the surrounding sites as it currently stands but the sites will be developed and usable upon subdivision. The character of the General Residential 1 areas (previously Residential 1 areas under the Operative District Plan) are changing slightly under the 2GP, as duplexes are now permitted on sites of 500m², and in many cases duplexes will be subdivided to allow for individual ownership. This means the 2GP is anticipating somewhat sites of 250m² for units of a duplex. In addition to this, ancillary residential units are permitted on sites compliant with density. Under the Operative District Plan, one residential unit was permitted on sites of 500m² and that was essentially the extent of permitted residential development, which is quite different to what is now anticipated.

In terms of the effect of the proposed height in relation to boundary breaches of the duplex units at Stage 2, these are largely a product of the smaller site sizes and the proposed duplex units are two-storied. The design of the duplex and resulting height in relation to boundary breaches are not considered to have an adverse effect on neighbourhood residential amenity and character; there are other two story buildings in the neighbourhood and the design of the duplex is not unusual or uncharacteristic.

3. *Effects on surrounding sites' residential amenity (Proposed Plan Rule 15.10.4.7.a)*

The proposed height in relation to boundary breaches of each duplex has been given written approval by adjoining neighbours. As such, the effects of these breaches on those persons are not considered. The height in relation to boundary breaches are unlikely to have an effect beyond the neighbours.

The non-complying nature of the duplexes is unlikely to have an effect on surrounding sites' residential amenity. As noted below, the maximum development potential will not be exceeded across the site as a whole, rather, the subdivision layout will accommodate higher density on two

sites and lower density on two sites and the development potential of all sites will be constrained by the consent notices.

4. Easements

A party wall easement is required at Stage 2 of the subdivision. Service easements will be required where existing services cross lot boundaries and are intended to be retained. There are no DCC Services/reticulated infrastructure crossing the site. The existing wastewater and stormwater drains from proposed Lot 1 will be located on site and confirmed not to cross the proposed allotment boundaries or service easements will be created to address this.

The proposed staged subdivision will otherwise not require any easements to provide legal access to the new lots or covering DCC infrastructure.

5. Effects on efficiency and affordability of infrastructure and Effects of stormwater from future development and Effects on efficient and effective operation of network utilities and Effects on health and safety (Proposed Plan Rules 15.11.4.1(d) and 15.11.4.1(c) and 8A.6.3.8.b and 8A.6.3.8.a)

The Subdivision Support Officer, Three Waters, Council's Building Services Drainage Officer and Council's Building Compliance Officer have considered the application. In terms of public infrastructure, Three Waters note that the DCC's GIS records show a 100mm diameter water supply pipe and a 100mm diameter wastewater pipe in Magazine Road. Records also show a 100mm diameter wastewater pipe in Gladstone Road North Drive. Three Waters make the following comment regarding the existing infrastructure constraints and the proposed density of Lot 100:

Modelling Assessment

The DCC has hydraulic models for many of the city's water, stormwater, and wastewater networks. The effect of new development on those networks can be evaluated against current performance, and against foreseeable future demand.

It is noted that there are existing wastewater constraints downstream of the site. The wastewater infrastructure downstream of the site is at or above capacity in 1 in 10 year rainfall events. Any development in exceedance of the intended maximum development potential will place a load on the infrastructure in excess of what was accounted for in 3 Waters planned future development, which will then subtract from the limited remaining capacity for other complying developments.

Density Assessment

Developments located within the General Residential 1 Zone have a maximum development potential of 1 habitable room per 100m² of site size when considering a second unit in the form of an ancillary unit or a duplex. The overall site is 1,514m² which would allow 15 habitable rooms. The proposal includes a duplex containing a total of 8 habitable rooms, as the proposed upstairs living rooms for each site meet the definition of a habitable room. However, this duplex is proposed to be developed on a resultant site of 576m² and is relying on the assessment that proposed lot 2 is currently vacant. If proposed lot 2 was developed at the time of subdivision, the maximum development potential of the overall site would be a constraining factor limiting the level of development. As such, 3 Waters requires that the maximum development potential of the overall site not be exceeded. Due to the aforementioned wastewater constraints any development exceeding the maximum development potential would create more than minor effects on the DCC's wastewater infrastructure.

The Second Generation District Plan directs Council to:

Only allow land use or subdivision activities that may result in land use or development activities in a wastewater serviced area where it will not exceed the current or planned capacity

of that infrastructure at the time of development or compromise its ability to service any permitted activities.

Therefore, 3 Waters proposes that the potential for the more than minor effects be addressed in one of the following methods:

- *A consent notice be lodged against proposed lots 1 & 2 limiting the maximum development potential of each site to a cumulative value of no more than 7 habitable rooms.*
- *The proposed living rooms be redesigned to be open plan, so they will no longer meet the definition of a habitable room.*

The above Three Waters comments were raised with the applicant prior to the issue of the decision, who initially submitted a plan showing nine habitable rooms across the duplex, but removed the door on a smaller study room, making the study open plan, and no longer qualifying as a bedroom. However, the applicant has not opted to further reduce the number of habitable rooms across the duplex, as suggested by Three Waters, instead agreeing to Three Waters' suggestion that if they are relying on the land area of the total site (as is) to determine the density for the duplex, then that needs to be a permanent arrangement to avoid the adverse effects of establishing development beyond the current or planned capacity of the public infrastructure. Consent notices will ensure that the site is only developed with 15 habitable bedrooms overall. The existing dwelling has three bedrooms, thus after the duplex is built, the total number of bedrooms across the site will be eleven. Density allows for another four bedrooms to be established across the site. Therefore, Three Waters have suggested a Consent Notice constraining any development on vacant lot 2, and where the existing old dwelling was replaced. This appears to be a reasonable solution to ensure the future intensified residential land use created by the subdivision will not lead to the exceedance of the current or planned capacity of the wastewater infrastructure (or water supply or stormwater drainage). However, a Consent Notice cannot serve two sites at once or be dependent on some agreement between landowners (requiring a maximum of seven bedrooms across two individual sites would not work legally). Thus Proposed Lot 1 containing the existing dwelling will have to have a maximum development of three bedrooms, as this is the current number of bedrooms within the dwelling, while Proposed Lot 2 will have to have a maximum development of four bedrooms; collectively constraining the development across Lots 1 and 2 to seven bedrooms. To ensure that Proposed Lots 3 and 4 are not further developed beyond the current proposed units containing four bedrooms each, Consent Notices also appear appropriate for these future sites to reflect their maximum development potential.

Overall, this appears to be a reasonable approach to address any potential adverse effects on the current and planned capacity of the infrastructure and allow for the proposed development to go ahead, without compromising Council's ability to service any permitted activities (through public reticulated infrastructure).

The following comment from Three Waters and Building Services regarding standard infrastructure requirements (and the existing connections etc.) has been summarized under the relevant headings below. Three Waters note that all aspects of the development must 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, if suitable. A new water connection is

required for proposed lot 2. If stage 2 is eventuated then a water connection will be required for proposed lots 3 & 4, otherwise a water connection will be required for proposed lot 100. 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.

If a multibox is used; each shutoff within that box must be clearly labelled/tagged with the corresponding lot number. This must be a permanent waterproof tag – no permanent markers.

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 (WFH05566) 98m from the development and a second Fire Hydrant (WFH05567) 130m from the development. 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

To allow adequate pervious area for natural stormwater drainage, the maximum site coverage specified in the District Plan must be complied with. Please note that there are new site coverage rules in the 2GP for both building coverage and maximum site imperviousness.

A separate private stormwater connection is required for each residential lot.

The existing private stormwater connection can be retained for proposed lot 1, if suitable.

No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.

The proposal is for a subdivision that may result in new residential development, does not propose to discharge stormwater to reticulated infrastructure, and is located within a flood zone, therefore a Stormwater Management Plan (SWMP) is required.

A SWMP prepared by a suitably qualified person shall be submitted to Dunedin City Council, containing the following:

1. Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow.
2. An assessment of the current and proposed imperviousness of the site.
3. Secondary flow paths.
4. Any watercourses located within the property.
5. Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces.
6. An assessment of the current network and its ability to accept any additional flow from the proposed development.
7. Measures to ensure acceptable level of stormwater quality being discharged from the site.

The SWMP must be submitted to and approved by 3 Waters prior to any earthworks or construction commencing.

The SWMP shall be supplemented with detailed engineering plans when requested by Council.

The SWMP must either be designed to accommodate the maximum impervious surface area of the development, as per the permitted baseline of the 2GP, or a consent notice shall be required on each new title limiting the maximum impervious area to the design of the SWMP. Any increase in impervious surface area in excess of the SWMP's design shall require a new SWMP.

At Stage 1, the existing use right of the existing stormwater drain for proposed Lot 1 can continue to discharge to the appropriate outfall in Gladstone Road. The Stormwater Drains from proposed Lots 2 and 100 shall discharge to the Roadside Channel in Gladstone Road individually via appropriate easements. Each new stormwater drain lateral must extend inside each boundary by at least 600mm.

At Stage 2, the Stormwater Drains from Lots 4 and 5 could discharge to the Roadside Channel in Gladstone Road or the Roadside Channel Magazine Road. Pumping may be required. Each new Stormwater drain lateral must extend inside each boundary by at least 600mm

Wastewater Services

A separate private wastewater connection is required for each residential lot.

The existing private wastewater connection can be retained for proposed lot 1, if suitable.

Any new private wastewater connections should be made to the 100mm diameter wastewater pipe located within Magazine Road, or to the 100mm diameter wastewater pipe located within Gladstone Road North Drive.

Any existing wastewater connections that will not be utilised as part of the new development shall be cut and plugged at the DCC owned wastewater main.

No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.

At Stage 1, the existing foul drain for proposed Lot 1 can continue to discharge to the 100mm DCC Foul Sewer in Gladstone Road, while the Foul Drains from proposed Lots 2 and 100 shall discharge to the 100mm DCC Foul Sewer in Gladstone Road individually via appropriate easements. Each new foul drain lateral must extend inside each boundary by at least 600mm (as required by the 2GP).

At Stage 2, the Foul Drains from Lots 4 and 5 could discharge to the DCC Foul Sewer in Gladstone Road or the 100mm DCC Foul Sewer in Magazine Road. Pumping may be required. Each new foul drain lateral must extend inside each boundary by at least 600mm.

Summary

The proposal is acceptable to 3 Waters/Building services, subject to conditions consistent with the above matters, including a Stormwater Management Plan. The 2GP does not allow the maximum building site coverage and impermeable surfaces performance standard to be taken into account as a 'permitted baseline' when considering the effects of subdivision on stormwater management. This direction from the 2GP essentially requires a de novo consideration of stormwater management of each new site created by a subdivision, where it allows for further development. The effects on the efficiency and affordability of stormwater infrastructure and the effects of stormwater from future development requires an understanding of how much stormwater will be generated by future development to assess whether there is adequate capacity in the pipes and what the adverse effects are from an increase in discharge. The general assessment guidance for restricted discretionary subdivisions that may lead to new residential development include an acknowledgement that Council will consider how stormwater will be managed and may require an integrated stormwater management plan to be submitted with the application. Further to this assessment guidance, the 2GP notes in the assessment criteria that for stormwater generated by the activity (or future

development enabled by a subdivision) that will flow through a private, natural/informal stormwater system, or Otago Regional Council public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding. This latter scenario is more applicable to the site, as Three Waters note that there is no reticulated stormwater infrastructure available to discharge to. The applicant proposes Stormwater to be discharged to the open water channel drain within Gladstone Road North road reserve. Looking at the contour of the land, runoff is likely to flow down towards the north naturally, into the large area of road reserve, mostly in grass or permeable surfacing (also known as Gladstone Road North Drive). It is unknown whether the berm has the capacity to absorb the stormwater runoff.

Overall, it is considered reasonable and within the scope of discretion to assess the effects of stormwater from the subdivision through the requirement of a stormwater management plan, as recommended by Three Waters. The other recommendations to ensure the existing and future residential activities have access to servicing and drainage infrastructure are adopted as conditions/advice notes, including the following comment, not included above, regarding service 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. Any easement/s required for the development shall be at the consent holder's expense (including, if applicable, DCC's legal costs).

Three Waters also made the following comment on the proposed construction/earthworks within 2.5 metres of 3 Waters owned wastewater rising main during the formation of a driveway. Three Waters require:

The applicant must provide site plans and cross-sections showing the proximity of the works to the DCC owned wastewater rising main. No works may go ahead until these plans have approval from 3 Waters.

This is adopted as a condition. They further note:

Any 3 Waters infrastructure within the berm or road corridor should be deep enough for driveways to be formed. We require that extreme caution is taken when forming the driveway. Generally, pipes should be 600mm below the ground level. However, DCC cannot assure that all pipes, especially if they are old or have been installed in rocky ground, have been installed to this depth.

Extreme care must be taken with any earthworks carried out within 1.5 metres of the DCC owned wastewater infrastructure during the formation of driveway.

Any damage to the pipe during the earthworks and/or the construction process of the driveway will be at the responsibility of the applicant and must be reported to the DCC immediately.

This advice is also adopted in the decision certificates. Standard advice/conditions are also provided to reflect the following comment on erosion and sediment control and surface water:

It is important that erosion and sediment control measures are utilised to control and contain sediment-laden stormwater run-off into neighbouring properties and the Council stormwater network from the site during any stages of site disturbance associated with this development. This could include diversion drains, sediment fencing, erosion control blankets etc. This is provided for as a condition of consent.

Surface water collected or concentrated by building or siteworks must not cause a nuisance to neighbouring property and must discharge to an appropriate outfall.

6. *Effects on the safety and efficiency of the transport network (Rule 15.11.4.1(e))*

The Council's Transportation Planner – Transport has considered the application. He notes that Gladstone Road North is classified as a Collector Road under the 2GP Road Classification Hierarchy while Magazine Road is classified as a Local Road. He also notes that the site has frontage to a privately maintained gravel driveway/parking area located within the Gladstone Road North road reserve that is not maintained by Council and that serves as access to 282-292 Gladstone Road North. The road then connects onto the Council maintained roading formation. He made the following comments on the existing situation and the effects of the proposal:

ACCESS:

The site currently accommodates an existing metalled vehicle crossing to Magazine Road that serves as access to the existing attached garage within the site. Under Stage 1, vehicle access to Lots 1 and 2 will be provided via two new vehicle crossings to Gladstone Road North. In this instance, it is noted that the site has frontage to a privately maintained metalled driveway and parking area located within the Gladstone Road North road reserve that is not maintained by Council which then connects to the sealed Gladstone Road North carriageway. Therefore, in this stance, the two new vehicle accesses are not required to be hard surfaced, in accordance with Rule 6.6.3.6.

The vehicle access to Lots 1 and 2 must be a minimum 3.0m formed width, comprise an adequate all-weather surface and be adequately drained for its full duration. It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities. The applicant should note that the Council regards the vehicle access to Lots 1 and 2, from the termination of the existing Council maintained road formation to the property boundary, to be a private access on a Legal Road, and will not assume any responsibility for its maintenance.

Under Stage 2, vehicle access to the new duplex will be provided in the form of two separate hard surfaced vehicle crossings to Magazine Road within Lots 3 and 4. As the existing metalled vehicle crossing will be made redundant, the redundant vehicle crossing must be reinstated as grass berm at the applicant's cost.

The vehicle access to Lots 3 and 4 must be formed to a minimum 3.0m wide, be hard surfaced from the edge of the Magazine Road carriageway toward the property boundary for a distance of not less than 5.0m and be adequately drained for its full duration.

Overall, subject to the above, the proposed access arrangements are considered to be acceptable.

PARKING AND MANOEUVRING:

The site currently accommodates an existing garage which will be demolished and cleared as part of this proposal. Under Stage 1 no dedicated parking and manoeuvring space is proposed, albeit this will likely be established once the new vehicle accesses to Lot 1 and 2 are constructed.

As Gladstone Road North is classified as Collector Road, compliant on-site manoeuvring must be provided pursuant to Rule 6.6.1.2.a.i. The area must be large enough to ensure an 85th percentile motor vehicle can exit the site in a forward direction, using no more than two reversing movements when entering or exiting a car parking space. In this instance, it is noted that vehicles from Lots 1 and 2 will be able to reverse onto the metalled private driveway located within the Gladstone Road North road reserve before exiting onto the Gladstone Road formed carriageway in a forward direction and is therefore acceptable. As Lots 3 and 4 will be

access from Magazine Road which is a Local Road, no on-site manoeuvring space is proposed, and none is required. Therefore, this is acceptable.

No further development of Lot 2 is proposed as part of this proposal, although future residential development is likely anticipated. It is therefore advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.

GENERATED TRAFFIC:

Transport considers that the effects of the traffic generated as a result of this proposal on the transport 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 conditions and advice notes:

CONDITIONS:

Stage 1:

- (i) The vehicle access to Lots 1 and 2 must be a minimum 3.0m formed width, comprise an adequate all-weather surface and be adequately drained for its full duration.*

Stage 2:

- (i) The vehicle access to Lots 3 and 4 must be formed to a minimum 3.0m wide, be hard surfaced from the edge of the Magazine Road carriageway toward the property boundary for a distance of not less than 5.0m and be adequately drained for its full duration.*
- (ii) The redundant vehicle crossing must be reinstated as grass berm at the applicant's cost.*

ADVICE NOTES:

- (i) It is advised that any works within legal road are required to be undertaken by a DCC approved contractor and will require an approved corridor access request.*
- (ii) 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).*
- (iii) It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.*
- (iv) It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.*
- (v) The applicant should note that the Council regards the vehicle access to Lots 1 and 2, from the termination of the existing Council maintained road formation to the property boundary, to be a private access on a legal road, and will not assume any responsibility for its maintenance.*

The recommended conditions and advice notes are considered appropriate to ensure adverse effects on the safety and efficiency of the transport network will be avoided and have been included in this decision certificates. The subdivision provides four lots, each with a good amount of frontage to legal road, meaning waste collection will be straightforward and no right of ways are necessitated to gain access to the new lots. The applicant is not breaching any of the parking, loading and access standards and will form appropriate driveways and accesses, each with the standard and required formations.

7. *Risk from natural hazards (Rule 15.11.4.1(b))*

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.

