

HEARINGS COMMITTEE AGENDA

WEDNESDAY, 16 APRIL 2025, 1.00 PM
Council Chamber, Dunedin Public Art Gallery,
30 The Octagon, Dunedin

MEMBERSHIP: Commissioner Ros Day-Cleavin (Chairperson), Councillors Christine Garey and Cherry Lucas

IN ATTENDANCE: Jeremy Grey (Senior Planner/Committee Advisor), Phil Marshall (Processing Planner), Campbell Thomson (Senior Planner) and Wendy Collard (Governance Support Officer)

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

1 RESOURCE CONSENT APPLICATION – S357B FEE OBJECTION - SUB-2024-48/A, 30 AND 32 DUNDONALD STREET, DUNEDIN

Introduction

Applicant to introduce themselves and their team.

Procedural Issues

Any procedural matters to be raised.

Presentation of the Senior Planner's Report

Report from Phil Marshall

Refer to pages 1 – 5

Appendix 1 – Fee Objection

Refer to pages 6 – 7

Appendix 2 – Planning Processing Timeline

Refer to pages 8 – 13

Appendix 3 – Breakdown of Fee

Refer to pages 14 – 21

Appendix 4 - SUB-2024-48 & LUC-2024-298, Decision and Planner's Report

Refer to pages 22 - 126

The Applicant's Presentation

The Planner's Review of their Recommendation

The Planner reviews their recommendation with consideration to the evidence presented

The Applicant's Response

The Applicant to present their right of reply

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

RESOLUTION TO EXCLUDE THE PUBLIC

To be moved:

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

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

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48 for the passing of this resolution.
1	Resource Consent application – 30 and 32 Dundonald Street, Dunedin	That a right of appeal lies to any Court or Tribunal against the Dunedin City Council in these proceedings.	Section 48(1)(d)

TO: Hearings Committee

FROM: Phil Marshall, Senior Planner

DATE: 31 March 2025

SUBJECT: **S357B FEE OBJECTION - SUB-2024-48/A**

APPLICANT: DUNDONALD STREET LIMITED

ADDRESS: 30 & 32 DUNDONALD STREET

This report has been prepared on the basis of information available on 31 March 2025. The purpose of the report is to provide a framework for the Committee's consideration of the objection and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

Attached to this report are the following appendices:

Appendix 1 – Objection email dated 9 October 2024 from Mr Darryl Sycamore agent for TGC Homes.

Appendix 2 – Processing timeline from Mr Campbell Thomson, senior planner, covering the period from January 2024 to July 2024.

Appendix 3 – Detailed fee breakdown from consents administration.

Appendix 4 – Consent SUB-2024-48 & LUC-2024-134 & LUC-2024-298 granting consent to the project. These consents were for freehold subdivision, consent under the NES-CS for earthworks on a contaminated site and a land use consent providing the option of using the dwellings for visitor accommodation.

INTRODUCTION

The application, the subject of this fee objection, involves the construction of 18 residential units replacing two existing dwellings on a total land area of 2024 sqm illustrated below.



RevID	CHD	Revisor	Date
01	R20	Creating Changes to Roadside	02/07/2024
02	R21	Box window added	12/06/2024
03	R22	Detail roof added	05/06/2024
04	R23	Detail added to street front	15/06/2024
05	R24	Landscaping amended to street	13/03/2024



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The Contractor to verify and confirm all measurements, dimensions, and heights with the Designer prior to construction. Site boundaries and levels to be verified and confirmed by Surveyor.



The description of the proposal from the consent (page 3) is as follows:

Resource consent is sought to undertake earthworks on a HAIL site and build an 18-unit terraced townhouse development including a shared access (the 19th lot; an access lot) across the current adjoining properties at 30 and 32 Dundonald Street, Tainui, Dunedin. Resource consent is sought to subsequently subdivide the two and three-bedroom units onto 18 freehold sites and create one shared access lot (comprising 796m²), which is to be held in eighteen undivided shares by the owners of proposed lots 1-18. Subdivision of a HAIL site (32 Dundonald Street) also requires resource consent under the NES-CS.

The total processing cost of the consent was **\$24,945.41**, this includes a \$2600 deposit which has been paid. The proposal was granted consent on the 22 August 2024 with the fee objection being received by Council on 9 October 2024. The objection is contained in Appendix 1 to this report.

Key aspects of the breakdown of costs are as follows:

1. The processing planner's time totalled 93.7 hours. As the charge out rate changed on 1 July 2024 some hours are at the rate of \$166 per hour and others at \$177 per hour. The total cost of time charged for consent assessment and processing amounted to \$15,503.97, most of this being processing planner time. The detailed breakdown of time charged is contained in Appendix 3 to this report.
2. A review of geotechnical information by Stantec amounted to \$1,417.38
3. Stantec's input and review of land contamination matters amounted to \$3,199.87

The remainder of costs to make up the \$24,945.41 figure relate to compliance monitoring, senior planner report checking and charges from DCC departments (3Waters and Transportation).

STATUTORY REQUIREMENTS

The relevant provisions of the Resource Management Act 1991 are contained in section 357B (right of objection in relation to imposition of additional charges or recovery of costs).

Section 357B allows the applicant to lodge an objection against the fees imposed by the Council under section 36(3) for the processing of a resource consent application. Objections under section 357B are considered by the Council Officers and the applicant advised of their recommendation. If the objectors accept the officer's recommendation then the decision is determined under delegated authority. However, if the objectors do not accept the recommendation, then the matter is referred to the hearings committee for determination.

Section 357D provides that after considering an objection, the consent authority may dismiss the objection, or uphold it either partly or wholly. If the objector is dissatisfied with the consent authority's decision, then they have the right of appeal of that decision to the Environment Court.

BACKGROUND

The objection relates to processing fees amounting to **\$24,945.41**

As the Council officer processing this fee objection, I was not prepared to recommend a reduction in fees. As a result a non-notified hearing process was initiated to determine the outcome of the fee objection.

DISCUSSION

Council has a 100% cost recovery policy in relation to the processing of resource consents and is empowered by section 36 of the Resource Management Act 1991 to fix charges associated with the receiving, processing and granting of a consent. There are non-billable costs for the application that have not been recovered because of the limitations of sections 36 and 36AAA.

Several issues contributed to the time and therefore the cost of processing the above subdivision and land use consents. As illustrated by the attached decision in Appendix 4 the application was for a reasonably complicated project with multiple rule breaches to the 2GP. These rule breaches are set out on Pages 8 -13 of the 56 page report written by the processing planner.

Furthermore, the application for resource consent was not complete with several areas generating the need for a further information request. These included matters relating to visitor accommodation, waste removal and service areas, earthworks, and stormwater management (a series of emails in late May 2024 between the processing planner and the applicant detail this correspondence but are not included with this report). The most significant omission in the application related to the lack of information about contaminated land and their being no Detailed Site Investigation (DSI). This is further mentioned in point 3 below.

A perusal of the timeline in Appendix 2 reveals the following points and the complexity of the issues involved.

1. Demolition of the two existing dwellings on site without the appropriate controls or consent when land contamination was a known issue to the applicant. Contaminants were spread across the whole site.
2. Implications of the proposed freehold tenure of the site by the applicant in relation to the creation of drains in common, seen by 3Waters as very undesirable. Rejection by the applicant of the option to utilise the Unit Titles Act with its associated mechanisms to look after common services through a Body Corporate.
3. Missing information in the application. In particular there was no Detailed Site Investigation (DSI) in relation to land contamination. Eventually, and oddly, it was determined that a DSI had been carried out in March 2024 but this was not revealed to Council's processing planner until the 6th of June 2024. The objector's agent Mr Sycamore may be able to cast further light on this matter. In terms of processing cost this caused the processing planner and Stantec considerable extra work.
4. The matter of the creation of a "Residents Association" to look after common services. While promoting this concept the applicant was not prepared to provide details prior to the granting of consent. Advice from Council's in house lawyers was that the detailed structure of the association should be provided to Council ahead of the consent being granted. A Council lawyer was required to undertake a significant amount of work at short notice; none of the cost was able to be recovered because of the current fee schedule.
5. Stormwater management issues not being resolved at the time the application was lodged. With the site sloping away from Dundonald Street and towards established residential dwellings stormwater disposal needed a bespoke solution.
6. The applicant claiming the "Halo" approach to remediation of the contaminated site was appropriate. Stantec disagreed with this approach.

In view of the above, it is considered that the charges are justified and reasonable. The benefits of processing the consent accrue to the applicant rather than the community as a whole, and the need for the processing fees was occasioned by the actions of the applicant (in lodging the application).

CONCLUSION

For the reasons set out above, it is concluded that the objection to the processing fee should be declined and that the Committee support the original invoice. The invoice was for \$22,345.4 with a deposit of \$2,600 already being paid to give the total processing cost of **\$24,945.41**

RECOMMENDATION

That pursuant to section 357B of the Resource Management Act 1991, the Dunedin City Council declines the objection to the cost of processing the consent associated with resource consent SUB-2024-48/A and associated land use consents.

RIGHT OF APPEAL

In accordance with section 358 of the Resource Management Act 1991, you may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received. The address of the Environment Court is:

The Registrar
Environment Court
PO Box 2069
Christchurch Mail Centre
Christchurch 8140

Any appeal must be served on the Dunedin City Council. Failure to follow the procedures prescribed in section 358 of the Resource Management Act 1991 may invalidate any appeal.

Report prepared by:



Phil Marshall

Senior Planner

31 March 2025

Date

Report checked by:



Alan Worthington

Resource Consents Manager

31 March 2025

Date

APPENDIX 1:

Objection Email

From: Darryl Sycamore <darryl@terramark.co.nz>
Sent: Wednesday, 9 October 2024 12:17 p.m.
To: Planning
Subject: [#TM-230688] 30 & 32 Dundonald Street Objection to fees

Hi

With respect to the fees associated with 30 & 32 Dundonald Street, we formally seek to object under s357 to these costs.

They do not meet the test of being fair and reasonable on the basis that other applications by the same developer for equally as complex sites have resulted in significantly lower fees.

The issue of contention with this application related to 3waters/legal matters of services ownership and the earthworks carried out prior to obtaining consent. We do not contest the compliance monitoring fees nor the 3waters fees of only \$1,295.96. The balance of the proposal was not overly complex.

Having sought a fees breakdown there are a number of matters not sufficiently detailed which require clarification.

1. We question how can 'consents administration' take over 30 hours of time. This is twice the total time that the application took to be drafted by Terramark planners.
2. The processing planner took 54.5 hours to write the s42A report. This is excessive.
3. It is unclear how \$4,617.25 of time can be spent by Council's hazards and contaminated sites external consultant. This is excessive and requires a further detailed breakdown.
4. How can 19 hours of time be spent on correspondence? This is excessive, when putting aside the 3waters and compliance matters, the remainder of the application is no different to other recently approved consents.
5. It is unclear what 4.5 hours of 'information requests' relates to when it sits outside 'correspondence' or 'consents admin'. This requires clarification to determine whether it is fair and reasonable or not.
6. The fees appear to include two charges for 'Compliance Monitoring (first visit)'. This is duplication and should be deleted.

Putting aside the 3waters legal discussion about the ownership structure for services (which wasn't that complex given the 3waters fees was only \$1,295) and the compliance fees associated with the earthworks commencing prior to obtaining consent, this application was no more complex than others by TGC Homes Limited. The Grant Street consents by TGC recently approved only included additional fees of approximately \$6,000 which I considered fair given the complexity and number of additional discussions and meetings.

We seek a formal assessment of the fees associated with this application with a more comprehensive breakdown against each charge code and s357 objection to the application once we have the detailed breakdown available for consideration.

Kind regards

Darryl Sycamore
Resource Management Planner

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021 125 5554	330 Moray Place
darryl@terramark.co.nz	Dunedin 9016
Terramark.co.nz	dunedin@terramark.co.nz

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APPENDIX 2:

Processing Timeline

LUC-2024-134 & SUB-2024-48**30 & 32 Dundonald Street, Waverley, Dunedin**

Report on Processing Issues and Timeframe to date

Summary of key facts

The application concerns a proposed multi-unit development of 18 units on two combined sites in Waverley, Dunedin. The application proposes that these units may either be used for standard residential activity or as visitor accommodation. The land is proposed to be subdivided so that all the units will be on individual freehold titles, served by a common access lot. Earthworks are proposed for the site development and all the pre-existing buildings on both sites were demolished after lodgement of the application. The earthworks involve soil disturbance of a HAIL site under the NESCS, as soil testing of one of the sites has confirmed the presence of contaminants.

Overview

Collectively, a number of factors have contributed to the processing time required to date for this application: [This application also included the option of proposed units being used for visitor accommodation -PM]

- the nature and scale of the multi-unit development
- the potential effects on the residential character and amenity of the existing environment
- difficulties identified by 3 Waters with achieving effective stormwater management for this development
- issues arising from the HAIL status and evidence of soil contamination of land within the site and timing of demolition works in relation to this
- an absence of key information at the time of lodgement that could and should have been provided at that time.

The processing planner has provided information on the timeframe related items in the table below. I [Campbell Thomson – PM] have added additional information in blue from other email correspondence the planner sent me, which has a direct bearing on the timeframe issues:

Date	Event	Notes
22.1.24	Pre-Application meeting held with a director of TGC and representative of Terramark in attendance, along with 3 Waters staff.	Notes from meeting state: “Stormwater is an issue, no easy solution, stormwater may be able to be pumped, tanks under the carpark, further discussion required, will be Residents Society created for keeping common areas and group insurance” Applicant indicated impermeable surfaces would comply (although the plan submitted at meeting did not comply and subsequent application submitted did not comply).

25.1.24	Follow up email to applicant from 3 Waters	Email confirmed problems with the application for servicing for Stormwater and stated that 3 Waters do not support drains in common and would be reluctant to take over a communal SW pump station. Provides some ideas for managing stormwater at this scale (not adopted by the applicant).
9.4.24	DCC received application	The application contains limited information about stormwater management and in regard to HAIL states “There is no evidence of contamination on the site, nor any known history with the application of a land use activity which could give rise to land contamination although in this case we accept the risk of lead and asbestos is credible”. This is in direct conflict with statements in the DSI prepared by EC Otago for TGC prior to the application, but not disclosed to the Council until June 2024.
Late April/early May	All buildings on site demolished	Demolition of the buildings at 30 and 32 Dundonald occurred with significant earth works before resource consent was granted (including off-site disposal of soil). Advice sought from Stantec regarding the suitability of the “Halo remediation” approach for lead impacted soils given that demolition works had already occurred at the site.
8.5.24	Application goes on hold for Further information under s92	Within this further information request, I state: 3 Waters request the application is switched to a unit title subdivision to manage the effects associated with common drains owned in many shares. Where the proposal is not a unit title subdivision, please provide the proposed resident’s association details/document/contract, 3 Waters note the DCC legal team has historically not been in favour of this approach. An Email from 3 Waters on 23 April set out concerns with the proposed development. In regard to HAIL a Detailed Site Investigation report is sought on advice from Stantec, as soil testing around the “Halo’ of existing buildings is no longer a suitable methodology.
9.5.24	Applicant grants a 10 day extension.	While the application was still on hold at this point, I requested a s37 from the applicant early in the process as we were considering rejecting the application under s88, but instead I worked on a FIR, which was not sent to the applicant until 1 day prior to the 20 day timeframe, so I knew once the application came off hold and I had all the information, it would take me longer than one day to process. There was so much information missing and the further information response required collaboration with Departments but also was delayed further by the fact that we found out on 7 th May that they had demolished the houses and seemingly undertaken earthworks – so I then

		had to seek advice from Stantec before sending out the RFI, and this further delayed the 'issuing' of the RFI as I needed to incorporate questions about their approach / what their application actually was with respect to contaminated soils and how they undertook the demolition etc. and whether there was a spread of contamination. [The consents monitoring and compliance team had to become involved as earthworks on the site carried out by the developer were likely to have been on a HAIL site – PM]
21.5.24	Information on SW received from applicants agent	Applicant's agent request SWMP as a condition of consent and a draft covenant prepared for other sites.
29.5.24	Response to applicant	Applicant advised that proposal for condition not acceptable to 3 Waters.
6.6.24	Information of HAIL and other matters received from applicants agent	Detailed Site Investigation report received from applicants agent, with no explanation of why now provided, when it is evident from the document it was written in March following site investigations in February 2024. No additional information provided on SW issue.
24/25.6.24	Emails re SW with applicants agent and management of contaminated soils	Contaminated Soils Management Plan and Remedial Action Plan received. Outstanding information confirmed including the SW information above and request from 3 Waters for a SWMP and detail of the Resident's Association.
4.7.24	Applicant submits SWMP to 3 Waters	Between 2-4 July a number of emails are received from the applicant complaining about delays. I call 3 Waters and have conversations with them trying to find a way forward, treating application with urgency, asked for formal comment.
5.7.24	I send an email to applicant that includes information from 3 Waters who are effectively giving applicant option to waive the Resident's Association point (the final RFI point), whereby it can be a condition of consent/defers the resolution of the issue	I note that 3 Waters state: <i>Defer addressing the matters of the residence association to a condition of consent. 3 Waters would require written acknowledgement from the applicant accepting that Council cannot guarantee the outcome of this condition, which may result in an unfavourable outcome for the applicant.</i> The applicant never provided this written approval.

	until after issue of consent.	
8.7.24	Applicant responds to email: "release the RC with the draft covenant as a condition"	Within this email, the applicant states "I have asked our solicitor to provide the draft covenant as evidence to the DCC (note that it is not possible to provide the final covenant as this requires the LT Plan which obviously won't be ready until the properties are built). I suggest that Madeline release the RC with the draft covenant as a condition so we can keep moving forward while waiting to close this rather low level action item." I understood this was the applicant opting for the waiving of the last RFI point (but in retrospect maybe this is not true)
10.7.24	I send an email to applicant essentially telling them that I understood the RFI to be complete when they responded on the 8 th July.	My wording was: "I listed the outstanding issues in an earlier email. I'm sure I'll have more questions, clarification needed as I write the report but otherwise, I understood your email to mean the resident's association would be managed via condition (when 3 waters gave the option to waive that RFI point and you responded on Monday) and at that point the RFI was complete."
12.7.24	Information received by email from Terramark	Covenant documents supplied but no Resident's Society Rules.
16.7.24	Advice received from DCC legal	DCC Legal review the information and documents submitted and indicate cannot condition Residents' Association, applicant needs to draft it in advance. Too much risk to Council.
18 July 2024	I send an email stating we cannot proceed without a draft copy of Resident's Association on advice of DCC legal.	
23 July 2024	The applicant provides a draft copy of the Residents Association for review/approval	

There have been subsequent meetings and discussions since with 3 Waters and DCC legal regarding the stormwater management issue, and risks associated with failure of the proposed system or its maintenance. I have endeavoured to assist the processing planner with finding a way forward for the application so that consent can be issued.

On Thursday [date to be supplied - PM] Doug Barton called me about the application and in effort to resolve the situation suggested an undertaking on behalf of his clients, which I have set out below:

“Doug indicated to me that while the subdivision and land consent are still sought together (to avoid trying to unbundle the consents) TGC Homes are volunteering to accept a 224c condition for the subdivision consent regarding the terms and conditions of the Residents Association document being to the approval of the Council (Resource Consent Manager on advice from DCC legal) on the basis they acknowledge the risks of consequential delays to the subdivision are a matter for the applicant, and until such time as an agreed legal mechanism is achieved to resolve the concerns identified by DCC legal, the land (and proposed stormwater management infrastructure on site) will remain in the ownership of the applicant to ensure control of maintenance.”

I agreed to convey this offer to the team for consideration and discussed the proposal with Alan and Mike Perkins on Friday. [Date to be supplied - PM]

A handwritten signature in black ink, appearing to read 'C R Thomson'.

Campbell Thomson

Senior Planner

APPENDIX 3:

Fee Breakdown

Time and fees for SUB-2024-48

Application	Officer	Description	Type	Property	Applicant
SUB-2024-48	Planner	An nineteen-lot residential subdivision, including	Subdivision Category A : Non-Notified - Restricted Discretionary	1 - 30 Dundonald Street Dunedin	Dundonald Street Limited

Status	Lodged	Decision	Issued	Total days	Non Work Days	Susp Days	S37Extn	Days taken	Allowed Days	Days left
s223 Monitoring Commenced	09/04/2024	Granted SUB2	22/08/2024	135	41	53	21	20 to decision	20	

Hazard Engineering Assessment	# Penalty Discount Days Applied
Did you consult with Stantec?	Yes

Fee description	Accepted	Paid	Balance	Status	Debtor	Debtor Name
Subdivision Non Notified Deposit	0.00	0.00	0.00			Dundonald Street Limited
Hazard Engineering Assessment Cost	1417.38	1417.38	0.00			Dundonald Street Limited
Hazard Engineering Assessment Cost	603.75	603.75	0.00			Dundonald Street Limited
Hazard Engineering Assessment Cost	483.00	483.00	0.00			Dundonald Street Limited
Hazard Engineering Assessment Cost	966.00	95.87	870.13			Dundonald Street Limited
Hazard Engineering Assessment Cost	181.12	0.00	181.12			Dundonald Street Limited
Hazard Engineering Assessment Cost	724.50	0.00	724.50			Dundonald Street Limited
Hazard Engineering Assessment Cost	241.50	0.00	241.50			Dundonald Street Limited
Compliance Monitoring Fee (first visit)	320.00	0.00	320.00			Dundonald Street Limited
Compliance Monitoring (additional planned visit)	570.00	0.00	570.00			Dundonald Street Limited
Compliance Monitoring Fee (first visit)	320.00	0.00	320.00			Dundonald Street Limited
Consent Assessment and Processing	0.00	0.00	0.00			Dundonald Street Limited

Time and fees for SUB-2024-48

Information Request Charge	0.00	0.00	0.00		Dundonald Street Limited
3 Waters Assessment	1295.96	0.00	1295.96		Dundonald Street Limited
Transportation Planning Assessment	465.75	0.00	465.75	s	Dundonald Street Limited
Consent Assessment and Processing	15503.97	0.00	15503.97		Dundonald Street Limited
Peer Review and Delegated Decision Making	1437.47	0.00	1437.47		Dundonald Street Limited
Information Request Charge	415.01	0.00	415.01		Dundonald Street Limited
	\$24,945.41	\$2,600.00	\$22,345.41		

Memo From	Memo To	Precis	Memo			
10/04/2024	10/04/2029	Deposit invoice emailed to agent and debtor	darryl@terramark.co.nz & charles@tgc.nz			
Activity	Time	Rate	Amount	Comments	User name	Date
Processing						
Billable costs						
Compliance Monitoring (additional planned visit)	0.00	1.0000	\$570.00			
Compliance Monitoring Fee (first visit)	0.00	1.0000	\$320.00			
Compliance Monitoring Fee (first visit)	0.00	1.0000	\$320.00			
Hazard Engineering Assessment	1417.38	1.0000	\$1,417.38	Invoice 1889311 30.04.2024Guerreiro, Edward Alexandre 2024-04-26 185.00 2.50 \$462.50 no further comments anticipatedPaterson, Lee McDonald 2024-04-26 280.00 0.50 \$140.00 reviewKirk, Joshua 2024-04-24 210.00 3.00 \$630.00 review		
Hazard Engineering Assessment	603.75	1.0000	\$603.75	Invoice 1889600 15/05/2024Kirk, Joshua 2024-05-08 \$210.00 2.50 \$525.00 Further comment		
Hazard Engineering Assessment	483.00	1.0000	\$483.00	Invoice 1890052 06/06/2024 - Kirk, Joshua 2024-05-27 \$ 2 10.00 1.00 \$ 2 10.00 ReviewKirk, Joshua 2024-05-28 \$ 2 10.00 1.00 \$ 2 10.00 Review		

Time and fees for SUB-2024-48

Hazard Engineering Assessment	966.00	1.0000	\$966.00	Invoice 1890160 12/06/2024 - Kirk, Joshua 2024-06-06 \$ 2 10.00 4.00 \$ 840.00 Review of supplied DSI, timeline of events for Madeline and recommendations moving forward		
Hazard Engineering Assessment	181.12	1.0000	\$181.12	Invoice 1890382 20/06/2024 Kirk, Joshua 2024-06-10 \$210.00 0.75 \$157.50 Email response		
Hazard Engineering Assessment	724.50	1.0000	\$724.50	Invoice 1890843 30/06/2024 Kirk, Joshua 2024-06-24 \$210.00 2.00 \$420.00 32 Dundonald CSMP and RAP review Kirk, Joshua 2024-06-25 \$210.00 1.00 \$210.00 32 Dundonald CSMP and RAP review		
Hazard Engineering Assessment	241.50	1.0000	\$241.50	Invoice 1891578 14/08/2024 Brothersen, Tess 2024-08-09 \$210.00 1.00 \$210.00 contam land advice - further comments		
Lodgements	0.33	100.0000	\$33.00	SUB & LUC lodgement	Admin	10/04/2024
Report Writing	3.00	166.0000	\$498.01	writing top end of report and amalgamation letter	Planner	17/04/2024
Correspondence	2.00	166.0000	\$332.01	conversation with Doug and 3 waters & re application with senior etc.	Planner	23/04/2024
Correspondence	1.00	166.0000	\$166.00	correspondence with UD re app	Planner	02/05/2024
Correspondence	1.00	166.0000	\$166.00	Talking to Policy & Advisory Services re comments, Stantec email clarifying comments.	Planner	07/05/2024
Information Request	2.00	166.0000	\$332.01	Writing FIR request, reading variation 2 s32 reports	Planner	07/05/2024
Correspondence	2.00	166.0000	\$332.01	correspondence with applicant's agent, compliance, Stantec (phone calls, emails)	Planner	08/05/2024
Information Request	2.50	166.0000	\$415.01	Further information request continued writing	Planner	08/05/2024
Consent Administration Time (Planner)	1.50	166.0000	\$249.00	emails re NESCS	Planner	22/05/2024
Consent Administration Time (Planner)	1.50	166.0000	\$249.00	meeting to discuss application with Senior	Planner	24/05/2024
Consent Administration Time (Planner)	1.00	166.0000	\$166.00	emails + Stantec	Planner	27/05/2024

Time and fees for SUB-2024-48

Information Request	2.50	166.0000	\$415.01	Going through new plans, FIR, sending emails to Stantec, 3W, UD, correspondence, drafting response. Advice from colleagues	Planner	28/05/2024
Consent Administration Time (Planner)	2.00	166.0000	\$332.01	further information work	Planner	29/05/2024
Correspondence	1.00	166.0000	\$166.00	correspondence with applicant, applicant's agent, advisory services	Planner	30/05/2024
General Administration Time	2.50	166.0000	\$415.01	receipt of more information, reading sending to ORC, Stantec, big discussion with seniors, Stantec	Planner	06/06/2024
Research	2.00	166.0000	\$332.01	Looking over Obs and Pols, discussion with seniors re effects of VA at this scale	Planner	06/06/2024
Consent Administration Time (Planner)	1.50	166.0000	\$249.00	consent admin, emails	Planner	07/06/2024
Correspondence	2.50	166.0000	\$415.01	Collating advice from Stantec, Urban Design, writing detailed response to applicant re RFI and discussion with seniors / emails re correct approach and acceptability of information provided.	Planner	10/06/2024
Report Writing	1.50	166.0000	\$249.00	visitor accommodation writing up notification analysis	Planner	14/06/2024
Site Inspection	1.50	166.0000	\$249.00	site visit	Planner	14/06/2024
Consent Administration Time (Planner)	0.50	166.0000	\$83.00	writing email back to Darryl re VA	Planner	18/06/2024
Meetings - Consent Related	1.00	166.0000	\$166.00	meeting with ORC, Compliance	Planner	18/06/2024
Research	1.00	166.0000	\$166.00	assessment of density - looking at Hastings case, talking to colleagues and sending email	Planner	18/06/2024
Correspondence	1.50	166.0000	\$249.00	emails	Planner	24/06/2024
Correspondence	2.00	166.0000	\$332.01	outstanding info correspondence	Planner	25/06/2024
Consent Administration Time (Planner)	0.75	177.0000	\$132.75	correspondence with 3 Waters etc. at desk, on phone, emails	Planner	04/07/2024
Consent Administration Time (Planner)	1.00	177.0000	\$177.00	emails, correspondence with 3W, applicant, UD, Transport, waste	Planner	05/07/2024
Correspondence	1.50	177.0000	\$265.49	correspondence with applicant's agent, advisory services and 3W	Planner	08/07/2024
Correspondence	1.00	177.0000	\$177.00	correspondence with applicant's agent	Planner	10/07/2024
Report Writing	2.50	177.0000	\$442.49	report writing	Planner	10/07/2024

Time and fees for SUB-2024-48

Consent Administration Time (Planner)	1.00	177.0000	\$177.00	communication with legal, sending relevant docs	Planner	11/07/2024
Report Writing	1.00	177.0000	\$177.00	report writing + comms with legal	Planner	11/07/2024
Report Writing	3.00	177.0000	\$530.99	report writing (worked Sunday 7th)	Planner	12/07/2024
Report Writing	4.50	177.0000	\$796.48	report writing, transport section, waste (worked on Sunday 7th)	Planner	15/07/2024
Correspondence	1.50	177.0000	\$265.49	drafting big email, correspondence with departments	Planner	18/07/2024
Correspondence	1.00	177.0000	\$177.00	correspondence, emails	Planner	23/07/2024
Correspondence	1.00	177.0000	\$177.00	correspondence with applicant, applicant's agent	Planner	29/07/2024
Report Writing	1.00	177.0000	\$177.00	report writing	Planner	29/07/2024
Report Writing	2.00	177.0000	\$353.99	report writing	Planner	30/07/2024
Correspondence	1.00	177.0000	\$177.00	correspondence re earthworks	Planner	31/07/2024
Consent Administration Time (Planner)	1.50	177.0000	\$265.49	Meeting with DCC Legal and 3 Waters, emails and drafting email to applicant	Planner	07/08/2024
Lodgements	0.25	108.0000	\$27.00	LUC-2024-289 lodgement	Admin	07/08/2024
Report Writing	3.00	177.0000	\$530.99	report writing	Planner	09/08/2024
Report Writing	2.00	177.0000	\$353.99	report writing	Planner	12/08/2024
Report Writing	4.00	177.0000	\$707.99	report writing	Planner	14/08/2024
Report Writing	4.00	177.0000	\$707.99	report writing	Planner	15/08/2024
Report Writing	1.50	177.0000	\$265.49	report writing, adding UD conditions, finalising that section	Planner	16/08/2024
Report Writing	3.50	177.0000	\$619.49	report writing & correspondence with 3 waters	Planner	20/08/2024
Report Writing	4.00	177.0000	\$707.99	report writing, finalising conditions	Planner	21/08/2024
Report Writing	3.80	197.0000	\$748.58	Review report and recommend changes to planner	Senior Planner	21/08/2024
Preparation of Decision	2.00	177.0000	\$353.99	Preparation of decision + issuing	Planner	22/08/2024
Report Writing	0.20	197.0000	\$39.40	Approve final decision	Senior Planner	22/08/2024
Report Writing	1.50	197.0000	\$295.49	Check and advise on final changes to decision	Senior Planner	22/08/2024
Correspondence	2.50	177.0000	\$442.49	correspondence emails waste, applicant, 3 waters etc	Planner	30/08/2024

Time and fees for SUB-2024-48

Consent Administration Time (Admin Team)	0.60	108.0000	\$64.80	Audit and invoice processing	Planning Administration	17/09/2024
Correspondence	1.50	177.0000	\$265.49	correspondence with legal 3 waters	Planner	17/09/2024
Sum of Planning costs	100.43		23183.70			
Report Writing	2.50	186.3000	\$465.75	Assessment of access provision, parking, and manoeuvring	Transport	05/07/2024
##### SELECT CORRECT ACTIVITY CODE #####	8.00	108.0000	\$863.97	Evaluating, processing, and providing feedback on alternative solutions.	3Waters	01/08/2024
Report Writing	4.00	108.0000	\$431.99	3 Waters Comments	3Waters	01/08/2024
Sum of Infrastructure costs	14.50		1761.71			
Sum of Billable costs	114.93		24945.41			
Non-billable costs						
Consent Administration Time (Planner)	1.50	0.0000	\$0.00	consent admin	Planner	17/04/2024
Report Writing	2.50	0.0000	\$0.00	report writing	Planner	18/04/2024
Report Writing	2.50	0.0000	\$0.00	report writing	Planner	19/04/2024
Research	1.50	0.0000	\$0.00	Looking at Objectives and Policies / Rules around proposal	Planner	06/05/2024
Consent Administration Time (Planner)	1.00	0.0000	\$0.00	consent admin	Planner	07/05/2024
Consent Administration Time (Planner)	2.00	0.0000	\$0.00	consent admin	Planner	08/05/2024
Consent Administration Time (Planner)	0.25	0.0000	\$0.00	Update from Compliance	Planner	09/05/2024
Consent Administration Time (Planner)	1.50	0.0000	\$0.00	discussion with compliance	Planner	22/05/2024
Consent Administration Time (Planner)	0.50	0.0000	\$0.00	consent admin	Planner	28/05/2024
Consent Administration Time (Planner)	0.50	0.0000	\$0.00	email from FC re WW concerns in street, overflow problems exist, forwarded to 3w	Planner	10/06/2024
Consent Administration Time (Planner)	1.00	0.0000	\$0.00	discussion with colleagues and sending email re wastewater, looking at plans emails	Planner	11/06/2024
Consent Administration Time (Planner)	0.50	0.0000	\$0.00	consent admin	Planner	18/06/2024
Correspondence	1.00	0.0000	\$0.00	email to Legal & 3 Waters re conditions and draft comments	Planner	19/08/2024
Consent Administration Time (Planner)	2.00	0.0000	\$0.00	consent admin	Planner	26/08/2024
Consent Administration Time (Planner)	1.00	0.0000	\$0.00	consent admin	Planner	27/08/2024
Consent Administration Time (Planner)	4.50	0.0000	\$0.00	consent admin	Planner	09/09/2024
Sum of Planning costs	23.75		0.00			

Time and fees for SUB-2024-48		
Sum of Non-billable costs	23.75	0.00
Sum of Processing costs	138.68	24945.41
Overall cost	<u>138.68</u>	<u>\$24,945.41</u>

APPENDIX 4:
SUB-2024-48 & LUC-2024-298 Consent



22 August 2024

Dundonald Street Limited
C/O Terramark
330 Moray Place
Dunedin Central, Dunedin 9016

Via email: darryl@terramark.co.nz

Dear Applicants

RESOURCE CONSENT APPLICATION:

**SUB-2024-48 & LUC-2024-134 & LUC-2024-298
30, 32 DUNDONALD STREET
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 22 August 2024.

The Council has granted consent to the application 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 certificate is 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)(ii) of the Resource Management Act 1991.

The Council has granted subdivision consent and land use consent to the application 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. Given the nature of your intended works/activity, this consent will require three inspections. The fee for your scheduled inspections 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-2024-48 & LUC-2024-134 & LUC-2024-298: 30, 32
DUNDONALD STREET, DUNEDIN**Department: Resource Consents

BACKGROUND

The applicants met with the DCC for a pre-application meeting on 22nd December 2023. At that time, 17 units were proposed to be built in a similar layout to the current proposal across the two sites at 30 and 32 Dundonald Street. DCC Three Waters was present at this meeting and indicated to the applicant the importance of stormwater management on the site, especially given the lack of a secondary flow path available.

According to Council's records, the former dwellings on the sites at 30 and 32 Dundonald Street were constructed in 1949 and 1917 respectively. A DCC HAIL Search Report (HAIL-2024-13) was issued on 14th February 2024, concluding that no land uses from HAIL were identified for the property at 30 Dundonald Street, however, a possible HAIL activity was identified for 32 Dundonald Street. The possible HAIL land use was in relation to possible soil contamination from paint on the dwelling, due to the high frequency of the use of lead-based paints on pre-1945 (wooden) dwellings¹. The DCC Search Report stated that the soil immediately surrounding the dwelling could possibly have lead contamination above soil contaminant standards, meaning Category I of the HAIL was deemed relevant to the halo of the dwelling at number 32 Dundonald Street. Furthermore, the HAIL Search Report noted the possible contamination from asbestos.

The dwellings on the sites at 30 and 32 Dundonald Street were demolished in early May of 2024. As no prior approval was required from Council for the demolition work, the exact date was unbeknownst to Council. Council received and responded to a complaint on 7th May 2024 that unauthorised earthworks were happening on a site where possible activities from the (HAIL) had occurred, meaning there was a flagged risk of soil contamination on the site at 32 Dundonald Street. The applicant disputed that any earthworks were undertaken. However, photographs taken by DCC Compliance Staff attending the site after the complaint was received, show clearly that scraping of the site had occurred (surface level of the site had been removed in many places), a digger was visible on the site and demolition debris was visible across the site. This debris was not contained to the footprint of the former building.

Another complaint was received by Council on 2nd July 2024 with respect to sediment laden runoff escaping from the site onto neighbouring properties.

A compliance process ensued, and the applicants were sent a Formal Warning by the DCC on 2nd July 2024 for undertaking unauthorised earthworks on a HAIL site.

The application went on hold from the 8th May 2024 for further information and during this time the applicant submitted a DSI for 32 Dundonald Street. It is noted that this document was completed in March of 2024 (prior to the lodging of the resource consent application). The DSI highlights that widespread contamination at the site had occurred prior to demolition of the building. The DSI states that "lead concentrations ... exceed the High-Density Residential SCS ... present a risk to human health under the proposed high-density residential use of the site" and described contamination as in "soils across the site".

¹ The DCC relies on advice received from Stantec New Zealand Ltd. who reviewed the available information and data about the potential for soil contamination resulting from use of lead-based paint on residential buildings and to provide guidance around when such contamination constitutes Hazardous Activities and Industries List (HAIL). The DCC has since adopted the approach promoted by this report with respect to the possible use of lead-based paint, titled Residential Lead Paint Review and dated 20 November 2023. This report is available here: https://www.dunedin.govt.nz/data/assets/pdf_file/0004/1057621/Stantec-NZ-Residential-lead-review-November-2023.pdf

On 24th June 2024, the Council received a combined Contaminated Soil Management Plan and Remedial Action Plan for 32 Dundonald Street. It is noted that consents from the Otago Regional Council that have subsequently been issued in relation to this development refer to these plans in the conditions of the consents granted. The application to DCC came off hold on 23rd July 2024 after a draft Residents' Association Rules document was submitted to Council, as it was accepted at the time as being the final point of the RFI. This was proposed as a means to manage the proposed private stormwater infrastructure and mutually owned access and communal waste/service areas, in combination with a private covenant, legally binding the applicants to the responsibilities and liabilities within the Residents' Association document. This has been reviewed by DCC Legal at the request of 3 Waters.

The application processing has involved much correspondence between Council and the applicant's agent, as well as the applicants themselves. This has resulted in some amendments to the application, mostly in terms of the design of the front building, landscaping areas and proposed land use for visitor accommodation. Of note, the original application sought consent for each unit to be used for visitor accommodation (as an alternative option to standard residential activity); this was reduced to 50% of the units on the 18th June 2024, and the application has been processed on the basis of this revision (further discussed and assessed below).

While the subject properties are contained within separate Records of Title, for ease of reference, the two properties at 30 and 32 Dundonald Street will hereafter be referred to collectively as one 'site' in this report. While there will be requirements under s77 of the Building Act to give effect to any building consent that entails building over the current title boundary, from a resource management perspective, the applicant (who owns both properties) could apply to LINZ to have a new single Record of Title issued for both properties at any time (without any permission from Council or other authorities). Therefore, the properties are considered one site for the purposes of this report, and will be referred to as such.

Summary of acronyms/terms used in this report and their meaning	
2GP	Second Generation District Plan
HAIL	Hazardous Activities and Industries List
DCC	Dunedin City Council
DSI	Detailed Site Investigation
CSMP	Contaminated Soil Management Plan
RAP	Remedial Action Plan
RFI	Request for Further Information
Council	The Dunedin City Council
ORC	Otago Regional Council
LINZ	Land Information New Zealand
NES-CS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
VA	Visitor Accommodation
SWMP	Stormwater Management Plan
GR2	General Residential 2 Zone of the 2GP
GR1	General Residential 1 Zone of the 2GP
SQEP	Suitably Qualified and Experienced Person

Correspondence and approved plans

Much correspondence has occurred during the processing of the application, including amendments to the proposal and associated development plans. The table below provides dates and references to emails containing relevant information on modifications to the plans received during the processing of the consent, to ensure clarity about the proposed development that is subject of this decision. The list below is not inclusive of all correspondence, only emails that contained key or updated information, such as amendments.

Date	Item	Sender	Included in approved plans
9 April 2024	Application received	Darryl Sycamore, Terramark	Scheme plan from application
21 May 2024	First response to RFI. Included one site plan with impervious surfaces. Demolition surveys; Dump receipt and Henderson Street Society Rules and Covenant document examples.	Darryl Sycamore, Terramark	N/A
27 May 2024	First plan set in response to RFI	Darryl Sycamore, Terramark	N/A
6 June 2024	Second plan set in response to RFI. Details added included some changes to gables and modulation. Applicant labelled it RFI2	Darryl Sycamore, Terramark	N/A
6 June 2024	DSI submitted to Council	Darryl Sycamore, Terramark	DSI approved
18 June 2024	Revised application with respect to VA, included site plan in approved documents	Darryl Sycamore, Terramark	Site plan for LUC-2024-298
24 June 2024	CSMP and RAP	Darryl Sycamore, Terramark	CSMP and RAP approved
3 July 2024	New Plans showing rubbish vehicle tracking, cut depths, pergola style rubbish bin but not correct tanks. Also shows on R-300 and R-301 the cladding, gable and pop out window. Applicant labelled it RFI5	Darryl Sycamore, Terramark	Plans R-300; R-301; R-306 and R-104 and R-109 included
5 July 2024	Updated site plan, showing slimline Baileys tanks in side yard	Darryl Sycamore, Terramark	Plan R-101 included showing tanks in side yard
12 July 2024	Draft Covenant documents sent although these are amended on 23 rd July	Darryl Sycamore, Terramark	N/A
23 July 2024	'Dundonald Street Residents' Association Rules' – Draft.pdf, also appended to the email the 'Draft Residents' Society Covenant.pdf' and 'Covenant Instrument to Note Land Covenant'	George Hercus	See below re documents referred to (but not approved)
29 July 2024	Information regarding collection of waste	George Hercus	N/A

DESCRIPTION OF ACTIVITY

Resource consent is sought to undertake earthworks on a HAIL site and build an 18-unit terraced townhouse development including a shared access (the 19th lot; an access lot) across the current adjoining properties at 30 and 32 Dundonald Street, Tainui, Dunedin. Resource consent is sought to subsequently subdivide the two and three-bedroom units onto 18 freehold sites and create one shared access lot (comprising 796m²), which is to be held in eighteen undivided shares by the owners of proposed lots 1-18. Subdivision of a HAIL site (32 Dundonald Street) also requires resource consent under the NES-CS.

Earthworks

The original application stated earthworks of around 780.7m³ of cut and 29.97m³ of fill was required across the site. This included the construction of the foundation area for each new unit and also the formation of the new access leg and transition onto Dundonald Street. The original application states that of these excavations 27.97m³ will be retained for use (i.e. cut reused as fill) and the balance will then be exported off site to a suitable location. However, it has subsequently been determined that the re-use of cut soil as

fill on site is no longer a tenable position given the contamination of the soils across the site, evidenced by the DSI received by Council on 6th June (but undertaken in March 2024). Any earthworks will be undertaken in accordance with the CSMP & RAP, dated June 2024, and only imported clean fill is able to be used and soil cut from the site is required to go to Burnside Landfill. Some earthworks have already been undertaken on the site, although the applicant states that no soil has been removed from 32 Dundonald, both sites have been scraped and the soils stockpiled with respect to 32 Dundonald Street (but removed with respect to 30 Dundonald Street)². Despite this, the applicant updated the site works plan (dated 2 July 2024), reducing the volume of required cut to 625.28m³ and fill of 33.80m³ across the site. The filling is shown under the southern section of access lot (car parks 11 to 18) and under Block C of the development and small sections under Block B. Low retaining walls (all up to 1.5m) are shown around the access lot (supporting cut). Several retaining walls are shown perpendicular to the eastern boundary of the site, as well as two walls perpendicular to the south boundary of the site. One low wall is also shown perpendicular to the northern boundary of the site, being the front boundary. All these walls are supporting cut, with the exception of the wall supporting fill along the south boundary of the access lot. These walls appear to terrace the outdoor living spaces of units.

Residents' Association and covenant

Given that the nature of the subdivision development is not unit title division, no body corporate entity will be established upon subdivision as part of the process required in accordance with the legislation governing this. As such, the applicant has proposed a different legal model to manage the commonly owned infrastructure, common access and garden and service areas (including rubbish), in order to achieve an equivalent outcome for this freehold subdivision, to that expected with a unit title subdivision. A Draft Residents' Association Covenant has been submitted to Council, as well as a Draft Residents' Association Rules. The applicant has stated that a covenant will be placed on each title binding the owners to the Residents' Association and to the relevant rules and obligations of that Association, including the maintenance obligations of the development, such as the manufacturer's maintenance plan for the privately owned stormwater infrastructure, which includes pumps, a generator, mud tanks and stormwater tanks.

On 19th August 2024, 3 Waters provided their final comment on the application after DCC Legal, on 3 Waters' behalf, revised the documents received by the applicant on the 23rd July 2024 to try and address 3 Waters' concerns regarding the ongoing management of stormwater across the development via private infrastructure. The documents received by Council from the applicant on 23rd July 2024, in response to a further information request include:

- The 'Dundonald Street Residents' Association Rules – Draft.pdf',
- the 'Draft Residents' Society Covenant.pdf' and the
- 'Covenant Instrument to Note Land Covenant'

3 Waters seeks amendment to these documents, received by Council on 23rd July 2024 as they provide the rules and responsibilities for the future owners of the private stormwater infrastructure. The documents are referred to henceforth within this report as follows:

- The 'Dundonald Street Residents' Association Rules – Draft.pdf' is referred to as the 'Draft Residents' Association Rules';
- The 'Draft Residents' Society Covenant.pdf' and the 'Covenant Instrument to Note Land Covenant' documents are referred to collectively as the 'Draft Covenant'

DCC 3 Waters provided their comments (provided below within the assessment section), subject to the applicant making a number of amendments to the above documents and appended the following documents to their email dated 19th August 2024:

² Refer to page 5 of the combined CSMP & RAP, dated June 2024.

- A draft easement instrument for an easement in gross to the DCC granting a right to drain water over Lot 1-18 and Lot 100 (the grantor being Dundonald Street Limited). It is understood that this easement in gross is required over private infrastructure within the site, to ensure that the DCC has access to the private infrastructure within the site in emergency situations where they need to urgently do works on the infrastructure.
- Draft Residents' Association Rules, the same copy provided to Council by the applicant on 23 July 2024. This was provided as a PDF and thus recommended amendments could not be made directly. The DCC 3 Waters seek amendments to this Draft set of Rules within their comments. These amendments are required as a condition of consent. Where the amendments are not adopted, the proposed management of stormwater will have to be revised and 3 Waters require a new SWMP.
- 'Draft Covenant' naming the parties, the stormwater infrastructure and the ongoing 'covenants' binding the future owners of the lots. DCC 3 Waters also seek amendments to this document within their comments. These amendments are also required as a condition of consent. Where the amendments are not adopted, a new SWMP will be required.
- An email containing all relevant SWMP documents approved in principle from the Subdivision Engineer for 30 and 32 Dundonald Street. The SWMP is approved where proposed amendments to the Draft Residents' Association Rules and Draft Covenant are adopted and implemented.

Visitor accommodation

The revised application includes visitor accommodation ('VA') activity in 50% of the units (nine units overall); specifically in units 1, 3, 4, 5, 6 and 7— all within the proposed block of units parallel to Dundonald Street as well as within units 10, 12 and 17, which are in the other proposed residential blocks. Conditions are proposed to manage the visitor accommodation.

Description of development

The eighteen new units will be erected as three separate residential blocks, each unit having its outdoor living space located between the unit and the external boundaries. The four units along the rear of the site in Block C described below, also have balconies extending off the living spaces at third floor level (these is a basement level being created for these units).

Block A, parallel to Dundonald Street frontage will comprise units 1-7, being seven 2-bedroom, 2-storey units with their outdoor living space facing Dundonald Street.

Block B, parallel to the eastern boundary shared with 34 Dundonald Street, will comprise seven units, being units 8-14, each being 2-bedroom, 2-story units with their outdoor living space facing towards the east towards the shared boundary.

Block C, at the rear of the site and parallel to the rear boundary, will comprise a further four units, units 15-18, this block will contain four 3-bedroom 3-story units, each with a balcony from the upper most floor, off the open kitchen and dining area towards the north/ towards the internal car park. Overall, the development will result in a total of 40 habitable rooms across the 18 units.

Each unit will have a common wall. The floor layout for Blocks **A & B** will be as follows:

- the ground floor will comprise the main entry, access to the outdoor living space, a living area, dining and kitchen and a laundry sited below the stairwell to the upper level.
- The upper level includes the stairwell and hall area which then opens onto two bedrooms with their own ensuite. Each bedroom is around between 8.34m² and 10.32m² plus a wardrobe ensuring ample space for residents.

Block C will have the following floor layout:

- An open kitchen and dining on the upper level, with a balcony extending off this area towards the north.
- The ground floor will contain two bedrooms with ensuites
- The basement floor will be one bedroom with a laundry under the staircase. Access to the rear outdoor living space will be provided here.

A communal service area/bin storage area is proposed within a car park sized area within the internal access lot, close to the entry. Vehicle access to the internal carpark will contain 17 car parks and landscaping. Planting/landscaping is proposed along the street frontage within the proposed individually owned sites. The car parks will have parking easements granted over the common access corresponding to the new units, although unit 2 will not have a car parking space.

A landscape strip (0.54m width) and pedestrian walkway/access (1.045m width) will border the vehicle access into the site. Three other additional landscaping spaces will be provided within the communal access lot (some also divided by paths). The pedestrian access into the site from Dundonald Street will sit between the vegetation strip and Unit 1.

With respect to services and drainage, the revised application is that stormwater is gravity fed from the unit's rooves to 3 x Baileys 5000L slimline water tanks along the eastern side of Unit 7, within Proposed Lot 7. Stormwater from impermeable surfaces will be pumped to these tanks and all the collected stormwater from all surfaces within Proposed Lot 7 will be gravity fed to the kerb and channel within Dundonald Street. Foul sewer laterals from each unit will extend to a new 150mm sewer (to be vested with DCC) from the access lot/ Lot 100 along the north-eastern boundary, under the outdoor living spaces of units 8 to 11 and terminating within Lot 11, where the new pipe will connect with the existing DCC 150mm sewer line where it extends into Lot 11. Water supply will be via the 100mm main in Dundonald Street via a series of private manifolds and private laterals.

Description of subdivision

The development will then be subdivided into 18 lots, and one access lot, the lots comprising the attached units and their curtilage (which is mostly outdoor living space only). Most of the lots will range in size from 61m² to 76m² although proposed Lot 18 will have a site of 105m² being on the corner of Block C. The lot sizes, outdoor amenity space and unit configuration are shown in the table below:

Unit #	Floor Area (Inside Frames)	Unit Footprint	Outdoor amenity space (m ²)	Number of Carparks	Number of HR	Proposed Land use	Site size after subdivision	Site size post subdivision including an apportioned share of access lot (44m ²)
1	72.74m ²	36.88m ²	21.39m ²	1	2	Residential I + VA	61m ²	105m ²
2	70.36m ²	36.88m ²	26.66m ²	0	2	Residential I + VA	62m ²	106m ²
3	70.36m ²	36.88m ²	26.66m ²	1	2	Residential I + VA	62m ²	106m ²
4	70.36m ²	36.88m ²	26.66m ²	1	2	Residential I + VA	62m ²	106m ²
5	70.36m ²	36.88m ²	26.66m ²	1	2	Residential I + VA	62m ²	106m ²
6	70.36m ²	36.88m ²	26.66m ²	1	2	Residential I + VA	62m ²	106m ²
7	70.36m ²	36.88m ²	45.8m ²	1	2	Residential I + VA	61m ²	105m ²

8	75.47m ²	38.49m ²	26.66m ²	1	2	Residentia I	61m ²	105m ²
9	75.43m ²	38.49m ²	20.03m ²	1	2	Residentia I	62m ²	106m ²
10	75.47m ²	38.49m ²	20.03m ²	1	2	Residentia I + VA	62m ²	106m ²
11	75.43m ²	38.49m ²	20.03m ²	1	2	Residentia I	62m ²	106m ²
12	75.47m ²	38.49m ²	20.03m ²	1	2	Residentia I + VA	62m ²	106m ²
13	75.43m ²	38.49m ²	20.03m ²	1	2	Residentia I	62m ²	106m ²
14	75.42m ²	38.49m ²	38.49m ²	1	2	Residentia I	92m ²	136m ²
15	104.56m ²	45.25m ²	26.96m ²	1	3	Residentia I	76m ²	120m ^{2*}
16	104.54m ²	45.25m ²	26.96m ²	1	3	Residentia I	76m ²	120m ^{2*}
17	104.54m ²	45.25m ²	26.96m ²	1	3	Residentia I + VA	76m ²	120m ^{2*3}
18	104.54m ²	45.25m ²	62.5m ²	1	3	Residentia I	105m ²	149m ²
Lot 100	-	-	-	-	-	Common Access Lot	796m ²	-

Overall, the total building area will comprise 653.7m² being 32.3% of the site, and when including hard-surfacing, the total coverage is 1,480.23m², a total of 73.0% of the site's area.

Description of sites and environment

The subject properties are located side by side within a local suburban street in Tainui, close to St Kilda Beach. The topography slopes down from the Dundonald Street road reserve, by around 4m across the site. The surrounding area comprises detached suburban housing, most of which is at least 60 years old, many older, with mostly single level dwellings with large backyards. Some infill development occurred in the 2000s, such as to the south of the site on the steep land with an outlook to the sea. The area is a well-established suburb of Dunedin, and the bulk of dwellings within the same block appear to have been built in the 1930s. The site is located immediately to the northeast of Tainui Primary School and close to Tahuna Normal Intermediate School.

The subject sites are legally described as Allotment 7 Block II Deeds Plan 1858 (30 Dundonald) and Allotment 6 Block II Deeds Plan 1858 (32 Dundonald) (held in Records of Title Records of Titles OT166/83 and OT189/54). Both properties each have an area of 1,012m², collectively comprising 2024m², and have legal frontage to Dundonald Street.