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).*

The site is annotated in the Hazards Register as being subject to:

- *Hazard ID 10106: Land Stability – Land Movement (Alluvial Fans – inactive floodwater dominated)*
- *Hazard ID 10111: Seismic – Intensified Shaking (Earthquake amplification)*
- *Hazard ID 11582: Flood – Overland Flow Path (Flood Hazard Area 22)*
- *Hazard ID 12094: Seismic – Fault Proximity (Titri Fault)*

Council's Consulting Engineer, Stantec, has reviewed the application in relation to the Hazards Register, street files and available aerial photography. Site investigations have not been provided.

Stantec note that the underlying geology consists of alluvial material and the site is gently sloping. Stantec state that:

There are no proposed changes in ground level and the primary hazard of the site remains flood risk. Any future dwellings in this area will need to have appropriate minimum floor levels set. The fault proximity hazard relates to a recent GNS science report which identifies the Titri Fault. This fault location is "mostly uncertain, and it is drawn in the best estimated position from sparse geological outcrop information". This fault is classed as a "potentially active fault" with a recurrence interval of 19,000 years (class V).

Stantec do not recommend that the application not be declined on the ground of known natural hazards. They state that there are no general potential instabilities of concern and that the proposal will not create or exacerbate instabilities on this or adjacent properties.

recommends that the application not be declined on the ground of known natural hazards. They note the primary hazards of the site consists of liquefaction effects and elevated groundwater. They note that these hazards will not be exacerbated by the proposed subdivision and recommend that the application not be declined on the ground of known natural hazards. They also note that there are no general potential instabilities of concern. The proposal will not create or exacerbate instabilities on this or adjacent properties. There are no conditions for consent recommended as no development is proposed and the proposed subdivision has no potential to increase risks for the property. They note the following advice regarding building consent:

- The cases for seismic loading are normally addressed at building control stage.
- The developer must 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.

They provided the following information as recommended consent conditions regarding any future 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.
- Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431:2022 Engineered fill construction for lightweight structures.
- Any modification to the site shall not increase any adverse stormwater effects on neighbouring lots as a result of the work.

Overall, it is considered appropriate to include this advice in the decision certificates as Proposed Lot 100 will be developed as part of the overall works authorised under these consents. Stantec state they do not recommend declining the application on the ground of known natural hazards and taking this assessment into account, there is a reasonable level of certainty that any future land use or development will meet policies 11.2.1.1 - 11.2.1.11, which seek to ensure that land use and development is located and designed in a way that ensures that the risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in the short to long term.

NOTIFICATION ASSESSMENT

Public Notification

Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification. Each step is considered in turn below.

Step 1: Mandatory public notification in certain circumstances

- Public notification has not been requested.
- There has been no failure or refusal to provide further information.
- There has been no failure to respond or refusal to a report commissioning request.
- The application does not involve the exchange of recreation reserve land.

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

- There are no rules or national environmental standards precluding public notification.
- The application does not involve: a controlled activity, nor a boundary activity. As a result, public notification is not precluded under Step 2.

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

- There are no rules or national environmental standards requiring public notification.
- The activity will not have, or be likely to have, adverse effects on the environment that are more than minor.

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.

Limited Notification

Section 95B of the Resource Management Act 1991 sets out a step-by-step process for determining limited notification. Each step is considered in turn below.

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

- There are no rules or national environmental standards precluding limited notification.
- The application does not involve a controlled activity that is not a subdivision.

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

- The application does not involve a boundary activity.
- Written approval has been obtained from all persons where the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

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.

SUBSTANTIVE DECISION ASSESSMENT**Effects**

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. It is considered that the adverse effects on the environment arising from the proposal are no more than minor.

Offsetting or Compensation Measures

In accordance with section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Operative District Plan and the Proposed Plan were taken into account when assessing the application.

Operative District Plan

- **Objective 4.2.1 and Policy 4.3.1 (Sustainability)** seek to maintain and enhance the amenity values of Dunedin.
- **Objective 8.2.1 and Policy 8.3.1 (Residential)** that seek to ensure the adverse effects on the amenity values and character of residential areas are avoided, remedied or mitigated.
- **Objective 8.2.2 and Policy 8.3.6 (Residential)** seek to ensure that activities do not adversely affect the special amenity values of rural townships and settlements.
- **Objective 18.2.1 and Policy 18.3.1 (Subdivision)** seek to ensure that subdivision activity takes place in a coordinated and sustainable manner.
- **Objective 18.2.2 and Policy 18.3.5 (Subdivision)** seek to ensure that physical limitations are identified and taken into account at the time of subdivision activity.
- **Objective 18.2.7, Policy 18.3.7 and Policy 18.3.8 (Subdivision)** that seek to ensure that provision is made at the time of subdivision activity for appropriate infrastructure, including management of associated subdivision and development.
- **Objective 20.2.2 and Policy 20.3.2 (Transportation)** seek to ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.
- **Objective 20.2.4 and Policy 20.3.6 (Transportation)** seek to maintain and enhance a safe, efficient and effective transportation network.

Proposed Plan

The proposal is considered to be consistent with the following Proposed Plan objectives and policies:

- **Objective 6.2.3 and Policies 6.2.3.3, 6.2.3.4 and 6.2.3.9 (Transportation)** which seek to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.
- **Objective 6.2.1 and Policy 6.2.1.3 (Transportation)** seek to ensure that transport infrastructure is designed and located to ensure the safety and efficiency of the transportation network.
- **Objective 9.2.1 and Policy 9.2.1.1 (Public Health & Safety)**
These seek to have land use, development and subdivision maintain and enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.
- **Objective 9.2.2 and Policy 9.2.2.7 (Public Health & Safety)**
These seek to have land use, development and subdivision activities maintain or enhance people's health and safety.
- **Objective 11.2.1 and Policies 11.2.1.1 to 11.2.1.12 (Hazards)** which seek to have land use and development located and designed in a way that ensures the risks from natural hazards is low in the short to long term.
- **Objective 15.2.1 (Residential)** seeks to ensure that residential zones are primarily reserved for residential activities.
- **Objective 15.2.2 (Residential)** seeks to ensure residential activities, development, and subdivision activities provide high quality on-site amenity for residents.
- **Objective 15.2.3 (Residential)** seeks to ensure activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.
- **Objective 15.2.4 (Residential)** seeks to ensure that subdivision activities and development maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.

Objectives and Policies Assessment

The zoning and most of the relevant rules of the Proposed Plan are beyond challenge. Accordingly, greater weight has been given to the objectives and policies of the Proposed Plan. However, regardless, the proposal is considered to be consistent with the objectives and policies of both district plans. The proposal is not considered to be contrary to any objectives and policies of either plan.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

In accordance with section 104(1)(b) of the Resource Management Act 1991, the provisions of the National Environmental Standard were taken into account when assessing the application. The proposal is considered to be consistent with the policy objective of the National Environmental Standard.

Other Matters

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 proposed district plan.

In this case, the proposal is non-complying because the density is breached for proposed duplex on Proposed Lot 100. The non-compliance has been addressed with consent notices is largely technical in nature due to the proposed development occurring after the proposed subdivision. As noted above, were the proposed development to occur prior to the subdivision, the development would be a permitted activity (in terms of density). As the applicant has decided to develop after the subdivision (stage 1), yet seeks to use the full pre-subdivision land area to count for maximum development potential, consent notices are required to be placed on all Records of Title of the proposed lots to ensure the site is not overdeveloped in terms of infrastructure capacity. As such, it is not considered that the approval of this application will undermine the integrity of either the Operative District Plan or the Proposed 2GP, as the proposed density breach will be addressed through consent notices, which effectively require the maximum development potential across the current site to not be breached. It is not considered that the approval of the consent will set an undesirable precedent.

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. It is considered that the proposal meets both limbs as any adverse effects arising from this proposed activity will be no more than minor, and the activity will not be contrary to the objectives and policies of both the Operative District Plan and the Proposed 2GP. Therefore, the Council can exercise its discretion under section 104D to grant consent.

Part 2

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.

RECOMMENDATION

After having regard to the above planning assessment, I recommend that:

1. This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.
2. The Council grant consent to the proposed activity under delegated authority, in accordance with sections 104, 104B, 104C & 104D of the Resource Management Act 1991.
3. The time limits for the processing of this consent be extended pursuant to sections 37A(2)(a) and 37A(4)(b)(i) of the Resource Management Act 1991.



 Madeline Seeley
Planner

Date: 30 January 2024

DECISION

I have read both the notification assessment and substantive decision assessment in this report. I agree with both recommendations above.

Under delegated authority on behalf of the Dunedin City Council, I accordingly approve the granting of resource consent to the proposal:

*Pursuant to Part 2 and sections 34A(1), 104, 104B, 104C and 104D of the Resource Management Act 1991, the provisions of 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 **grants** consent to a **discretionary activity** being the staged four-lot subdivision breaching Minimum Site Size and subdivision of a piece of land under the NES-CS and to a **non-complying** land use consent for the development of Lot 100 of SUB-2023-145 with a duplex breaching density and breaching height in relation to boundary performance standards and earthworks to form a driveway to Lot 1 of SUB-2023-145 breaching setback from network utilities, at 288 Gladstone Road North, Mosgiel, legally described as Lot 3 Deposited Plan 18658 (Record of Title OT9C/1197), subject to conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificates.*

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)(a) and 37A(4)(b)(i) 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.*



John Sule
Senior Planner

Date: 31 January 2024

Consent Type: Subdivision Consent

Consent Number: SUB-2023-145

Purpose: The staged four-lot subdivision breaching Minimum Site Size and subdivision of a piece of land under the NES-CS.

Location of Activity: 288 Gladstone Road North , Mosgiel.

Legal Description: Lot 3 Deposited Plan 18658 (Record of Title OT9C/1197).

Lapse Date: 31 January 2029, unless the consent has been given effect to before this date.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 13 November 2023, and further information received on 16th November 2023, 7, 12 and 13 December 2023 and 19 January 2024, except where modified by the following conditions.*

Stage One

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.*
3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*

Stormwater Management Plan

- a) *A stormwater management plan must be prepared by a suitably qualified person, and contain the following information:*
 - i) *Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and*
 - ii) *An assessment of the current and proposed imperviousness of the site; and*
 - iii) *Secondary flow paths; and*
 - iv) *Any watercourses located within the property; and*
 - v) *Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and*

- vi) *An assessment of the current network and its ability to accept any additional flow from the proposed development.*
- vii) *Measures to ensure acceptable level of stormwater quality being discharged from the site.*
- viii) *The stormwater management plan must be supplemented with detailed engineering plans if requested by 3 Waters.*
- ix) *All information in the plan must be in accordance with the following documents where applicable:*
 - (a) *Acceptable Solutions and Verification Methods for New Zealand Building Code Clause E1 Surface Water – MBIE*
 - (b) *NZS 4404:2004 and amendments via the Dunedin Code of Subdivision and Development 2010*
 - (c) *The stormwater management plan must be submitted to rcmonitoring@dcc.govt.nz, for certification by the Council 3 Waters department as meeting the requirements of condition 3(a). Certification of the SWMP must be provided by the Council 3 Waters department.*
- b) *A consent notice to address stormwater management must be prepared and registered on the record of titles for Lots 2 and 100 hereon, for the following ongoing condition:*
 - i) *At the time a residential activity is established on this site, stormwater management systems, including the installation of any detention tanks that might be required, must be undertaken in accordance with the Stormwater Management Plan approved as a condition of subdivision consent SUB-2023-145, or any subsequent stormwater management plan approved by the Dunedin City Council 3 Waters department.*

Density

- c) *A consent notice to avoid overdevelopment of the site must be prepared and registered on the record of title for Lot 1 hereon, for the following ongoing condition:*
 - i) *This site has a maximum development potential of three habitable rooms and cannot contain more than three habitable rooms overall. The definition of habitable room for the purpose of this consent notice is the definition contained within Section 1 of the Second Generation District Plan.*
- d) *A consent notice to avoid overdevelopment of the site must be prepared and registered on the record of title for Lot 2 hereon, for the following ongoing condition:*
 - i) *This site has a maximum development potential of four habitable rooms and cannot contain more than four habitable rooms overall. The definition of habitable room for the purpose of this consent notice is the definition contained within Section 1 of the Second Generation District Plan.*

- e) *A consent notice to avoid overdevelopment of the site must be prepared and registered on the record of title for Lot 100 hereon, for the following ongoing condition:*
 - i) *This site has a maximum development potential of eight habitable rooms and cannot contain more than eight habitable rooms overall. The definition of habitable room for the purpose of this consent notice is the definition contained within Section 1 of the Second Generation District Plan.*

Infrastructure

- f) *Each lot must have a separate water service connection installed. There is an existing water connection to the property which can be retained for proposed lot 1, if suitable. A new water connection is required for proposed lot 2 and proposed lot 100. 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 the new lots.*
- g) *If a multibox is used; each shutoff within that box must be clearly labelled/tagged with the corresponding lot number. This must be a permanent waterproof tag.*
- h) *A separate private stormwater connection is required for each residential lot.*
- i) *A separate private wastewater connection is required for each residential lot.*
- j) *Any existing wastewater connections that will not be utilised as part of the new development shall be cut and plugged at the DCC owned wastewater main.*
- k) *No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.*

NES-CS

- l) *A consent notice to address potential lead contamination of the soils surrounding the historical dwelling and garage on the site must be prepared and registered on each of the records of title for Lots 1, 2 and 100 hereon, and must incorporate and refer to the plan prepared by the applicant showing the areas of potential contamination for the following ongoing condition:*
 - i) *No vegetable or edible plant garden is to be established using site soils within the hatched area shown on the plan titled 'Consent Notice Proposed Subdivision of Lot 3 DP 18658', prepared by Terramark and dated 19 January 2024. Gardens from which any edible produce is created may only be established within imported soils, such as in raised gardens, or within site soils in areas outside of the hatched area shown on the aforementioned plan. This information must be provided in writing to any tenant of the property (as defined by the Residential Tenancies Act 1986).*

Transport

- m) *The vehicle access to Lots 1 and 2 must be a minimum 3.0m formed width, comprise an adequate all-weather surface and be adequately drained for its full duration.*

Stage Two

4. *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.*
5. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*
 - a) *Cancel the consent notice on Record of Title of Lot 100 of SUB-2023-145 required by condition 3(e)(i) of SUB-2023-145.*
 - b) *A consent notice to avoid overdevelopment of the site must be prepared and registered on the record of title for Lot 3 hereon, for the following ongoing condition:*
 - i) *This site has a maximum development potential of four habitable rooms and cannot contain more than four habitable rooms overall. The definition of habitable room for the purpose of this consent notice is the definition contained within Section 1 of the Second Generation District Plan.*
 - c) *A consent notice to avoid overdevelopment of the site must be prepared and registered on the record of title for Lot 4 hereon, for the following ongoing condition:*
 - i) *This site has a maximum development potential of four habitable rooms and cannot contain more than four habitable rooms overall. The definition of habitable room for the purpose of this consent notice is the definition contained within Section 1 of the Second Generation District Plan.*
 - d) *The duplex must be constructed or under construction (with foundations and framing in place).*

NES-CS

- e) *A consent notice to address potential lead contamination of the soils surrounding the historical dwelling and garage on the site must be prepared and registered on the record of title for Lot 3 hereon, and must incorporate and refer to the plan prepared by the applicant showing the areas of potential contamination for the following ongoing condition:*
 - i) *No vegetable or edible plant garden is to be established using site soils within the hatched area shown on the plan titled 'Consent Notice Proposed Subdivision of Lot 3 DP 18658', prepared by Terramark and dated 19 January 2024. Gardens from which any edible produce is created may only be established within imported soils, such as in raised gardens, or within site soils in areas outside of the hatched area shown on the aforementioned plan. This information must be provided in writing to any tenant of the property (as defined by the Residential Tenancies Act 1986).*

Infrastructure

- f) *Each lot must have a separate water service connection installed. Individual water supply connections are required for Lots 3 and 4. 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 the new lots.*
- g) *If a multibox is used; each shutoff within that box must be clearly labelled/tagged with the corresponding lot number. This must be a permanent waterproof tag.*
- h) *A separate private stormwater connection is required for each residential lot.*
- i) *A separate private wastewater connection is required for each residential lot.*
- j) *Any existing wastewater connections that will not be utilised as part of the new development shall be cut and plugged at the DCC owned wastewater main.*
- k) *No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.*

Transport

- l) *The vehicle access to Lots 3 and 4 must be formed to a minimum 3.0m wide, be hard surfaced from the edge of the Magazine Road carriageway toward the property boundary for a distance of not less than 5.0m and be adequately drained for its full duration.*
- m) *The redundant vehicle crossing must be reinstated as grass berm at the applicant's cost.*

Advice Notes:Stormwater Management Plan

1. The consent holder is advised that 3 Waters have indicated an expectation that the SWMP be designed to accommodate the maximum allowed impervious surface area, as per Proposed District Plan Rule 15.6.10.

Transportation

2. It is advised that any works within legal road are required to be undertaken by a DCC approved contractor and will require an approved corridor access request.
3. 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).
4. It is advised that in the event of any future development on the site, Transport would assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.

5. It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.
6. The applicant should note that the Council regards the vehicle access to Lots 1 and 2, from the termination of the existing Council maintained road formation to the property boundary, to be a private access on a legal road, and will not assume any responsibility for its maintenance.

Advice of requirements at Building Consent Stage

7. The cases for seismic loading are normally addressed at building control stage.
8. The developer must 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.
9. 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.
10. 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.

Earthworks

11. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
 - a) The Erosion & Sediment control Toolbox for Canterbury found on the ECan website link CRC Erosion & Sediment Control Toolbox <http://esccanterbury.co.nz>
 - b) Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).

Infrastructure

12. Should any stormwater discharge from the site not connect to the Council's reticulated network, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of stormwater will enter any waterway and what level of treatment and/or discharge permit, if any, may be required.
13. Any soil disturbance in the areas on the plan titled 'Consent Notice Proposed Subdivision of Lot 3 DP 18658', prepared by Terramark and dated 19 January 2024, must comply with Regulation 8(3) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 or a further resource consent will be required.
14. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
15. Detail of the water supply application process can be found at:

a) <http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.

16. 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, unless otherwise approved by Fire and Emergency New Zealand (FENZ).

General

17. 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.
18. 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.
19. 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.
20. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
21. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 31 January 2024



Madeline Seeley
Planner

Consent Type: Land Use Consent

Consent Number: LUC-2023-430

Purpose: The development of Lot 100 of SUB-2023-145 with a duplex breaching density and breaching height in relation to boundary performance standards and earthworks to form a driveway to Lot 1 of SUB-2023-145 breaching setback from network utilities.