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 Plan"). Until the Proposed Plan is made fully operative, both district plans need to be considered in determining the activity status and deciding what aspects of the activity require resource consent.

³ * indicates that the proposed lot does not accommodate enough area for the number of proposed habitable rooms and standard residential activity will be non-complying post-subdivision only.

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.

The Proposed Plan was notified on 26 September 2015, and some Proposed Plan rules had immediate legal effect from this date. Some rules became fully operative following the close of submissions, where no submissions were received. Additional rules came into legal effect upon the release of decisions. Those additional rules become fully operative if no appeals are lodged or once any appeals have been resolved.

In this case, the application was lodged on 9 April 2024 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.

Variation 2 of the Proposed Plan was notified on 4 February 2021, and decisions on Variation 2 were released on 31 May 2022. Those rules which were not appealed have now replaced the respective Proposed Plan rules. The application is assessed under the rules in effect at the time of issuing of the decision which will be the Proposed Plan rules except those modified by Variation 2 rules.

Proposed 2GP

The site is zoned **General Residential 2** in the 2GP and is within the **Variation 2 Mapped Area**.

Dundonald Street is classified as a **Local Road** under the 2GP Road Classification Hierarchy

The proposal (pre-subdivision and inclusive of subdivision) includes the following activities:

- *Earthworks activity*
- *Parking, loading and access activity*
- *Multi-Unit Development*
- *Fences*
- *Buildings and structures activities*
- *Subdivision activity*

The 2GP separates activities into 'City-wide activities'; 'City-wide provisions'; 'Management Zones' (these contain all of the principal zones such as Residential, Rural and Commercial etc) and 'Major Facility Zones' (these are spot zones that cover areas such as Dunedin Hospital etc.).

Within the Management Zones, land use, development and subdivision activities are separated out into their own activity status tables, with the relevant activity status of the activity and the relevant performance standards listed. While the land use and development are separated, Rule 15.3.2.4 states: permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked. Rule 15.3.4.2 also states: Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.

The activities have been ordered chronologically; first site works/ earthworks will occur, followed by development, including the creation of a parking area and access, followed by subdivision (or at the same time) and then the ultimate land use (standard residential and visitor accommodation).

Earthworks

In accordance with Rule 8A.5.1.2.a, the proposed earthworks are considered '**earthworks – large scale**', due to not meeting the volume thresholds in Rule 8A.5.1.5, whereby the maximum volume of combined cut and fill on a site of this slope is 30m³ /100m² of site area. The collective site area is 2,024m² and therefore 607.2m³ of earthworks is permitted where the proposed cut volume is (now) 625.28m³ and the

proposed fill volume is 33.80m³. In accordance with Rule 8A.3.2.3, *Earthworks – large scale* is a restricted discretionary activity. Council's discretion is limited to the following matters of consideration:

- *Effects on visual amenity (Rule 8A.7.2.1.a)*
- *Effects on amenity of surrounding properties (Rule 8A.7.2.1.b)*
- *Effects on the stability of land, buildings, and structures (Rule 8A.7.2.1.c)*

Additionally, the large-scale earthworks fail to comply with the following applicable performance standards:

- **Setback from property boundary, buildings, structures and cliffs Rule 8A.5.4.** The retaining walls along the western boundary of the site will not comply with Rule 8A.5.4.1.b requiring retaining walls supporting a cut or fill or Earthworks over 600mm in height or depth to be set back a distance at least equal to the height of the retaining walls/cut/ fill. The retained height of fill along this boundary appears to be around 840mm. The change in ground level at the rear of the site is an unsupported cut of around 1.1m, also breaching this rule. In accordance with Rule 8A.5.4.2, the proposal is a restricted discretionary activity. Council's discretion is limited to the following matters of consideration:
 - *Effects on the stability of land, buildings and structures (Rule 8A.6.3.2)*
- **Setback from network utilities Rule 8A.5.6** requires earthworks to be setback 2.5m from water supply infrastructure and 1.5m from all other reticulated infrastructure. The proposed new access to the site will require earthworks within 2.5m of Council's water infrastructure, and earthworks for site development will likely be within 1.5m of the existing wastewater pipe in the adjoining site, breaching this rule. In accordance with Rule 5.6.2.2, the proposal is a restricted discretionary activity. Council's discretion is limited to the following matters of consideration:
 - *Effects on health and safety (Rule 5.7.4.2.a)*
 - *Effects on efficient and effective operation of network utilities (Rule 5.7.4.2.b)*

Development (prior to subdivision)

The proposed development meets the definition of a '**multi-unit development**' and is provided for as a restricted discretionary activity under Rule 15.3.4.5. It is noted that pre-subdivision, the proposed residential units will comply with Rule 15.5.2.1.b of the 2GP for the density of residential activity (refer section below on post subdivision compliance), as there will be 40 habitable rooms on a 2024m² site (1800m² of land required for this density). The Council's discretion is limited to the following matters:

- *Effects on accessibility – (Rule 6.11)*
- *Effects on the safety and efficiency of the transport network (in a Variation 2 Mapped area) (Rule 6.11)*
- *Effects on surrounding sites' residential amenity (Rule 15.11.2.1.c)*
- *Effects on streetscape amenity and character (Rule 15.11.2.1.d)*
- *Effects on efficiency and affordability of infrastructure (stormwater) (Rule 9.6)*
- *Effects of stormwater from future development (Rule 9.6)*

Note: None of the proposed buildings exceed 300m² in footprint, thus the development complies with this aspect of the rule (a building that is greater than 300m² footprint requires resource consent under this rule as well.)

Note: the fence erected around the rear, and side boundaries of the site is 1.8m from ground level according to the applicant, complying with the fence rules. The proposed fence along the front boundary meets the visual permeability rules and height rules as will also comply with the fence rules.

In addition to the above, the following performance standards apply to the proposed development activities:

- **Rule 15.6.10.1 - Maximum Building Site Coverage and Impermeable Surfaces** - requires that no more than 50% of the site is covered by buildings and structures with a footprint greater than 10m²

and no more than 70% of the site for buildings and structures and any impermeable surfaces. The proposal will comply with the first aspect of the rule, but not the impermeable surfaces aspect, as 73% of the site will be occupied by buildings and structures and any impermeable surfaces. In accordance with Rule 15.6.10.4, activities that fail to comply with the rule are a restricted discretionary activity. Council's discretion is limited to:

- *Effects on on-site amenity for residents (Rule 15.10.4.10.a)*
- *Effects on neighbourhood residential character and amenity (Rule 15.10.4.10.b)*
- *Effects on efficiency and affordability of infrastructure (stormwater) (Rule 9.5)*
- *Effects of stormwater from future development (Rule 9.5)*

Note: the assessment criteria for breaching this rule includes additional assessment criteria relating to the effects on neighbourhood residential character and amenity in the Variation 2 Mapped area but only insofar as the landscaping aspect of this rule is breached.

Note: In a Variation 2 Mapped area any new development which will result in a new residential building with one or more new residential units must provide 20% of the site area or 30m² (whichever is the greater) as minimum landscaping along with other rules. However, this rule is duplicated in the subdivision performance standards, and assessment is provided there so as not to repeat the rule and in accordance with the proposed outcome, which is to subdivide the development onto 18 fee simple sites. It seems more appropriate to assess the development from this end use perspective.

- **Rule 15.6.13.1 – Boundary Setbacks**, which requires new structures (and buildings) to have a 2m setback from side and rear boundaries in the GR2 Zone. The proposal includes erecting three above ground Baileys 5000L slimline water tanks. The height of the Baileys tanks will be 2.2m (2.3m when including the concrete pad they will sit on). As the proposed tanks will be fixed to the land and greater than 2m in height, they are considered a 'buildings and structures' activity within the 2GP. The proposed tanks will be located along the eastern side of Unit 7, 0.65m from the side boundary shared with the property at 34 Dundonald Street. As the proposed tanks do not meet any exemption contained within the rule, the proposal is a restricted discretionary activity in accordance with Rule 15.6.13.1.a.7. Council's discretion is limited to the following matters of discretion:
 - *Effects on surrounding sites' residential amenity*
 - *Effects on neighbourhood residential character and amenity*

Note: Rule 15.6.6.1 - Height in relation to boundary – this rule requires new buildings to in the General Residential 2 Zone, to be within a plane rising at an angle of 55 degrees measured from a point 3m above ground level at the boundary. Height in relation to boundary breaches will occur to the southern boundary along three of the four units' gables. On page R-106 of the amended plans, dated 3rd July 2024, three encroachments of the gables are shown and their dimensions provided. The protrusions are between 330mm and 231mm and another one poking out at 50mm. The breaches have widths of 1693mm and 1474mm. Rule 15.6.6.1.v.3 provides an exemption for gable ends and dormers to protrude through the height in relation to boundary plane by a maximum of 2m. As such, the proposal meets this exemption and as a result, the gable encroachments are permitted encroachments.

Parking, Loading and Access

The proposed creation of the new single access into the site meets the definition of a parking, loading and access activity. In accordance with Rule 15.6.12, parking, loading and access activities must comply with Rule 6.6. **Minimum parking space dimensions - Rule 6.6.1.1** requires that car parking spaces for standard residential activities must provide a stall width and depth of 2.5m by 5.0m and an aisle width of 5.8m. While each car park will provide a compliant stall depth of 5.0m, only six of the proposed spaces will provide a compliant stall width of 2.5m with the remaining spaces providing a stall width of 2.4m and therefore will

not comply with this requirement. In accordance with Rule 66.1.1.f. the proposal is a **restricted discretionary activity**. Council's discretion is limited to the following matters of discretion:

- *Effects on the safety and efficiency of the transport network*

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 limited to the following matters of discretion:

- *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))*

Additionally, the proposed subdivision will fail to comply with the following performance standards applying to general subdivision:

- **Rule 15.7.4 - Minimum Site Size** requires 300m² per lot. The lots range in size, but are all under 300m², breaching this rule. In accordance with Rule 15.7.4.3.b, as the proposal is for a multi-unit development where subdivision is sought concurrently with the land use component and the standard residential activity complies with the density performance standard. The proposal is a restricted discretionary activity. Council's discretion is limited to the following matters of discretion:
 - *Effects on neighbourhood residential character and amenity (Rule 15.10.5.4)*

Note: Rule 15.7.6.1 – Shape - requires that each resultant site intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 7m by 10m that meets the performance standards of the Plan. The proposal does not meet this rule but as the sites will already be developed upon subdivision, the rule is not considered applicable.

- **Rule 15.7.8.1 - Minimum Landscaping** requires in the Variation 2 mapped area, any resultant site to provide 20% of the site area or 30m² (whichever is the greater) as minimum landscaping. The proposal does not achieve 20% of each site's area (or 30m²) as minimum landscaping, as it will only have around 7m² of landscaping within Lots 1-7, no landscaping in Lots 8-14 and around 9m² of landscaping in the rear yards of Lots 15-18. Therefore, the proposal does not meet this aspect of the rule. Lots 1-7 adjoin a road and the rule requires at least 50% of the land within the road boundary setback to be planted with trees, shrubs or groundcover species that are native to New Zealand. The proposal complies with this aspect of the rule as landscaping area is provided in more than 50% of the front yard setback of Lots 1-7. In accordance with Rule 15.7.8.3 the proposal is a **restricted discretionary activity**. Council's discretion is limited to the following matters of discretion:
 - *Effects on neighbourhood residential character and amenity (Rule 15.10.6.10.a)*

Land use (post subdivision)

After the subdivision, the following land uses are proposed:

- *Standard residential activity*
- *Visitor accommodation (proposed in units 1, 3-7, units 10 and 12)*

Standard residential activity is a permitted activity in the residential zones, subject to compliance with performance standards. The proposed standard residential activity on three of the eighteen new residential sites created, post subdivision, will fail to meet the following performance standards:

- **Rule 15.5.2 - Density** – which requires 45m² of site area per habitable room. As noted above, the 2GP definition of site counts the non-exclusive areas of a site as well as the exclusive areas, and thus the non-exclusive portion of the access lot, of which each unit owner will have undivided ownership, is counted towards the ultimate site size for the 18 proposed lots. This is an area of 44m² per unit. Taking into account the shared access lot areas, proposed lots 15, 16 and 17 will not have enough land area to support 3 bedroom units (a shortfall of 15m² per site), meaning the proposed land use is a non-complying activity (Rule 15.5.2.6). Council's discretion is not limited for non-complying activities.
- **Rule 15.5.11 Outdoor Living Space** - Each unit provides at least the minimum outdoor living space area required (15m² for 2 bedroom units and 20m² required for 3 bedroom units), and minimum dimensions of 3m but the outdoor living space of Units 15, 16, 17 and 18 will be south facing, in contravention of Rule 15.5.11.3.a.c.i, requiring OLS to be located on the northern, eastern or western sides of residential buildings. In accordance with Rule 15.5.11.3.d, the proposal is a restricted discretionary activity. Council's discretion is limited to the following matters:
 - *Effects on on-site amenity for residents (Rule 15.10.3.1)*

The proposed short term accommodation land use meets the definition of **visitor accommodation activity** and is provided for as a restricted discretionary activity under Rule 15.3.3.22. Council's discretion is limited to the following matters of discretion:

- *Effects on surrounding sites' residential amenity (Rule 15.11.2.7.a)*
- *Effects on efficiency and affordability of infrastructure (Rule 9.6)*
- *Effects on accessibility (Rule 6.11)*
- *Effects on the safety and efficiency of the transport network (Rule 6.11)*
- *Effects on streetscape amenity and character (Rule 15.11.2.1.d)*

In addition, certain performance standards apply to visitor accommodation that will not be complied with:

- Rule 15.5.8, which requires **on-site mobility parking spaces** to be provided for visitor accommodation where 1-20 car parks are created. The proposal will create 17 car parks and the applicant seeks visitor accommodation for half of the units. In accordance with Rule 15.5.8.4 activities that contravene this performance standard are restricted discretionary activities. Council's discretion is limited to the following matters of discretion:
 - *Effects on accessibility – (Rule 6.11)*
 - *Effects on the safety and efficiency of the transport network (Rule 6.11)*

National Environmental Standards

As noted above, a search of the Council's files for 30 and 32 Dundonald Street Dunedin (HAIL-2024-13) indicated that the following HAIL categories *may be applicable* to 32 Dundonald Street:

- *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. This is because the site contains a pre-1945 painted building and the soil immediately surrounding a pre-1945 painted building is likely to have lead contamination above soil contaminant standards.*

In addition, the HAIL Search Report *noted* the following categories of HAIL:

- E1: Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition. Building products containing asbestos were widely used in New Zealand in the past. If there are/were any buildings containing asbestos products in a deteriorated condition, then category E1 on the HAIL may be applicable. This category was also noted for the site at 30 Dundonald Street, although for that site, it was concluded that there is no explicit information found regarding HAIL Activity.
- category F4: Motor Vehicle Workshops. The 1925 garage plan and front elevation show a vehicle pit (highlighted yellow). As the search area is a residential site, and the garage in question is a single garage, it can reasonably be assumed that any motor vehicle maintenance taking place in this garage would have been undertaken by the land owner(s) on their own private vehicles. If a commercial motor vehicle workshop was operated out of this site, then category F4 may be a consideration.

During the processing of the application, the applicant submitted a Detailed Site Investigation, dated March 2024, and undertaken by EC Otago Ltd. The Detailed Site Investigation makes the following statements with respect to the site at 32 Dundonald Street:

"The sampling and analysis conducted indicates that widespread heavy metal (lead and zinc) ... present within surface soils across the site. Concentrations of lead were found to exceed the Residential Soil Contaminant Standards (SCS) guidelines ... indicating that the site presents a risk to human health under its current residential land use"

"lead concentrations at two locations (D32 B1 and D32 C1) also exceed the High-Density Residential SCS, these parts of the site present a risk to human health under the proposed high-density residential use of the site. Remediation of the site is advised."

"confirmed that a HAIL activity has occurred across the whole site"

As such, the whole site is considered a HAIL site, and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health is applicable. The whole site is considered a piece of land under Regulation 5(7) of the NES-CS and both subdivision and soil disturbance are activities regulated under the NES-CS.

The proposed soil disturbance and subdivision cannot be undertaken as a permitted activity under Regulation 8 of the NES-CS. This is because the proposed soil disturbance exceeds the permitted volume of soil disturbance (as per Regulation 8(3)(c) and there is no PSI stating that it is highly unlikely that there will be a risk to human health if the activity (subdivision) is done to the piece of land. Similarly, the activities cannot be undertaken as controlled activities under Regulation 9 as the DSI does not state the soil contamination does not exceed the applicable standard in regulation 7 of the NES-CS (Regulations 9(1)(b) and 9(3)(b).

Thus, the proposal to both **subdivide** the land and **disturb the soil** is a **restricted discretionary** activity under Regulation 10, as a DSI of the piece of land exists and the report on the detailed site investigation states that the soil contamination exceeds the applicable standard in regulation 7. Council's discretion is limited to the following matters of discretion:

- *the adequacy of the detailed site investigation, including—*
 - *site sampling:*
 - *laboratory analysis:*
 - *risk assessment:*
- *the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:*
- *the approach to the remediation or ongoing management of the piece of land, including—*

- *the remediation or management methods to address the risk posed by the contaminants to human health:*
- *the timing of the remediation:*
- *the standard of the remediation on completion:*
- *the mitigation methods to address the risk posed by the contaminants to human health:*
- *the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants:*
- *the adequacy of the site management plan or the site validation report or both, as applicable:*
- *the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:*
- *the requirement for and conditions of a financial bond:*
- *the timing and nature of the review of the conditions in the resource consent:*
- *the duration of the resource consent.*

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

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.

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, the proposal is for separate, unlinked activities that do not overlap. As a result, each component has its own activity status, and must be considered separately in terms of the notification decision and also in terms of the substantive decision on whether consent should be granted.

The development and subdivision activity status is determined by the Proposed Plan and the NES-CS and is a **restricted discretionary** activity. The land use activity status is determined by the Proposed Plan and the NES-CS and is a **non-complying** 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 as the adverse effects on parties from the proposed development and subdivision/ creation of new sites are considered to be less than minor for the reasons described below under the section titled 'Effects on the Environment'.

This is because the proposed development, while much denser than the residential activity on surrounding properties, will comply with the District Plan in terms of density prior to subdivision, meaning the proposed level of development is anticipated in the District Plan (although the higher density zoning may not yet be reflected in the existing pattern of development in the surrounding area). Density of residential activity in the General Residential 2 Zones is on the basis of habitable room number per area of land, and is not contingent on a minimum area of site or open area for development/land use to be established, with the exception of having to provide for outdoor living space (all sites comply in terms of area) and development having to comply with maximum site coverage (this is generally compliant with the exception of 3% of impermeable surfaces breach). The 2GP separates land use from development and there is no discretion

over building intensity overall for multi-unit development, other than perceived from a public place, such as effects on streetscape amenity. The effects on streetscape amenity are discussed below. Thus, while this style and intensity of development may not necessarily be anticipated by the residents of the neighbourhood, it is anticipated and facilitated by the District Plan rules. The recent re-zoning of the area to GR2 means the character of the area must be expected to change over time as a result of the greater capacity for density (and development to accommodate the density) expressly provided for in the zone rules, compared with the prior zoning. The development as a whole is not considered to have adverse effects on the neighbourhood (in the context of the 2GP deeming what adverse effects may be) at a level that would warrant notification of neighbours or the public, as elaborated on below.

In terms of more direct effects on immediate neighbours from the likes of structures or buildings within yards etc. this is limited to the proposed water tanks within the eastern side yard of the development, shared with 34 Dundonald Street. A low retaining wall supporting the access lot is also technically a bulk and location breach that could have a direct effect on a neighbour. Both of these breaches are assessed below, but I do not consider the neighbours directly affected by the tanks or low retaining wall as the existing hedge will be higher than the tanks and provide a visual green screen and the retaining wall is low and will adjoin another driveway on the neighbouring site. These are not major breaches of the District Plan and will not affect access to sunlight (as the tanks will be lower than the hedge, which is existing) or introduce dominant structures into areas such as outdoor living spaces on neighbouring sites.

All other bulk and location standards of the development will be complied with and as such, neighbours are not considered to be directly affected to a point that could be considered minor, by any individual component of the development.

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.

Neither the District Plan nor the Proposed Plan allows any subdivision to occur as of right. All subdivisions are either restricted discretionary activities where the proposal meets all District Plan requirements, or restricted discretionary or non-complying activities where the proposal does not. Council rarely declines consent for proposals that create new sites meeting the minimum lot size, access, servicing and other requirements of the District Plan. In such cases, the subdivision consent is a means of ensuring to Council's satisfaction that all necessary subdivision matters, e.g. infrastructure, are adequately addressed, and is not an indication that the proposal is deficient in some way.

Residential development at a maximum density of one habitable room per 45m² of site area is a permitted activity for this zone, although more than one residential building (regardless of density) is only permitted where the units will not contravene site coverage, height in relation to boundary setback or access requirements if subdivided onto their own lots, or is a restricted discretionary activity as a matter of course. A multi-unit development is defined as the construction of a single building or multiple buildings that contain three or more residential units on a site within a two-year period.

New buildings smaller than 300m² are permitted in this zone. Accessory buildings and fencing are also part of the permitted baseline.

A certain amount of earthworks is permitted, depending in part on the slope of the site and any hazard overlays applying to the land.

Permitted development for this subject site is a development of 44 habitable rooms with the number of residential units limited to two within a two-year period.

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 and adjacent land, the existing and reasonably foreseeable receiving environment comprises residential and visitor accommodation activity within a well-established coastal suburb of Dunedin.

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. *Effects on streetscape amenity and character and on neighbourhood residential character and amenity*

The elements of the proposal that require assessment on the *streetscape amenity and character* are the multi-unit development and the visitor accommodation. The effects of visitor accommodation are considered in the final paragraph of this report. The elements of the proposal that require assessment of effects on *neighbourhood residential character and amenity* are as follows:

- The impermeable surfaces breach
- The boundary setback of the tanks
- The subdivision
- The minimum site size rule
- The minimum landscaping breach

Furthermore, the proposed density breach of three units (upon subdivision) must be considered in the context of the overall density of the development and the *streetscape amenity and character* as well as *neighbourhood amenity and character*. Policy 15.2.4.2, which gives effect to Objective 15.2.4, requires activities to maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood, states:

Only allow residential activity that exceeds the permitted density where the built form of any new development, as viewed from public places, reflects the existing residential character or intended future character of the zone as set out in the residential zone descriptions.

The character of the General Residential 2 Zone is described in the Introduction section of the 2GP Residential Zones. These character descriptions are referenced by 2GP assessment criteria and policy within the 2GP, notably Policy 15.2.4.2, which is a policy reference when density is breached. In this

case, density is breached but only after the development and subdivision have occurred and only with respect to three of the units. The policy directs Council to only allow residential activity that exceeds the permitted density where the built form of any new development, as viewed from public places, reflects the existing residential character or intended future character of the zone as set out in the residential zone descriptions.

These character descriptions are quite generic, and do not reference specific features or characteristics of certain neighbourhoods or distinguish between areas within the GR2 Zone, which are spread right across Dunedin's suburbs. While the rules are in effect, it is worth noting that the Tainui area was 'upzoned' from General Residential 1 to General Residential 2 zoning under Variation 2 as recently as May 2022. This upzoning across the city occurred in a number of areas, including 'outer suburbs', which are not close to the city centre or necessarily close to any main road or activity centre/local shops. This rezoning has capacity to significantly change the character of the area, in that, historically development in the surrounding neighbourhood has been restricted to a minimum site area of the Residential 1 Zone, per residential unit, which was 500 square meters (reduced to 400 square meters under Variation 2). The character of the GR2 Zone is described as follows in the 2GP Residential Zones:

"an area that covers large areas of the main urban area of Dunedin and Mosgiel in locations that have good accessibility to services and public transport and higher relative demand for housing. It provides for change in the existing urban form to medium density suburban residential living through redevelopment of older and poorer-quality housing stock. This will provide a range of housing choices over time, including well-designed multi-unit developments such as terrace housing and low-rise apartments typically up to 9m in height (generally two-storeys). The rules for this zone vary by location to provide for a higher density of development in areas which have historically been developed to a higher density, and for a lower density of development in areas which are subject to coastal hazards or wastewater or stormwater infrastructure capacity constraints."

The Variation 2 Mapped area applies to the subject sites, and while it does not reduce density allowance of the zone, the allowance for impermeable surfaces is slightly decreased from 80% in the GR2 to 70% and it requires minimum landscaping to be established to ensure there are adequate areas of green space free from buildings or hard surfacing. The rules recognise that higher density may reduce green space and streetscape amenity and a higher degree of balance between the natural and built environment is required by the GR2 / VR2 rules (in comparison to other GR2 areas). This includes at least 50% of the land within the road boundary setback must be planted with trees, shrubs or groundcover species that are native to New Zealand and overall 20% of the site area or 30m² (whichever is the greater) is required to be in landscaping. A mirror landscaping rule exists also as a standard of subdivision. These are the only additional standards applying to the Variation 2 GR2 zones.

The proposed development breaches the impermeable site coverage by 3% and also breach the Minimum Landscaping Rule, although it is noted that these breaches are not significant. Landscaping is discussed below separately, and the impermeable surfaces breach is also discussed below.

Density

The overall density of development within the site complies with the 2GP rule provisions. Subsequent to the subdivision, three sites will be non-compliant in terms of their density, in terms of the new titles of these sites. All three units are within Block C and will not be highly visible from the street. The area of each site includes the exclusive areas and non-exclusive areas, meaning 44m²

of the access lot is counted towards the ultimate site sizes for each proposed lot⁴. These sites will be at the rear of the development, within Block C and each unit will have three bedrooms but site areas of only 120m² overall (around 76m² when excluding the access allotment portion). However, were the subdivision not to occur, the density and standard residential land use would be at a compliant level. It is difficult to specify how the effects of the standard residential land use prior to subdivision are different to the effects of the standard residential land use after the subdivision; the only real change is the ownership of the sites. In terms of the effects on streetscape amenity, these will be the same prior and post subdivision.

The effect of the development overall is more likely to have an effect on character of the streetscape. The intended future character of the neighbourhood is determined (somewhat) by the zoning, which has recently been changed. The residential zone description for the GR2 Zone includes 'terrace housing', like the current proposal, and while this type/intensity of development is not yet seen within this neighbourhood, the zoning provides capacity for this 'future character'. The phrase 'intended future character' in Policy 15.2.4.2 is thought to refer to the intention of the 2GP, which is to allow density on the basis of number of habitable rooms (not units) and no prerequisite of a minimum site size for development to occur. Therefore, the built form overall of this new development, as viewed from public places, is considered to generally reflect the intended future character of the zone as set out in the residential zone descriptions in accordance with Policy 15.2.4.2.

Multi-unit development

'Streetscape amenity and character' is undefined by the 2GP, but it is thought that the distinction between neighbourhood residential character and amenity and streetscape amenity and character, if any distinction at all, is that the streetscape amenity has more of a focus on design of buildings/appearance of buildings from the specific street within a neighbourhood, whereas neighbourhood residential character and amenity pertains to a broader area, such as the whole neighbourhood. The 2GP provides no specific design guidance to inform the view of what creates good streetscape amenity and character for each area/neighbourhood. As noted above, the policies seem to hinge on the generic zone descriptions, and a comparison to the existing environment, however in the case of areas like Tainui, some of which has recently been upzoned, the zoning allowances or character anticipated by the rules of the GR2 Zone are not yet reflected in the existing environment.

The proposal includes three blocks of residential units: a 220m² block (Block C), a 270m² block (Block B) and 260m² block (Block A), parallel to the site's front, rear and eastern boundaries. A timber fence has already been erected around most of the perimeter of the site (measuring 1.8m), while the front boundary will have a metal, black fence, with wide palings (providing good visibility into the site from the street).

The assessment criteria refer specifically to Objective 15.2.4 and one of its policies; Policy 15.2.4.8. Objective 15.2.4 states:

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

Policy 15.2.4.8 states:

Only allow buildings over 300m² footprint or multi-unit developments where they are designed to ensure that streetscape and neighbourhood amenity and character is maintained or enhanced.

⁴ The definition of site in the 2GP states: the area of a 'site' is all of the area associated with any exclusive ownership portion(s) plus the lawful share of any non-exclusive ownership portion(s).

As noted above, while any development introducing more than two units to a site is considered a multi-unit development, none of the proposed three buildings of terraced units will have a footprint of over 300m² and the rule is only in relation to single buildings (not cumulative footprint across a development). Further, it is worth noting that Policy 15.2.4.8 must be interpreted in light of Objective 15.2.4. Therefore, while Policy 15.2.4.8 refers to maintaining or enhancing the streetscape and neighbourhood amenity and character; this is broadened by Objective 15.2.4, which specifically refers to the current OR intended future character of the neighbourhood, meaning maintaining or enhancing the streetscape and neighbourhood amenity and character encapsulates the intended future character of the neighbourhood (which may not be evident in the current environment and may not be a familiar amenity).

The assessment criteria continue on to list a number of considerations in assessing the effects on amenity, these are as follows:

- whether building design reflects, and is conducive with, the residential scale.
- The cumulative effect of buildings on the streetscape amenity
- building design and placement in terms of appropriateness for the context of the site, including: considering the appropriateness of form (roof pitch, scale, massing, window placement, entrance detailing, and/or proportion) and materials
- any landscaping proposed and its effectiveness in enhancing amenity and/or mitigating adverse effects
- the level of visibility from the street
- the location of any car parking
- whether the development provides adequate green space and maintains an appropriate balance of green space vs built and hard features
- whether the development has the potential to adversely affect any heritage streetscape values in the immediate neighbourhood
- in general, where a new building is located within an integrated group of buildings that contribute strongly to the heritage streetscape character of the immediate neighbourhood, design maintains the coherence of the group and the contribution it makes to the overall character and amenity.

The assessment criteria list the potential circumstances that may support a consent application as follows:

- The visual effects of the building is screened and softened by landscaping, fencing, or other screening, which provides an attractive interface with the street.
- The building is set back from boundaries adequate distance to avoid shading or visual effects on adjacent residential properties or public places.
- Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places.

In terms of the building form, modulation and design, I defer to Advisory Services/ Urban Design's advice below. In terms of whether the building design reflects and is conducive with (sic) the residential scale, the proposed design is a terrace house, in three blocks and the existing residential scale is more aligned with the General Residential 1 Zone; thus the proposed design does not reflect the existing residential scale of development, which is single level (some double) dwellings on much larger sites than the proposed sites, with accessory buildings and curtilage often including large lawn or open areas. In terms of whether the building design is conducive to the residential scale, this is debatable as terrace housing could provide a similar residential scale where the rear of the dwellings were also in lawn. The bulk and location of the buildings will comply with the District Plan and the buildings will reflect the intended residential scale (not the current residential scale within the neighbourhood). The site is reasonably flat and the development will be visible from the street, but the new zoning is the principal reason the proposed development will not align with the existing

character and the design is more a representation of facilitating the intended future character of the neighbourhood.

Council's Advisory Services / Urban Design Team were requested to advise on the application. Mr Mark Mawdsley and Mr Luke McKinlay commented on the original application and Mr Mawdsley's initial comment included a summary of the Dundonald streetscape character as follows:

Existing streetscape character

Dundonald Street and the broader area are characterised by early to mid-twentieth century development comprising freestanding homes, mostly single storey. The street is somewhat typical for suburban setting in the Tainui/Andersons Bay area and demonstrates a homogenous housing typology, period of development/construction, and mid-size sections with established landscaping. The design and materiality of the period dwellings is generally consistent and visually interesting.

Site sizes in the immediate area range from original 1000m² sites, down to sites of 500-400m² and a pattern of infill development / subdivision is evident within the same block as the subject site. I would further note that while landscaping may be established, this is in the form of front and backyard lawns and hedges for many surrounding properties in the neighbourhood. The area is elevated and coastal (windy, exposed, close to the sea) and as such there is not a large amount of vegetation, other than within the nearby school and on steep undeveloped land. Mr Mawdsley goes on to comment on the sites, as he viewed the sites prior to the complete demolition/clearance of both sites:

The subject site comprises two neighbouring sites on the southeast side of Dundonald Street. Each site contains a single storey freestanding house. Topography falls to the rear of the site.

- *The bungalow 32 Dundonald Street dates from the early twentieth century. The overall form and roof are well articulated with architectural features. The dwelling is set back from the front boundary with a landscaped front yard. A single bay garage is located in the corner of the site.*
- *The post-war dwelling at 30 Dundonald Street demonstrates a combination of material and well-proportioned windows facing to the street. Again, the dwelling is set back from the front boundary with a landscaped front yard. A single bay garage is also located in the corner of the site.*

It is understood that this dwelling has now been demolished. These two dwellings are consistent with the period, form, density, and orientation of the existing streetscape.

While I visited the sites after the demolition of both of the dwellings, one thing I noted from viewing the properties on Google Street Maps (and a number of surrounding properties) was the clear use of the front yard as the outdoor living space along this side of Dundonald Street, being the northern elevation. The dwelling at 32 Dundonald had a porch where outdoor furniture is visible. Therefore, occupation of the front yards on this side of the street is anticipated (as this is the sunny elevation).

Mr Mawdsley goes on to provide commentary on the original application, and I provide commentary throughout in response to the Advisory Services comments:

Subdivision (RD Activity) > Effects on neighbourhood residential character and amenity Breach of Minimum site size rule 15.7.3.4 – RD - Effects on neighbourhood residential character and amenity

1. *The subdivision proposes lot sizes of between 61 & 105sqm with a common access lot of 796sqm. The lot sizes are all below the 300sqm, however, the multi-unit development is understood to comply with the density performance standard. There are negative effects*

on neighbourhood residential character and amenity identified in the commentary below, it is my view that these result and/or are exacerbated by prioritising 'quantity over quality' and that a smaller number of dwellings would allow improved design outcomes for both neighbourhood and on-site amenity (Objective 15.2.4)

2. *The proposed number of units on the site/lot sizes is inconsistent with the existing character and amenity of the neighbourhood. Greater density on the subject site can be supported provided that it does not have an adverse effect on the amenity and character of the neighbourhood. Small lot sizes can be accepted where public green space, cafés etc are in close proximity to provide neighbourhood residential amenity. Excepting to the south of Tahuna Road, there is little in the way of public green space in the immediate context to complement the development. (Policy 15.2.4.6).*
3. *On-site amenity for residents will be compromised by the number of dwellings and the resulting site sizes. For units 1-7, the plan does not provide any space for residents to store play equipment, garden tools etc except the road boundary setback of units 1-7 (along Dundonald Street). If residents of these seven units use the road boundary setback/front yard to store outdoor items, erect garden sheds etc there is high potential for a negative effect on the amenity of the broader neighbourhood (Policy 15.2.4.1.e).*

Referring to Mr Mawdsley's comments in paragraph [1] above; at the development stage (prior to subdivision), the proposal will comply with density and while a reduction in density may improve on-site amenity/provide more space, this is not a requirement of the District Plan and will not affect the public perception/effect of the development on the streetscape amenity insofar as the rear blocks are concerned. In terms of intensity of building form across the whole site, this is not a matter of discretion, and maximum building site coverage is the only limit to the built form (other than the multi-unit development rule and 300m² maximum footprint rule); the proposal complies in terms of the building coverage. Referring to paragraph [2], it is acknowledged that the lot and site sizes are inconsistent with the character of the area that exists now, but the District Plan also provides for the intended future character, as discussed above. The upzoning of the street to a more intensive density has already occurred. Thus, the proximity to local activity centres has already been deemed adequate by the policy decision to zone for much higher density, and furthermore, density not based on a minimum site size, but on a minimum area of site per habitable room.

Referring to Mr Mawdsley's comments in paragraph [3] above, again, the 2GP allows for the creation of smaller site sizes, with no minimum site size rule. Therefore, on-site amenity is not contingent on the presence of open space (or the 2GP would require a minimum area of open space other than the minimum outdoor living space) and my assessment of on-site amenity is provided below. Generally speaking, people will not buy the units if the on-site amenity does not meet their needs. I would further add that a condition is included to ensure no further structures are erected within the front yard of units 1-7, given that this space is usually free from structures, or more open (because there is usually other places on people's sites where structures could be placed).

Mr Mawdsley's commentary on the original application continued as follows:

4. *The development comprises eighteen dwellings arranged in three separate terrace rows. A two-storey terrace row, comprising seven dwellings is parallel to the street boundary, the two remaining buildings are parallel to the side and rear boundaries. The external facing elevation of the rear terrace comprises three storeys. Car parks are located centrally within the site. This commentary is limited to the relevant matter of discretion, Effects on streetscape character and amenity and focus primarily on the presentation of the development to the street. Building design and placement and visibility from the street*
5. *Terraced development is inconsistent with the existing context; however, it is acknowledged that the subject site is zoned to encourage development of a greater density (15.11.3.1.a.iii). Terrace dwellings present an efficient development model and multi storey terrace development is not discouraged in the context of a changing*

character. However, the design, modulation, materiality, and location of service activities are extremely important to mitigate the amenity effects of an increased bulk and scale of terrace dwellings in an existing context of freestanding homes (15.11.3.1.a.iv.1).

I would add that ‘terrace housing’ is specifically mentioned within the description of the General Residential 2 Zone description. Mr Mawdsley continues to say:

6. *The street facing terrace (Block A) has been designed so that each individual dwelling is identifiable by a gable. The projecting gables assist in creating a visually interesting and well-modulated terrace. The road boundary setback is relative to adjacent dwellings. This aspect of the proposal is supported (15.11.3.1.a.iv.1).*
7. *The proposal is for shiplap weatherboards to be used both vertically and horizontally, a combination of two different cladding materials is recommended for Block A to assist in mitigating the visual scale of the development (15.11.3.1.a.iv.1).*

Mr Mawdsley has confirmed this point has been satisfied as the exterior cladding of Block A has been revised to include both weatherboard and a plaster finish. Conditions of consent are included to ensure that the design changes made during the processing of the consent are implemented.

8. *The east and west elevation of Block A will be visible in the Dundonald streetscape. It is recommended that these elevations are modulated, contain a combination of materials, and rationalise fenestration arrangement from the exterior to improve the effects on streetscape amenity. Likewise, the rear of Block B and Block C will potentially be visible from Tahuna Road and similar improvements are recommended for these elevations to assist in mitigating the visual scale of the development (15.11.3.1.a.iv.1/15.11.3.1.a.vi).*

Mr Mawdsley has confirmed that this point has now been addressed and satisfied. The east end of Block A has been revised to include a gable and the west end a pop out box on the upper level. Mr Mawdsley’s original commentary continues as follows:

9. *The front yard setback, adjacent to Dundonald street, contains landscaping, outdoor living space and service areas of the seven dwellings presenting to the street. The main entry door is located on the rear elevation (near to the carparking) and there is no pedestrian connection between the street and street facing elevation of Units 1-7. To maintain the amenity of the streetscape, it is preferable that the front yard setback (15.11.3.1.a.iv.1/15.11.3.1.a.iv.2):*
 - a. *Landscaping and a variety of plantings*
 - b. *Permeable fencing and pedestrian gates*
 - c. *Has a defined pedestrian connection between the street and an identifiable front entry to activate the street*
 - d. *If outdoor living space must be located in the front yard setback it is preferable that it is separate (or at least visually separate) from the entry route*
 - e. *Excludes, or at the very minimum screens, service areas and activities such as clotheslines that reduce the amenity of the street*
 - f. *Promotes a visual connection between the dwellings and the street*
10. *Bin storage is internal to the site, within a 1200mm high fenced enclosure. The proposed 660L bins are 1330mm tall. The bin enclosure will ideally conceal views of the bins from the street and residential activities, a taller fence, gates, and roof are recommended (15.6.8.1).*
11. *Clotheslines located in the front yard setback of Dundonald Street are not supported (Policy 15.2.4.6/15.2.4.8)*
12. *Outdoor condenser units for heat pumps are located on the south elevation of Block A. These will reduce the on-site amenity for residents using the internal pathways (walking past multiple units blowing cold air) (15.11.4.1.a.ii.4). A reduction in the number of*

dwelling would allow for services such as this to be better resolved. Condenser units for Block B & C are located in the private courtyard space of individual dwellings, this has less effect on other users of residents.

Regarding these points, gates and pedestrian paths have been provided to the front units, thus improving the connection between the street and street facing elevation of Block A. Above I have discussed the implication of zoning with no minimum site area. There is no District Plan provision requiring outdoor living space to be separate from structures such as clothes lines. The clothes lines will be folded away when not in use and are a typical part of residential activity. I accept that clotheslines are typically concealed or within backyards, or contribute to visual clutter when in use, but higher density development such as apartments will often include clothes drying within the outdoor living space and I don't consider the sight of clothes to have an adverse effect on residential amenity. Provided the landscaping within the front yard is maintained on an ongoing basis and no other structures are erected within the front yard (condition are included to ensure this), the outdoor living spaces within the front yard should comprise reasonably open and sunny spaces available for 'outdoor living', which includes getting domestic tasks done. Mr Mawdsley suggests a screen for the clotheslines, however, the landscaping is considered to suffice to offset any visual clutter.

The service area spaces within the front yards are unlikely to be required for bins, as discussed below, the only bins will be the small food scraps bins and the glass recycling box/bin, which are both small and can be accommodated within the rear entry spaces of the front units. Furthermore, the bin storage comment in Paragraph [10] above, which more relates to on-site amenity, has now been resolved, as the applicant has designed a pergola roof structure for the communal bin area on the access lot. I also disagree with Mr Mawdsley with respect to the outdoor condensers. These should remain along the south elevation of Block A and not be moved within the outdoor living spaces of Units 1-7. This will reduce the clutter within these outdoor living spaces and I do not accept that multiple units blowing on people walking to and from their cars within the access lots is a significant adverse effect. This is because moving from one's car to one's house is a service activity in itself and does not represent an element of amenity. In contrast, the blowing of condensers within the front yard outdoor living space areas is considered to have an adverse effect on on-site amenity, especially given the single area of open space per unit, which is counted towards the outdoor living space minimum. Mr Mawdsley's original comment goes on to state:

Location of Carparking

13. *Carparking is located internal to the site with only a small number of vehicles visible from the street, this aspect of the proposal is supported. However, the extent of carparking contributes to a high proportion of the site being impermeable (15.11.3.1.a.iv.4).*
14. *Incorporating a landscaping strip along both sides of the driveway will make a significant improvement in the perceived amenity of the development from the street. This will assist in visual balancing green space and hard landscaping. (15.11.3.1.a.5)*

I note that Mr Mawdsley's opinion conflicts with Mr McKinlay's opinion below regarding the landscaping strip and I agree with Mr McKinlay as it is more important to have wide enough landscaping strips of garden that are able to be planted and function as opposed to a 'framing' of the access, where the width of the strip may limit the number and success of plantings. The garden strips have to be usable or this will lead to adverse effects on streetscape amenity; landscaping is further discussed below.

Overall, I consider that the applicant has made changes, principally to the Block A elevation to the street, that will adequately address the effects of the proposed development/built form on the streetscape amenity and character.

Subdivision and minimum site size

In terms of the subdivision and breach of the minimum site size standard, many of the considerations above are relevant to the assessment of the subdivision's effect on neighbourhood character and amenity, as the development and subdivision go hand in hand. The proposed division of the development onto individual freehold sites has no real implication for amenity once the development is established. This assessment ties in with the minimum site size 'breach'. While the minimum site size rule states 300m² of land area is required for new resultant sites, Rule 15.7.4.1.ii provides an exemption to the site size and a consenting pathway for multi-unit development to establish on any site size, provided that the development is complete prior to s223 certification and the new residential building is able to meet all the relevant land use and development performance standards as if it was new. This second limb of the rule is also dispensed with later in the minimum site size standard, as the proposal remains a restricted discretionary activity even where the residential building is not able to meet all the relevant land use and development performance standards as if it was new (such as in the case of the current application). However, as noted above, the proposed development will comply with the majority of development and land use performance standards with respect to each new resultant site. The assessment criteria for this breach states (among other points):

General assessment guidance:

For subdivision concurrent with an application for multi-unit development, Council will generally only grant subdivision consent where the land use consent is also granted.

The land use consent will be issued with the subdivision. Overall, the applicant has opted for the multi-unit development and subdivision combo, which is a specific consenting pathway for multi-unit development and an exemption to the minimum site size subdivision rule. The development will be complete/almost prior to being subdivided and most of the development on the resultant sites will be generally compliant with the performance standards of the 2GP. The proposal is thus considered to be generally in accordance with the goals of the District Plan in terms of the multi-unit development and subdivision combination. Policy 15.2.4.6 states:

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

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

The development will already be established at the time of subdivision and thus the proposed subdivision is considered to be in accordance with this.

Impermeable surfaces

The proposed 3% breach of the permeable surfaces rule requires an assessment of the effect on neighborhood residential character and amenity. It is considered that the proposed development will result in significantly more hard surfacing than any of the developments/sites in the surrounding environment. The General Residential 1 zoning also allows for a maximum of 70% hard surfacing but in general, single dwellings on sites of between 400m² and 1000m² do not require this level of hard surfacing for residential activity and that is reflected in the current neighborhood. Mr Mawdsley made the following comment on impermeable surfaces:

Drawing R-109 shows no impervious surfaces to the external space of Units 01-09, and 15-18, with the exception of the front path. I recommend a condition that prohibits the future

construction of impervious (red) surfaces in locations marked as pervious (green) on a stamped version of drawing R-109.

Overall, this advice is accepted and a condition is included to ensure no further impermeable surface is introduced within the yards of the units 1-7, as these areas are directly visible from the street and a condition to ensure the landscaping areas are maintained and not changed to hard surfacing. The landscaping serves to provide a natural balance to the intensity of built form and concrete that will be visible from the street and it is important some permeable areas remain on site for amenity purposes.

Boundary setback of the tanks

During the processing of the application, three structures appeared between Unit 7 and the side boundary. The applicant provided information stating that the tanks were changed to three Baileys 5000L slimline water tanks, which are 2200mm high, so at the highest point the tank will be 2300mm when including the concrete pad that they sit on. The applicant is opting to leave in the boundary hedge, trimmed to a height of 2600mm so the hedge will be 300mm higher than the tanks along the eastern side of Unit 7. Mr Mawdsley's response to this was as follows:

As the tanks now span the full width of the side setback a fence (parallel to the street) between Unit 7 and the boundary fence/hedge is desirable. Combined, a 2m timber paling (or similar) fence and the existing hedge will screen the tanks from the street. As the top of the tanks will be visible over the top of the fence, a recessive colour should also be nominated i.e. Karaka or Slate Grey

I am satisfied that a fence and recessive colour will mitigate visual effects on the streetscape.

I agree with this assessment and conditions are included accordingly. It is important that tanks do not become a visually prominent features and thus the recessive colour requirement is also included. Furthermore, I do not consider the neighbour affected by the location of the tanks within the side yard due to the hedge screening provided by the hedge and any fence also erected between the sites.

Mr Mawdsley also noted during the further information / amendments to the application that the photomontages of the proposed development were not updated to show recent revisions. As such, an advice note is included in the decision certificate clarifying that the approved plans do not include some changes that must be implemented in the design.

I note that the height plane breach within the original application was amended entirely and thus Mr Mawdsley's comments on this original HIRB breach are not included. Visitor accommodation's effects on streetscape amenity and character is also discussed below.

Minimum Landscaping

The proposed landscaping has been assessed by Mr Luke Mckinlay regarding the effects on neighbourhood residential character and amenity. The assessment criteria requires that the activity maintains or enhances streetscape amenity by ensuring there are adequate green space areas free from buildings or hard surfacing (which comes directly from Policy 15.2.4.1.b).

Mr Mckinlay made the following recommendations in his comment on the original application:

- *Proposed planting associated with this multi-unit development is concentrated around the periphery of the site and the internal parking area. It consists of a limited range of low*

growing groundcover/tussock species, fruit trees and two native tree species (Lancewood and Kōwhai).

- *... Red Tussock is one of the larger native tussock species (can grow to a mature width of 1.2m). It is not suitable for narrow planting strips adjacent to pedestrian paths.*
- *While planting between the vehicle entrance and the pedestrian entrance to the site is supported, it is recommended that a mix of smaller stature plants are used within this strip, which is only 450mm wide (it is recommended that this strip is widened, if possible)...*
- *If space allows, it is recommended that a planting strip (minimum width 600mm) is established along the western boundary of the site adjacent to the vehicle entrance to provide a better balance of hard surfaces to planted areas.*
- *The proposed herb species would not establish well if inter-planted with the much larger Red Tussock. Herb planting, if included, should be restricted to the edge of proposed garden areas.*
- *In general, it is recommended that a wider range of native shrubs and ground cover species are included in the planting scheme.*
- *It is recommended that a higher proportion of greenspace to buildings/hard surfaces site area is included within this development. This could notably enhance streetscape and/or neighbourhood amenity values, dependant on where the additional green space is located. The planting proposal will not provide an adequate level of streetscape amenity.*
- *Tree planting. Rule 15.6.10 requires the planting of 1 native tree from the Important Tree List (Appendix 10A.3) per 250m² of a comprehensive multi-unit development proposed for fee simple subdivision. This equates to 8 trees within this 2,024m² site. Eight Kōwhai are proposed within the site. As such, the application appears to meet the requirements of the rule; however, all these trees are located internally within the development, so will have little impact on streetscape amenity. Further, several of the trees appear to be in unsuitable locations, very close to pedestrian paths.*
- *Because of the small lots sizes there is little space to establish trees within the individual lots. Fruit trees are proposed within the landscape strip along the street front of the site (in front of Units 1-7). No details of these trees are provided on the landscape plan apart from identifying that they will have a height at maturity of 4m (presumably they are dwarf or semi-dwarf varieties). At this size they will likely have only a moderate contribution to streetscape amenity*

In response to an RFI, the applicant made some changes to the proposed landscaping on 21st May. Mr McKinlay made the following comment in response to the changes:

- *I support the substitution of red tussock (very large spp.) for Carex comans, particularly for narrow garden spaces, but as noted in initial comments, the issue is also that only a single native groundcover species is proposed. It remains my recommendation that a more diverse mix of low growing species/small shrubs are included within the road setback planting areas and other gardens (for example, dwarf hebe (0.5m), Dianella spp (0.5m), Libertia spp (0.5m), Pachystegia spp (0.7m), Euphorbia glauca (0.7m), dwarf flaxes (0.5-0.7m), Rengarenga (0.7m), smaller Corokia spp (varies), smaller Coprosma spp (varies) etc). Plant spacings shown in brackets. Only species with 0.5m spacings to be located adjacent to paths/vehicle entrances.*
- *Recommend removal of mint from plant list – it is invasive/spreads via creeping rhizomes.*

- Rather than having two narrow strips of planting either side of the vehicle entrance, consolidate this planting as a wider strip on one side.
- Trees – the plan now includes Kowhai in all the front yards rather than fruit trees. These are relatively broad spreading trees (can grow to 8m high/8m wide), which could dominate the front yards/outdoor living spaces of these units. Because of the small lots sizes, it will be difficult to include trees of substantial size, where they will be visible from surrounding public locations/contribute to streetscape amenity. As a compromise solution, Kowhai could be included in each of the larger yards (associated with units 7, 14 and 18) and clusters of 2 or 3 trees located within the center of the garden areas in the corners of the carpark. Fruit trees with a narrow form could be located in other yards.
- A single *Coprosma propinqua* is included in the front yards of the units. This is a large shrub (can grow to 5m (height), 3m (width) often used in riparian planting. I recommend deleting this species and including greater diversity of ground cover and small shrub species as noted above.

The applicant made changes to the application to try and address some of the issues on June 6th and 3rd July. Mr McKinlay responded with the following on 5th July 2024:

- For all narrow garden areas less than 1m wide (e.g adjacent to driveway and fence) and for garden areas within 1m of the edge of a path include mix of NZ iris, *Carex comans*, *Hebe nana*, Thyme, and *Dianella nigra* at 0.5m centers maximum. Minimum 5 different species.
- Include mix of *Corokia little prince*, *Phormium emerald gem*, *Euphorbia glauca*, Rosemary (upright form), *Arthropodium cirratum* at 0.7m centres maximum. Minimum 5 different species within these garden areas.
- Plant numbers must be included in the planting schedule.

He also noted that mint had been removed from the schedule, the strip adjoining the vehicle entrance has been consolidated and the *Coprosma propinqua* had been deleted, addressing many of the earlier concerns.

Mr McKinlay commented on the 8th July that:

- To clarify, for all narrow garden areas less than 1m wide (see areas circled with red line in attached plan) and for garden areas within 1m of the edge of a path (see areas identified by blue lines), it is recommended that the applicant uses smaller species such as *Libertia peregrinans*, *Carex comans*, dwarf *Hebe* spp, Thyme, and *Dianella nigra* at 0.5m centers. A mix of at least 5 different species should be planted in these areas.
- For other garden areas, it is recommended that the applicant includes a mix of small shrubs and flaxes etc, such as *Corokia little prince*, *Phormium emerald gem*, *Euphorbia glauca*, Rosemary (upright form), *Arthropodium cirratum* at 0.7m centres. A minimum of 5 different species should be planted within these garden areas.
- Plant numbers need to be included in the plant schedule.

While the applicant has not increased the area of greenspace as recommended originally, given the changes made and considering the outcome overall, and the visibility of the trees from the front yard, it is considered that the landscaping / amenity from greenery will at least be maintained to its pre-development level. Once established, the landscaping will occupy more than 50% of each lot's frontage to Dundonald and will provide more than an adequate level of streetscape amenity, especially with the presence of seven trees along the street frontage and the proposed visually

permeable fence along this frontage. The policy and objective goal for this standard is for the proposal to maintain or enhance streetscape amenity by ensuring there are adequate green space areas free from buildings or hard surfacing (Policy 15.2.4.1.b). From a streetscape perspective, the proposal may result in more vegetation along the street front where previously there were two tall shrub like trees and a harakeke within this front yard space of the two properties. In addition to the changes made to the application, conditions are included in the decision certificate requiring a landscaping plan to be submitted and approved by Council, incorporating a number of recommendations and ensuring ongoing maintenance of the landscaping areas.

Summary of effects on streetscape amenity and character and neighbourhood amenity and character

Overall, the proposal is the first of its kind within Dundonald Street and within the broader neighbourhood. The District Plan provides for the intended future character, which in many Variation 2 GR2 suburbs will mean a pronounced change from existing neighbourhood and streetscape character brought about by the change in the way density is calculated (no longer dependant on a minimum site area per residential unit like GR1 Zones, but rather dependant on a minimum area of land per habitable room). The development overall, including the proposed planting in the front yard and outdoor living spaces in the front yard, seeks to maintain the amenity of the area albeit, residential activity will be at a much higher density. The applicant has made efforts to ensure the development maintains the amenity of the streetscape and neighbourhood, through altering Block A's elevation to the street in ways that make it more visually interesting. Conditions are included in the decision certificate to ensure impermeable surfacing does not increase across the site and landscaping is 'permanent' to provide a balance of greenery with the built environment. Overall, the adverse effects on the streetscape amenity and character and neighbourhood character are considered minor only, subject to compliance with the conditions of consent.