Location of Activity: 288 Gladstone Road North, Mosgiel.

Legal Description: Lots 1 and 100 of SUB-2023-145.

Lapse Date: LUC-2023-430 shall lapse 5 years from the date that the s223 certificate for SUB-2023-145 is issued.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 13 November 2023, and further information received on 16th November 2023, 7, 12 and 13 December 2023 and 19 January 2024, except where modified by the following conditions.*

Conditions to be met prior to any earthworks or construction commencing

2. *A Stormwater Management Plan for the development of Lot 100 of SUB-2023-145 shall be submitted to and approved by 3 Waters prior to any earthworks or construction commencing.*
3. *The consent holder must provide detailed engineering design plans and cross sections showing the proximity of the earthworks to the DCC owned wastewater infrastructure to rcmonitoring@dcc.govt.nz*

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

4. *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.*
5. *Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431:2022 Engineered fill construction for lightweight structures.*
6. *Any modification to the site shall not increase any adverse stormwater effects on neighbouring lots as a result of the work.*
7. *Any damage to the pipe during the earthworks and/or the construction process of the driveway will be at the responsibility of the applicant and must be reported to the DCC immediately.*

8. *The consent holder shall adopt all practicable measures to mitigate erosion and to control and contain sediment-laden stormwater run-off to prevent it from entering the Council stormwater network, or neighbouring properties during any stages of site disturbance associated with this development.*

Advice Notes:

Heritage

1. 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 their proposal with Heritage New Zealand.

NES-CS

2. Any soil disturbance in the hatched areas on the plan titled 'Consent Notice Proposed Subdivision of Lot 3 DP 18658', prepared by Terramark and dated 19 January 2024, must comply with Regulation 8(3) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 or a further resource consent will be required.

General

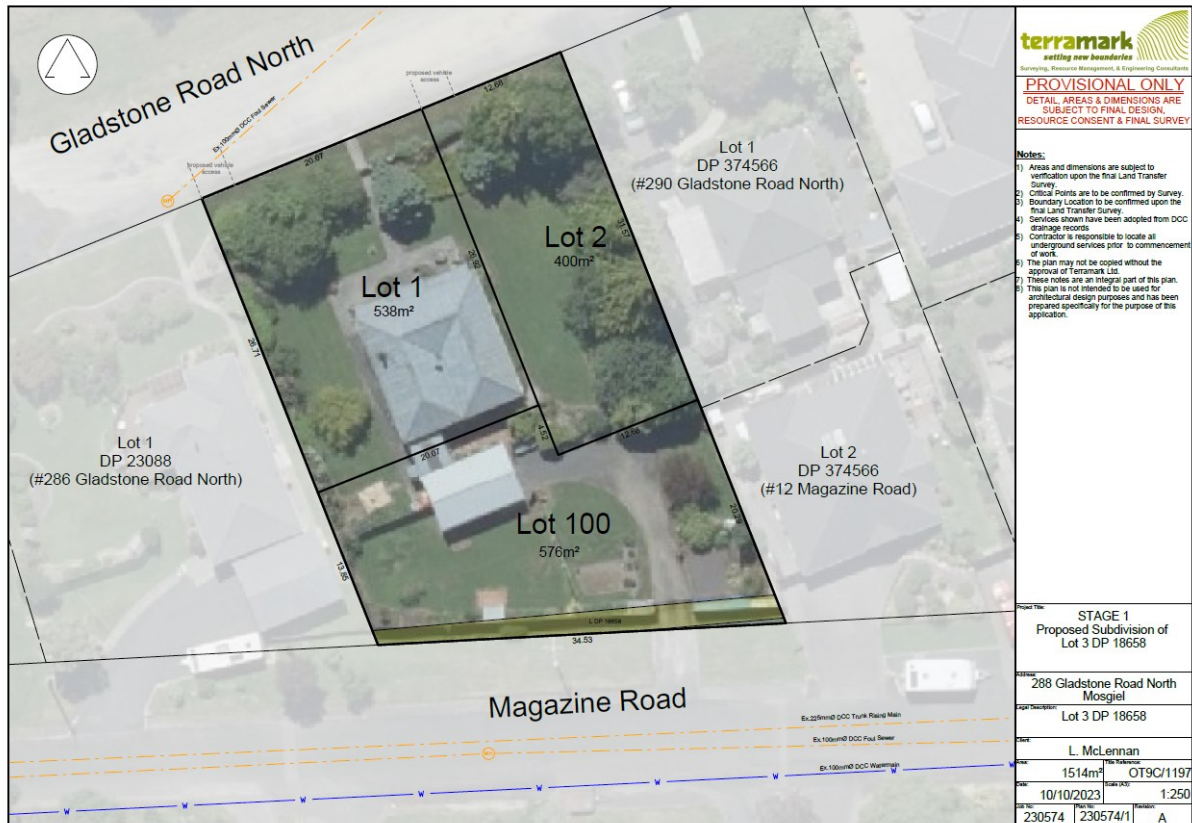
3. As-built records of the final extent and thickness of any un-engineered fill should be recorded.
4. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
5. 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.
6. 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.
7. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
8. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

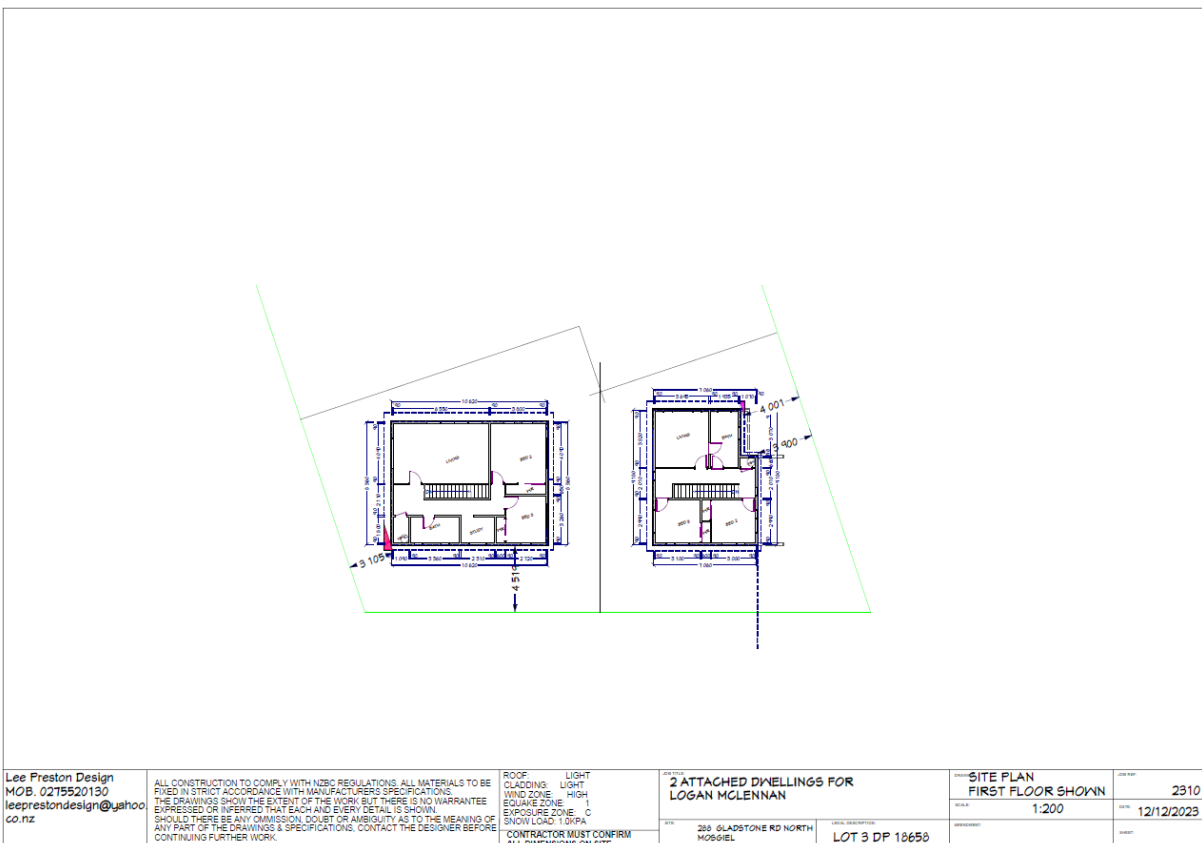
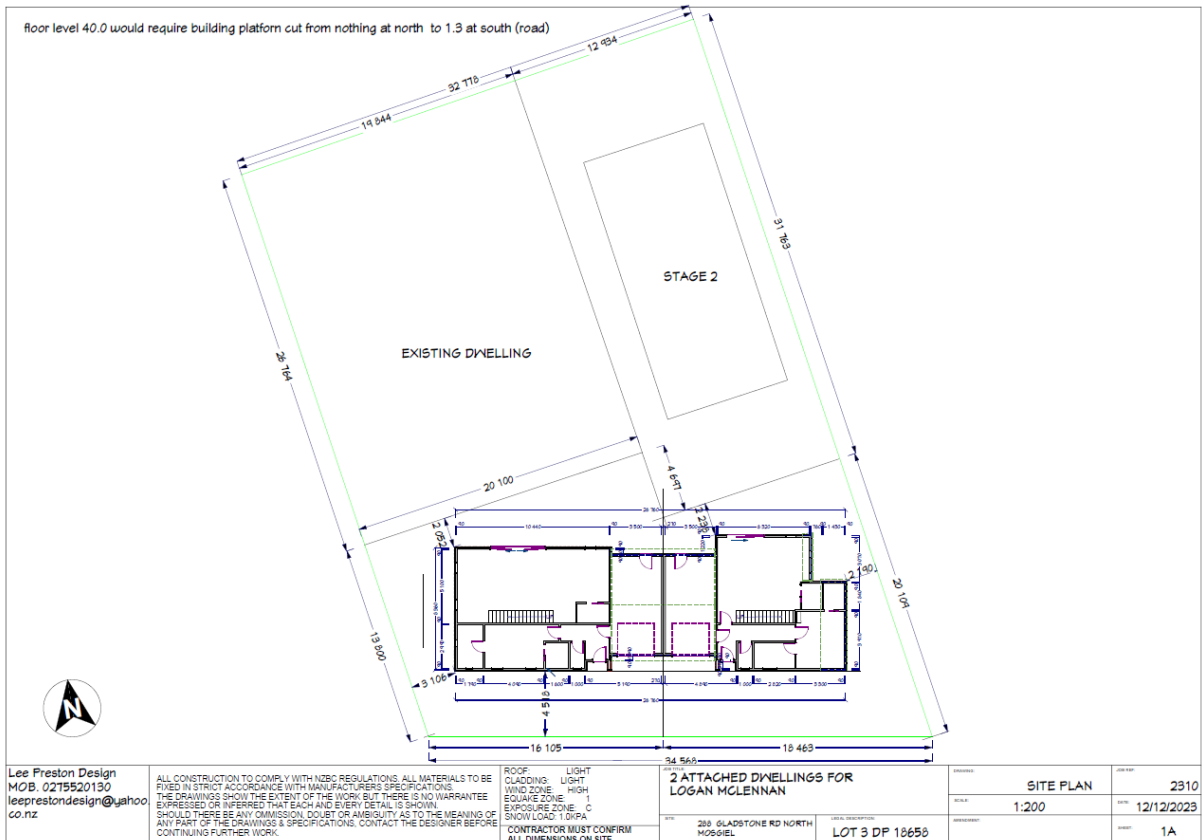
Issued at Dunedin on 31 January 2024

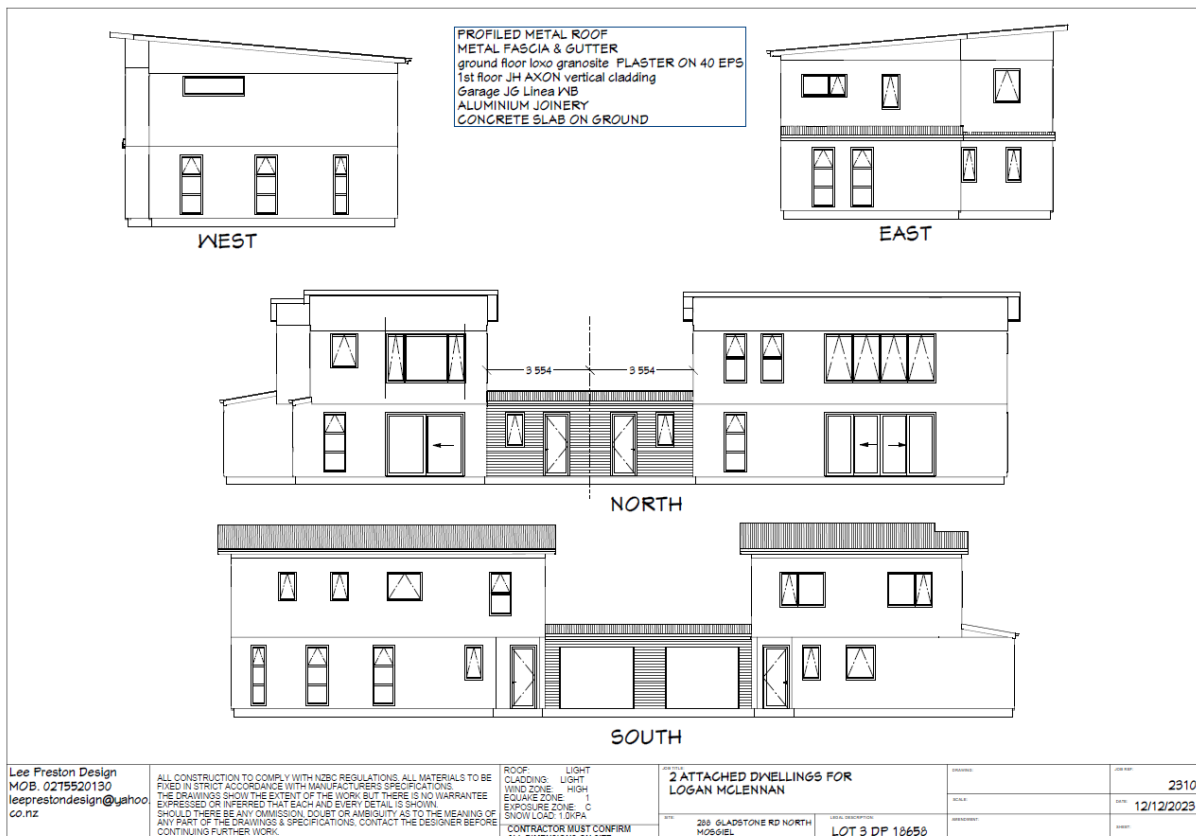
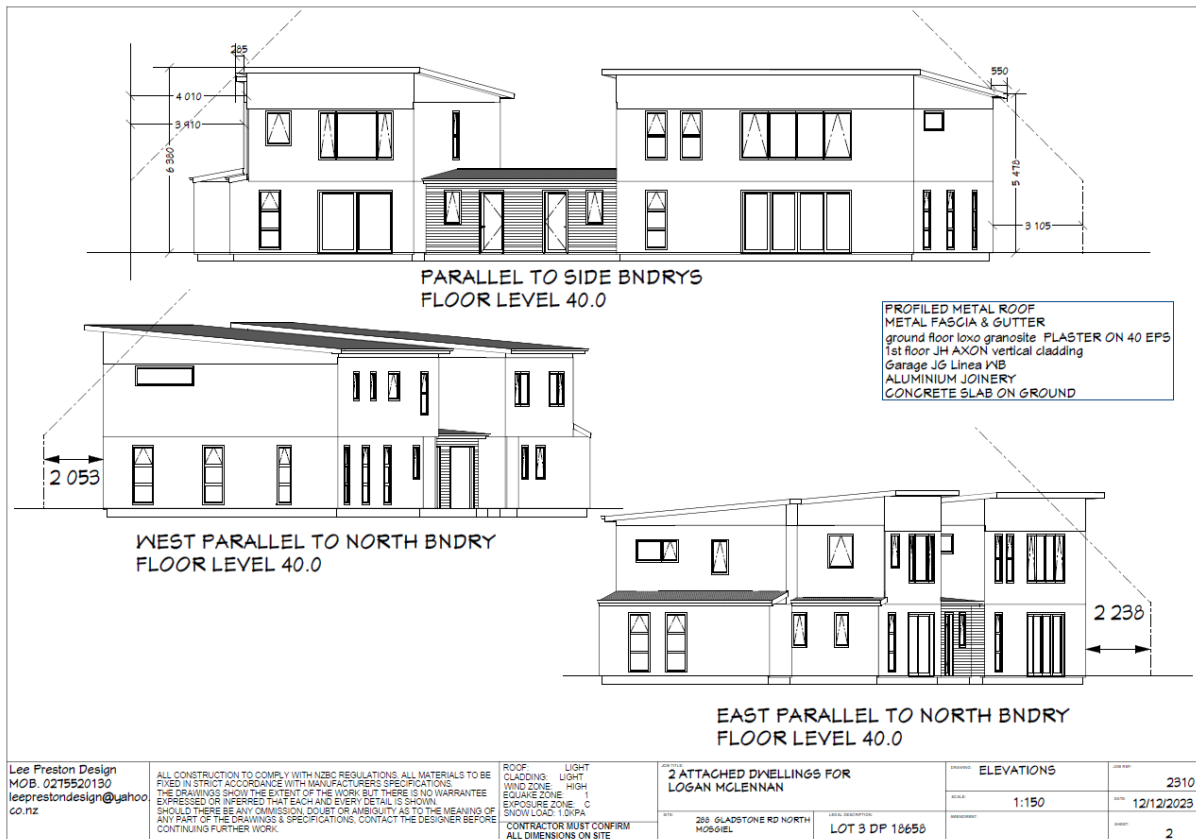
A handwritten signature in black ink, appearing to read 'M Seeley', with a stylized flourish at the end.