2. Easements

There are no existing easements registered on the title of either subject site at 30 and 32 Dundonald Street.

Proposed new easements include easements in gross shown on the application plan for the new wastewater pipe passing through the Access Lot 100 and Lots 8-11 at the rear, as this pipe is to be vested with the Council. An easement in gross for power is possibly required as well. All other service/drainage passes through the shared access lot, connecting with Dundonald Street.

Other easements shown on the application plan are party wall easements to address the shared walls of the new units.

In addition, an easement in gross is required by 3 Waters (appended as Appendix Three to this decision) that allows DCC's access and to carry out works on the private stormwater infrastructure within the site in the event of an emergency. DCC 3 Waters requires this easement in gross to be registered on all titles within the development, and that all the shared private stormwater infrastructure must be surveyed, and that the easement must cover all of the shared private stormwater infrastructure. This is included as a condition of consent to account for an emergency situation only. Maintenance of this infrastructure remains the responsibility of the landowners.

3. Effects on efficiency and affordability of infrastructure (Rule 9.6) Effects of stormwater from future development (Rule 9.6)

As noted above, 3 Waters had significant concerns about the management of stormwater on the site. This was in part due to the secondary flow path from the site running through private property and a development that significantly increases the impermeable surface area of the site (while only a 3% breach of the maximum allowance, this means up to 60m² of hard surfacing in the context of the site). Private infrastructure to manage the stormwater is proposed, and this infrastructure, located

within Lot 100/the access lot (and Lot 7) will be owned and managed on an ongoing basis by 18 separate owners (the future owners of Lots 1-18) where the subdivision is given effect to.

3 Waters have stated for clarity, that reference to the private Shared Stormwater Infrastructure includes the three 5000L stormwater tanks, the two AEP stormwater pumps, the two pumping chambers, the two mudtanks, the backup generator, and all stormwater pumping lines, piping, laterals, connections, and adaptors.

The purpose of this infrastructure is to ensure the runoff from roofs and hard surfacing proposed across the development is captured and directed to holding tanks on proposed Lot 7, then fed into the public stormwater system within Dundonald Street (at a rate approved by a SWMP). As the site slopes towards private property, pumps are required to ensure the runoff/stormwater gets to the tanks close to the front of the property.

Given 3 waters' concerns, on 23rd July 2024, the applicant submitted a Draft Residents' Association Rules document and a Draft Covenant instrument to ensure the proposed Association functions and is bound by the Rules to manage private infrastructure. In addition, the applicant has submitted a SWMP to 3 Waters directly. 3 Waters have requested changes to the Draft Covenant and Residents' Association Rules, and it is on the basis of these changes being accepted and implemented by the applicant (and the approved Covenant being registered), 3 Waters have approved the SWMP that accompanies the stormwater management system proposed. Reference to these documents is provided below within the comments provided by 3 Waters.

The Subdivision Support Officer, 3 Waters, has considered the application and all amendments thereafter. He advises that a review of Council's GIS mapping shows a 100mm diameter water supply pipe, and a 150mm diameter wastewater pipe in Dundonald Street. He also recognizes that there is DCC owned wastewater infrastructure located within the site. He advises as follows regarding the water infrastructure required:

"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. The existing water connections to the property can each be retained for a single proposed lot, if suitable. For a new water connection, or any change to an existing water connection, an "Application for Water Supply" is required. All water services must be installed at least 600mm into each lot. The site has recently had 16 new connections established and should therefore have the 18 connections required, so long as the existing 2 connections are suitable.

Each shutoff within each multi-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 (WFH04460) 100m from the development and a second Fire Hydrant (WFH04341) 120m 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. “

In relation to stormwater the Subdivision Support Officer, 3 Waters, has commented on detail on the proposal and matters that need to be addressed in relation to maintenance of the private infrastructure. Key comments are set out or summarised below for ease of reference:

Stormwater services

“A separate private stormwater connection is required for each residential lot. All stormwater services that extend beyond the boundary of the site must be installed at least 600mm into each lot.

Any existing stormwater connections that will not be utilised as part of the new development must 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. It should be noted that several drains in common are approved under the stormwater management plan required for the site.”

DCC 3 Waters have required a SWMP for the development due to the nature of the proposal, including the multi-unit development layout; the breach of impermeable surfaces; the secondary flow paths through private property, and the fact that the applicant does not propose to discharge to DCC’s reticulated stormwater network (directly). The applicant has provided a SWMP since lodging the subdivision application and this SWMP has been assessed and approved in principle, on the proviso that the Residents’ Association Rules and Draft Covenant are amended to include 3 Waters’ terms and conditions (appended to this consent in Appendix Four and Five). The amendments to these documents ensure that the ongoing maintenance of the proposed private stormwater infrastructure and therefore ongoing management of stormwater effects will be undertaken on the site/ future sites. In the event the Residents’ Association Rules and Draft Covenant are not amended and registered/implemented as requested (and required by conditions) 3 Waters states that the previous approval in principle of the SWMP is rendered null and void. The proposed private stormwater infrastructure is an integral part of the approved in principle stormwater management and thus where the applicant abandons this proposed structure to manage stormwater, the SWMP must be revised/resubmitted.

Therefore, the conditions of consent reflect these requirements, and a condition of consent also includes a stormwater management plan to be prepared and submitted to Council for approval. Where the applicant does not make the requested changes to the Residents’ Association Rules and Draft Covenant, a new stormwater management plan will be required to be submitted and approved. Where the changes are made, the applicant can submit the same SWMP (approved in principle) and it will be officially approved.

To further ensure the ongoing management of stormwater, 3 Waters require a consent notice to be registered on each new title of the development that requires the ongoing management of stormwater to be in accordance with any approved SWMP (whether that be a future SWMP submitted and approved or the one already submitted and approved in principle). This condition is included in the decision certificate.

The Subdivision Support Officer, 3 Waters, has commented on wastewater and other matters related to service provision as follows:

“Wastewater Services

A separate private wastewater connection is required for each residential lot. All wastewater services must be installed at least 600mm into each lot.

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

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

Water Conservation and Wastewater Flow Reduction

“Water saving devices are required for this development. A consent notice on each title requiring that any building must install water saving devices on all fixtures where possible. Water saving devices include, but are not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers.”

“DCC Owned Infrastructure Located Within the Site

There is DCC owned wastewater infrastructure located within the site.

An easement in gross is required for this as outlined below. This will be at the consent holder’s expense (including, if applicable, DCC’s legal costs). The terms and conditions of any easement in gross shall be prepared by DCC’s solicitors.

Any earthworks or construction on this lot must meet the requirements of the Dunedin Code of Subdivision and Development (2010) in relation to building in close proximity to Council infrastructure, unless otherwise approved by 3 Waters. The Code prohibits any building within 1.5 metres of a pipeline. If any building is proposed within 2.5 metres of a pipe or manhole, 3 Waters must be notified to discuss options and whether an encumbrance on the title is required. ‘Building’ includes decks, fences, garages, sheds, retaining walls and so on.

Confirmed as Building or Earthworks Within 2.5m of Council Infrastructure

The applicant has proposed earthworks within 2.5 metres of 3 Waters owned wastewater infrastructure.

No building, construction or disturbance in the land can be undertaken within the easement in gross area without prior approval from 3 Waters.

The applicant must provide site plans and cross-sections showing the proximity of the works to the DCC owned wastewater infrastructure. No works may go ahead until these plans have been certified by 3 Waters.

Due to earthworks being carried out within 2.5 metres of a DCC owned infrastructure, CCTV filming is required before and after any works to get an accurate location and ensure no damage takes place during construction. Any damage to the infrastructure during the earthworks and/or the earthworks process will be at the responsibility of the applicant. The reports from CCTV filming shall be submitted to the Dunedin City Council’s Subdivision Engineer as soon as they are received. It is noted that earthworks breaching network utility setbacks may have already occurred on site. Upon revision of this condition, 3 Waters advised pre-construction CCTV filming was not required.

New Infrastructure Proposed

The consent holder must provide detailed engineering design (plans, long-sections and calculations) for the proposed new wastewater infrastructure to the Dunedin City Council's Subdivision Engineer for certification prior to any works commencing on site.

The engineering plans and associated calculations must meet the requirements of the Dunedin Code of Subdivision and Development 2010 and the NZS4404:2004 standard.

Construction and installation of infrastructure must be undertaken in accordance with the certified engineering plans, the Dunedin Code of Subdivision and Development 2010 and NZS4404:2004 standard.

On completion of construction of the servicing infrastructure, as-built plans must be submitted to the Dunedin City Council's Subdivision Engineer for certification. The as-built plans must be accompanied by a quality assurance report. When the infrastructure to be vested is for wastewater or stormwater, a CCTV report is also required.

An easement in gross is required over any infrastructure to be vested with Council. This will be at the consent holder's expense (including, if applicable, the Council's legal costs). The terms and conditions of any easement in gross shall be prepared by Council's solicitors.

Formation of Driveway Over 3 Waters Infrastructure

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.

The applicant has proposed earthworks within 2.5 metres of 3 Waters owned water infrastructure during the formation of driveway.

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

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

Erosion and Sediment Control

It is important that erosion and sediment control measures are utilised to control and contain sediment-laden stormwater run-off into neighboring 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.

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).

An easement in gross in favour of the Dunedin City Council is required over the Council owned wastewater Infrastructure located within proposed lots 8, 9, 10, 11, & 100. The easement

must be made in accordance with Section 5.3.4 of the Dunedin Code of Subdivision and Development 2010.

An easement in gross in favour of the Dunedin City Council is required over any proposed or existing Council owned Infrastructure located within any property that is not legal road. The easements must be made in accordance with the relevant section of the Dunedin Code of Subdivision and Development 2010.

It should be noted that all easement conditions are based on information provided by the applicant and may be required to be updated prior to issue of 224c if deemed to be inaccurate. The location of an easement in gross must not prevent a resident from accessing their home if DCC need to access the asset for repair, maintenance, or upgrade (in the event DCC and its contractors require the full width of the easement). For clarity, the buildings must be designed around the requirements for the easement, not the easement adjusted to cater for a dwelling.”

Private drainage

The Senior Building Consent Processing Officer, Building Services Processing, has considered the drainage for the proposed development. I note that these comments were received early on, and changes to the application have superseded the comments about stormwater. He advises that the private foul drains from proposed Lots 1 to 7 can discharge to the 100mm Council-owned foul sewer in Dundonald Street, or the proposed 150mm Foul Sewer to be vested through Lots 8-11 individually.

The Foul Drains from proposed Lots 8 to 11 can discharge to the proposed 150mm Foul Sewer to be vested through Lots 8-11 individually.

The Foul Drains from proposed Lots 12-18 can discharge to the proposed 150mm Foul Sewer to be vested through Lots 8-11 individually.

Pumping may be required in some instances.

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

Summary

3 Waters and Seepage Control anticipate the effects of the proposed development and subsequent subdivision on the efficiency and affordability of Council’s infrastructure, and importantly in the context of the proposal, on the effects of stormwater from future development, as acceptable, subject to conditions consistent with the above matters being complied with. Importantly, this includes the requested amendments to the Draft Covenant and Resident’s Association Rules, which outline the responsibilities of the ongoing management of the proposed private stormwater infrastructure and stormwater generated across the future sites. I have departed from 3 Water’s recommendations in the following instances:

- Water saving devices are not required via consent notice, but are included as a condition of land use consent as the development is proposed prior to the subdivision and this is not deemed necessary.

For clarity, the Senior Building Consent Processing Officer also provided comment on the stormwater drainage. As this advice was provided very early in the application process, it is no longer relevant as the application has changed. The comments are therefore not repeated above.

4. Effects on the Safety and Efficiency of the Transportation Network; Effects on accessibility

These matters of discretion require consideration for a number of aspects of the proposal. This includes:

- Multi-unit development
- Breach of Parking, loading and access standard
- General subdivision
- All subdivision activities and new buildings resulting in a multi-unit development in Variation 2 mapped areas
- Visitor accommodation

Waste collection

While the matters of discretion have the same wording, the assessment criteria are tailored to the 'breach' of the District Plan. This includes the assessment criteria within Rule 6.11.2.9, which requires Council to consider the effects on the transportation network from the collection of waste. Policy 6.2.3.Z is cited and states:

The activity is designed to ensure:

- *the safe and efficient operation of waste collection vehicles; and*
- *any on-street solid waste collection will not obstruct footpaths, private accessways or roads*

The general assessment criteria includes Council considering whether:

- *bins can be moved easily between the on-street collection point and appropriate on-site storage to discourage bins from being left on the street outside collection times; and*
- *the number of bins that the units will be supplied with can fit along the street frontage without blocking the footpath.*

This matter was considered during the processing of the application as the applicant proposes a shared service/bin area of 10m² on the common access lot and has shown tracking lines of a rubbish truck vehicle reversing down the shared access way to the communal bin area from Dundonald Street and exiting the site in a forward facing manner. Four 660L wheelie bins are shown within the shared service area on the site plan and a calculation is provided within the application regarding the estimated generation of waste based on the number and size of the units (bedroom numbers). However, this is based on the historical collection categorisation, which grouped food scraps and solid waste together. The application was amended to opt for a public collection of waste (as opposed to private stated in the original application). Advice was thus sought from Council's solid waste department, and they indicated that it would be feasible to collect from the site, and note:

- *Communal bins (yellow top) for mixed recycling and refuse (red top) which could be collected by reversing into the driveway to empty and then drive forwards out, and each unit to have its own blue glass crate and 25L food scraps bin to take kerbside for emptying.*

DCC Solid Waste note that it is not feasible to have a communal green waste bin, as they are too heavy for the trucks to lift. The four 660L bins can thus be 2x waste (landfill – non organics - red top) and 2x recycling (non-glass - yellow top).

The proposed location of the service area immediately next to the access lot is considered to provide for ease of access and a suitable area on the site for bins to be placed for collection (not close to any outdoor living space). This will result in 18x 25L bins collected from the kerbside every second week (food scraps). On alternative weeks, the glass recycling bin (slightly larger than the 25L food scrap bins) would be put to the kerbside for collection. The road reserve in front of the proposed development comprises 42m+ of frontage, around 7m deep, which is quite significant for a residential area. This is considered to be enough space for kerbside collection of green waste and

glass. Furthermore, given the depth of the road reserve, on rubbish collection days for the kerbside waste, the bins will not block the footpath. All other waste can be collected from the communal bins via the trucks, subject to the establishment of a right of way easement in favour of the DCC to allow access for waste collection (included in the decision certificate).

In terms of the placement of the communal service area and getting to this area with bins from the units and to the kerbside collection point; pedestrian paths are provided throughout the development and both forms kerbside waste collection are in hand-held containers as opposed to bins needing to be rolled. This means occupants will likely be able to keep their glass and food scrap bins within the entranceway foyers (or elsewhere on-site) and the 2.5m² service areas within each outdoor living space are probably surplus and these areas can likely be used as outdoor living space. As such, it is considered that for the green waste and glass recycling, bins can be moved easily between the on-street collection point and appropriate on-site storage to discourage bins from being left on the street outside collection times.

Overall, the proposed waste collection is feasible from a public waste collection perspective and waste collection vehicles will be able to safely enter and exit the site, without significant adverse effects on the transportation system. The site's frontage provides ample area for collection, especially given the proposed arrangement and proposed kerbside collection, the bins will not obstruct the footpath. Conditions of consent are included to ensure the effects on the safety and efficiency of the transport network from waste collection.

Accessibility; on-street parking demand and Visitor accommodation

In terms of other assessment criteria considerations, the proposed on-site car parking will provide a car park for each unit with the exception of one unit. Unit two will not have a car park space, but this unit is also not proposed for visitor accommodation. Given the provision of on-site car parking, it is not considered that there will be any overspill parking effects that could adversely affect the safety or efficiency of the transport network. There are schools in walking distance from the site (primary and intermediate), a bus route (Ross Creek bus number 3) which travels down Tahuna Road, just down from the site, as frequently as every half hour during the week. Furthermore, cycling is very feasible in this area due to the gentler terrain (as compared to other areas of the city) and three separate cycle storage areas are proposed on the common access. None of the car parks are mobility car parks and this is required where visitor accommodation is sought and there is the creation of 1-17 car parks on site. The site is flat but the units are double storied or more, thus it is not considered that even where mobility car parking was provided, the units are not providing for residents or visitors with mobility requirements in any case.

Visitor accommodation has its own assessment criteria in terms of transport effects, referring to Objective 6.2.2 and its supporting policy 6.2.2.4, which states:

Visitor accommodation...is located on sites where customers and residents will have convenient walking access to centres, frequent public transport services, other appropriate transport services, and/or an appropriate range of on-site services or facilities.

The site does have convenient walking access to frequent public transport services, the Musselburgh shops is 17 minutes walking distance from the site while the Andersons Bay small activity centre (smaller) is only 12 minutes' walk from the site and includes a Thai restaurant and another restaurant. Furthermore, given the distance from the CBD it is reasonable to expect visitors are likely to have rental vehicles, on-site parking is provided for all of the proposed visitor accommodation units. On-site services or facilities will not be communal other than the waste area, but all amenities such as outdoor living space and laundries etc are provided within the units. This proposal is considered to be consistent with this visitor accommodation related policy.

Subdivision and multi-unit-developments within Variation 2 mapped area

This assessment criteria cites Objective 6.2.3 and Policy 6.2.3.9, which require:

- *adverse effects on the safety and efficiency of the transport network to 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*

No real changes to the transportation network will result from the proposal and the management of adverse effects are further addressed below by Transport. While the assessment criteria refers to the provision of a new road where any proposed vehicle accessway will service more than 12 residential sites, this is considered inappropriate in this instance, given the short driveway required to access the sites and the inability of the sites to be further developed – adding to future pressure on the accessway. This is not greenfield subdivision – it is within an established neighbourhood and transportation system thus much of the assessment criteria is irrelevant to the site/ future sites in that respect. The site's proposed access has good visibility when exiting the site and internally, the paths shown and access to the cycle storage are appropriate/ provide for safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision. The proposed Residents' Association Rules will address the ongoing management of accessways over common property (as opposed to through a body corporate as referenced in the assessment criteria). Further to this, the proposed design of the access is considered to be consistent with the following assessment criteria:

- *Shared driveways are low speed environments, and where appropriate provide for the storage of rubbish and recycling bins, as well as turning facilities for refuse collection vehicles where necessary.*
- *The location and gradient of any new intersection or access ensures the safety and efficiency of the transport network.*
- *The design of any driveways is appropriate with respect to the length and potential number of private units to be served.*

Overall, the proposed access formation, provision of on-site car parking and cycle parking and general overall design of the pedestrian and vehicle access within the site is considered appropriate for the proposed land uses. The effects on accessibility and the transportation system at large have been assessed as acceptable, although this assessment is continued below (more from a parking, loading and access perspective).

The application was forwarded to the Council's Transportation department for comment. The Transportation Planner made the following comments:

APPLICATION:

Resource consent is sought for the 19-lot subdivision of the sites at 30 & 32 Dundonald Street resulting in 18 new residential units/lots and a common access lot. The sites have frontage and access to Dundonald Street via two existing hard surfaced vehicle crossings which serve as parking as well as access to two garages located on the road boundary...

Proposed Lots 1-7 (61m²-62m²) will have direct frontage to Dundonald Street along the northern boundary. Proposed Lots 8-14 (61m²-92m²) will be located along the eastern boundary. Proposed Lots 15-18 (76m²-15m²) will be located along the southern property boundary. Lot 100 (796m²) will be a common access lot and will contain the proposed vehicle access, parking and manoeuvring provision within the site which will be owned in equal shares by the proposed units/lots.

Vehicle access to Lots 1 and 3-18 will be provided via a shared hard surfaced vehicle access along the western boundary which will serve as access to a shared parking area with one space for each lot. Primary pedestrian access will be provided in the form of a 1.0m path adjacent to

the driveway which connects to internal paths within the developed site. Areas for bike storage will also be provided as well as a shared refuse collection area.

ACCESS:

The site currently accommodates two existing hard surfaced vehicle crossings which serve as vehicle access to each respective dwelling. It is noted that the applicant seeks to modify and widen the western most vehicle crossing while making the eastern most vehicle crossing redundant. Therefore the redundant vehicle crossing must be reinstated as footpath, grass berm, kerb, and channel at the applicant's cost. The upgraded vehicle crossing will serve as access to a 5.0m wide shared driveway which serve as access to the shared parking layout located within the centre of the site. Pedestrian access will be provided via a 1.0m wide path adjacent to the shared driveway which will connect to paths within the site and to each new residential unit. Adequate sight distances from the proposed upgraded/modified vehicle access will be provided, in accordance with Rule 6.6.1.2 and is therefore acceptable.

Rule 6.6.3.7.a requires that the maximum change in gradient without transition for driveways is 1 in 8 for summit grade changes or 1 in 6.7 for sag grade changes. Given the sloping nature of the site it is unclear whether or not adequate grade changes will be provided but is otherwise anticipated to comply with this requirement. A condition is therefore recommended for completeness. It is noted that the initial 5.0m of the existing crossing already complies with Rule 6.6.3.7.b and this requirement and will also likely be complied with post redevelopment and is therefore acceptable.

Rule 6.6.3.9 requires that the width of driveways that serve more than seven units must have a legal width of 6.0m and formed width of 5.0m. Based on the scheme plans provided both of these requirements will be complied with and is therefore acceptable.

The vehicle access must be a minimum 5.0m width, hard surfaced from the edge of the Dundonald Street road carriageway for its full duration and be adequately drained. Any damage to any part of the footpath or road formation as a result of the demolition or construction works must be reinstated at the applicant's cost. 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.

It is noted that the applicant has received vehicle crossing approval for the upgraded vehicle crossing that will service the redevelopment, albeit this must be constructed to industrial crossing specification based on the number of units that will be accessed from this crossing. A condition is included for completeness.

Overall, subject to the above, the proposed vehicle access provision is considered to be acceptable.

PARKING AND MANOEUVRING:

The applicant proposes to provide 17 on-site car parking spaces at a ratio of one car parking space per residential unit except for Unit/Lot 2 where no on-site car parking will be provided.

Rule 6.6.1.1 requires that car parking spaces for standard residential activities must provide a stall width and depth of 2.5m by 5.0m and an aisle width of 5.8m. It is noted that each space will provide a compliant stall depth of 5.0m, although only six of the proposed spaces will provide a compliant stall width of 2.5m with the remaining spaces providing a stall width of 2.4m and therefore will not comply with this requirement. All spaces will provide a compliant aisle width that meets/exceeds this requirement. It is noted that this is a relatively minor rule breach and is unlikely to noticeably affect the functionality of these spaces and is therefore acceptable with any effects considered to be less than minor.

As the parking area will provide more than five spaces that share a common access and will be accessed from within the site via the new leg-in access, compliant manoeuvring must be provided pursuant to Rule 6.6.1.2.a.i and iv. 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. Transport confirms by use of tracking curves for a B85 percentile car, that compliant manoeuvring space is available so that vehicles using these spaces are not required to reverse directly onto Dundonald Street, using no more than two reversing movements when entering or exiting these spaces and is therefore acceptable.

Rule 6.6.1.3 requires that for parking areas that provide 5-20 car parking spaces, 6.0m of effective on-site queuing space is required. It is noted that the parking area will provide for 17 parking space and given the proposed 5.0m width of the shared driveway, at least 6.0m of effective on-site queuing space will be provided and is therefore acceptable.

It is noted that as the parking area will be surrounded by paths, some of the units will be set below the parking area by a retaining wall and given the potential use of these spaces as short term visitor accommodation where visitors may be unfamiliar with the parking layout, it is recommended that wheel stops must be provided for each car parking space. In addition, as per the comments noted above it is also recommended that the surface of all parking, associated access and manoeuvring areas must be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked (in accordance with the application plans).

It is noted that the proposed unit layout will also accommodate shared areas for cycle parking which is supported.

Overall, subject to the above, the proposed parking and manoeuvring arrangement is considered to be acceptable.

GENERATED TRAFFIC:

It is noted that the proposed residential units will also be able to be used for short term visitor accommodation and this provision is proposed as part of this proposal. It is noted that the use of these units for short term visitor accommodation is likely to generate a similar or potentially lower number of vehicle movements per day/in the peak hour when compared to standard residential activities and may not be occupied all year round. On that basis and overall, given that residential development of this scale is likely anticipated within the zone, 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:

- (i) The redundant vehicle crossing must be reinstated as footpath, grass berm, kerb, and channel at the applicant's cost.*
- (ii) The vehicle access must be a minimum 5.0m width, hard surfaced from the edge of the Dundonald Street road carriageway for its full duration and be adequately drained.*

- (iii) *The vehicle crossing must be constructed in accordance with DCC's industrial vehicle crossing specification.*
- (iv) *Any damage to any part of the footpath or road formation as a result of the demolition or construction works must be reinstated at the applicant's cost.*
- (v) *The surface of all parking, associated access and manoeuvring areas must be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked (in accordance with the application plans).*
- (vi) *The maximum change in gradient without transition for all vehicular access must be no greater than 1 in 8 for summit grade changes or 1 in 6.7 for sag grade changes.*
- (vii) *Wheel stops must be provided at the end of each car parking space.*

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) *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.*

Subject to the inclusion/implementation of the above conditions/ advice, Transport believe the effects of the proposal on the Transportation network and on accessibility will be less than minor. This assessment is accepted and the condition/advice adopted within the decision certificates, along with conditions pertaining to the assessment addressed above. I further note, regarding the generation of traffic from this scale of development; the GR2 zoning within the District Plan provides for this level of density. While Dundonald Street is a local road and has not seen this level of development to date nor consequent traffic generation from this level of condensed residential development (and the 2GP density allowance provides for more; this is not the maximum density), the zoning provides for this level of development since the variation 2 mapped areas had legal effect two years ago.

The 2GP provides no real caveats to giving effect to the density provided for within this zoned area (i.e. a system of graduated density where the maximum density can only be given effect to where within a specified distance of an activity zone or on a collector road for example). The proposed multi-unit development is a restricted discretionary, but the key effects under scrutiny here are on streetscape amenity and character. Traffic generation does not necessarily affect character and what once might be a quieter local road area (as the zone is developed to GR1 density), now becomes one with more pedestrian and vehicle movements that reflect the higher density. The permitted density across the General Residential 2 zoned areas, where given effect to, will generate a significant amount more of vehicle and pedestrian movements than what these previously zoned GR1 areas have seen. However, the decision to "upzone" this area from GR1 to GR2 meant this level of density (and associated vehicle and pedestrian movements) was considered appropriate for the area and for this street, and likewise, this level of traffic generation onto a local road was also considered appropriate. The street does have a "hairpin" corner to the west, but vehicles have the option to turn right from the site's proposed driveway and access Tahuna Road or Tomahawk Road instead (both Collector Roads close by). Traffic generation is a function of density, and once the density is provided for, the generation of traffic should also be anticipated (where no caveats exist). As such, in the context of the District Plan's zoning and what is deemed an adverse effect, the proposed subdivision of the multi-unit development is considered to generate adverse effects on the transportation network that are considered less than minor. Relevant conditions of consent are incorporated to mitigate the adverse effects associated with this level of vehicle and pedestrian/ cyclist movement, however the zoning of the site is not in dispute, nor something that can be

changed or qualified by consent conditions and traffic generation will reflect the level of density permitted.

5. Earthworks

Effects on the stability of land, buildings and structures (Rule 8A.7.2.1.c)

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).*

Further to the subdivision element of the consent, requiring an assessment of hazards, the proposal includes large-scale earthworks, which also require an assessment of effects on the stability of land, buildings and structures from the proposed works.

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

- Liquefaction (Hazard ID: 11407), however, this has a subclass of Domain A, which the Dunedin district liquefaction study May 2014 Report (GNS Science Consultancy Report)⁵ states is:
 - *The ground is predominantly underlain by rock or firm sediments. There is little or no likelihood of damaging liquefaction occurring (Page 20).*

The application was consequently considered by the Council's consultant engineer, Stantec New Zealand Ltd. Stantec considered the application prior to its modification, and the volume of earthworks were lowered. Stantec made the following comment on the application, having assessed the application in relation to the hazard register, street files and available aerial photography, but not having visited the site:

Global Setting

The underlying geology consists of second main eruptive phase volcanics and is sloping by less than 12 degrees.

Earthworks / Excavations / Retaining Structures

The proposed earthworks consists of 780m³ of cut and 30m³ of fill across the site to facilitate the development.

Discussion

⁵ Barrell, D. J. A; Cox, S. C.; Glassey, P. J.; Smith Lyttle, B. (May 2014). *Assessment of liquefaction hazards in the Dunedin City District*. GNS Science Consultancy Report 2014/068.

While there are relatively significant earthworks for a small site, the underlying geology and existing contours across the site appear to be relatively low risk. We could not find a statement of the maximum change in ground level, however it appears to be minor/less than half a metre.

Temporary stability and effects of stormwater on neighbouring lots appears to be the largest concern from a hazards perspective for this development. It is apparent this has largely been accounted for already when looking at the stormwater management plans.

DCC may wish to consider whether the existing reticulated stormwater network will be affected by the increased runoff from an increased impermeable surface area.

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

The proposal will not create or exacerbate instabilities on this or adjacent properties

Advice

The proposed activity includes significant earthworks on a contained property, with other land and dwellings relatively close to the proposed works:

- Temporary stability may be a concern on this project, and remains the responsibility of the developer.*
- No earthworks may be undertaken until building consent has been granted.*
- Prior to undertaking the work, a professional must assess the potential for instability on adjacent properties, as a result of the works.*
- Confirmation should be made of foundation depths for existing structures in relation to the proposed earthworks.*
- All temporary slopes shall be inspected and signed off by a suitably qualified individual.*
- We recommend that appropriate third party liability insurances are in place which identify nearby structures prior to undertaking any excavation that might affect others' land*
- The excavations slopes shall be supported within 1 month of commencing the earthworks.*

Conditions

We recommend that the following conditions be required:-

- All walls retaining over 1.5m, or supporting a surcharge / slope, or neighbouring land, including terracing, require design, specification and supervision by appropriately qualified person/s*
- Where the long-term stability of other's land or structures may rely upon the continued stability of retaining works, the designer must confirm that the retaining structure can be safely demolished following a complete design life without creating hazards for neighbouring properties.*
- 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 may not be cut steeper than 1:1 (45°) or two metres high without specific engineering design and certification*
- Slopes may not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and certification*
- As-built records of the final extent and thickness of any un-engineered fill should be recorded*
- Any modifications to existing stormwater flow paths or addition of new stormwater features 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 or concentrated runoff during storm rainfall events.

- *Any modification to the site shall not increase any adverse stormwater effects on neighbouring lots as a result of the work*

As noted, the cut volume has changed since the original application, but the fill volume remains largely the same. The applicant has requested to undertake earthworks prior to the issue of building consent and thus further advice was sought from Stantec regarding this, this is as follows:

As the site is relatively flat and earthworks/temporary stability the risk is reasonably low.

We usually recommend that building consent be achieved prior to large scale earthworks as it usually means they will receive design advice.

In this case, the works is not in relation to a land stability risk or to retain a structure so I'd be okay with removing this condition provided the other conditions regarding slope angles and fill remain.

The building consent application for this development has been lodged and is close to being issued (ABA-2024-814). No retaining walls require building consent. As such, having regards to Stantec's assessment, and further advice sought it is considered that there are no significant risks from natural hazards that need addressing as part of this subdivision and that any risks to stability of land buildings and structures from the earthworks can be appropriately mitigated through the imposition of conditions and advice as recommended by Stantec, with the exception of the recommended condition to get building consent prior to the undertaking of earthworks. The earthworks can commence with respect to the retaining walls as they do not need building consent. A Geotechnical report has been submitted as part of the building consent process (although I note this dates back to January 2024, prior to any earthworks plan), and this does not recommend that any filling or excavations should be examined/supervised by an engineer, only foundation excavations.

The proposed development involves large-scale earthworks and earthworks near the Council-owned water infrastructure within Dundonald Street (although it is understood that some of this work has already been undertaken and a water main was damaged). Cuts are mostly required to form the new building platforms for the new units, however, filling is shown under most of Block C and under the access lot. The basement level of Block C will involve cutting down more than 2m into the rear of the site, while the higher levels will sit on top of the fill. However, the height of the buildings is taken from existing ground level and the filling under the building will not result in a height breach (with the exception of the height in relation to boundary encroachments of the gables, but these are permitted encroachments as discussed above).

Effects on visual amenity (8A.7.2.1.a).

The subject site is a generally level property at the front, but slopes towards the rear. No retaining walls exist as both properties have been cleared of all buildings and structures and it is understood that no retaining structures existed. The proposed excavations will include a number of low retaining walls, none of which need building consent. Most of the walls will retain low cuts and terracing between the outdoor living spaces but these will not be visible from outside of the site. One low retaining wall will be located within the front yard, this will be perpendicular to the street, however, and not highly visible. Fences are proposed between each outdoor living space of the units, and thus it is likely a fence will sit atop this low retaining wall.

During construction/ site development, the earthworks will be readily visible from the road. This is the case currently, as the applicant commenced works prior to gaining consents and the site has been in effect a construction site. This is not unusual for residential development. It is noted that any adverse visual effect will be temporary in nature until the site is redeveloped and landscaping established. Accordingly, the proposed earthworks are considered to have less than minor adverse effects on the visual amenity of the site and area.

Effects on the amenity of surrounding properties (8A.7.2.1.b).

Consent is also required for the filling under the access lot supported by a low retaining wall, but not setback its own height from the side boundary. The side boundary in question is the western boundary of the site and the neighbouring property has a driveway down this side of their property, that will adjoin the access lot and low retaining wall supporting it within the subject site. Given its location and context and the overall low height of the retaining wall supporting fill, this is unlikely to have any effect on amenity of the adjoining neighbour. Further a fence is erected between the proposed wall and neighbour's property, which will screen this wall from the neighbour's property.

Earthworks overall, can have some impact on the immediate neighbours due to potential noise, vibration and dust effects, as well as traffic effects. In this case, the subject site is situated within an established residential area. All loading of the trucks will need to occur within the property boundaries in order to minimise impacts on the road use.

Any adverse noise, dust and/or vibration effects are a result of the construction works needed for the development of the site into a residential property. Rule 4.5.4.1a.i of the Proposed Plan deals with construction noise within the residential zones and specifies acceptable hours of works and noise volumes. It also addresses vibration from construction by setting performance standards. These are designed to minimise adverse effects on neighbours, and the applicant must comply with these requirements during the earthworks phase or obtain further resource consent. Dust will be minimised by appropriate management by the construction workers.

Earthworks – large scale: effects on the stability of land, buildings and structures (8A.7.2.1.c)

Overall, the excavations will not change the ground level significantly and as discussed above, there are no concerns raised with respect to the effects of the earthworks on the stability of land, buildings and structures on the surrounding properties. The most significant change of ground level, is for a building platform (of Block C) and this is within the domain of building consents, who have required a geotechnical report from the applicant and oversight of an engineer and as such, the proposed earthworks are not anticipated to have any implications for the stability of land, buildings or structures.

Setback from networks utilities

- a) Effects on health and safety.*
- b) Effects on efficient and effective operation of network utilities.*

The recontouring of the site and earthworks for the vehicle crossing and driveway, may involve earthworks over or near the Council-owned infrastructure on or close to the site (a watermain pipe within Dundonald Street and a DCC wastewater pipe on the eastern boundary of the site). Reticulated services are considered network utilities. As the effects from the earthworks are on Council's infrastructure, 3 Waters have provided comment above and appropriate conditions/advice notes are adopted in response to this to manage the effects. Subject to the following of these conditions and advice, adverse effects on health and safety are not anticipated and the effective and efficient operation of network utilities will be managed appropriately.

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

As noted above in the background to the application, the applicant had a DSI undertaken of the property at 32 Dundonald Street after a HAIL Search Report (February 2024) showed possible lead paint contamination in the soil linked to the pre-1945 weatherboard dwelling previously located on the site.

Council's Consulting Engineer, Stantec, reviewed the initial application and provided advice on the 24 April 2024. The initial application was to excavate the halo of the dwelling on 32 and have site validation testing undertaken. Stantec advised that this could be undertaken as a discretionary activity under the NES-CS and advised appropriate environmental controls (sediment, dust, transport etc) be conditions of consent, so as to not negatively impact the environment or human health. The also recommended a conservative approach to excavations be taken, to avoid multiple mobilisations and a site validation report prepared by a SQEP was also recommended.

Stantec were asked for updated advice after the demolition of the building on 32. Upon viewing the photos of demolition, the Consulting Engineer recommended soil investigation is completed to establish the extent of potential lead impact in shallow soils across the site and determine the extent of lead remediation (if required). Stantec also recommended in an email dated 8th May:

Council should ensure that the applicant has complied with the requirements of the relevant asbestos regulations particularly that all asbestos was identified and as is reasonably practicable the asbestos removed before demolition to ensure that asbestos was not allowed to impact the soil. In the absence of information regarding the identification and / or removal of asbestos containing building materials, the soil investigation should also include an assessment of asbestos impacts in shallow soils.

Further advice was sought from Stantec on 28th May regarding the applicant disputing the need for any soil testing. Once the DSI was received by Council on 6th June (DSI, dated March 2024), Stantec also reviewed and provided advice on the DSI on 7th June. Stantec responded with a timeline of events as largely noted in the background to this application above and highlighted statements from the DSI, within the timeline, as follows:

"The sampling and analysis conducted indicates that widespread heavy metal (lead and zinc) ... present within surface soils across the site. Concentrations of lead were found to exceed the Residential Soil Contaminant Standards (SCS) guidelines ... indicating that the site presents a risk to human health under its current residential land use"

"lead concentrations at two locations (D32 B1 and D32 C1) also exceed the High-Density Residential SCS, these parts of the site present a risk to human health under the proposed high-density residential use of the site. Remediation of the site is advised."

"confirmed that a HAIL activity has occurred across the whole site"

"Remediation of the site is required. Remediation options may include removal of the contaminated material, capping of contaminated material, or a combination of both capping and removal."

"A complete asbestos survey from a qualified asbestos assessor is required prior to the demolition of any buildings, and additional soil sampling to assess the presence of asbestos in site soil is advised to be conducted after demolition."

"Due to widespread heavy metal and localised PAH contamination, site soils cannot be considered 'clean fill' and must be regarded as contaminated."

"Average concentrations of lead were found to exceed the applicable guidelines protective of environmental health under a residential/parkland land use scenario. Appropriate precautions, such as the implementation of a Contaminated Soils Management Plan (CSMP), should be put into place prior to earthworks to ensure that the works do not pose a risk to the environment as a result of accidental discharges."

In addition to above, Stantec recommended the following going forward:

Moving forward following a review of the previously completed DSI the following is recommended:

- 1. A remediation action plan (RAP) should be prepared for the remediation of the site. This RAP shall be prepared in accordance with the Contaminated Land Management Guidelines No 1, with particular reference to Appendix A table A7. However it is noted that given unconsented soil disturbance activities have occurred at the site since the publication of this DSI, the contamination status of the site may have changed. A conservative approach to the remedial methodology should be applied given the uncertainty of contamination status. Alternatively sampling to update site contamination status understanding would allow refinement of the remediation methodology.*
- 2. This RAP shall be provided to DCC, who shall confirm its suitability to achieve the remedial objective for this resource application. This may require external verification by a suitably qualified and experienced practitioner (SQEP). Confirmation of the suitability of the RAP should be obtained before remedial works are commenced.*
- 3. Remedial works are completed in accordance with the approved RAP.*
- 4. A Site Validation report (SVR) should be prepared detailing the remediation works completed including a summary of whether remediation objectives were met. This SVR shall be prepared in accordance with the Contaminated Land Management Guidelines No 1, with particular reference to Appendix A table A8*
- 5. The SVR shall be reviewed by a SQEP and determined if acceptable.*

The above shall be required to occur before any construction activities are started.

It was clarified whether Stantec recommended that a RAP should be completed prior to the issue of consent, which was confirmed by email on 10th June. In response to Stantec's advice, the applicant provided a combined RAP/CSMP. Stantec reviewed this combined document and provided the following final advice on 25th June:

Firstly it is evident that the applicant has continued with unconsented earth works (soil disturbance) by the creation of two stockpiles onsite from scraping of surface material from across the site.

It is also noted additional sampling was completed during the preparation of the RAP / CSMP which indicated that heavy metal concentrations within the stockpiles of scraped material were below the High density residential SCS. The document suggests that this reduction in heavy metal concentrations can be attributed to mixing and diluting, which I agree with. However no sampling was completed on soil remaining in-situ and therefor it is still considered that the contamination status of in-situ soil is unknown and must conservatively be assumed to exceed the High density residential SCS as previously demonstrated. This is in agreement with section 2.1 of the document: "However localised areas of in-situ contamination that exceeds the High-Density Residential guidelines may remain."

Suitability of the Contaminated Soil Management Plan

The CSMP adequately details the responsible entities and the controls required for the mitigation of risks associated with the contaminated material at the site for the duration of the proposed works. This is detailed in section 3, 4 and 5 of the document.

Remedial Action Plan

The RAP proposes that a combination of remedial methodologies are used to manage contamination at the site. Capping is proposed to be the primary mechanism of remediation / management as the majority of the site is intended to be covered with buildings and hardstand surfaces. Given the ultimate land use this is a suitable methodology. The RAP requires that an ongoing site management plan (OSMP) be completed for all areas that have been remediated / managed via capping.

Section 2.2 outlines the procedures for areas that are not intended to be capped with concrete, these are either additional sampling to confirm contamination status of in-situ residual material is below adopted the SCS or installation of a permeable soft cap to provide a barrier to contaminated soil and ongoing management via the OSMP.

The RAP also requires the completion of a Site Validation Report at the completion of the works to confirm details of the remedial works undertaken. One clarification in section 2.4 it is stated – “If contamination exceeding the guidelines remains and has been capped, an Ongoing Site Management Plan will be provided as part of the SVR.” It is my understanding as the primary remediation / management method is capping and contamination status of in-situ material is assumed to exceed the SCS, there will be contamination exceeding the guideline and there is no “if” that an ongoing site management plan will be required. This should be clearly stated.

The remedial action plan is adequate to remediate / manage residual contamination if followed.

Consent conditions shall include:

- Adherence to the RAP / CSMP for the remediation / management of the site.
- Completion of a SVR, which shall be submitted to council for review.
- Completion of an OSMP, which shall be submitted to council for review.

Stantec then responded to an additional enquiry regarding the High Density categorisation of the proposed development, as follows:

...In a practical sense for this application as discussed high density would be an applicable standard for this development if procedure was not grown on the site. By requesting high density land use the applicant is in principle agreeing that produce should not be grown in the future at these property. Addition of a mechanism to ensure produce was not grown on site would be suitable. This requirement is also in agreement with the third paragraph of section 2.2 of the RAP / CSMP...

This point was clarified by Stantec as follows:

If the applicant elects to sample remaining site soils that are not capped and those results indicate there is not a risk to human health, then a consent notice on the titles limiting any in-ground gardens is not necessary. If the applicant elects to sample remaining site soils that are not capped and those results indicate there is a risk to human health, then a consent notice on the titles limiting any in-ground gardens would be appropriate for any proposed lots where sampling indicates there is a risk to human health due to residual contaminants. Finally, if the applicant elects to install a permeable soft cap, then a consent notice on the titles limiting any in-ground gardens would be appropriate for all the proposed lots as it must be conservatively assumed that remaining soils exceed the High density residential SCS as previously demonstrated.

Conditions reflecting this advice are therefore included in the decision certificate as well as conditions in accordance with the recommended conditions above.

Stantec further advised:

My only potential concern, given the context of this application, is if the SVR/OSMP is completed inadequately, additional works may be required to address these inadequacies at a time when construction would be largely finished and would be a major inconvenience for the applicant. For example if a Bidim layer wasn't installed for the softcap (or evidence provided that it occurred in the SVR/OSMP) as required in the RAP, then it would be reasonable to require this installed / demonstrated it was installed which would be painful for the applicant if landscaping had already occurred. The only way to mitigate this potentially happening is to emphasis to the applicant that the SVR and OSMP will be reviewed and strict adherence to the RAP will be required to avoid corrective actions being completed at a time which would be inconvenient.

An advice note is thus included to emphasise to the applicant the importance of completing the SVR/OSMP adequately to avoid additional works and further adverse effects on environment/human health.

Overall, the relevant matters over which the Council has discretion (from Regulation 10 of the NES-CS) have been addressed by Council's consultant, with no issues raised over the adequacy of the DSI, site sampling, laboratory analysis or risk assessment, the proposed activity, given the amount and kind of soil contamination or the approach to the remediation or ongoing management of the piece of land (as per Regulation 10 of NES-CS). Conditions are also included to ensure the standard of the remediation on completion remediation/management will be adequate.

Once all works are complete, including the remediation and future ongoing management plan, the site will be suitable for the proposed use as there should be no risk to human health from any residual contamination in-situ provided it is managed appropriately on an ongoing basis (and in accordance with the approved SVR and OSMP). Furthermore, no gardens will be permitted where there is potentially a residual risk to human health from the soils, as per a condition requiring consent notices on the titles.

7. Visitor accommodation

The visitor accommodation activity was originally proposed as an option for all units of the multi-development - Units 1-18, but was reduced to 50% of the units (units 1, 3-7 and 10, 12, 17) in an amendment. Residential activity is a permitted activity for the General Residential 2 Zone (and all residential zones), while multi-unit development requires resource consent as a restricted discretionary activity. Council's discretion is principally restricted to the effects on surrounding sites' residential amenity and on infrastructure, however, as with all restricted discretionary activities in the residential zones, discretion is also extended to effects on the streetscape amenity and character, effects on accessibility and effects on the safety and efficiency of the transport network (these last two matters are mostly considered under above paragraph assessing the effects of the proposal overall on the transport network).

Visitor accommodation is defined in the 2GP as:

The use of land and buildings for temporary accommodation on a commercial fee paying basis.

For the sake of clarity, this definition includes the provision of facilities for resident guests (e.g. playgrounds, spa pools, swimming pools, gyms).

Examples are:

- motels
- hotels

- *homestays or bed and breakfasts*
- *serviced apartments; and*
- *backpackers and hostels.*

This definition excludes accommodation activities that meet the definitions of working from home or standard residential. Freedom camping is not managed by this Plan and is managed through a DCC by-law.

Campgrounds are managed as a sub-activity of visitor accommodation.

Visitor accommodation is an activity in the commercial activities category.

It should also be noted that 'Short Term House Rentals' is defined as follows in the 2GP:

The short term rental of a residential unit, where the residential unit is primarily occupied by the owner(s) and let for no more than a total of 28 nights per calendar year.

This definition excludes activities otherwise identified as visitor accommodation.

Further, the activity of working from home, which is a permitted activity in the residential zones, includes:

hosted visitor accommodation, in the form of homestays, bed and breakfast, or similar, for no more than five guests, provided the accommodation is contained within the same residential unit that is being used as the principal place of residence.

Therefore, visitor accommodation is the short-term rental of a for more than 28 nights a year, and does not include a host, as visitor accommodation is characterised in the 2GP as an activity in the absence of any 'supervision' such as the owner or a host being present on-site.

Effects on streetscape amenity and character (Rule 15.11.2.1.d)

The visitor accommodation activity was originally proposed in all units of the multi-development - Units 1-18. Urban Design made the following comment on the original application:

The application proposes for dwellings to be used as visitor accommodation. In principle, this aspect of the application is not supported; the primary objective of the GR2 zone is to provide adequate housing supply for the city via increased density. Dundonald Street is a suburban environment with little amenity for visitor accommodation. Other areas of the zone, i.e. Musselburgh Rise, can better accommodate visitor accommodation and provide amenity with existing commercial activity in close proximity. There is potential for the amenity of the suburban environment to be negatively affected by visitors unlike med-long term residents who have an interest in maintaining positive relationships with neighbours (Policy 15.2.3.4).

The applicant has proposed a strategy to mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). If this is considered acceptable, a consent condition specifying a limited time period is recommended in order to fully understand the potential adverse effects on the amenity of surrounding residential properties before allowing visitor accommodation in perpetuity.

The applicant amended the application to halve the number of units proposed for visitor accommodation than that proposed in the original application. As noted above, this amendment results in the majority of the VA units being located in Block A – being the front block and a major reduction of units with shared boundaries (external to the development). The concentration of VA activity within one large terraced development has reduced, meaning the proposal is less akin to a motel scenario (but with the absence of on-site management that typically is found with motel

accommodation). I do agree with Mr Mawdsley with respect to the nature of visitor accommodation (which is a commercial activity, as opposed to residential) not necessarily fitting with the character of a residential suburb always, due to the ephemeral nature of short term accommodation and the lack of opportunity to establish relationships with neighbours/ invest within a community (noting that it is the opportunity that is missed, not the actual formation of a positive relationship as neighbour relationships are not always positive and neighbours may strike up a relationship with). The reduction of visitor accommodation along these shared boundaries, however, does mean that neighbourly inter-relationships can still occur with the permanent / long term residents within the development. The VA is proposed to be restricted to units 10, 12 and 17 within Blocks B and C, thus neighbours of units 8, 9, 11, 13, 14, 15, 16 and 18 will have 'permanent' neighbours, as opposed to people coming and going regularly. My assessment is that the amendment to only half of the units being used for VA, changed the nature of the development overall and reduced the capacity for adverse effects on the streetscape amenity and character from 18 units being used as VA, with no 'permanent' residents within that development. This is a better balance, and more aligned with the character of a residential zone (where some VA activity is found, but not typically 18 units from the same general area without any on-site supervision).

In response to Mr Mawdsley's comment regarding the appropriateness of VA within the GR2 Zone, Visitor accommodation is a restricted discretionary activity across the city, with the exception of the George Street Residential Heritage Precinct, where it is a permitted activity. There is no distinction in the 2GP between VA in the GR1 or GR2 or between any residential zone of the 2GP. The limits on visitor accommodation relate principally to the management of the effects on amenity of on surrounding residential properties and on public spaces (among other considerations), not the 'appropriateness' of areas within residential zones for visitor accommodation activity due to their proximity to activity centres or city attractions. Visitor accommodation is often anticipated more within areas closer to the city for this reason – the assumption that tourists or visitors will want to access the CBD or event centres or bars and restaurants. However, people visit Dunedin (or any other city in NZ) for a whole range of reasons, whether it is an event or a conference, as a tourist or new person to the city, but equally visitors commonly are here to visit family or friends or as ex-residents of the city. Finding an 'AirBnB' within suburban area, especially if close to someone you are visiting is desirable. Furthermore, it could be deduced that visitors hiring accommodation closer to the city centre are more likely to be the tourist type of visitors, the ones that are here to see what the city has to offer (bars, restaurants, music events or parties). While visitor accommodation may not be appropriate in every scenario or at every scale within the more suburban residential zones; the district plan does not suggest that higher density residential zones are less appropriate for visitor accommodation activity than lower density residential zones. Smaller style accommodation such as the proposed units with small outdoor living spaces may be suitable for people's visits.

'Airbnb' style accommodation is highly ubiquitous across all cities of New Zealand and Dunedin is no different. Short term accommodation has become more of a typical part of the residential environment and this type of activity is no longer typically restricted to motel/hotel scenarios on main roads and close to city centres. As noted above, the amenities within the area are reasonably accessible to the site, even by foot.

Visitor accommodation within a multi-unit development at the proposed density was considered, however, it should be noted that visitor accommodation has no density controls in the residential zones in the 2GP. Concerns around large groups of people hiring out several visitor accommodation, such as large sports teams or groups young people etc. who typically would potentially cumulatively have higher adverse effects on the amenity and character of the area or on neighbours (and would be slightly out of character with the area if it was constant), however, the applicant offered a condition to address the a multi-owner scenario, restricting the use of visitor accommodation to one unit at any one time (i.e. no one owner is to manage multiple units as visitor accommodation to avoid motel-like use except with the lack of on-site supervision). Therefore, visitor accommodation use will only be within a single dwelling or on a site/unit by unit basis and the higher density of the units is

not considered to lead to adverse effects above that anticipated from the residential activity within a single dwelling/ 2/3- bedroom house.

Overall, the effects of VA activity on the streetscape amenity and character, it is considered that for all intents and purposes, the VA activity is likely to appear as standard residential activity, people will only pass by the unit and the other residential activity is 25m+ away from the proposed outdoor living spaces of Block A. As noted in the application, the effects of a unit utilised for visitor accommodation is unlikely to have significantly different effects to residential activity. Both activities involve the use of the unit by a small number of people for accommodation and associated domestic activities. Parking for one vehicle per unit will be provided on-site, thus just like residents of the other units, visitors will have on-site car parking. Fundamentally, the proposed the units can be used for residential purposes as permitted activities, and the effects of the residential activity are considered to be part of the permitted baseline. As such, subject to the controls to mitigate the adverse effects on surrounding residential properties as conditions (discussed below), the proposed visitor accommodation at the proposed scale across the post-subdivision development are anticipated to have acceptable effects on the character and neighbourhood amenity.

Effects on surrounding sites' residential amenity (Rule 15.11.2.7.a)

The VA activity in the majority of units will have outdoor living spaces oriented towards the street. Mr Mawdsley cites Policy 15.2.3.4 above, which directs Council to only allow VA where they are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties. This is interpreted in the context of Objective 15.2.3, which states activities in residential zones maintain a good level of amenity on surrounding residential properties and on public places. This is the principal objective/policy guidance in the assessment of VA activity. For the reasons described above, such as the variety of reasons for which people hire accommodation, there is no reason to expect the proposed residential activity will be any different from standard residential activity, at a scale that is permitted (with the exception of three units post-subdivision, but only one of these is proposed to have visitor accommodation use).

As noted by the applicant's agent:

These units provide a focus on directing effects towards the front yard via the outdoor living area for six of the nine. For proposed units 10 to 12, these are located where the outdoor living is against a garage (against #36 Dundonald) and carparking area (#34A Dundonald) on adjoining properties rather than the outdoor living areas of those sites. For proposed Lot 17, this unit has been identified as more suitable as it directs outdoor living away from the primary areas of outdoor use.

I generally agree with this assessment.