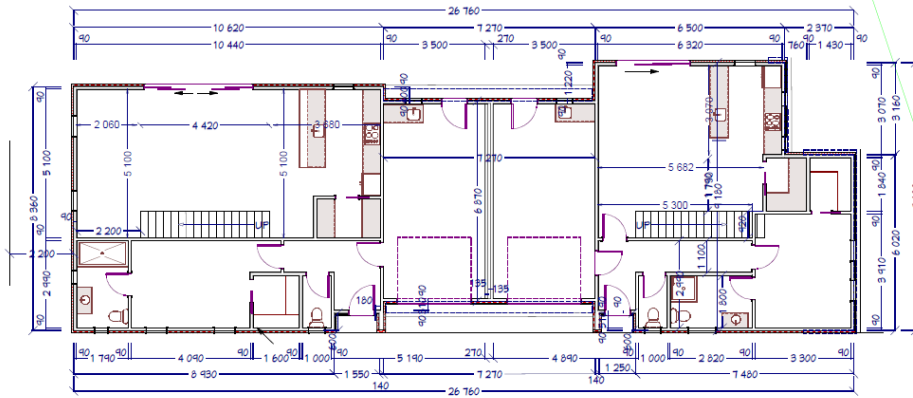
Madeline Seeley
Planner

Appendix One: Approved Plan/s for SUB-2023-145 & LUC-2023-430 (scanned image(s), not to scale)





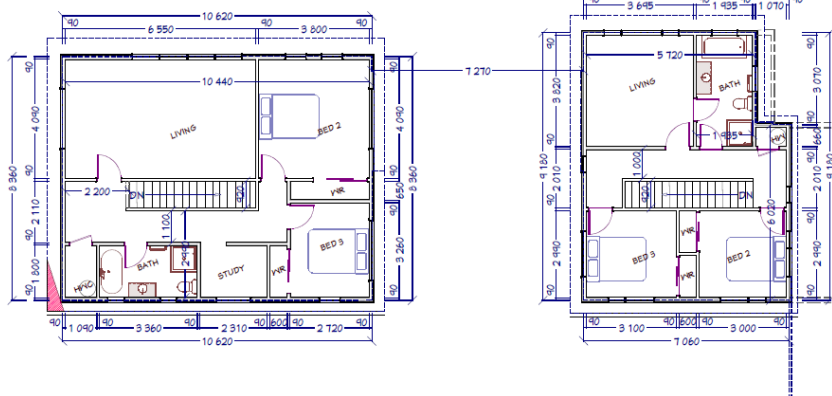




SD SMOKE ALARM

SEE FRAMING PLAN FOR WINDOW/DOOR LOCATION & FRAMING TRIM SIZES

Lee Preston Design MOB. 0215520130 leeprestondesign@yahoo.co.nz	ALL CONSTRUCTION TO COMPLY WITH NZBC REGULATIONS. ALL MATERIALS TO BE FIXED IN STRICT ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS. THE DRAWINGS SHOW THE EXTENT OF THE WORK BUT THERE IS NO WARRANTY EXPRESSED OR IMPLIED THAT EACH AND EVERY DETAIL IS SHOWN. SHOULD THERE BE ANY OMISSION, DOUBT OR AMBIGUITY AS TO THE MEANING OF ANY PART OF THE DRAWINGS & SPECIFICATIONS, CONTACT THE DESIGNER BEFORE CONTINUING FURTHER WORK.	ROOF: LIGHT CLADDING: LIGHT WIND ZONE: HIGH EARTH ZONE: 1 EXPOSURE ZONE: C SNOW LOAD: 1.0 KPA CONTRACTOR MUST CONFIRM ALL DIMENSIONS ON SITE	2 ATTACHED DWELLINGS FOR LOGAN MCLENNAN		PROJECT GROUND FLOOR PLAN	2310
			SITE 288 GLADSTONE RD NORTH MOSGIEL	LOCAL DESCRIPTION LOT 3 DP 18658	SCALE 1:100	DATE 12/12/2023
					SHEET 3	



Lee Preston Design MOB. 0215520130 leeprestondesign@yahoo.co.nz	ALL CONSTRUCTION TO COMPLY WITH NZBC REGULATIONS. ALL MATERIALS TO BE FIXED IN STRICT ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS. THE DRAWINGS SHOW THE EXTENT OF THE WORK BUT THERE IS NO WARRANTY EXPRESSED OR IMPLIED THAT EACH AND EVERY DETAIL IS SHOWN. SHOULD THERE BE ANY OMISSION, DOUBT OR AMBIGUITY AS TO THE MEANING OF ANY PART OF THE DRAWINGS & SPECIFICATIONS, CONTACT THE DESIGNER BEFORE CONTINUING FURTHER WORK.	ROOF: LIGHT CLADDING: LIGHT WIND ZONE: HIGH EARTH ZONE: 1 EXPOSURE ZONE: C SNOW LOAD: 1.0 KPA CONTRACTOR MUST CONFIRM ALL DIMENSIONS ON SITE	2 ATTACHED DWELLINGS FOR LOGAN MCLENNAN		PROJECT FIRST FLOOR PLAN	2310
			SITE 288 GLADSTONE RD NORTH MOSGIEL	LOCAL DESCRIPTION LOT 3 DP 18658	SCALE 1:100	DATE 12/12/2023
					SHEET 3	



APPLICANTS' PLANNING EVIDENCE

SUB-2023-141/A

13 PENRICH STREET, ABBOTSFORD

AND

SUB-2023-145/A

288 GLADSTONE ROAD NORTH, MOSGIEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Objections under section 357 RMA in relation to SUB-2023-141 at 13 Penrich Street, and SUB-2023-145 at 288 Gladstone Road North, Dunedin

BY **Nicole Summerfield**
13 Penrich Street

And

Eighty Eight Investments Limited
288 Gladstone Road North

AND **The Dunedin City Council**
The Council

PLANNING EVIDENCE OF DARRYL SYCAMORE

4 June 2024

Introduction

1. My full name is Darryl Allan Sycamore.
2. I am a Planner for Terramark Limited and have held the position as Planning Manager with Terramark since January 2020.
3. I hold the qualification of Bachelor of Science from the University of Otago. I am a Member of the New Zealand Planning Institute and are a certified Hearings Commissioner having completed the Making Good Decisions course. I am also a member and current chairman of the Guardians of Lakes Manapouri, Monowai and Te Anau, and have been an appointed member for over eleven years, including five years as chairman.
4. I have 19 years experience as a resource management practitioner, covering roles with Federated Farmers of New Zealand, Dunedin City Council, Otago Regional Council and the West Coast Regional Council.
5. I am familiar with Dunedin City Second Generation District Plan, Variation 2 of the 2GP, the National Policy Statement for Urban Development 2020 and the other relevant statutory planning documents. I am also familiar with the application site and the surrounding environment.
6. It is appropriate to acknowledge Terramark fully supports and promotes the use of tools to manage stormwater effects arising from subdivision. This included the use of Stormwater Management Plans (SWMP) and consent notices. Terramark does however not accept conditions of consent which seek to address effects not associated with the subdivision.
7. Every effort was made to work with Council staff to develop a suite of possible conditions that were reasonable, practicable, and could be

understood in the context of the development; and addressed the concerns of raised by 3Waters. Terramark values a positive working relationship with Council departments.

8. An agreed position could not be found in relation to the conditions of consent, and both an Associate Senior and Senior Planner suggested issuing consent where the applicants could then lodge a s357 objection. This would enable a discussion with the Hearings Panel leading to change in Council's internal policy for addressing stormwater management on smaller-scale developments. This submission is drafted in the context of a discussion highlighting an issue with the Council's processing of subdivision applications.

The issue

9. At the time of subdivision, newly created sites are predominately vacant and developers have not yet commissioned dwelling designs. Applicants and in particular 'mum and dad' developers do not have design plans for their subdivision at the time of seeking consent. They do not know whether any new dwelling on a site will be say 120m² or 170m². This is the situation with both properties subject to this objection.
10. In order to obtain Council Certification and new Records of Title the SWMP must be approved. 3Waters approach towards newly created vacant sites is to apply the maximum permitted impervious site coverage (being hard-surfaces and buildings) allowed under the 2GP as the basis for attenuation of the site irrespective of the future dwelling design. For these sites (within the General Residential 1 zone), any SWMP must consider a new dwelling occupying 40% of the site and hard-surfacing to cover a further 30%. Landscaping and pervious surfaces such as lawns make up the remaining 30%. There are a number of consequences to this approach.

11. Rule 15.6.10 sets out the maximum site coverage a development can apply on a site without the need to seek consent. For these two sites, this is a maximum of 70% coverage for buildings, structures and impermeable surfaces. This is the permitted baseline where one can add additional coverage i.e a larger driveway without triggering consent.
12. Section 104(2)(b) of the Act provides Council with a discretion to disregard the effects of an activity if a rule permits an activity with that effect. The baseline is established by determining what non-fanciful use can occur as of right on the site and determining the existing lawfully established development of the site. Any effects from an activity that is equivalent to or less than that need not be regarded.
13. Few developments build to the maximum site coverage, yet 3Waters applies that assumption as their baseline for all stormwater assessments irrespective of the size of that development. This introduces a number of consequences set out below.
14. As some background, in 2015 Tom Dyer - Asset Planning Team Leader, for Water and Waste Services promoted¹ the addition of site coverage rules to the 2GP as a mechanism for managing run-off from developments. He commented that
 - the site coverage rules of the 2GP reflect a fair balance between urban land use needs, existing site coverage trends and manageable stormwater volume and intensity, and
 - each resource consent and building consent application should demonstrate compliance, or provide acceptable options for mitigating the effects of non-compliance of the site coverage rules,

¹ Maximum site coverage & impermeable surfaces – Rule 15.6.11 (Second Generation District Plan) memorandum to City Development on behalf of Water & Waste Services, dates 11 August 2015.

- Acceptable mitigation options for non-compliance of the site coverage rules could include an additional financial contribution to the stormwater network, or the implementation of an infrastructure solution such as a holding tank or detention area.

Mr Dyer is clear in his statement that infrastructure solutions such as a holding tank is only required when the site coverage standard is breached. This is quite the opposite to how 3 Waters applies the standard.

15. As part of Variation 2, the permitted baseline for bulk (building) and hard-surfacing was removed under Rule 15.4.4.2. Terramark and others submitted against this amendment as it was contrary to the intent of those rules when introduced by City Development and Water and Waste Services in the 2GP. The submission was rejected and consequently 3Waters applies the most stringent interpretation to managing stormwater.

Background

16. Matters surrounding the objection for 13 Penrich Street and 288 Gladstone Road North are generally the same. The key issues of contention and relief sought are aligned. On that basis, to avoid duplication this evidence focuses on only 13 Penrich Street and our suggested relief applies equally for both properties and their developments.
17. For Penrich Street, consent was obtained to subdivide the property into two lots. Lot 1 will be 372m² and will contain the existing dwelling. This site will have frontage to Penrich Street. Lot 2 will be a vacant rear site, of 640m².
18. The applicant is yet to design a dwelling on Lot 2, however it is likely they will construct a modest sized home on the site consistent with the surrounding area. The maximum bulk and impervious

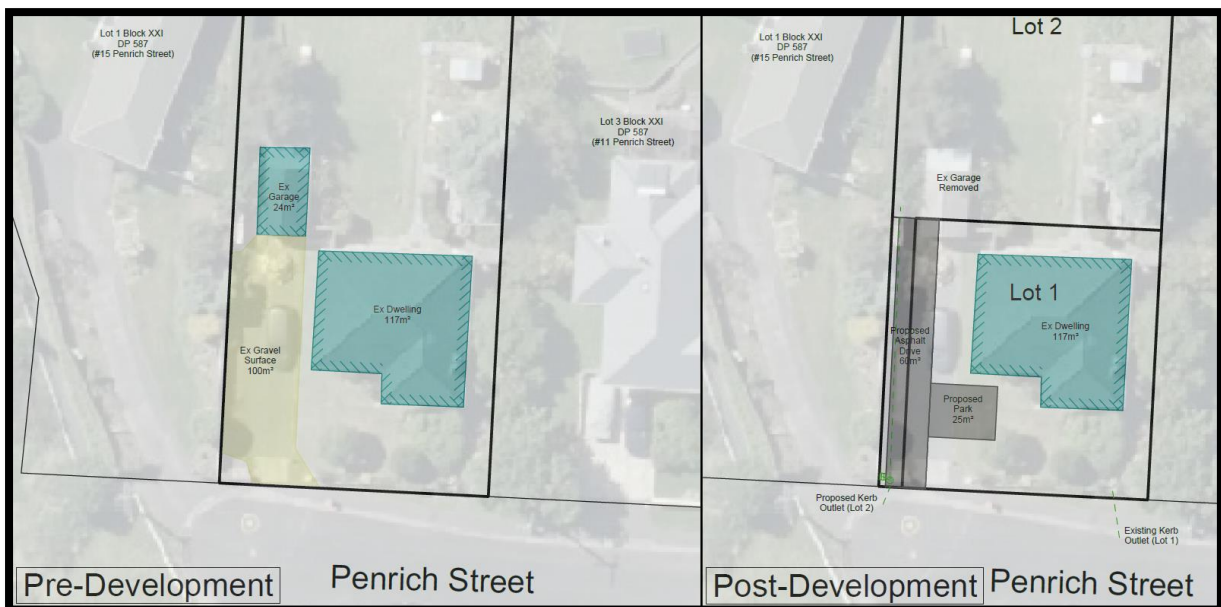
performance standards on either the parent title or each resultant lot will almost certainly not be breached.

19. The consent decisions include an advice note stating-

The consent holder is advised that 3 Waters have indicated an expectation that the SWMP be designed to accommodate the maximum allowed impervious surface area, as per the permitted baseline of the Proposed District Plan (Rule 15.6.10).

20. There is no rule in the 2GP requiring a SWMP or attenuation be designed to accommodate the maximum permitted impervious area. It is simply an internal policy of 3Waters and the advice note is being applied as a condition of consent following the removal of the permitted baseline following the Variation 2 hearings.

21. The subject site at 13 Penrich Street is shown below. Impervious surfaces before and following subdivision are shown below.



22. Condition 3(a) requires a SWMP is required to be prepared and designed to attenuate flows as if the site is developed to the maximum permitted site coverage. There is no rule in the 2GP which

specifies the maximum site coverage forms the basis for attenuation, it is merely an internal policy of 3Waters.

23. A consent notice in condition 3(b) then requires any future residential activity on Lot 2 must be undertaken in accordance with the SWMP.
24. Whether future coverage on Lot 2 is 31% or the permitted baseline of 70%, the conditions of the SWMP based on 70% coverage must be adhered to. To not adhere to the SWMP would be a breach of consent. Alternatively, the applicant could seek a variation which is an additional and unnecessary cost.

Modelled Stormwater for 13 Penrich Street

25. Modelling of pre-development stormwater runoff from the site will under current rainfall conditions have runoff at 4.75 L/sec. Applying the RCP 8.5 (2081-2100) climate change adjusted rainfall intensities, the site will have 6.36 L/sec of runoff following the completion of the subdivision.
26. Modelling of stormwater run-off following the completion of the subdivision will under current rainfall conditions have runoff at 4.89 L/sec. Applying the RCP 8.5 (2081-2100) climate change adjusted rainfall intensities, the site will have 6.53 L/sec of runoff following the completion of the subdivision.
27. In line with Council's requirement for post-development discharges not to exceed pre-development rates, Lot 1 will be sufficiently attenuated by the installation of a 1,000L detention tank to be neutral or better than pre-development flows. Whilst there are numerous tank options, a *Promax* brand 1,000L tank will cost the applicant \$1,088 to purchase and in my opinion most residential properties could accommodate a 1,000L without any impact on the site amenity or character.
28. For proposed Lot 2, the only known impervious surface is the 30m² of driveway. For the purpose of the objection, assuming a future

development included a 120m² dwelling plus an additional 50m² for the driveway extension, the modelled runoff would be 6.28 L/sec under current climate events, and 8.39 L/sec when applying the RCP 8.5 climate change adjuster. In this credible development total site coverage comprises 31.2%. Again, consistent with Lot 1, the post-development run-off from the site can be managed the same as pre-development by simply installing a single 1,000L detention tank.

29. When applying the maximum site coverage as required by 3Waters policy, a SWMP for the Penrich Street subdivision must assume Lot 2 includes a 256m² dwelling with a further 192m² of hard surfacing i.e concrete, having a total of 70% site coverage. This requires attenuation of 8.28 L/sec off the site in current rainfall conditions and 11.07 L/sec under the climate change adjuster.
30. To attenuate those flows, the applicant will need to install two 4,000L tanks on their property. Two 4,000L *Promax* detention tank cost \$3994.
31. This is an additional cost of \$2,906 that is unrelated to mitigating the effects of the development. This approach is also imposing the visual impact of two 4,000L tanks on the future residents of the property, when a single 1,000L could suffice for a modest dwelling. This is not a reasonable imposition when it is not required under the 2GP planning framework.
32. The pre-development and post development runoff is shown in the Table below, alongside a hypothetical but credible development and the 70%-coverage model 3 Waters imposes on in consent decisions.

	Pre- Development Runoff	Unattenuated Runoff Following Completion of the Subdivision (l/sec)	Flow to be Attenuated	Unattenuated Runoff for Credible Development on Lot 2 (as described in paragraph 35) (l/sec)	Flow to be Attenuated	Unattenuated Attenuation When Applying Maximum Site Coverage for Lot 2 (l/sec)	Flow to be Attenuated	Additional Attenuation Not Associated with Effects of the Subdivision Against Credible Development (l/sec)
Runoff Under Current Climate Conditions	4.75	4.89	0.14	6.28	1.53	8.28	3.53	2.00
Runoff Using RCP 8.5 Climate Change Adjusted Rainfall Intensities	6.36	6.53	0.17	8.39	2.03	11.07	4.71	2.68

The Newbury Principles and S108AA of the RMA

33. The Newbury Principles collectively refer to an urban planning guideline stating that decisions should be made based only on the planning considerations relevant to the current development, even if the consideration of ulterior purposes may lead to a greater public good.

34. The Newbury test requires that to be valid, a condition must:
 - Be for a resource management purpose, not for an ulterior one;
 - Fairly and reasonably relate to the development authorised by the consent to which the condition is attached;
 - Not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties, could not have approved it; and
 - Not involve an unlawful delegation of the consent authority's duties.

35. Section 108AA of the Resource Management Act 1991 ("the RMA") was inserted as part of the recent resource legislation amendments and came into effect on 18 October 2017. The new section introduces restrictions which limit the scope of conditions that may be imposed on a resource consent, in addition to the requirements of sections 108 and 220.

36. Section 108AA(1) reads-

A consent authority must not include a condition in a resource consent for an activity unless—

 - (a) *the applicant for the resource consent agrees to the condition; or*
 - (b) *the condition is directly connected to 1 or more of the following:*

- (i) *an adverse effect of the activity on the environment:*
- (ii) *an applicable district or regional rule, or a national environmental standard:*
- (iii) *a wastewater environmental performance standard made under section 138 of the Water Services Act 2021²:*
- (iv) *a stormwater environmental performance standard made under section 139A of the Water Services Act 2021; or*
- (c) *the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.*

37. Section 108AA provides applicants greater certainty for Council and applicants with the introduction of limits on the scope of conditions that can be imposed.
38. The potential imposition of additional attenuation tanks forced upon the applicants has not been agreed to, is not directly connected to an adverse effect of the activity on the environment and/or an applicable district or regional rule or environmental standard; or relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.
39. The adverse effect of the additional site coverage and stormwater runoff from the site as a result of the development will be met where post-development flow are the same or less than the pre-development run-off. Any additional attenuation is not directly connected to an effect of the development activity.
40. This is shown in the table above, where 3Waters is imposing an additional 2.0 l/sec of attenuation in current conditions, and an additional 2.68 l/sec under the RCP 8.5 climate model on the site beyond the attenuation required to manage the effects of that development.

²In this case b(iv) does not apply as Taumata Arowai has not carried out consultation under section 53 of the Water Services Act 2021 nor made stormwater environmental performance standards.

41. The additional attenuation is Council's attempt to 'soften the curve' on the wider stormwater network during rain events by using the subject site as a detention system. That is inconsistent with s108AA and Newbury. The Council's aging stormwater network is not the developers issue to resolve; that falls on the City and is the rationale for applying Development Contributions to every development in the City.

Inconsistent Application of the Plan

42. The processing planner advised all subdivisions trigger the need to apply a SWMP. This is not correct. Only recently has Terramark had three consent decisions where a SWMP was not required for similar two-lot developments, being-
- 18 Penrich Street, a similar development immediately across the road from the subject site which is virtually a mirror image of the 13 Penrich Street property and subdivision proposal issued on 25 August 2023, and
 - 151 Norwood Street, a recently approved two lot subdivision in a flood hazard zone, issued on 15 September 2023.
 - 14 Burns Street, a two lot subdivision, adjacent to the Owhiro Stream in Mosgiel, issued on 1 November 2023.
43. Neither site included a SWMP assessment and no conditions were carried into the consent decision. Council is applying an ad-hoc approach to stormwater management which introduces a significant cost and burden on the site amenity on some applicants and not others with similar proposals. Again, this is not reasonable.

Approach of Council to Address Stormwater

44. Once the draft consent conditions were provided, a number of iterations were suggested by Council planners.
45. One iteration of the suggested conditions included a consent notice appended to the new Record of Title stating

‘Any new development must be carried out in accordance with the Stormwater Management Plan dated X and approved on X’.

This raises a number of issues such as for any landowner who purchases the new site then wish to build a larger dwelling and garage (with the commensurate attenuation tanks) i.e a development that has 72% site coverage. They would not be able to comply with the conditions of the SWMP and may potentially require a variation to the initial subdivision consent and amend the consent notice of the Record of Title. This requires a further application prepared by a consultant, an assessment of DCC Planners, LINZ fees and legal fees.

46. Council planners also promoted an alternative consent notice wording included below. This wording is carried into numerous recent consent decisions.

“If necessary, a consent notice must be prepared in consultation with Council’s Subdivision Planner for registration on the titles of Lot 2 to ensure any on-site retention required is constructed and maintained”.

When asked of Council staff what it the wording of that consent notice would be, and what the implications were on the development, staff responded the wording has not been determined or whether a consent notice is even required at all.

When asked what the developers objection rights on the yet-to-be-drafted consent notice are, Council staff could not respond. In this situation it is my opinion there are no objection rights as they are extinguished 15 working days after the decision is issued. It is unreasonable to impose a condition or consent notice to a decision where the applicant has no appeal rights.

47. I consider this approach lacks natural justice and certainty for our client. The Quality Planning website states the key principle in developing consent conditions is-

“the consent conditions must be clear, reasonable, and readily interpreted so the consent holder, the council and any layperson viewing the consent have no doubt about what is required by the conditions and the obligations upon the consent holder. This includes how practical the condition is and also its enforceability”.

This proposed approach fails to meet the test of being clear where any layperson has no doubt about the obligations on the consent holder, and results in the process beholden to the view of the Council. If the SWMP is not approved by 3Waters, then titles are not able to be issued.

48. What is abundantly clear is City Planners struggle to articulate the interests of 3 Waters. This leads to ad-hoc consent conditions, with many simply not fit for purpose.

Proposed Pathway Forward for Stormwater Assessments

49. There are a number of site-specific and credible pathways to address the issue of stormwater, and the current ad-hoc approach by 3Waters is inconsistent and lacks natural justice.
50. Terramark promotes either option below, which ensures pre- and post-development flows from subdivision are neutral or improved,

addresses concerns of any future development on the network and provide surety to both developers and Council interests.

51. When design plans are available, a SWMP could be prepared based on the known site coverage calculations. That SWMP could be submitted as part of any consent application where 3Waters would have 20 working days to assess the SWMP and provide site-specific conditions to the Council planner to incorporate into the consent decision. This method would ensure conditions specifying any future design would have to include attenuation that ensures run-off from that site would not exceed a specified volume per second. Attenuation would then be commensurate to design, and the effects associated with the development.
52. When design plans are not yet known, we promote the use of a consent notice applied to the Record of Title for the vacant site. The proposed wording of those consent notices reads as:

1. *At the time a new residential dwelling is established on Lot 2, an individual attenuation device must be designed to ensure that stormwater discharge from the impervious area of the site does not exceed the pre-development discharge levels for stormwater runoff.*

The attenuation device must be designed to have an interchangeable orifice size that can accommodate both the historical and climate change adjusted RCP 8.5 2081-2100 events. The on-going operation and maintenance of the private stormwater device on the affected lot is the responsibility of the Lot owner.

The attenuation design to fit the above criteria must be submitted as part of the building consent/land use consent application for the new residential dwelling. The criteria for the design of the attenuation device is stipulated below:

- (i) 10-year rainfall event (10% AEP),*
- (ii) Historical Flows Max Discharge: 3.0 L/s,*
- (iii) RCP 8.5 2081-2100 Max Discharge: 4.0 L/s, and*

(iv) Existing Unattenuated Flow: 30m² (subdivision driveway within Lot 2).

2. *A Stormwater Management Plan (SWMP) has been prepared as part of the development. Should the impervious area for the site increase by 20m² or more, then a further Stormwater Management Plan will be required to be submitted to the 3Waters Department of the Dunedin City Council to determine how the additional stormwater discharge will be managed.*

53. The above consent notice addresses all of the concerns raised about stormwater and is specifically tailored to the subject site. It will also capture any future development on the site triggering the need for further assessment and potentially attenuation relative to any future proposal.
54. These options have been promoted to 3 Waters as credible, site specific methods for addressing stormwater management associated with development. Those suggestions have been refused.

Conclusion

55. Consent conditions should relate to the effects of the development. The policy imposed on developers by 3 Waters to design to maximum site coverage is inconsistent with s108AA and Newbury.
56. It is my opinion the consent notices set out in in paragraph 52 above provide a site-specific method of addressing stormwater effects arising from any future development. They should apply to both the 13 Penrich Street and 288 Gladstone Road subdivisions, and any small-scale developments in the future.
57. This approach satisfies Council's concern about stormwater runoff impacting the wider network and also any future development effects on the site. Crucially, it does not force our clients to buy and install bulky tanks to address effects unrelated to the proposed subdivision.

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

Objections under section 357 RMA in relation to SUB-2023-141 at 13 Penrich Street, and SUB-2023-145 at 288 Gladstone Road North, Dunedin

BY

Nicole Summerfield
13 Penrich Street

And

Eighty Eight Investments Limited
288 Gladstone Road North

AND

The Dunedin City Council
The Council

REBUTTAL OF DARRYL SYCAMORE

6 July 2024

1. It is appropriate to reiterate Terramark fully supports and promotes the use of tools to manage stormwater effects arising from subdivision. This included the use of Stormwater Management Plans (SWMP) and consent notices. Terramark does however not accept conditions of consent which seek to address effects not associated with the subdivision.
2. Furthermore every subdivision application has differing conditions to address stormwater; some of which are impractical or lack natural justice. This is not just an issue for Terramark applications, but other surveying and planning companies report the same issue and share our frustration.
3. I will provide a brief rebuttal to the evidence of Jakub Kochan and Jane O'Dea and then provide a revised methodology that has recently gained some support with Council planners.
4. In short, Terramark are not miles apart from Council staff in terms of the need to manage stormwater and to ensure post-development flows are hydrologically neutral to that of pre-development flows. It is the inconsistent methodology and illogical/ unlawful conditions (i.e the indeterminate consent notice wording that is yet to be proposed, that no-one can advise what it will say and our clients will have no objection rights to challenge if the wording is unworkable) promoted that forms the basis of the concerns.
5. A new approach promoted by Licensed Cadastral Surveyor (and considered a Suitably Qualified and Experienced Person in terms of stormwater management) has been developed. This will be detailed to the end of this report and forms our preference for managing stormwater from subdivisions of up to 6 lots or development areas less than 1 ha¹ in the future. This approach will ensure developments

¹ This is the development threshold referred to within Rule 9.9.3.7 for developments outside of an NDMA.

are hydrologically neutral. For larger or multi-unit developments we generally continue to endorse the approach of Council.

The Evidence of Mr Kochan

6. In paragraph 6, Mr Kochan sets out the scope of his evidence about why SWMP's are required and the need to consider SWMP's at the time of seeking resource consent. We agree with both these statements.
7. For both sites, there will be additional development and a change in the extent of impervious surfaces. Mr Kochan states in paragraph 13 of his evidence that this will increase the peak stormwater runoff from the sites. This is incorrect. Terramark did not obfuscate from the need for attenuation to ensure sites are hydrologically neutral, we simply opposed the blunt method of designing attenuation to the maximum permitted site coverage.
8. Designing to maximum site coverage is flawed. For Penrich Street in paragraphs 25-32 set out why this approach then required the need to install tanks capable of storing 8m³, when a 1m³ ensures the site is hydrologically neutral. The remaining 7m³ of storage tanks are not required, and for the Penrich Street site results in an additional cost of \$2,906 on the client and ultimately the future purchaser. In paragraphs 33-41 of my evidence, I set out why this results in outcomes not consistent with the Newbury Principles or s108AA. A better more refined method must be found.
9. In paragraph 21 of Mr Kochan's evidence, he states "*The applicant is required to demonstrate to 3 Waters (as per the 2GP) how the SW runoff from the site will be managed to ensure the effects on the environment are no more than minor. This is best achieved by providing a SWMP for review*". I agree. Terramark supports the approach of providing a SWMP for review to demonstrate how the effects of the development will be less than minor as he suggests. It

is what conditions then carry into the consent decision based on the SWMP that are the issue.

10. Mr Kochan in p.23 states “The DCC position is that the information on how SW runoff from the site will be managed should be provided with the subdivision application as per 2GP rule 9.9.3.3”. Again, I agree with this statement. It is my approach that stormwater runoff from the site will be managed such the post-development flows are less than, or better than pre-development flows.
11. The approach is a significant refinement to that of Mr Tom Dyer’s view as Water & Waste Services Asset Team Leader in the 2GP hearings (in paragraph 14 of my evidence) promoting any breach of the permitted site coverage as the trigger for applying mitigations for the non-compliance which may include “an additional financial contribution to the stormwater network, or the implementation of an infrastructure solution such as a holding tank or detention area²”. Mitigations on a site and developments-specific basis underpin the method now promoted by Terramark and detailed below.
12. In paragraph 26 of Mr Kochan’s evidence he concludes that “I consider that for the subject sites, the requirement to provide a SWMP at a level of detail commensurate with the scale of the development at the subdivision stage as a subdivision consent condition is the most appropriate approach to ensure that the resultant sites will have no more than minor effect on the environment”. I agree, and our revised methodology set out below and applied in a recent consent decision does exactly that.

Evidence of Jane O’Dea

13. I am generally in agreement with Ms O’Dea’s evidence. There is a need for a stormwater assessment. It is simply the application of that

² Maximum site coverage & impermeable surfaces – Rule 15.6.11 (Second Generation District Plan) memorandum to City Development on behalf of Water & Waste Services, dates 11 August 2015.

assessment which Council converts to conditions such as those described below which are in contention-

- That the applicant is forced to buy tanks (as in the Penrich Street example) with a capacity eight times greater than that required to achieve hydrological neutrality, or
- That the Council may impose a consent notice at the time of s224c if they wish. The wording of that notice has not yet been drafted, no DCC staff member can advise what it may say, and the timing of the future drafting means the applicant has no objection rights should the wording be unreasonable, or
- That should the applicant install a single one square meter of coverage on the site in the future, that they must lodge a new SWMP and have it assessed by Council, or
- That attenuation tanks must be placed on the vacant site prior to the s224c approval. This is despite there being no pipes or network to connect to, that the applicant has no idea of where those tanks shall be sited, what the house design is, or how the applicant stops people stealing them given they are not fixed to the ground.

14. In paragraph 9 of Ms O'Dea's evidence she states, "I consider Rule 15.6.10 (Maximum Building Site Coverage and Impermeable Surfaces) to provide a relevant and useful reference point to measure the potential long term effects of stormwater runoff as a result of a subdivision; and accordingly off which to base a SWMP". I disagree.
15. The approach of Ms O'Dea is not consistent to that promoted by Tom Dyer, Water & Waste Services Asset Team Leader in the 2GP hearings. He promoted the maximum impervious surface threshold rules for the 2GP as a trigger to define what development is acceptable without mitigations and any exceedance beyond the maximum permitted impervious surface would require mitigation i.e attenuation or additional development contributions.

16. Mr Dyer in his expert evidence to the 2GP Hearings Panel is clear mitigations are only required when subdivisions/developments exceed the maximum impervious coverage standards he promoted.
17. Development-specific attenuation is a better mechanism to management stormwater flows off a site. The extent of impervious surfaces is irrelevant when a development incorporates the correct attenuation and tank design. Whether the impervious surfaces are 50% or 80% are irrelevant when the post-development flows are the same or less than the pre-development flows.
18. Ms O'Dea in paragraph 17 states "Neither application provided an assessment of whether there is adequate capacity in the existing network and/or what the adverse effects from an increase in stormwater discharge will be".
19. This statement raises an interesting point, in that Terramark cannot provide an assessment of the capacity of the network or what the effects of increased flows will be. This information is owned by the City, and is not available to the public. In any regard, there will be no effect on the hydraulic capacity of the stormwater network as there is no increase in discharge off the site.
20. In paragraphs 33 and 34 of Ms O'Dea's evidence she states that

"I also consider that the use of a SWMP is a legitimate means of confirming the magnitude of any stormwater effects and how such effects will be managed. Where this detail is not provided in an application, I consider it appropriate to require this as a condition of consent, provided that there will be readily available technical solutions to manage effects from stormwater".

And

"Alternatively, an applicant may prefer to submit stormwater management information in the application for subdivision so that the detail of any required stormwater management, such as attenuation tanks, can be determined during the processing of the application. If

such an approach is taken then there would not be any need to submit a SWMP as a condition of consent”.

21. I agree, and as noted in p.34 should the applicant provide a SWMP and details of what stormwater management (i.e ensuring post-development flows are the same or better than pre-development), then Council should not then include a condition of consent requiring a SWMP be resubmitted for assessment.
22. Council should be able to assess a SWMP within the 20 working day consent processing period. To assist with that, Terramark staff are now sending the SWMP to 3Waters at the time of lodging consent to ensure those initial couple of days spend on consent admin at the front end are not lost to the 3Waters available time for considering consent.
23. In paragraphs 43 and 44 of Ms O’Dea’s evidence states-

“Mr Sycamore’s evidence at paragraphs 30 and 31 states that the applicant will be required to install tanks of a particular size. I would like to clarify that condition 3(a) only requires that a SWMP, containing the specified information, is to be submitted and certified by 3 Waters”.

and

“As per the consent notice in condition 3(b), the actual installation of any attenuation devices is not required until such time as ‘a residential activity is established on this site.’ It is therefore the future developer of the site (not necessarily the current applicant) who will be responsible for installing any such devices required under the SWMP”.

24. Ms O’Dea fails to understand to obtain certification from 3Waters, the SWMP must be prepared assuming the maximum impervious site coverage. This means for the Penrich Street development, the rear vacant site requires the installation of two 4,000L tanks when

Terramark's SQEP has determined a single 1,000L will ensure post development flows are the same as the pre-development flow.

25. This comes at a financial cost, and whilst Ms O'Dea in paragraph 44 makes the point the subdivider may not be the person paying for those tanks, those costs will nonetheless fall on the purchaser who seeks to build on the site either directly, or indirectly as a higher sale price for the site.
26. The key point here is, someone has to pay for 8m³ of attenuation tanks when 1m³ tank will be hydrologically neutral, and then the new owner has to live on the property with two 4,000L tanks impacting their residential amenity. This relates to my earlier points about s108AA and Newbury which Ms O'Dea has not made comment on.

A revised approach to managing stormwater

27. In my evidence paragraphs 33-38, I promoted two options which ensures pre-development and post-development flows from subdivision are neutral or improved, addresses concerns of any future development on the network and provide surety to both developers and Council interests.
28. Terramark has since adopted a more refined approach and had recent success where a SWMP has been prepared using this model at Gordon Road for SUB-2024-48. This provides site-specific calculations to inform a consent notice which has a future-proofing component should there be additional development. That consent decision includes the following condition.
29. The SWMP is appended below which provides the Panel some context to the SWMP assessment and how site-specific information can then carry into the proposed consent notice.

Consent Notices

- k) A consent notice must be prepared for registration on the record titles of each new allotment for the following on-going condition:

"Stormwater discharges associated with all land use, development and/or redevelopment activities on-site must be restricted to the following levels:

Site	Permitted Stormwater Site Discharge Rates	
	Historical Rainfall 10% AEP 10-minute Time of Concentration	RCP 8.5 Rainfall 10% AEP 10-minute Time of Concentration
Lot 1	1.19 L/s	1.74 L/s
Lot 2	1.08 L/s	1.60 L/s
Lot 3	4.71 L/s	6.31 L/s

Changes to this site, including but not limited to additional buildings or increased impervious surfaces, which may result in exceedances of the specified permitted stormwater site discharge rate requires the preparation of a Stormwater Attenuation Plan by a suitably qualified individual. If the assessment identifies an exceedance of the authorised level of stormwater discharge for this site, a Stormwater Attenuation Plan must be submitted to the Dunedin City Council for approval to confirm how on-going compliance will be achieved. Any mechanism for complying with the authorised level of stormwater discharge for this site

agreed between the landowner and the Dunedin City Council must be implemented and appropriately maintained."