Block A is a group of terraced units has internal boundaries to the development and a public boundary to Dundonald Street, this is with the exception of Proposed Lot 7, which also shares a side boundary with 34 Dundonald Street. However, the majority of the side yard on proposed Lot 7 will be occupied by large above ground water tanks, providing a physical separation between the neighbouring site and the proposed site as well as the applicant's intention to leave the existing hedge between these sites. In terms of the visitor accommodation activities affecting neighbours external to the development, the applicant has ensured within the revised application that visitor accommodation is limited to one within the development per external neighbour to the development, meaning only one VA unit is proposed per adjoining property. As noted, this is with the exception of units 10 and 12, these are located where the outdoor living is against a garage (against 36 Dundonald). This arrangement will avoid the cumulative effect of having several units used for VA against a single boundary, akin to having a motel or hostel as a neighbour, but without any on-site supervision and without it being a bespoke motel development. Typically, motels do not exist in suburban residential areas such as Dundonald Street, and where motels do exist, their design

is typically with outdoor living spaces directed internally to the development. There is some Airbnb activity occurring in suburban areas, as evidenced by the Airbnb website (including an existing Airbnb available within a residential dwelling on Dundonald Street), but not at this scale. However, the zoning has changed for the area, and thus the density of the proposed VA is more a product of the maximum development scenarios, now available to developers and the area transitioning to higher density.

Furthermore, the applicant proposes a suite of conditions ensuring that the adverse effects of the visitor accommodation activity on neighbours are mitigated to a level considered acceptable in an existing residential neighbourhood. These conditions include a requirement to circulate to residential neighbours the contact details of a person who will be available at all hours to address complaints and limitations on the use of outdoor areas by guests, and the use of amplified music. The conditions are included in the decision certificate. Overall, taking into account the above considerations, and the permitted level of residential activity, and the proposed conditions on the activity, the effects of the proposed visitor accommodation, when undertaken by individual property owners for singular residential units and at the scale within the amended application, are expected to be less than minor and comparable to the permitted residential use of the units.

Effects on accessibility & Effects on the safety and efficiency of the transport network (Rule 6.11)

These effects are discussed above in the context of overall effects on the transportation network. All units with visitor accommodation have an allocated on-site car park and it is likely given the location of the development that visitors would arrive in a car and have a rental car available to them during their stay. However, public transport is also an option for visitors and the site has good access to a regular bus route (discussed above). The transport planner notes above that short term visitor accommodation is likely to generate a similar or potentially lower number of vehicle movements per day/in the peak hour when compared to standard residential activities and may not be occupied all year round. Thus, the effects on the transport network from VA are anticipated as the same or less than standard residential activity (which is permitted post subdivision for the bulk of the units).

Effects on efficiency and affordability of infrastructure (Rule 9.6)

The visitor accommodation use of the units will be residential in nature and is likely to have the same or similar impact on infrastructure as standard residential activity. Visitor accommodation is not typically rented out 100% of the time, thus the activity could in reality be less of an impact than the consented activity (standard residential use). The servicing of the units has already been considered and approved by 3 Waters as part of the residential use of the units (subject to stormwater management). 3 Waters have not raised any issues with the proposed visitor accommodation use of the units. As such, the effects on infrastructure are anticipated to have adverse effects that are less than minor.

NOTIFICATION ASSESSMENT

Public Notification

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 Proposed 2GP were taken into account when assessing the application.

Operative District Plan

The Proposed Plan 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 Plan. The relevant objectives and policies of the Proposed Plan are discussed below.

Proposed Plan

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

- **Objective 8A.2.1 and Policies 8A.2.1.1 to 8A.2.1.2 (Earthworks Section)**
These seek to ensure Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on: visual amenity and character; the stability of land, buildings, and structures; and surrounding properties.
- **Objective 5.2.2 and Policy 5.2.2.1 (Network Utilities Section)**
These seek to ensure earthworks are set back from network utilities an adequate distance to avoid damage to existing network utilities and obstruction of access to existing underground network utilities; and adverse effects on the health and safety of people.
- **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)**
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 9.2.2.14 (Public Health)**
These seek to ensure that activities on land that has a history of land use that may have resulted in contamination are managed in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, including by: at the time of subdivision, land use or when land development activities involving soil disturbance take place, identifying and assessing risk to human health from contaminants in soil, where practicable; and if necessary based on the intended use of the land, remediating or managing the contaminants to make it safe for human use.
- **Objective 9.2.2 and Policy 9.2.2.7 (Public Health)**
These seek to have land use, development and subdivision activities maintain or enhance people's health and safety.
- **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

The provision of the Proposed Plan for this site and proposal are largely beyond challenge. Consequently, the objectives and policies of the Proposed Plan have been full weight during this assessment as noted above. Nevertheless, the objectives and policies of both Plans support the granting of consent.

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 district plan and/or the proposed district plan.

In this case, the land use proposal will be non-complying because, following subdivision onto its own lot, the units of Lots 15- 17 will have too many habitable rooms for the area of the lot. This is largely a technicality as the density for the development overall is compliant prior to the subdivision and it is only the introduction of property boundaries following construction which creates the density contravention. The small sites will not allow additional development on the other lots to occur over and above that anticipated by the Proposed Plan. As such, the proposal is not considered to undermine the integrity of the Proposed Plan will not 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 my opinion that the proposed land use will be consistent with the objectives and policies, and will not have adverse effects which are more than minor. It will pass both branches of the gateway test; therefore, Council can exercise its discretion under Section 104D to grant consent subject to the recommended conditions.

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.
3. The time limits for the processing of this consent be extended pursuant to sections 37A(2)(a) and 37A(4)(b)(ii) of the Resource Management Act 1991.



 Madeline Seeley
Planner

Date: 22 August 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:

Subdivision SUB-2024-48

*Pursuant to Part 2 and sections 34A(1), 104, and 104C of the Resource Management Act 1991, and the provisions of the Proposed Second Generation Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, and the provisions of 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 **restricted discretionary** activity being the eighteen residential lot subdivision of the land at 30 and 32 Dundonald Street, Dunedin, on the land legally described as Allotment 7 Block II Deeds Plan 1858 (30 Dundonald) and Allotment 6 Block II Deeds Plan 1858 (32 Dundonald) (Records of Titles OT166/83 and OT189/54), subject to conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*

Land Use LUC-2024-134

*Pursuant to Part 2 and sections 34A(1), 104, 104B and 104D of the Resource Management Act 1991, and the provisions of the Proposed Second Generation Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, and the provisions of 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 **non-complying** activity:*

- *Large scale earthworks contravening:*
 - *setback from property boundary and*
 - *setback from network utility;*
- *Soil disturbance under NES-CS;*
- *Construction of a multi-unit development;*
- *Development contravening setbacks, maximum impermeable surfaces;*
- *Standard residential activity following subdivision breaching:*
 - *density on Lots 15, 16 and 17 of SUB-2024-48 and*
 - *outdoor living space on Lots 15-18 of SUB-2024-48*
- *Car parks within insufficient width,*

at 30 and 32 Dundonald Street, Dunedin, subject to conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.

Land Use LUC-2024-298

*Pursuant to Part 2 and sections 34A(1), 104 and 10C of the Resource Management Act 1991, and the provisions of the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being the use of residential units at Lots 1, 3 - 7, 10, 12 and 17 SUB-2024-48 at 30 and 32 Dundonald Street, Dunedin, as visitor accommodation, breaching mobility car parking, subject to the conditions imposed under section 108 of the Act, as shown on the attached certificate.*

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.*



Campbell Thomson
Senior Planner

Date: 22 August 2024

Consent Type: Subdivision Consent

Consent Number: SUB-2024-48

Purpose: An nineteen-lot residential subdivision, including eighteen residential lots and one access lot, breaching shape, minimum site size and minimum landscaping performance standards and the subdivision of land subject to the NES-CS.

Location of Activity: 30, 32 Dundonald Street, Dunedin.

Legal Description: Allotment 7 Block II Deeds Plan 1858 (30 Dundonald) and Allotment 6 Block II Deeds Plan 1858 (32 Dundonald) (Record of Title Records of Titles OT166/83 and OT189/54).

Lapse Date: 22 August 2029, unless the consent has been given effect to before this date.

Conditions:

1. *The proposed subdivision must be undertaken in general accordance with the approved plan prepared by Terramark entitled, "Lot 1 - 19 & 100 being a subdivision of Lots 6 - 7 Block II DP1858" Job No 230788 dated 15 March 2024 attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 9 April 2024, and further information received on 21, 27 May, 6, 18, 24 June, 3, 5, 12, 23, 29 July 2024, except where modified by the following conditions.*
2. *Prior to development works commencing, the subdivider must complete the following:*
 - a) *The consent holder must provide notice to the Resource Consent Monitoring team by email to rcmonitoring@dcc.govt.nz advising who their representative shall be for the design and execution of the engineering works required in association with this development and subdivision and shall confirm that this representative will be responsible for all aspects of the works covered under NZS4404:2004 "Code of Practice for Urban Land Subdivision" in relation to this development.*
 - b) *The consent holder must provide detailed engineering design (plans, long-sections and calculations) for the proposed new wastewater infrastructure to the Dunedin City Council's Subdivision Engineer. No works may be carried out until the detailed engineering design has been certified by the Dunedin City Council's Subdivision Engineer. The engineering plans and associated calculations must meet the requirements of the Dunedin Code of Subdivision and Development 2010 and the NZS4404:2004 standard.*
3. *Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:*

- a) *If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.*
- b) *That a right of way over Lot 100 must be duly created or reserved in favour of Lots 1 to 18, and must be shown on the survey plan in a Memorandum of Easements. The right of way must have a minimum legal width of 6.0m in relation to the driveway serving all units.*
- c) *That an easement in gross in favour of the Dunedin City Council must be created over Council owned wastewater infrastructure located within lots 8-11 and Lot 100. The easement must be made in accordance with Section 5.3.4 of the Dunedin Code of Subdivision and Development 2010.*
- d) *That an easement in gross in favour of the Dunedin City Council is required over any proposed or existing Council owned Infrastructure located within any property that is not legal road. The easements must be made in accordance with the relevant section of the Dunedin Code of Subdivision and Development 2010.*
- e) *That an easement in gross in favour of the Dunedin City Council is required over the whole of the private Shared Stormwater Infrastructure located within Lots 1-18 and Lot 100 of SUB-2024-48. The easement must be registered on the titles of Lots 1-18 and Lot 100 of SUB-2024-48, and must incorporate all covenants, conditions and terms contained within the Draft Easement Instrument appended to this decision as Appendix Three. The easement in gross must be centred on the As Built plan of the private Shared Stormwater Infrastructure. The easement must extend 1.5m from the edge of the private Shared Stormwater Infrastructure, unless otherwise approved by 3 Waters. Any easement in gross must be shown on the survey plan in a Memorandum of Easements in Gross.*
- f) *That an easement in gross in favour of Aurora must be created over any electricity cables passing through another lot besides the lot it services, unless the consent holder submits written confirmation from Aurora that an easement in gross is not required. Any easement in gross must be shown on the survey plan in a Memorandum of Easements in Gross.*
- g) *That an easement in gross in favour of the Dunedin City Council is required over Lot 100 ("the Lane") for the collection of refuse. The easement in gross shall be a Right of Way (for Refuse Collection) in perpetuity over the Lane, and shall be prepared by the Council's solicitors at the applicant's cost. The easement in gross must include the following key terms:*
 - i) *DCC and its contractors may go onto the Lane for the purpose of refuse collection;*
 - ii) *DCC and its contractors will have no obligation to contribute towards the cost of establishment, maintenance, upkeep or repair of the Lane;*
 - iii) *The Lane must be kept clear of obstructions that would impede refuse collection;*
 - iv) *DCC and its contractors will not be liable for any damage caused as a consequence of reasonable use of the Lane for the purpose of refuse collection; and*
 - v) *DCC is not obliged to continue a refuse collection service from within the Lane.*

- h) *That the following amalgamation condition must be endorsed on the survey plan:*

‘That Lot 100 hereon (legal access) be held as to eighteen undivided one-eighteenth shares by the owners of Lots 1 to 18 hereon as tenants in common in the said shares, and that an individual Record of Title be issued in accordance therewith (see CSN Request 1903783).’

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

Earthworks

- a) *Subdivision earthworks must be undertaken in accordance with the Remedial Action Plan/Contaminated Soils Management Plan, received by Council on 24 June 2024, and conditions of LUC-2024-134.*
- b) *The Site Validation Report and Ongoing Soil Management Plan required under conditions 31-34 of LUC-2024-134 must be certified by Council.*

Construction

- c) *The eighteen new units must be constructed or under construction (with foundations and framing in place).*

Infrastructure

- d) *That a Stormwater Management Plan (SWMP) must be prepared by a suitably qualified person and submitted to the Council at rcmonitoring@dcc.govt.nz for certification prior to any earthworks or construction commencing. The SWMP must include (but is not limited to):*
- (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.*

Note. It is expected that the current SWMP submitted for approval by 3 Waters will be sufficient for the purpose of this condition provided the Resident’s Association Rule documentation and associated covenant provisions are completed and implemented in accordance with requirements of Conditions 4(e) and 4(f) below.

- e) *The applicant must provide an amended copy of the Draft Residents’ Association Rules to the Resource Consent Monitoring team by email to rcmonitoring@dcc.govt.nz for approval. The Draft Residents’ Association Rules must be amended as specified within*

Appendix Four of SUB-2024-48 and LUC-2024-134 or as otherwise approved by DCC 3 Waters or no approval will be provided.

- f) The applicant must provide an amended copy of the Draft Covenant document to the Resource Consent Monitoring team by email to rcmonitoring@dcc.govt.nz for approval. The Draft Covenant document must be amended, as specified within Appendix Five of SUB-2024-48 and LUC-2024-134, or as otherwise approved by DCC 3 Waters or no approval will be provided.*
- g) The Draft Covenant and Residents' Association Rules as approved by the Resource Consent Manager under condition 4(e) and 4(f) of SUB-2024-48 must be prepared and registered on each of the records of title for 1-18 and Lot 100 hereon.*
- h) Construction and installation of infrastructure must be undertaken in accordance with the certified engineering plans, the Dunedin Code of Subdivision and Development 2010 and NZS4404:2004 standard.*
- i) On completion of construction of the servicing infrastructure, As-Built plans must be submitted to the Dunedin City Council's Subdivision Engineer for certification. The As-Built plans must be accompanied by a quality assurance report, and a CCTV report.*
- j) Stormwater management must be undertaken in accordance with the approved stormwater management plan of condition 3(d) of SUB-2024-48.*
- k) Each residential lot must have a separate water connection. An "Application for Water Supply" must be submitted to the Council's Water and Waste Services Business Unit for the new connections for each unserviced lot. Details of how the lots are to be served for water must be provided to the Three Waters Group for approval. This detail can accompany the application for water supply.*
- l) Upon approval by DCC 3 Waters, the new water connections must be installed for each unserviced lot at least 600mm inside the boundary of the lot.*
- m) Where a multibox is used, each shutoff within each multibox must be clearly labelled/tagged with the corresponding lot number. This must be a permanent waterproof tag.*
- n) A private stormwater connection is required for each residential lot and must be installed at least 600mm inside the boundary of lots 1-18 of SUB-2024-49. This work will require a building consent under Section 40 of the NZBC 2004.*
- o) A separate private wastewater connection is required for each residential lot. All wastewater services must be installed at least 600mm into each lot. This work will require a building consent under Section 40 of the NZBC 2004.*
- p) Any existing services that are not going to be reused must be cut and plugged at the mains.*
- q) No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters. It should be noted that several drains in common are approved under the stormwater management plan required for the site.*

- r) *Water saving devices must be installed on all fixtures within the development, where possible. Water saving devices include, but are not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers.*
- s) *The As Built impermeable surfaces plan approved as part of condition 67(e) of LUC-2024-134, or otherwise an alternative plan certified by the Resource Consents Manager as acceptable, must be appended to the consent notice in condition 4(t) below.*
- t) *A Consent notice to address stormwater management, must be prepared and registered on each of the records of title for Lots 1-18 and Lot 100 hereon, for the following ongoing conditions:*

‘The Dundonald Street development, as consented by SUB-2024-48 and LUC-2024-134, must manage stormwater in accordance with an approved stormwater management plan, approved as a condition of SUB-2024-48, on an ongoing basis. Any change of design or pump specifications or alteration of Private Stormwater Infrastructure that forms part of the approved stormwater management plan requires 3 Waters approval prior to any alteration and a new stormwater management plan must be prepared and submitted to DCC 3 Waters for approval.’

‘No further impermeable surfaces may be installed across the site other than shown on the approved impermeable surfaces plan appended to this notice.’

Soil contamination

- u) *Consent notices to address any residual soil contamination remaining in-situ, must be prepared in the following circumstances and registered on the titles of the following lots:*
 - i) *Where a permeable soft cap is installed, a consent notice must be prepared and registered on Lots 1-18 of SUB-2024-48; and*
 - ii) *Where remaining site soils that are not capped are sampled after remediation works are completed, and those results indicate there is a risk to human health, a consent notice must be prepared and registered on all of the lots of SUB-2024-48 where sampling indicates there is a risk to human health due to residual contaminants.*
- v) *The consent notices required under condition 4(u) of SUB-2024-48 must contain the following ongoing condition:*

‘This site contains contaminated soil that may be a risk to human health. Only raised gardens may be established on this site using imported clean soil only. Any in-ground gardens on-site should be ornamental only, and no edible plants.’

Transport

- w) *The redundant vehicle crossing must be reinstated as footpath, grass berm, kerb, and channel at the consent holder’s expense.*
- x) *The vehicle access must be a minimum 5.0m width, hard surfaced from the edge of the Dundonald Street road carriageway for its full duration and be adequately drained for its entire length.*

- y) *The vehicle crossing must be constructed in accordance with DCC's industrial vehicle crossing specification.*
- z) *Any damage to any part of the footpath or road formation as a result of the demolition or construction works must be reinstated to the satisfaction of DCC Transport, at the consent holder's expense.*
- aa) *The surface of all parking, associated access and manoeuvring areas must be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked (in accordance with the application plans).*
- bb) *The maximum change in gradient without transition for all vehicular access must be no greater than 1 in 8 for summit grade changes or 1 in 6.7 for sag grade changes.*
- cc) *Wheel stops must be provided at the end of each car parking space within the access lot.*

Advice Notes:

Transportation

1. 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. This applies to Lot 100.
2. 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).
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.

Infrastructure

8. For clarity the private **Shared Stormwater Infrastructure** referred to in this consent includes the three 5000L stormwater tanks, the two AEP stormwater pumps, the two pumping chambers, the two mudtanks, the backup generator, and all stormwater pumping lines, piping, laterals, connections, and adaptors.
9. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
10. Detail of the water supply application process can be found at <http://www.dunedin.govt.nz/services/water-supply/new-water-connections.>
11. All aspects relating to the availability of water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.

12. It is noted that the site will have new servicing infrastructure (to vest in Council) located within the lots. Any buildings constructed on these lots must meet the requirements of Section 5.5 of the Dunedin Code of Subdivision and Development (2010) in relation to building in close proximity to Council infrastructure, unless otherwise approved by the Dunedin City Council's Subdivision Engineer. The Code prohibits any building within 1.5 metres of a pipeline. If any building is proposed within 2.5 metres of a pipe or manhole, 3 Waters must be notified to discuss options and whether an encumbrance on the title is required. 'Building' includes decks, fences, garages, sheds, retaining walls and so on.
13. Requests for required infrastructure inspections shall be made to 3 Waters. At least 3 working days' notice shall be provided.
14. It should be noted that once established, no building, construction or disturbance in the land can be undertaken within the easement in gross area without prior approval from 3 Waters.
15. It should be noted that all easement conditions are based on information provided by the applicant and may be required to be updated prior to issue of 224c if deemed to be inaccurate. The location of an easement in gross must not prevent a resident from accessing their home if DCC need to access the asset for repair, maintenance, or upgrade (in the event DCC and its contractors require the full width of the easement). For clarity, the buildings must be designed around the requirements for the easement, not the easement adjusted to cater for a dwelling.
16. It should be noted that the below companies are the only contractors currently approved to carry out CCTV filming on the DCC's reticulated drainage network:
 - Intergroup.
 - Utility Solutions NZ.

Earthworks

17. The applicant is advised to contact the 3 Waters Senior Tradewaste Officer regarding the disposal and/or treatment of groundwater prior to any construction taking place on this site. Approval must be granted by the 3 Waters Senior Tradewaste Officer prior to any, appropriately treated, groundwater to be discharged to DCC's reticulated wastewater network. Groundwater shall not be disposed to DCC's stormwater network, unless otherwise approved by 3 Waters Senior Tradewaste Officer.
18. 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://esc Canterbury.co.nz>.
 - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).

General

19. 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.

20. 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.
21. 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.
22. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
23. 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 22 August 2024



Madeline Seeley
Planner

Consent Type: Land Use Consent

Consent Number: LUC-2024-134

Purpose: The Soil disturbance under NES-CS; large-scale earthworks contravening setback from property boundary and setback from network utility; Construction of a multi-unit development; Development contravening, setbacks, maximum impermeable surfaces (a maximum of 73% impermeable surface site coverage only); standard residential activity breaching density following subdivision on Lots 15, 16 and 17 of SUB-2024-48 and outdoor living space on Lots 15-18 of SUB-2024-48; and car parks with insufficient width.

Location of Activity: 30 & 32 Dundonald Street, Tainui.

Legal Description: Lots 1- 18 of SUB-2024-48

Lapse Date: LUC-2024-134 shall lapse 5 years from the date that the s223 certificate for SUB-2024-48 is issued.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans by TGC Homes entitled, "The Links on Dundonald at 30 – 32 Dundonald Street, Dunedin", attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 9 April 2024, and further information received on 21, 27 May, 6, 18, 24 June, 3, 5, 12, 23, 29 July 2024, except where modified by the following conditions.*

Conditions for earthworks to be met prior to works commencing:

Earthworks

2. *The consent holder must provide notice to the resource consent monitoring team by email to rcmonitoring@dcc.govt.nz of the start date of the earthworks. This notice must be provided for each stage at least five (5) working days before the works are to commence.*
3. *That an Erosion and Sediment Control Management Plan (ESCMP) must be prepared by a suitably qualified practitioner with a view to mitigating erosion and to control sediment-laden stormwater run-off during all stages of site disturbance. The ESCMP must be submitted to Council for its records prior to works commencing. The ESCMP must ensure surface water collected or concentrated by building or siteworks does not cause a nuisance to neighbouring properties, and stormwater is discharged to an appropriate outfall during site works.*
4. *The applicant must provide site plans and cross-sections showing the proximity of the works to the DCC owned wastewater infrastructure located within the site. There is to be no earthworks or construction within 1.5 metres of the DCC owned wastewater infrastructure without prior certification from 3 Waters.*

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

5. *The consent holder must provide detailed engineering design (plans, long-sections and calculations) for the proposed new wastewater infrastructure to the Dunedin City Council's Subdivision Engineer. No works on DCC's infrastructure may be carried out until the detailed engineering design has been certified by the Dunedin City Council's Subdivision Engineer. The engineering plans and associated calculations must meet the requirements of the Dunedin Code of Subdivision and Development 2010 and the NZS4404:2004 standard.*
6. *The consent holder must establish a construction phase vehicle access point to the site and ensure it is used by construction vehicles. The access is to be stabilised by using a geotextile fabric and either topped with crushed rock or aggregate. The access is to be designed to prevent runoff.*
7. *The remediation and management of the soils must be undertaken in accordance with the certified Remedial Action Plan and Contaminated Site Management Plan, authored by EC Otago and received by Council on 24 June 2024.*
8. *Any stockpiled soils on the site must be covered for the duration of the project.*
9. *All erosion and sediment control must be undertaken in accordance with the approved ESCMP approved under condition 3 above. Notwithstanding this, the consent holder must adopt all practicable measures to mitigate erosion and to control and contain sediment-laden stormwater runoff to prevent it from entering the Council stormwater network, or neighbouring properties during any stages of site disturbance associated with this development.*
10. *The consent holder must:*
 - a) *be responsible for all contracted operations relating to the exercise of this consent; and*
 - b) *ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to all associated erosion and sediment control plans and methodology; and*
 - c) *ensure compliance with land use consent conditions.*
11. *The earthworks must be undertaken with the principles of industry best practice applied at all stages of site development including site stability, stormwater management, traffic management, along with dust and noise controls at the sites.*
12. *The earthworks and construction work must be under the control of a nominated and suitably qualified person (civil/environmental engineer or technician). In particular, earthworks near buildings on boundaries must be subject to design, supervision and certification by a suitably qualified engineer, confirming that the site is suitably stable and that the works will not introduce instability.*
13. *All temporary slopes must be inspected and signed off by a suitably qualified person.*
14. *All excavations must be supported within one month of commencing the earthworks.*
15. *All retaining walls over 1.5m, or supporting a surcharge or a slope, or neighbouring land, including terracing, must be designed, specified and have the construction supervised by a suitably qualified person.*
16. *Cut slopes must not be steeper than 1:1 (45°) or be more than 2.0ms high without specific engineering design and certification.*

17. *Fill slopes must not be steeper than 2h:1v (27°) or be more than 2.0m high without specific engineering design and certification.*
18. *Any earth fill over 0.6m thick intended to support foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development. If cut material is used on site for fill purposes, then moisture controls may be required to meet this standard.*
19. *Any fill material to be introduced to the site must comprise clean fill only.*
20. *Any soil to be disposed of off-site must be taken to a Council approved destination and in accordance with the certified Remedial Action Plan and Contaminated Site Management Plan, authored by EC Otago and received by Council on 24 June 2024. All contaminated material being removed for disposal must be kept secure under a suitable cover while being transported.*
21. *For any soils disposed of off-site, evidence of disposal to an authorised facility must be provided to the Council within one month of completing construction works. This may be by way of waste manifests and/or weighbridge receipts to rcmonitoring@dcc.govt.nz.*
22. *Any modifications to existing stormwater flow paths or addition of new stormwater features 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 or concentrated runoff during storm rainfall events.*
23. *Any change in ground levels is not to cause a ponding or drainage nuisance to neighbouring properties.*
24. *All loading and unloading of trucks with excavation or fill material is to be carried out within the subject site.*
25. *To ensure effective management of erosion and sedimentation on the site during earthworks and as the site is developed, measures are to be taken and devices are to be installed, where necessary, to:*
 - a) *divert clean runoff away from disturbed ground;*
 - b) *control and contain stormwater run-off;*
 - c) *avoid sediment laden run-off from the site;*
 - d) *protect existing drainage infrastructure sumps and drains from sediment run-off; and*
 - e) *ensure that no runoff is discharged to the motorway water table.*
26. *No soil disturbance or soil shifting, unloading, loading will take place if wind speed is higher than 14 metres per second if the soil is dry and prone to becoming airborne, unless a dust suppressant is applied.*
27. *Should the consent holder cease, abandon, or stop work on site for a period longer than 6 weeks, the consent holder must first take adequate preventative and remedial measures to control sediment discharge/run-off and dust emissions, and must thereafter maintain these measures for so long as necessary to prevent sediment discharge or dust emission from the site. All such measures must be of a type and to a standard which are to the satisfaction of the Resource Consent Manager.*

28. *If, at the completion of the earthworks operations, any public road, footpath, landscaped areas or service structures have been affected or damaged, this shall be remedied to the satisfaction of Council at the expense of the consent holder.*

29. *If the consent holder:*

a) *discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:*

i) *notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.*

ii) *stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.*

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

b) *discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:*

i) *stop work within the immediate vicinity of the discovery or disturbance; and*

ii) *advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and*

iii) *arrange for a suitably qualified archaeologist to undertake a survey of the site.*

Site work may recommence following consultation with the Consent Authority.