30. This is a bespoke method to each site where a SWMP is developed. This means post-development flows will always be hydraulically neutral. This is the outcome Mr Kochan seeks on behalf of 3Waters, and will also result in a reduced workload for the 3Waters team.
31. We seek this approach be applied to both applications subject to these objections and refined SWMP's can be prepared for the Panel as a further information request and submitted within a couple of working days.

Conclusion

32. The current ad-hoc approach by DCC 3Waters is not working. It is resulting in inconsistent and perverse outcomes, additional costs and an unnecessary impact on residential amenity as a result of applying the maximum impervious surface model as a basis for determining attenuation. I propose for smaller developments with site below 6 lots or 1ha in area, where a SWMP has been prepared, that the bespoke condition is carried into the consent decisions for these objections. For those larger developments, I continue to generally accept the approach of Council.

Stormwater **Management Plan**

25 Gordon Road, Mosgiel

Document Control

Revision	Author	Summary of Changes	Peer Reviewed By	Date
-	Fred Belcher	Preparation of SWMP	Tyler Hager	17/05/2024
-		Review of SWMP	Tyler Hager	21/05/2024
A	Tyler Hager	Additional secondary flow path info to Section 7.0	Tyler Hager	20/06/2024

Contents

<u>1.0</u>	<u>Introduction:</u>	13
<u>2.0</u>	<u>Site Details & Development Proposal</u>	14
<u>3.0</u>	<u>Time of Concentration & NIWA:</u>	16
<u>3.1</u>	<u>Time of Concentration:</u>	16
<u>3.2</u>	<u>NIWA Tables:</u>	16
<u>4.0</u>	<u>Site flow rate calculations and methodology</u>	17
<u>4.1</u>	<u>Flow rate:</u>	17
<u>4.2</u>	<u>Runoff Coefficients:</u>	17
<u>4.3</u>	<u>Slope Correction for runoff Coefficients</u>	18
<u>5.0</u>	<u>Site Pre-Development Discharge:</u>	18
<u>5.1</u>	<u>Historical (10% AEP) Pre-Development:</u>	18
<u>5.2</u>	<u>RCP8.5 2081 – 2100 (10% AEP) Pre-Development:</u>	18
<u>6.0</u>	<u>Site Post-Development Discharge:</u>	19
<u>6.1</u>	<u>Historical (10% AEP) Post-Development Discharge Rates:</u>	19
<u>6.2</u>	<u>RCP8.5 2081 – 2100 (10% AEP) Post-Development Discharge Rates:</u>	19
<u>7.0</u>	<u>Secondary Flow Paths:</u>	19
<u>8.0</u>	<u>Watercourses:</u>	21
<u>9.0</u>	<u>Discharge Quality</u>	21
<u>10.0</u>	<u>Attenuation and Final Discharge (Pre vs Post):</u>	21
<u>10.1</u>	<u>Historical - Post-Development Attenuation Calculations:</u>	21
<u>10.2</u>	<u>RCP8.5 2081-2100 - Post-Development Attenuation Calculations:</u>	21
<u>10.3</u>	<u>Attenuation Tank/Orifice Summary:</u>	21
<u>10.4</u>	<u>Attenuation Tank Details:</u>	22
<u>11.0</u>	<u>Summary:</u>	23
<u>12.0</u>	<u>Appendices:</u>	24

Prepared on behalf of

Mitchell Holdings Ltd by:

DATE: 17th May 2024

Fred Belcher

Graduate Civil Engineer

1.0 Introduction:

This document has been prepared to accompany an application for subdivision consent relating to the proposed development at #25 Gordon Road, Mosgiel.

The following report has been structured to address the matters commonly required within subdivision consents issued to date, namely:

- Condition – Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and
- Condition – An assessment of the current and proposed imperviousness of the site; and
- Condition – Secondary flow paths; and
- Condition – Any watercourses located within the property; and
- Condition – Details of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and
- Condition – An assessment of the current network and its ability to accept any additional flow from the proposed development; and
- Condition – Measures to ensure acceptable level of stormwater quality being discharged from the site.

Storm events with an Annual Exceedance Probability (AEP) of 10% have been assessed across storm durations from 10 minutes through to 24 hours.

Rainfall intensities for the 10% AEP have been sourced from the NIWA HIRDS v4 online database. The figures for the 10% AEP are from both the historical data and the RCP8.5 climate change pathway for the period 2081-2100.

Stormwater discharges for the site have been calculated using the Rational Method in accordance with the methodology detailed within the *New Zealand Building Code E1/VM1, Nov 2023*, as required.

The methodology for establishing the necessary attenuation, and sizing for both tanks & discharge orifices has been sourced from the *Auckland Design Manual GD01 – Stormwater Management Devices in the Auckland Region, Section C5 – Rainwater Tanks*.

2.0 Site Details & Development Proposal

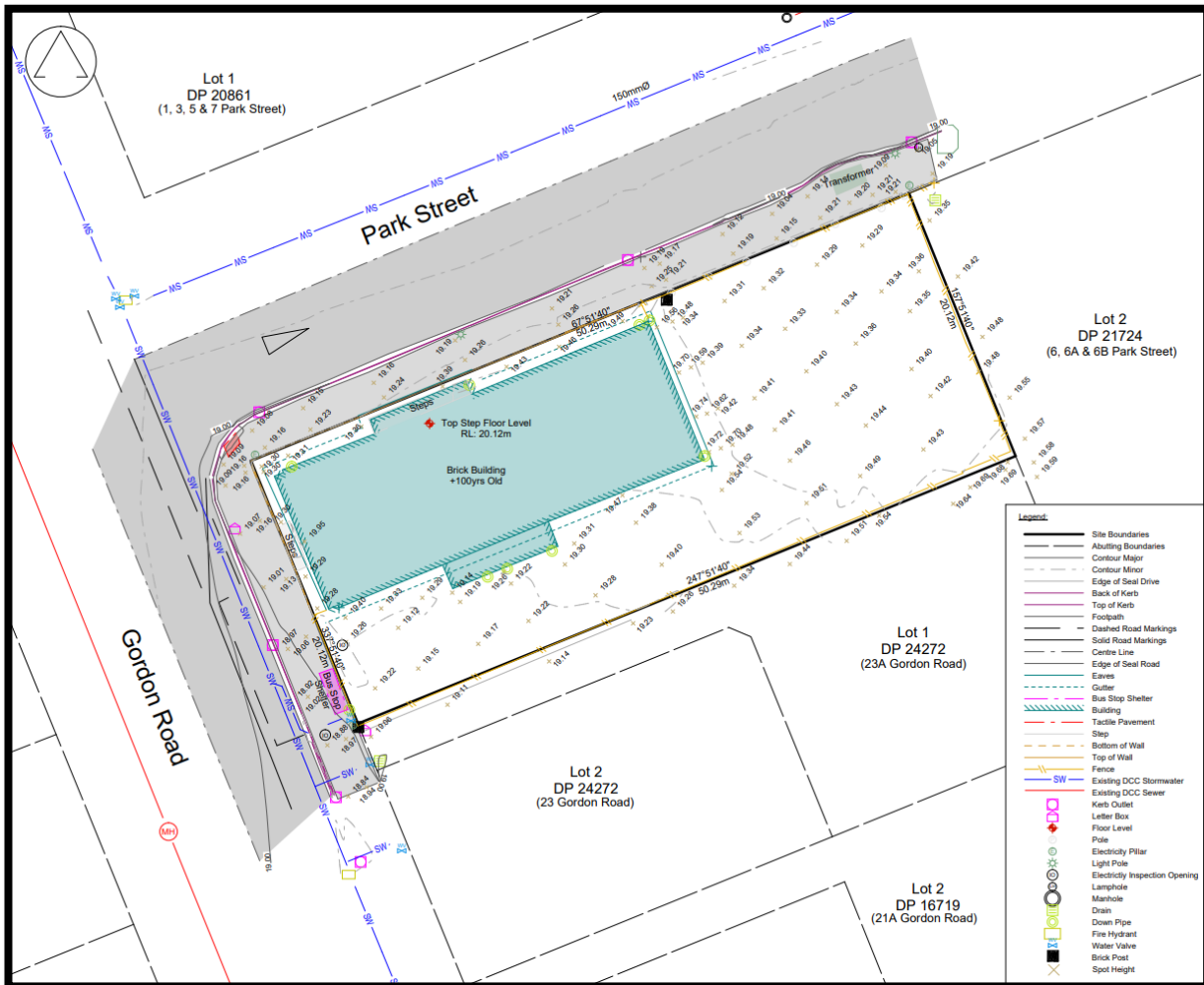


Figure 1 – 25 Gordon Road Existing Site Topographic Survey

25 Gordon Road features 1012m² site area. It is currently occupied by a single building and no other structures with a footprint in excess of 10m², comprising a total area of 370m². The property also features a large, unsealed carpark and a mixture of other impermeable surfaces comprising a total area of 518m². The remaining permeable cover of the site is therefore 124m². The subject site was walked over, and test pit measurements made to check that the ground was majority metal covered and gardens formed with compost fill over metal.

Pre-Development Surfaces						
Total Area	Roof Cover		Impermeable surfaces		Permeable surfaces	
1012	370	37%	518	51%	124	12%

Table 1 - Pre-Development Site Characteristics

Based upon a topographic survey conducted by Terramark on 05/04/2024, it has been established that the subject site has ~1.5% fall from the rear of the property abutting Lot 1 DP 24272 towards the Gordon Road and Park Street frontages. Roads will therefore be treated as the secondary flow path for the existing site. This availability for a secondary flow path will not be changed by the post-development scenario and it is recommended that any removal of secondary flow have a new stormwater assessment made to check for secondary flow availability.

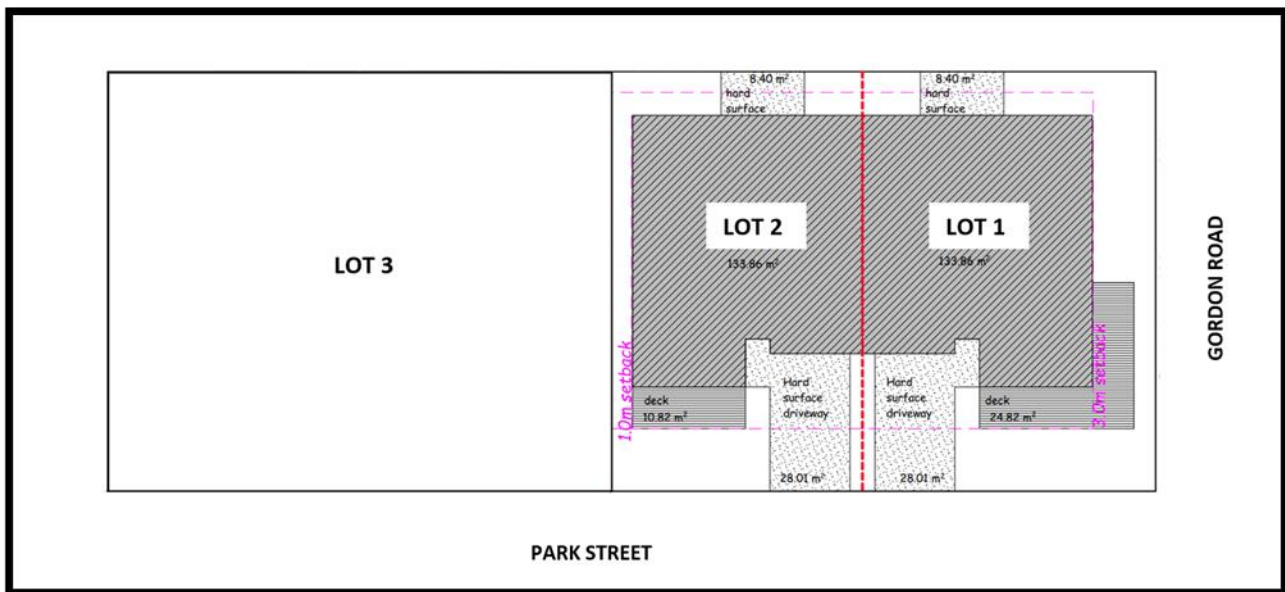


Figure 2 – Post-development Aerial Plan

Figure 2, above, illustrates the proposed subdivision layout, comprising three lots (Lots 1-3). The site is to slope towards Park Street and Gordon Road, providing a secondary flow path. Site coverage for Lots 1 & 2 are based upon actual coverage levels as proposed for the development, with each lot provided with outdoor living areas and driveways leading to the dwellings. Development of Lot 3 is presently undetermined and as such site coverage has been based upon DCC 2GP Section 15.6.10 Maximum Building Site Coverage and Impermeable Surfaces: 50% roof cover and 30% impervious surfaces (80% site impermeability) for General Residential 2.

Post-Development Surfaces							
Site	Area	Roof Cover		Impermeable surfaces		Permeable surfaces	
Lot 1	283	134	47%	36	13%	113	40%
Lot 2	243	134	55%	36	15%	73	30%

Lot 3	486	243	50%	146	30%	97	20%
Total	1012	511	52%	219	23%	283	25%

Table 2 - Post-Development Site Characteristics

Table 3 compares pre- vs post-development coverage where roof and other impermeable surfaces have increased or decreased in areas.

Total Area	Roof Cover		Impermeable Surfaces		Permeable Surfaces	
	Pre	Post	Pre	Post	Pre	Post
1012m ²	370m ² (37%)	511m ² (50%)	518m ² (51%)	219m ² (22%)	124m ² (12%)	283m ² (28%)

Table 3 - Pre- vs Post-Development Site Coverage

3.0 Time of Concentration & NIWA:

3.1 Time of Concentration:

The time of concentration was calculated in accordance with NZBC E1/VM1 Section 2.3 and determined to be 5 minutes time of concentration by using the formulas below:

$$t = 100 n * L^{0.33} / s^{0.2}$$

- t = time (minutes)
- L = Length of overland flow (m)
- s = slope % (height / distance)
- n = Manning's 'n' (roughness coefficient)

Time of Concentration (Minutes)				
Length of Flow	Delta H	Slope (%)	Manning's 'n'	T.O.C
18	0.27	1.5	0.02	5

Table 4 – Time of Concentration of Longest Flow path

While the site time of concentration was determined to be 5 minutes, NZBC E1/VM1 Section 2.3.1 requires a time of concentration of not less than 10 minutes be used. See spreadsheet attached with time of concentration calculations for each of the Lots 1 – 3.

3.2 NIWA Tables:

NIWA Data was used to determine storm duration and rainfall intensities. This was used for calculating the 'I' (intensity) value for 'Q' flow rate.

HIRDS V4 Intensity-Duration-Frequency Results:

Longitude: 170.3536

Latitude: -45.8832

10% AEP rainfall figures for attenuation:

Storm Duration	Historic	2081 - 2100
10m	47.8	64
20m	31.9	42.6
30m	25.6	34.2
1h	18	24.1
2h	12.9	17.1
6h	7.6	9.71
12h	5.35	6.66
24h	3.66	4.43

Table 5 – NIWA HIRDS Storm rainfall intensities Historic vs 2081 – 2100

4.0 Site flow rate calculations and methodology

In accordance with the NZBC E1/VM1, surface water runoff has been estimated using the Rational Method, with the peak rainfall intensity being that of a storm with a duration equal to the time of concentration (t_c). In accordance with the method detailed in E1/VM1, t_c has been established to be 10 minutes for the site.

The pre-development and post development stormwater flows have been calculated based on the NIWA HIRDS v4 online database utilising the Historical and climate change adjusted figures from RCP8.5 Scenario (for period 2081 – 2100).

4.1 Flow rate:

For each site, $Q = CIA$ was used to calculate the flow rate from each site

- A = Area (hectares)
- I = NIWA Rainfall Intensity
- C = Composite runoff coefficient

Example:

$$Q = (0.25 * 43.9 * (515/10000))/360*1000$$

$$Q = 1.57 \text{ L/s}$$

4.2 Runoff Coefficients:

Using Table 1 from E1 Surface Water, C was determined via the below.

- Roof Surfaces, $c = 0.9$
- Road Surfaces (asphaltic), $c = 0.85$
- Gravel Surfaces (unsealed), $c = 0.5$
- Grass (conservative figure between medium & High soakage soil), $c = 0.25$

4.3 Slope Correction for runoff Coefficients

E1 surface water considers slope correction for Run-off Coefficients as an adjustment for water velocities based on ground slope having an impact on surface water run-off. This site uses Table 2 of E1 Surface water to correct for ground slopes within the calculated figures as seen in the table below.

Ground Slope	C Adjustment
0% - 5%	Subtract 0.05
5% - 10%	No Adjustment
10% - 20%	Add 0.05
>20%	Add 0.1

Table 6 – E1 Surface Water Slope corrections

5.0 Site Pre-Development Discharge:

5.1 Historical (10% AEP) Pre-Development:

Using the formulas within Section 4.0, the tables below were calculated:

Predevelopment Flows Historical (10% AEP)										intensity =	47.8	
Site	Garden		Driveway & Other Impervious				Roof		Slope %	Slope Adj	Composite C	Total per lot:
Total Site Area:	Area [m²]	C	Area [m²]	C - Gravel	Area [m²]	C - Road	Area [m²]	C	%	Value	C	Q[L/s]
1012	124	0.25	518	0.5	0	0.85	370	0.9	1.49	-0.05	0.58	7.85
	Total Flow		7.85									

Table 7 – Pre-development flow rates Historical 10 min storm 10% AEP

5.2 RCP8.5 2081 – 2100 (10% AEP) Pre-Development:

Predevelopment Flows RCP8.5 2081 - 2100 (10% AEP)										intensity =	64	
Site	Pasture and scrub		Driveway & Other Impervious				Roof		Slope %	Slope Adj	Composite C	Total per lot:
Total Site Area:	Area [m²]	C	Area [m²]	C - Gravel	Area [m²]	C - Road	Area [m²]	C	%	Value	C	Q[L/s]
1012	124	0.25	518	0.5	0	0.85	370	0.9	1.49	-0.05	0.58	10.50
	Total Flow		10.50									

Table 8 – Pre-development flow rates RCP8.5 10 min storm 10% AEP

6.0 Site Post-Development Discharge:

Using the same formulas to calculate pre-development site discharges, post-development unattenuated site discharge rates were calculated in the tables below:

6.1 Historical (10% AEP) Post-Development Discharge Rates:

Post Development Flows Historical (10% AEP)												intensity =	47.8
Site	Area m ²	Pasture and scrub		Driveway & Other Impervious				Roof		Slope %	Slope Adj	Comp C	Total per lot:
		m ²	C	m ²	C - Gravel	m ²	C - Road	m ²	C				
Lot 1	283.09	113	0.25	0	0.50	36.41	0.85	133.86	0.90	1.49	-0.05	0.61	2.29
Lot 2	242.86	73	0.25	0	0.50	36.41	0.85	133.86	0.90	1.49	-0.05	0.68	2.18
Lot 3	486.05	97	0.25	0	0.50	145.81	0.85	243.02	0.90	1.49	-0.05	0.73	4.71
Total	1012	Total Flow		9.18									

Table 9 – Post-development flow rates Historical 10 min storm 10% AEP

6.2 RCP8.5 2081 – 2100 (10% AEP) Post-Development Discharge Rates:

Post Development Flows RCP8.5 (10% AEP)												intensity =	64
Site	Area m ²	Pasture and scrub		Driveway & Other Impervious				Roof		Slope %	Slope Adj	Comp C	Total per lot:
		m ²	C	m ²	C - Gravel	m ²	C - Road	m ²	C				
Lot 1	283.09	113	0.25	0	0.50	36	0.85	134	0.90	1	-0.05	0.61	3.06
Lot 2	242.86	73	0.25	0	0.50	36	0.85	134	0.90	1	-0.05	0.68	2.92
Lot 3	486.05	97	0.25	0	0.50	146	0.85	243	0.90	1	-0.05	0.73	6.31
Total	1012	Total Flow		12.29									

Table 10 – Post-development flow rates RCP8.5 10 min storm 10% AEP

As architectural design for the dwellings upon Lots 1 & 2 have been provided, actual hard surfacing areas were calculated for these lots. Lot 3 has been calculated in accordance with permitted building and site impervious coverage thresholds source from the 2GP for the General Residential 2 zone.

7.0 Secondary Flow Paths:

The subject site features a 1.5% slope on the site from the rear of the property to the Park Street road frontage. This flow path will be maintained post-development for the full site. Secondary flow along the Park Street frontage of Lots 1 & 2 and from Lot 3 will drain towards this road corridor. Secondary flow at the rear of the properties on Lots 1 & 2 will drain towards the Gordon Road frontage. A right to drain stormwater in favour of Lot 2 over Lot 1 will be created to enable conveyance of this secondary flow.

The figure below shows indicative water tanks located on Lots 1 & 2 with tank overflow pipes leading to kerb and channel outlets on Gordon Road. Alternatively flows can be directed to the Park St kerb and channel as required. Tank overflow drains will manage discharges for events up to 1% AEP, directing this overflow to the nearby kerb and channel.

Overflow pipe sizing has been determined to be 100mmØ based on 1% AEP storm from overflowing tanks collecting roof run-off from the dwellings and reaching the kerb and channel at a minimum grade of 1 in 60.

Storm Event	1% AEP 2081 - 2100							
Min	10	20	30	60	120	360	750	1440
mm/h	122	80.3	64	44.4	31	17.4	11.7	7.68

Table 11 - 1% AEP Rainfall Intensities use to establish Secondary Flow Details

Postdevelopment Tank Overflow RCP8.5 2081 - 2100(1% AEP)						intensity =	122.0
Pipe Section	Contributing Lots	Grade of Pipe 1 in	L/s	m³/s	Diameter	Length	
Lot 4	Lot 1	60.0	4.08	0.004	100	20	
Lot 4	Lot 2	60.0	4.08	0.004	100	25	

Table 12 - Contribution of Roof Space Discharges to Tank (1% AEP Storm Event)

Pipe Flow					
Length	Slope	Diameter	Capacity L/s	Full Velocity	Has Capacity
20	60.00	100	7.9	1.0	YES
25	60.00	100	7.9	1.0	YES

Table 13 - Capacity Check of Tank Overflow Pipework

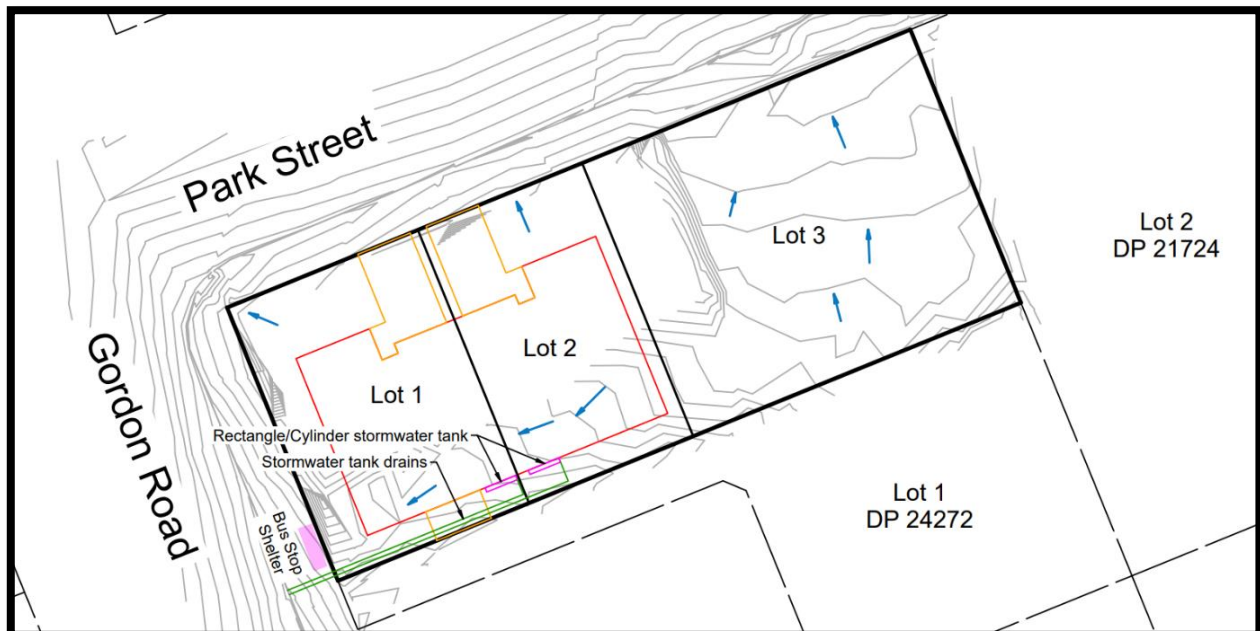


Figure 3 – Proposed Post-development Secondary Flow Drains & Calculations

The locations of services shown in Figure 3 are indicative only and constructed services should fulfil the objective of this report. See spreadsheet attached with calculations for each of the Lots for secondary flow drainpipe calculations.

8.0 Watercourses:

There are no existing watercourses situated within the subject site to which stormwater discharges are directed. The flow from the site will be directed to either the Gordon Road or Park Street frontage as final house design may require. All secondary flow is to be directed away from the dwellings towards the road frontage.

9.0 Discharge Quality

Discharges from the site will be residential in nature. Water quality from the site is expected to remain largely unchanged from the current situation. Water quality treatment measures consist of typical residential management systems of leaf deflectors and first flush divertors on water tank intakes and where driveway sumps are to collect water, a submerged outlet e.g. half syphons, will be used. Stormwater attenuation tanks are calculated with an allowable 150mm dead storage below the orifice to allow for silts and debris from the collecting surfaces to settle below the outlet and to be cleaned separately.

10.0 Attenuation and Final Discharge (Pre vs Post):

10.1 Historical - Post-Development Attenuation Calculations:

See spreadsheet attached with calculations for each of the Lots 1 – 3.

10.2 RCP8.5 2081-2100 - Post-Development Attenuation Calculations:

See spreadsheet attached with calculations for each of the Lots 1 – 3.

10.3 Attenuation Tank/Orifice Summary:

Tank and orifice sizing has been undertaken to achieve acceptable attenuation capacity and associated discharge rates which are at or below the allowable peak discharge rate from the site for storm events ranging from 10-minute to 24-hour duration for a 10% AEP storm, using Historical & RCP 8.5 rainfall intensities for the period 2081-2100, to ensure that the tank can accommodate the attenuation volume without overtopping.

To achieve the above, detention capacity and outlet orifices as summarised in Table 14 are recommended. Table 15 summarises the pre-vs post-development site discharge with the proposed attenuation solutions.

Rainfall Intensity	Lot No	Rectangular tank	Cylindrical Tank	Orifice Diameter (mm)
Historical 10%	Lot 1	1000L	1000L	14

2081 – 2100	Lot 2	1000L	1000L	14
RCP 8.5 10% 2081 – 2100	Lot 1	1000L	1000L	18
	Lot 2	1000L	1000L	18

Table 14 - Recommended Tank Volumes & Outlet Orifice Diameters

	Tank/Orifice (Historic Attenuation)				Site Discharge
	Rectangle	Orifice	Cylinder	Orifice	L/s
Lot 1	1000L	14	1000L	14	1.19
Lot 2	1000L	14	1000L	14	1.08
Lot 3					4.71
Total Post Dev					6.98
Total Pre Dev					7.85
Difference					-0.86

	Tank/Orifice (RCP8.5 attenuation)				Site Discharge
	Rectangle	Orifice	Cylinder	Orifice	L/s
Lot 1	1000L	18	1000L	18	1.74
Lot 2	1000L	18	1000L	18	1.60
Lot 3					6.31
Total Post Dev					9.65
Total Pre Dev					10.50
Difference					-0.86

Table 15 – Historical Attenuation Vs RCP8.5 Attenuation AEP 10% Values

As detailed in Table 15, above, discharges from the overall site are achievable with the implementation of on-site detention. With appropriately sized orifices both cylindrical vertical water tanks and rectangular water tanks result in a total post-development site discharge less than total pre-development rates. Attenuating Lot 1 & 2 will result in the full site being able to achieve post-development rates of discharge being less than or equal to pre-development.

10.4 Attenuation Tank Details:

The Following tanks were assessed for each site and only equivalent tanks should be used in place for the correct attenuation values for this stormwater management plan.

Lot No	Description	Tank Shape	Capacity (L)	Length (mm)	Width/Dia. (mm)	Height (mm)
Lot 1 & 2	Promax Slimline Tank 1,000 Litre (SL1001000)	Rectangle	1000	2250	310	1750

Lot 1 & 2	Promax Enduro Water Tank 1,000 Litre (EN1001000)	Cylinder	1000	N/A	1030	1420
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Table 16 – Suggested Attenuation Tank Details

11.0 Summary:

Post-development impervious cover exceeds pre-development impervious cover, resulting in an increase in unattenuated stormwater discharge rates from the post-development site.

Post-development discharge rates will be managed to pre-development rates via the incorporation of on-site detention upon Lots 1 & 2. Detention tanks will be sized in accordance with the details set out in Table 16. Primary discharges from the tanks will be managed via interchangeable orifices as detailed within Table 15. All orifices must be capable being replaced in the future, enabling increased rainfall intensities arising from the effects of climate change to be accommodated.

Existing secondary flow paths are available across the site. Consequently on-site attenuation will be sized to accommodate 10% AEP storm events. For events greater than the 10% AEP design storm, tank overflows will be accommodated via high level overflows which are suitably sized to accommodate 1% AEP storm events, discharging to the identified secondary flow paths, namely the surrounding kerb & channel within the road corridors.

There are no watercourses crossing the property. Discharges from the site will be of a typical residential composition. Stormwater quality is expected to be managed using leaf deflectors and first flush diverters upon the roof tank system, and via driveway sumps equipped with submerged half-syphons to prevent foul material leaving the site.

The installation of the 1,000L tanks detailed in Table 16, equipped with appropriately sized interchangeable orifices as detailed in Table 15 are suitable to reduce post-development flows from the site to a level that will not exceed pre-development discharge rates.

Implementation of the measures detailed within this report is expected to result in stormwater discharges from the site which do not result in unacceptable adverse effects beyond those already existing both in terms of rates of discharge and water quality.

Any variation in site coverage or attenuation characteristics from the details contained herein shall necessitate the need for a review of the discharge characteristics.

12.0 Appendices:

- A) Attenuation Tank Details
- B) Attenuation Calculations – Excel Spreadsheet Available Upon Request.

COUNCIL EVIDENCE

SUB-2023-141/A

13 PENRICH STREET, ABBOTSFORD

AND

SUB-2023-145/A

288 GLADSTONE ROAD NORTH, MOSGIEL

Before Dunedin City Council Hearings Panel

Under the Resource Management Act 1991

In the matter of Objections under section 357 RMA in relation to SUB-2023-141 at 13 Penrich Street, and SUB-2023-145 at 288 Gladstone Road North, Dunedin

Between **Nicole Summerfield**
(13 Penrich Street)

Eighty Eight Investments Limited
(288 Gladstone Road North)

Objectors

And **Dunedin City Council**

Respondent

Evidence of Jane O'Dea, Associate Senior Planner, Dunedin City Council

21 June 2024

Respondent's solicitors:

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**anderson
lloyd.**

Qualifications and experience

- 1 My name is Jane Mary O'Dea.
- 2 I am employed as an Associate Senior Planner at the Dunedin City Council. I have been employed in the resource consents team at the Dunedin City Council since August 2018.
- 3 I have 19 years of experience working as a planner and have held various roles at consultancies, councils and crown agencies prior to working at the Dunedin City Council.
- 4 In preparing this evidence I have reviewed:
 - (a) The reports and statements of evidence of other experts giving evidence relevant to my area of expertise, including:
 - (i) Jakub Kochan, Subdivision Engineer, Dunedin City Council; and
 - (ii) Darryl Sycamore, Planning Manager, Terramark;
 - (b) The Dunedin City 2nd Generation District Plan (2GP); and
 - (c) The subdivision applications and decisions for 13 Penrich St and 288 Gladstone Rd North.
- 5 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

- 6 I have been asked to prepare evidence in relation to the Proposed 2GP framework relating to stormwater management as part of the subdivision process. This includes:
 - (a) An overview of the applications and my involvement with the applications;
 - (b) A summary of information about stormwater provided in the applications and advice received from the 3 Waters department on the applications;

- (c) Analysis of 2GP objectives and policies, rules and assessment guidance relating to stormwater in the context of subdivision applications;
- (d) Appropriateness of designing Stormwater Management Plan (SWMP) to Maximum Impermeable Surface Coverage as permitted under the 2GP; and
- (e) 288 Gladstone Rd – Consent Notice controlling number of habitable rooms on Lot 2.

Executive summary

- 7 I consider that the stormwater related provisions in the 2GP collectively provide an indication that the 2GP expects the effects of stormwater to be assessed and managed at subdivision stage, rather than deferred until such time as any resulting lots are individually developed.
- 8 I consider that the use of a SWMP is a legitimate means of confirming the magnitude of any stormwater effects and how such effects will be managed. Where this detail is not provided in an application, I consider it appropriate to require this as a condition of consent, provided that there will be readily available technical solutions to manage effects from stormwater.
- 9 I consider Rule 15.6.10 (Maximum Building Site Coverage and Impermeable Surfaces) to provide a relevant and useful reference point to measure the potential long term effects of stormwater runoff as a result of a subdivision; and accordingly off which to base a SWMP.
- 10 I consider that condition 3(d) of SUB-2023-145 can be removed without giving rise to density effects beyond that anticipated under the 2GP.

Overview of applications

- 11 SUB-2023-141 granted consent for a 2 lot subdivision at 13 Penrich St in Abbotsford. Lot 1 is a 405m² lot containing the existing house. Lot 2 is a vacant lot of 670m². Lot 2 is intended for future residential development. I was the processing planner for the subdivision.
- 12 SUB-2023-145 granted consent for a 4 lot subdivision, to be undertaken in 2 stages. Stage 1 is the subdivision of the site into 3 lots – Lots 1, 2 & 100. Lot 1 is a 538m² lot containing the existing house; Lot 2 is a 400m² lot intended for future residential development. Lot 100 is a 576m² lot on which a duplex will be erected. Under stage 2, the two halves of the duplex will be subdivided onto individual titles – Lots 3 and 4 of 307m² and 269m²

respectively. I was not involved in the processing of this subdivision application.

- 13 Both sites are in the General Residential 1 (GR1) zone, and are accordingly subject to the same subdivision standards, residential density, and development site coverage requirements under the 2GP.

Summary of information about stormwater provided in the applications and comment from 3 Waters

- 14 In the case of 13 Penrich St, the application set out that stormwater would be directed to the kerb and channel. This was subsequently supplemented by calculations of pre and post development run-off. Site coverage calculations were provided for Lot 1 (containing the existing house). This confirmed compliant site coverage for Lot 1 in terms of Rule 15.6.10.
- 15 In the case of 288 Gladstone Rd, the application set out that stormwater would be directed to the kerb and channel. Site coverage calculations were provided for Lots 3 and 4 (to contain the duplex).
- 16 Both applications indicated a view that because the subdivisions comply with the permitted scale/density for the zone, that there would be no threat to infrastructure capacity.
- 17 Neither application provided an assessment of whether there is adequate capacity in the existing network and/or what the adverse effects from an increase in stormwater discharge will be.
- 18 Comment was sought from 3 Waters (City Growth Team) on both of the applications.
- 19 For both subdivisions 3 Waters recommended that a SWMP be submitted to and approved by 3 Waters.
- 20 In the case of 13 Penrich St, the reason provided by 3 Waters for requesting a SWMP was that:

The proposal is for a subdivision that may result in new residential development and does not propose to discharge stormwater to reticulated infrastructure, therefore a Stormwater Management Plan (SWMP) is required.
- 21 In the case of 288 Gladstone Rd North, the reason provided by 3 Waters for requesting a SWMP was that:

The proposal is for a subdivision that may result in new residential development, does not propose to discharge stormwater to reticulated infrastructure, and is located within a flood zone, therefore a Stormwater Management Plan (SWMP) is required.

Analysis of 2GP Stormwater Provisions

- 22 In relation to subdivision activities, Rule 15.3.5.2 states that general subdivision is a restricted discretionary activity in the residential zones.
- 23 Section 15.11.4.1.c and d. state that *'effects on efficiency and affordability of infrastructure'* and *'effects of stormwater from future development'* are matters of discretion. The processing planner must therefore assess these matters when considering an application for subdivision.
- 24 *'Guidance on the assessment of resource consents'* in relation to these matters of discretion directs plan users to Rule 9.6.
- 25 Rule 9.6.2.2 refers plan users to Objective 9.2.1 and Policy 9.2.1.7 (previously numbered 9.2.1.X) from the Public Health and Safety section of the 2GP. These are the key objective and policy in the 2GP relating to stormwater management outside of New Development Mapped Areas (NDMAs), and read as follows:

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.

Policy 9.2.1.7

Only allow multi-unit development; supported living facilities; subdivision; or development that contravenes the impermeable surfaces performance standard, where:

- a. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through DCC stormwater public infrastructure at any point:
 - i. there is adequate capacity in the stormwater public infrastructure; or
 - ii. any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and
- b. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through a private,

natural/informal stormwater system, or Otago Regional Council public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding.

- 26 I would like to emphasise here that Policy 9.2.1.7 separates 'subdivision' from 'development that contravenes the impermeable surfaces performance standard.' Both consents subject to the objections currently being considered are for subdivision, and the consideration of effects from stormwater therefore isn't limited to that which contravenes the impermeable surfaces performance standard.
- 27 Rule 9.6.6.2 goes on to provide further, '*General assessment guidance*' as follows:

For multi-unit development, supported living facilities and subdivision that may lead to new residential development, Council will consider how stormwater will be managed and may require an integrated stormwater management plan to be submitted with the application (see Special Information Requirement - Rule 9.9.3).

Conditions that may be imposed include:

For subdivision activities, a requirement to connect to stormwater public infrastructure (where available).

- 28 Rule 9.9.3 (previously numbered 9.9.X) sets out special information requirements for stormwater management. Some of these relate to new development mapped areas and are therefore not of relevance to the subject applications. The relevant clauses to the current applications are 3. and 7. (previously numbered 9.9.X.3 & 9.9.X.7):
3. Outside a new development mapped area, applications for consent that include the following activities must provide details of how stormwater will be managed in accordance with clause 7 of this rule:
1. subdivision that may lead to new residential development;
 2. development that contravenes the impermeable surfaces performance standard;
 3. multi-unit development; or
 4. supported living facilities.

7. Stormwater management information required outside a new development mapped area must demonstrate how Policy 9.2.1.7 will be achieved by:
1. providing a stormwater management proposal prepared by a suitably qualified person, which:
 1. contains a level of detail commensurate with the scale of the subdivision, land use or development activity;
 2. reflects the scale of any stormwater management issues in the catchment and any capacity constraints in the public infrastructure network; and
 3. where available, follows any relevant guidance on acceptable stormwater management solutions for similar activities in a similar context; and
 2. for subdivision activities that result in more than six lots, or development areas greater than 1ha, providing an integrated stormwater management plan where requested by Council.

29 Rule 15.4.4 – ‘Notification’ of the 2GP states that:

With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider:

2. potential permitted new buildings or structures or compliance with the maximum building site coverage and impermeable surfaces performance standard (Rule 15.6.10) as part of the permitted baseline in considering the effects of subdivision activities on stormwater management in the residential zones.
- 30 The above rule relates to notification of applications, and not to the consideration and determination of applications under section 104 and 104C. However this provision does set an expectation that when it comes to the activity of subdivision, Council will take into consideration the effects of permitted development in determining if the adverse effects of an activity are likely to be more than minor.
- 31 Further section 104(2) provides a discretion for Council to disregard adverse effects of activities where the district plan permits activities with that effect. This means that Council can choose whether it wishes to disregard effects or not.
- 32 Collectively, I consider that these provisions provide an indication that the 2GP expects the effects of stormwater to be assessed and managed at

subdivision stage, rather than deferred until such time as any resulting lots are individually developed.

- 33 I also consider that the use of a SWMP is a legitimate means of confirming the magnitude of any stormwater effects and how such effects will be managed. Where this detail is not provided in an application, I consider it appropriate to require this as a condition of consent, provided that there will be readily available technical solutions to manage effects from stormwater.
- 34 Alternatively, an applicant may prefer to submit stormwater management information in the application for subdivision so that the detail of any required stormwater management, such as attenuation tanks, can be determined during the processing of the application. If such an approach is taken then there would not be any need to submit a SWMP as a condition of consent.

Appropriateness of designing SWMP's to Maximum Impermeable Surface Coverage as permitted under the 2GP

- 35 Paragraph 22 of Mr Sycamore's evidence states that there is no rule in the 2GP that specifies that the maximum site coverage forms the basis for attenuation. However I would point out that under rule 15.3.5(2) general subdivision is a restricted discretionary activity in the residential zones, and under rule 15.4.11 the matters over which Council has discretion include: "effects of stormwater from future development". Council can therefore impose conditions in relation this matter of discretion, and it is not necessary for the Plan to have a particular rule stating what will form the basis for attenuation.
- 36 The subdivision is setting up a situation under which the new lots are intended to be developed for residential activity. Development associated with that activity will have the right, as a permitted activity, to have a maximum of 70% impermeable surface site coverage. While any initial development of the site may or may not be developed to the maximum allowable impermeable surface coverage, there is the potential that further impermeable surfaces could be introduced in the future, without any reference to the Council, provided the maximum of 70% coverage is not exceeded. In terms of effects of stormwater from future development, in the absence of development plans and/or other mechanisms such as consent notices limiting impermeable surfacing, Council's only reference point for the assessment of effects must be the maximum permitted impermeable surface coverage.
- 37 Paragraph 18 of Mr Sycamore's evidence states that the applicant is "likely" to construct a "modest sized home" and that the maximum bulk and

impervious surface standards will "almost certainly not be breached". The consent authority cannot rely on vague statements like this which are not reflected in the consent application. In the absence of development plans I consider that the only reference point that can be used is what is permitted under the plan – being the maximum impermeable surface rule for the zone which any future owner will be able to develop to as of right.

- 38 In relation to 13 Penrich St, permitted future residential development on Lot 2 could foreseeably take the form of:
- (a) A single dwelling with associated domestic curtilage such as a driveway, parking and manoeuvring areas; and garden/outdoor living space.
 - (b) A dwelling and ancillary residential unit with associated domestic curtilage such as driveway, parking and manoeuvring areas, and garden/outdoor living space.
 - (c) A duplex with associated domestic curtilages such as driveway, parking and manoeuvring areas, and garden/outdoor living spaces.
- 39 In relation to 288 Gladstone Rd North, permitted future residential development on Lot 2 could foreseeably take the form of:
- (a) A single dwelling with associated domestic curtilage such as a driveway, parking and manoeuvring areas; and garden/outdoor living space.
 - (b) A dwelling and ancillary residential unit with associated domestic curtilage such as driveway, parking and manoeuvring areas, and garden/outdoor living spaces.
- 40 On any of the resulting lots of both subdivisions the following maximum site coverage could be undertaken as a permitted activity:
- (a) Site coverage from buildings and structures of up to 40% of site area; and site coverage from buildings, structures and impermeable surfaces of up to 70% of site area (Rule 15.6.10).
- 41 I therefore consider that the approach of designing stormwater management to accommodate the maximum impermeable surface coverage, as permitted under the 2GP, is an appropriate and effective means of managing the "effects of stormwater from future development," and does not constitute "over reach" as described by the applicant.

- 42 Rather, I consider Rule 15.6.10 to provide a relevant and useful reference point to assess the potential long term effects of stormwater runoff as a result of a subdivision, particularly in the absence of any formal development plans, or other mechanisms that might provide certainty in relation to the nature and scale of future development.

Clarification regarding Conditions 3(a) and 3(b)

- 43 Mr Sycamore's evidence at paragraphs 30 and 31 states that the applicant will be required to install tanks of a particular size. I would like to clarify that condition 3(a) only requires that a SWMP, containing the specified information, is to be submitted and certified by 3 Waters.
- 44 As per the consent notice in condition 3(b), the actual installation of any attenuation devices is not required until such time as 'a residential activity is established on this site.' It is therefore the future developer of the site (not necessarily the current applicant) who will be responsible for installing any such devices required under the SWMP.

288 Gladstone Rd – Consent Notice controlling number of habitable rooms on Lot 2

- 45 The objection seeks the deletion of condition 3(d) which reads as follows:

A consent notice to avoid overdevelopment of the site must be prepared and registered on the record of title for Lot 2 hereon, for the following ongoing condition:

i) This site has a maximum development potential of four habitable rooms and cannot contain more than four habitable rooms overall. The definition of habitable room for the purpose of this consent notice is the definition contained within Section 1 of the Second Generation District Plan.

- 46 The objection provides the following justification for removing this condition:

While the overall development will comply with the overall density threshold on the basis of the underlying titles area, we are 'sharing' the available habitable room capacity between these lots, making Lot 100 (3 & 4, Stage 2) over-dense, however the same cannot be said for Lot 2. Inclusion of the consent notice on Lot 2 unreasonably encumbers the title in a manner which is simply re-stating the permitted density threshold for the zone.

- 47 The consent notice would ensure that the total number of habitable rooms on the overall site would not exceed the allowable 'habitable room' density under Rule 15.5.2 which is 15 habitable rooms based on a site area of 1514m². Looking at it from an original site analysis – this rule would allow a maximum development of 15 habitable rooms prior to subdivision – or development of 14 habitable rooms among the new lots resulting from of the subdivision (across the area of the original site). With the division of land between the new lots, the potential number of habitable rooms is reduced by one.
- 48 However, under Rule 15.5.2, density is only calculated by habitable rooms for land zoned GR1 when a duplex or ancillary residential unit is involved. The habitable room density therefore doesn't necessarily represent the absolute maximum allowable density for a site. A single residential unit with any number of habitable rooms can be built on a site of 400m² in the GR1 zone.
- 49 Leaving Lot 2 out of the equation, the combined site area of Lots 1 and 100 (Lots 3 & 4 under stage 2) is 1114m². This allows for 11 habitable rooms if the land is developed pre-subdivision. The duplex and existing house will have a total of 11 habitable rooms. A consent notice on Lot 1 will limit that site to 3 habitable rooms. Consent notices on Lots 3 & 4 will limit those sites to a total of 8 habitable rooms. The number of habitable rooms across these 3 sites will therefore not be allowed to exceed 11 habitable rooms without further resource consent.
- 50 In this context, the area of Lot 2 is not required to 'compensate' for the density breach on Lot 100/3 & 4 of Stage 2. A restriction on further development on Lots 1, 3 and 4 is sufficient.
- 51 If the condition is removed it will mean that under the minimum site size rule (15.5.2), a single house with any number of habitable rooms could be established on Lot 2 as a permitted activity (subject to development performance standards), but this is no different from any other site that meets the minimum site size. As noted above, habitable room density only becomes relevant if an ancillary unit (or duplex) is proposed. As Lot 2 is under 500m² a duplex is not permitted, but an ancillary unit could be established in conjunction with or subsequent to a primary dwelling. A maximum density of 4 habitable rooms would then be allowed on Lot 2, with resource consent required to breach this.
- 52 Based on the above, I consider that the condition can be removed without giving rise to density effects beyond that anticipated under the 2GP.

Conclusion

- 53 It is my opinion that the 2GP expects effects from stormwater to be assessed and managed at subdivision stage.
- 54 In the absence of sufficient detail about stormwater effects, and the appropriate management of such effects, I consider that a condition requiring a SWMP to be submitted for approval by the Council is appropriate in situations such as these, where it is most likely that stormwater effects can be adequately managed on-site, but the detail of how this is achieved needs to be confirmed.
- 55 It is my opinion that designing any required SWMP to accommodate the maximum impervious surface area, as per the permitted baseline of the Proposed District Plan is an appropriate and effective means of managing the effects of stormwater from future development.
- 56 I consider that condition 3(d) of SUB-2023-145 can be removed.

**Jane O'Dea**

21 June 2024

Before Dunedin City Council

Under the Resource Management Act 1991

In the matter of Objections under section 357 RMA in relation to SUB-2023-141 at 13 Penrich Street, and SUB-2023-145 at 288 Gladstone Road North, Dunedin

Between **Nicole Summerfield**

(13 Penrich Street)

Eighty Eight Investments Limited

(288 Gladstone Road North)

Objectors

And **Dunedin City Council**

Respondent

Evidence of Jakub Kochan

17/06/2024

Respondent's solicitors:

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**anderson
lloyd.**

Qualifications and experience

- 1 My name is Jakub Kochan.
- 2 My role is Subdivision Engineer, City Growth Team, Dunedin City Council (DCC).
- 3 I hold a Master's degree in Mechanical Engineering - level 9 (NZQA).
- 4 I have 5+ years of experience working as a Subdivision Engineer in 3 Waters/City Growth Team in the DCC. This experience includes: assessing and approving stormwater management plans (SWMPs), Civil Engineering Design Plans for Water, Stormwater (SW), Foul Sewer (FS) for subdivisions and other big projects.
- 5 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

- 6 I have been asked to prepare evidence in relation to subdivision consent conditions requiring SWMPs for proposed subject developments. This includes:
 - (a) Technical evidence on why SWMPs are required; and
 - (b) Justification as to why SWMPs are required at resource consent stage rather than at building consent stage.

Executive summary

- 7 SWMPs are required for both 13 Penrich St., Abbotsford and 288 Gladstone Rd., Mosgiel, because the sites are currently predominantly green (pervious) and development will increase stormwater (SW) flow rates post development.
- 8 No piped, 3 Waters owned, reticulated stormwater infrastructure is in the vicinity of the development sites.
- 9 288 Gladstone Road is located in multiple Hazard Zones, meaning that the site is prone to intensified shaking, land movement, overland flow path (flood), fault proximity, liquefaction, and is located within an alluvial fan.

- 10 The developers have not provided detail, commensurate with the level of development, of how stormwater from either of these sites will be managed.
- 11 The condition “An assessment of the current network and its ability to accept any additional flow from the proposed development” is not an essential requirement for SWMPs for these developments if the plans attenuate stormwater so that the development will be hydrologically neutral. On this basis the condition may be removed for both sites.

Technical evidence on why SWMP is required for 288 Gladstone Rd.

- 12 The site is predominantly ‘green’ at the moment, meaning that most of the surface area is made of permeable surfaces (such as grass, and garden).
- 13 The site is currently only ~22% impervious and could be increased to 70% impervious post development (from ~333sqm to 1060sqm). This would amount to 3 times the current impervious coverage of the site. This will increase peak SW runoff from the site which will likely affect other properties in the vicinity. Impacts may include: scouring and erosion, reduced water quality, flooding of adjacent properties, nuisance ponding, increasing flood risk downstream from the development (flood zone), and complaints about soaked ground outside the development.
- 14 The resultant sites will be discharging SW runoff to the Kerb and Channel (K&C) rather than to reticulated, piped infrastructure. For the subject sites, this means that each of the ‘back’ sites will be discharging SW flow through private land (‘front’ sites) owned by others. This SW will pass through via pipes and/or overland flow, this has the potential to create nuisance and result in complaints if not managed properly.
- 15 The Site is located in a Hazard 3 (flood) Overlay Zone, and the Hazard 3 (Alluvial Fan) Hazard Zone meaning that it is prone to: intensified shaking, land movement, overland flow path (flood), and liquefaction.
- 16 I consider the site is in a location that is sensitive to the increase of stormwater runoff.
- 17 The applicant is required to demonstrate to 3 Waters (as per the 2GP) how the SW runoff from the site will be managed to ensure the effects on the environment are no more than minor. This is best achieved by providing a SWMP for review.

Technical evidence on why SWMP is required for 13 Penrich St.

- 18 The site is predominantly ‘green’ at the moment.

- 19 The site is currently only ~22% impervious and could be increased to 70% impervious (from ~221.2sqm to 708.4sqm) post development – this would amount to three times the current impervious coverage of the site. This will increase peak SW runoff from the site, which will likely affect other properties in the vicinity. Impacts may include: scouring and erosion, reduced water quality, flooding adjacent properties, nuisance ponding, increasing flood risk downstream from the development, and complaints about soaked ground inside and outside the development.
- 20 As with the proposal at 288 Gladstone Road, the resultant sites will be discharging SW runoff to the K&C rather than to reticulated, piped infrastructure. This means that each of the sites will be discharging SW flow through other private land. This flow will be passing through other private properties as piped and/or overland flow which may be reason for complaints if not managed properly.
- 21 The applicant is required to demonstrate to 3 Waters (as per the 2GP) how the SW runoff from the site will be managed to ensure the effects on the environment are no more than minor. This is best achieved by providing a SWMP for review.

Developer's Proposed Approach

- 22 The Developer for each site proposes to delete the condition of the consent that asks for a SWMP. My understanding is that the developer proposes that a SWMP is not required at all.
- 23 The DCC position is that the information on how SW runoff from the site will be managed should be provided with the subdivision application as per 2GP rule 9.9.3.3.
- 24 I do not support proposed deletion of the requirement for SWMP for the reasons set out in paragraphs 12-21 above..
- 25 The developer also proposes an alternative that in case the condition is not deleted from the subdivision consent, then the SWMP should be deferred to the Building Consent Stage. I do not support deferral of the SWMP to the building consent stage for the following reasons:
 - a. When a SWMP is included as a condition of consent owners of the new lots have a readily available solution for managing SW on the site they have purchased (no surprises).
 - b. It is impractical and sometimes impossible to address SW management by individual owners after land has been

subdivided due to (but not limited to): insufficient space to include SW management devices.

- c. A SWMP should inform the architectural design rather than other way around. Deferral of SWMP to the Building Consent stage makes this harder to achieve and can lead to poor SW management outcomes.
- d. Land that is to be subdivided is owned by one entity, so it is easier to design SW management at the time of subdivision rather than later. Once land is subdivided and individual lots are owned by separate landowners, there will be 'heavy' reliance on the relationship between new owners to address SW management (easements for secondary flow paths, permissions to lay pipes, etc.), which could make SW management impractical.

Conclusion

- 26 I consider that for the subject sites, the requirement to provide a SWMP at a level of detail commensurate with the scale of the development at the subdivision stage as a subdivision consent condition is the most appropriate approach to ensure that the resultant sites will have no more than minor effect on the environment.
- 27 I would support removal of the requirement for "An assessment of the current network and its ability to accept any additional flow from the proposed development." for both sites, because this is only essential if the developments will result in a net increase in run-off from the site. Provided the required SWMP for each development will ensure the outcome of the development is hydrologically neutral, there should be no off-site effect on the network additional to the existing situation pre-development.



Jakub Michal Kochan

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