Conditions to be met following the conclusion of earthworks:

30. *The consent holder must provide a Site Validation Report, prepared by a SQEP, to the Resource Consent Manager for certification via rcmonitoring@dcc.govt.nz. The SVR is required to verify that the remedial activities have been conducted in accordance with the approved RAP/CSMP and that site soils were disposed to an appropriately licensed facility. The SVR will be reviewed by a SQEP on behalf of the Resource Consents Manager and deemed acceptable according to the criteria in condition 32 of LUC-2024-134.*

31. *The Site Validation Report required by condition 30 must:*

a) *Be prepared in general accordance with the Contaminated Site Management Guidelines No.1 Guidelines for Reporting on Contaminated Sites in New Zealand, Ministry for the Environment, 2011, with particular reference to Appendix A table A8;*

- b) *include sampling conducted in general accordance with the Contaminated Site Management Guidelines No. 5: Site investigation and analysis of soils;*
 - c) *Include, but not be limited to:*
 - i) *A summary of the works undertaken including any variations from the RAP/CSMP; and a summary of whether remediation objectives were met;*
 - ii) *Reports of any complaints and breaches of the procedures set out in the CSMP / RAP, or with the conditions of this consent;*
 - iii) *Details of the validation sampling undertaken, including any variations from the sampling proposed in the RAP/CSMP;*
 - iv) *A summary of any testing undertaken, tabulated analytical results, and interpretation of the results in the context of the NES-CS;*
 - v) *Volumes of soil and copies of the disposal dockets for the material removed from the site;*
 - vi) *A figure showing the areas where contaminated soil (i.e. above guideline values specified in the CSMP / RAP) are left on site;*
 - vii) *Results of testing of any imported fill material to ensure compliance with the definition of 'cleanfill', as per 'Technical Guidelines for Disposal to Land' (2022) published by WasteMINZ; and*
 - viii) *Records of any unexpected contamination encountered during the works and response actions, if applicable.*
32. *Within two months of the completion of the site remediation earthworks, the consent holder must provide an Ongoing Site Management Plan (OSMP) for all areas that have been remediated or managed via capping. The OSMP must be prepared by a SQEP and submitted to the Resource Consent Manager for certification via rcmonitoring@dcc.govt.nz. The OSMP will be reviewed by a SQEP on behalf of the Resource Consents Manager and determined if acceptable according to the criteria in condition 33.*
33. *The OSMP required by condition 32:*
- a) *May be combined with the SVR required under condition 30;*
 - b) *Must include a plan clearly showing the uncapped and capped areas of residual contaminated soil on-site;*
 - c) *Must recommend procedures for ongoing management of any contaminated soil remaining in-situ.*
34. *Should the Manager refuse to certify the SVR or OSMP, the consent holder shall submit a revised SVR or OSMP to the Manager for certification and any remediation or management works as required by the RAP/CSMP may be required to be redone or completed.*

35. *Ongoing management of contaminated soils left in-situ must be in accordance with the OSMP certified under condition 32.*
36. *Any areas of certified or uncertified fill must be identified on a plan, and the plan and certificates submitted to Council via email to rcmonitoring@dcc.govt.nz to be recorded against the property file.*
37. *At the end of the earthworks (or earlier, if conditions allow) the affected areas must be immediately developed as access (with appropriate surfacing) or be adequately top-soiled and vegetated (e.g. hydro-seeded) as soon as possible to limit sediment mobilisation.*

Development

Infrastructure:

38. *Post-construction CCTV filming of the DCC wastewater infrastructure is required unless otherwise approved by 3 Waters. The CCTV report must be submitted to the Dunedin City Council's Subdivision Engineer as soon as it is received. Any damage to the infrastructure during the earthworks and/or the earthworks process will be at the responsibility of the applicant.*
39. *Construction and installation of infrastructure must be undertaken in accordance with the certified engineering plans, the Dunedin Code of Subdivision and Development 2010 and NZS4404:2004 standard.*
40. *On completion of construction of the servicing infrastructure, As-Built plans must be submitted to the Dunedin City Council's Subdivision Engineer for certification. The As-Built plans must be accompanied by a quality assurance report, and a CCTV report, where applicable.*
41. *The development and stormwater management must be carried out in accordance with the approved Stormwater Management Plan. Any variation of the stormwater system must be approved under a new Stormwater Management Plan.*
42. *Each residential unit must have a separate water connection. An "Application for Water Supply" must be submitted to the Council's Water and Waste Services Business Unit for the new connections for each unserviced lot. Details of how the lots are to be served for water must be provided to the Three Waters Group for approval. This detail can accompany the application for water supply.*
43. *Upon approval by DCC 3 Waters, the new water connections must be installed for each unserviced unit.*
44. *Separate stormwater laterals for each residential unit, or an alternative arrangement for stormwater drainage which is acceptable to 3 Waters, must be installed. This work will require a building consent under Section 40 of the NZBC 2004.*
45. *Separate wastewater laterals for each residential unit must be installed. This work will require a building consent under Section 40 of the NZBC 2004.*
46. *Any existing services that are not going to be reused must be cut and plugged at the mains.*
47. *No drains in common must be retained, extended or installed unless prior approval is obtained from 3 Waters.*

48. *Water saving devices must be installed on all fixtures within the development, where possible. Water saving devices include, but are not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers.*

Transport

49. *The redundant vehicle crossing must be reinstated as footpath, grass berm, kerb, and channel at the consent holder's expense.*
50. *The vehicle access must be a minimum 5.0m width, hard surfaced from the edge of the Dundonald Street road carriageway for its full duration and be adequately drained.*
51. *The vehicle crossing must be constructed in accordance with DCC's industrial vehicle crossing specification.*
52. *Any damage to any part of the footpath or road formation as a result of the demolition or construction works must be reinstated to the satisfaction of DCC Transport, at the consent holder's expense.*
53. *The surface of all parking, associated access and manoeuvring areas must be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked (in accordance with the application plans).*
54. *The maximum change in gradient without transition for all vehicular access must be no greater than 1 in 8 for summit grade changes or 1 in 6.7 for sag grade changes.*
55. *Wheel stops must be provided at the end of each car parking space.*

Urban design and Built form

56. *Gates and pedestrian paths to units 1-7/Lots 1-7 of SUB-2024-48 must be installed, as shown within the street elevation on plan R-104, Revision ID 05, submitted to Council on 5th July 2024.*
57. *The visually permeable fence shown within the street elevation on plan R-104, Revision ID 05, submitted to Council on 3rd July 2024 must be installed.*
58. *No structures are permitted to be erected within the outdoor living spaces / front yards of Units 1-7/Lots 1-7 of SUB-2024-48, with the exception of permanent clotheslines.*
59. *The exterior cladding of Block A must include both a weatherboard and a plaster finish as shown on Plans R-300 and R-301, submitted to Council on 5th July 2024.*
60. *Block A must include the gable on the east elevation and the box window on the upper level of the west elevation as shown on Plans R-300 and R-301, submitted to Council on 5th July 2024.*
61. *The screening pergola structure around the communal service area must be installed, as shown on R-306, Revision ID 01, titled 'Elevations-rubbish shelter' and submitted to Council on 3rd July 2024.*
62. *The landscaping areas within Lots 1-7 shown on Plan R-102, Revision ID 04, received by Council on 3rd July 2024, must be maintained on an ongoing basis as landscaping and no further impermeable*

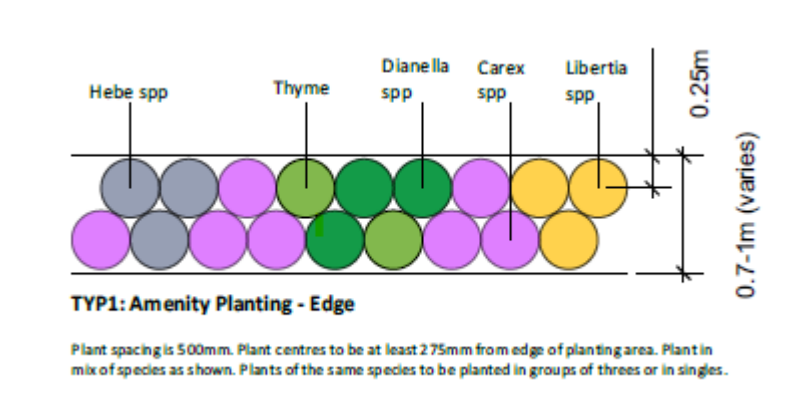
surfaces may be introduced within the front yard spaces of Lots 1-7 other than shown on Plan R-102, with the exception of the pedestrian path from the gate to units 1-7.

63. The existing hedge bordering proposed Lot 7 of SUB-2024-48 must be maintained on an ongoing basis until it reaches the end of its natural life.
64. The Baileys 5000L tanks within the side yard of Lot 7 of SUB-2024-48 must have a recessive colour that either matches with the colour of the vegetation or cladding of the exterior wall of the dwelling.
65. A fence must be installed along the eastern boundary of the development to further screen the stormwater tanks on Lot 7 of SUB-2024-48 from the neighbouring property.
66. The outdoor condensers of the heat pumps within Units 1-7 must not be installed within the outdoor living spaces of Units 1-7.

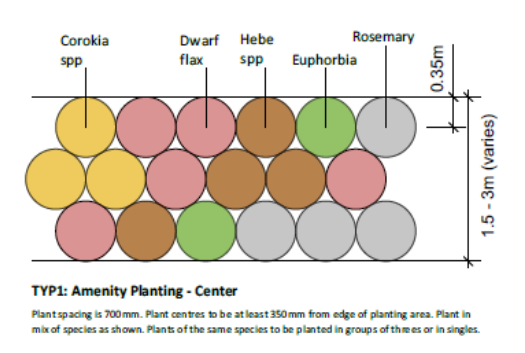
Landscaping

67. Prior to the occupation of the first unit, a planting plan, based on the landscaping plan (R-102, Revision ID 4, submitted to Council on 3rd July 2024), must be prepared and submitted to rcmonitoring@dcc.govt.nz for certification. The plan shall detail all proposed planting and impermeable surfaces and must include, but should not be limited to, the following:

- a) For all narrow garden beds 1m wide or less and for garden areas within 1m of the edge of a path it is recommended that the applicant uses smaller species such as *Libertia peregrinans*, *Carex comans*, dwarf *Hebe* spp, *Thyme*, and *Dianella nigra* at 0.5m centers. A mix of at least 5 different species should be planted in these areas as shown in the following sketch detail:



- b) For all garden areas not covered by condition 67(a), it is recommended that the applicant includes a mix of small shrubs and flaxes etc, such as *Corokia little prince*, *Phormium emerald gem*, *Euphorbia glauca*, *Rosemary* (upright form), *Arthropodium cirratum* at 0.7m centres. A minimum of 5 different species should be planted within these garden areas as shown in the following sketch detail:



- c) *A plant schedule must be included on the planting plan and must include the botanical name, common name, numbers, size at planting, plant spacings and mature height of all proposed planting;*
 - d) *The planting plan must include planting for all landscaping areas shown on the landscaping plan, R-102, Revision ID 04, submitted to Council on 5th July 2024; and*
 - e) *An As-Built impermeable surfaces plan clearly identifying all impermeable surfaces across the site and showing no more than 73% of impermeable surfaces site coverage across the sites at 30 and 32 Dundonald Street, as shown on approved plan R-109, appended to this decision in Appendix One. Where the As-Built impermeable surfaces plan shows more than 73% impermeable surfaces site coverage, the plan will not be approved and this condition will not be satisfied.*
68. *All landscaping across the site must be established in accordance with the approved Planting Plan, approved under condition 67 above within six months of the front units being constructed.*
69. *All trees and landscaping established under the approved Planting Plan, approved under condition 67 above, must be maintained and if dead, diseased or damaged, must be replaced, in perpetuity.*
70. *The shared maintenance responsibilities of the landscaping in the common areas should be clearly stated in the Residents' Association Rules/ or other formal agreement between the owners/users of all private commonly owned access/infrastructure/landscaping areas/service areas in order to clarify their maintenance and upkeep responsibilities.*

Advice Notes:

Earthworks

1. 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://esc.canterbury.co.nz>.
 - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).
2. Prior to undertaking earthworks on this land, it is recommended that third party liability insurances are in place which identify nearby structures on neighbouring land that might be affected by the earthworks.

NES-CS

3. The Site Validation Report/Ongoing Soil Management Plan must be completed and complied with adequately or additional works may be required to address any inadequacies at a time when construction would be largely finished and would be a major inconvenience for the applicant. For example, if a Bidim layer wasn't installed for the softcap (or evidence provided that it occurred in the SVR/OSMP) as required in the RAP, then it would be reasonable to require this to be installed / demonstrated it was installed which would be painful for the applicant if landscaping had already occurred. Therefore, the SVR and OSMP will be reviewed by Council's consultants and strict adherence to the RAP is required to avoid corrective actions being completed at a time which would be inconvenient.

Transportation

4. 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.
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.

Formation of Driveway Over 3 Waters Infrastructure

6. Extreme care must be taken with any earthworks carried out within 1.5 metres of the DCC owned water infrastructure during the formation of driveway.
7. Any damage to the pipe during the earthworks and/or the construction process of the driveway will be the responsibility of the applicant and must be reported to the DCC immediately.

Infrastructure

8. Pumping may be required in some instances.

Waste and recycling collection

9. Waste and recycling collection should be public. Where any change to the proposed waste collection (such as switching to private collection) is proposed, a Waste Plan should be submitted to Council for approval prior to ensure the adverse effects on amenity from collective waste areas and waste collection are managed.
10. The Residents' Association Rules should incorporate rules around waste management, including but not limited to:
 - a) On-site waste areas are kept tidy and are not contaminated;
 - b) Waste collection should be public and as specified within this consent;

General

11. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.

12. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
13. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
14. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
15. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 22 August 2024



Madeline Seeley
Planner

Consent Type: Land Use Consent

Consent Number: LUC-2024-298

Purpose: Visitor Accommodation activity contravening on-site mobility car parking.

Location of Activity: 30 & 32 Dundonald Street, Dunedin.

Legal Description: Lots 1, 3 - 7, 10, 12 and 17 of SUB-2024-48, currently part of Allotment 7 Block II Deeds Plan 1858 (30 Dundonald) and Allotment 6 Block II Deeds Plan 1858 (32 Dundonald) (held in Records of Titles OT166/83 and OT189/54).

Lapse Date: LUC-2024-298 shall lapse five years from the signing of the s223 certificate for SUB-2024-48, unless the consent has been given effect to before this date. For clarity, the lapse date is specific to each unit, so the giving effect to the consent in respect of one unit does not give effect to the consent in respect of the other units.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the site plan and revised application details prepared by Terramark and submitted to Council on 18 June 2024 within an email, attached to this certificate as Appendix Two, and the information provided with the resource consent application SUB-2024-48; LUC-2024-134 and LUC-2024-298, received by the Council on 9 April 2024, and the further information received by the Council on 21st May 2024, 6 June 2024 and 18 June 2024, and except where modified by the following conditions.*

Conditions to be met prior to the activity commencing:

2. *Prior to any visitor accommodation use of the units of SUB-2024-48, the units must be completed with CCC issued, and the subdivision completed so that the units have their own title and the units have been sold into individual ownership.*
3. *Prior to use of any unit for a visitor accommodation activity for the first time, the unit owner must:*
 - a) *Advise the Council by email to rcmonitoring@dcc.govt.nz advising of the date the activity is to commence.*
 - b) *Provide the Council by email to rcmonitoring@dcc.govt.nz with a copy of the House Rules (to be provided to guests) for the use of the unit, including the management of noise and antisocial behaviour to prevent disturbance to the residential neighbours. The House Rules must include the following:*
 - i) *Guests must not use outdoor areas between the hours of 10pm and 7am for socialising.*
 - ii) *Amplified music must not:*
 - (a) *Be played in outdoor areas between the hours of 10pm and 7am,*

(b) Be played at any time at a volume likely to disturb occupants of neighbouring sites.

Note: The consent holder is advised that the Proposed 2GP noise limits are the best guide for determining appropriate noise levels.

4. *The consent holder (unit owner/s) must supply the following information in writing to the owners and tenants of the other units (units 1-18 of SUB-2024-48 & LUC-2024-134) within the development, 34 and 34A Dundonald Street, and 69C Tahuna Road:*
 - a) *A description of the accommodation being provided at site.*
 - b) *Phone numbers for the site, and up-to-date details of a property manager who will be responsible for managing any complaints regarding the conduct of guests. The information must include the property manager's name, email address, and a suitable phone number/s for business hours and after-hours contact.*
5. *When any details in condition 4(b) change, the updated details must be provided to the addresses listed in condition 4.*

Conditions to be met at commencement of, or during, the activity:

6. *Should multiple units subject to this consent be held in common ownership or have a common director or shareholder for a company ownership structure (even if in individual records of title), only one must be utilised as visitor accommodation at any one time (i.e. no one owner is to manage multiple units as visitor accommodation to avoid motel-like use).*
7. *The consent holder (unit owner/s) must supply a copy of the House Rules (condition 3(b)) to the guests of their visitor accommodation unit.*
8. *The property manager detailed in condition 4(b) above must record the details of any complaints received from neighbours and provide these to Council at rcmonitoring@dcc.govt.nz upon request.*
9. *The property manager must retain a logbook of all dates when visitor accommodation has occurred which shall be provided to rcmonitoring@dcc.govt.nz at the end of each calendar year, or upon request. For clarity, should there be no visitor accommodation in any calendar year, then no return is required.*

Advice Notes:

Noise

1. The noise limits contained within Rule 9.3.6.1 of the Proposed 2GP which should inform noise management information/practices are as follows:

Zone of Receiving Property	Noise level measured at the boundary of the receiving property		
	7:00am to 7:00pm	7:00pm to 10:00pm	10:00pm to 7:00am

Residential	50 dB LAeq (15 min)	45dB LAeq (15 min)	40dB LAeq (15 min) 70 dB LAFmax
-------------	---------------------	--------------------	------------------------------------

Waste and recycling

2. Disposal of waste and recycling expectations should be clearly outlined to guests within guidance provided upon arrival. This includes what items can be placed in the green waste and recycling and what not to place in the recycling and green waste bins.

General

3. 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.
4. 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.
5. 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.
6. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
7. 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 22 August 2024.



Madeline Seeley
Planner

Appendix One: Approved Plans for SUB-2024-48 & LUC-2024-134 (scanned image(s), not to scale)

REMARKS:

- GRADE SURFACE VARIATION FROM BUILT-UP AREAS TO AN APPROPRIATE APPROVED OUTFALL.
- ALLOW FOR STEPS OR LANDSCAPING TO ALL EXTERNAL DOORS TO STEP FROM FFL TO GREATER THAN 100MM (MINIMUM).
- EXTERNAL PAVED DRIVEWAYS TO SLOPE AWAY FROM HOUSE AT A GRADE OF 1 IN 25 MINIMUM (MIN. SEE N25804 SECTION 5.2.2).
- WATER ON ALL ACCESS ROUTES BOTH INTERNAL & EXTERNAL. PROVIDE ANTI-SLIP SURFACES COMPLYING WITH NEW ZEALAND STANDARD 1 (EXCEPT SURFACES IN SIDE ENTRY DOORS OR HOLDING MAY BE CONSIDERED DRY AREAS).

WATER DENSITY:

PERMITTED BEDROOMS (SITE AREA 100m²) = 14 BEDROOMS
 PROPOSED BEDROOMS = 7 BEDROOMS

OUTDOOR LIVING:

30m² Unit - 25m² per unit with min. dimension of 3m
 30m² Unit - 25m² per unit with min. dimension of 3m

WATER AREA:

30m² per unit

WATER COVERAGE:

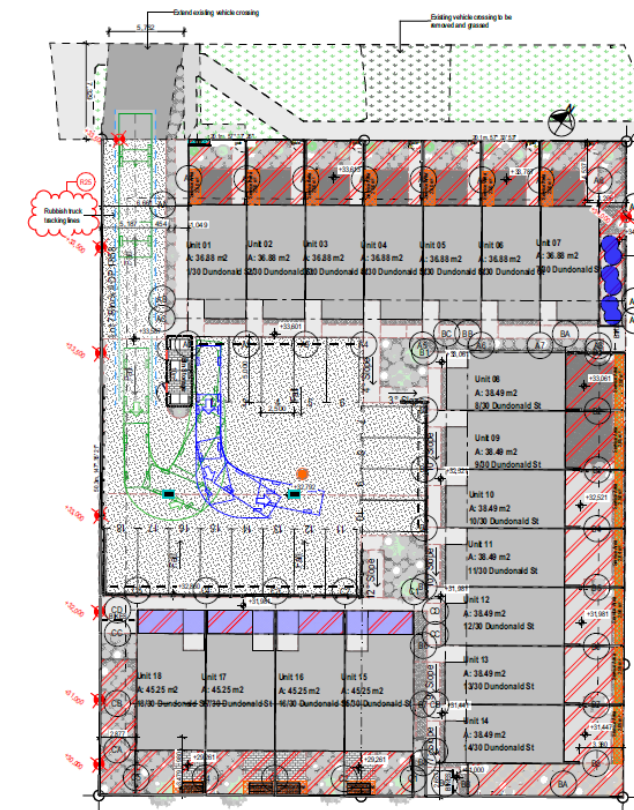
PROPOSED BUILDING AREA OVER FOUNDATIONS = 652.7 m²
 TOTAL BUILDING SITE COVERAGE = 52.3 %

IMPERVIOUS SURFACE AREA:
 (IMPERVIOUS BUILDING FOOTPRINT)
 TOTAL IMPERVIOUS SURFACE = 652.7 m²

Surface Type	Surface Area (Gross)
Driveway	75.51
Floor Slab - A1	148.45
Floor Slab - A2	112.36
Floor Slab - B1	78.49
Floor Slab - B2	78.11
Floor Slab - B3	78.11
Floor Slab - B4	78.06
Floor Slab - C1	78.05
Floor Slab - C2	111.80
Footpath	28.27
Outdoor Living Space	0.00
Unit Slab	11.13
Unit Slab	6.38.91 m²

Unit	Bedrooms	Bathrooms	Entrances	Carparks	Service / Living Areas
Unit 01	2	1	0	1	21.39
Unit 02	2	1	0	0	26.66
Unit 03	2	1	0	1	26.66
Unit 04	2	1	0	1	26.66
Unit 05	2	1	0	1	26.66
Unit 06	2	1	0	1	26.66
Unit 07	2	1	0	1	45.8
Unit 08	2	1	1	1	26.66
Unit 09	2	1	1	1	20.03
Unit 10	2	1	1	1	20.03
Unit 11	2	1	1	1	20.03
Unit 12	2	1	1	1	20.03
Unit 13	2	1	1	1	20.03
Unit 14	2	1	1	1	38.49
Unit 15	3	1	1	1	62.5
Unit 16	3	1	1	1	26.96
Unit 17	3	1	1	1	26.96
Unit 18	3	1	1	1	62.5
40	18	11	17		

RL's shown in red indicate existing topography.
 RL's shown in black indicate proposed unit footprint levels.



REMARKS:

- GRADE SURFACE VARIATION FROM BUILT-UP AREAS TO AN APPROPRIATE APPROVED OUTFALL.
- ALLOW FOR STEPS OR LANDSCAPING TO ALL EXTERNAL DOORS TO STEP FROM FFL TO GREATER THAN 100MM (MINIMUM).
- EXTERNAL PAVED DRIVEWAYS TO SLOPE AWAY FROM HOUSE AT A GRADE OF 1 IN 25 MINIMUM (MIN. SEE N25804 SECTION 5.2.2).
- WATER ON ALL ACCESS ROUTES BOTH INTERNAL & EXTERNAL. PROVIDE ANTI-SLIP SURFACES COMPLYING WITH NEW ZEALAND STANDARD 1 (EXCEPT SURFACES IN SIDE ENTRY DOORS OR HOLDING MAY BE CONSIDERED DRY AREAS).

WATER DENSITY:

PERMITTED BEDROOMS (SITE AREA 100m²) = 14 BEDROOMS
 PROPOSED BEDROOMS = 7 BEDROOMS

OUTDOOR LIVING:

30m² Unit - 25m² per unit with min. dimension of 3m
 30m² Unit - 25m² per unit with min. dimension of 3m

WATER AREA:

30m² per unit

WATER COVERAGE:

PROPOSED BUILDING AREA OVER FOUNDATIONS = 652.7 m²
 TOTAL BUILDING SITE COVERAGE = 52.3 %

IMPERVIOUS SURFACE AREA:
 (IMPERVIOUS BUILDING FOOTPRINT)
 TOTAL IMPERVIOUS SURFACE = 652.7 m²

Unit	Bedrooms	Bathrooms	Entrances	Carparks	Service / Living Areas
Unit 01	2	1	0	1	21.39
Unit 02	2	1	0	0	26.66
Unit 03	2	1	0	1	26.66
Unit 04	2	1	0	1	26.66
Unit 05	2	1	0	1	26.66
Unit 06	2	1	0	1	26.66
Unit 07	2	1	0	1	45.8
Unit 08	2	1	1	1	26.66
Unit 09	2	1	1	1	20.03
Unit 10	2	1	1	1	20.03
Unit 11	2	1	1	1	20.03
Unit 12	2	1	1	1	20.03
Unit 13	2	1	1	1	20.03
Unit 14	2	1	1	1	38.49
Unit 15	3	1	1	1	62.5
Unit 16	3	1	1	1	26.96
Unit 17	3	1	1	1	26.96
Unit 18	3	1	1	1	62.5
40	18	11	17		



THE LINKS ON DUNDONALD
 at
 30 - 32 DUNDONALD STREET DUNEDIN
 Lot 6 & Lot 7 Block 1 DP 1558
 Building Consent - Issued

Site Plan
 Date: 17/09/24
 Project No: 17
 Scale: 1:500

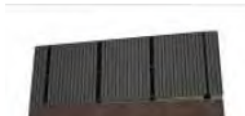
Site Plan
 Date: 17/09/24
 Project No: 17
 Scale: 1:500

R-101

Symbol	Common Name	Botanical Name	Type	Size at Planting	Size at Maturity	Plant spacing
	Thyme	Thymus Vulgaris	Flowering Plant	Small	0.5m	600mm
	NZ Iris	Liberia grandiflora	Flowering Plant	Small	0.7m	600mm
	Bronze NZ Hair Sedge	Carex Connans	Grass	Small	0.5m	600mm
	Shore Spurge	Euphorbia Glaucæ	Shrub	Medium	1.0m	600mm
	Corklike Little Prince	Corklike Cockleshell	Shrub	Medium	500mm	500mm
	Hebe	Hebe Cupressoides Nana	Shrub	Small	0.5m	600mm
	Rosemary	Salvia Rosemarinus	Shrub	Small	0.5m	600mm
	Flax	Phormium cookianum Emerald Gem	Shrub	Small	800mm	600mm
	Lancewood	Pseudopanax Obovifolius	Tree	Medium	3.0m	2.0m
	Selected Dwarf Fruit Tree	Various	Tree	Medium	4	2.0m
	Kowhai	Sophora microphylla	Tree	Medium	8.0m	2.0m



Internal Fence



External Fence - Neighbouring Properties



External Fence - Roadside



Clothesline



Letterboxes

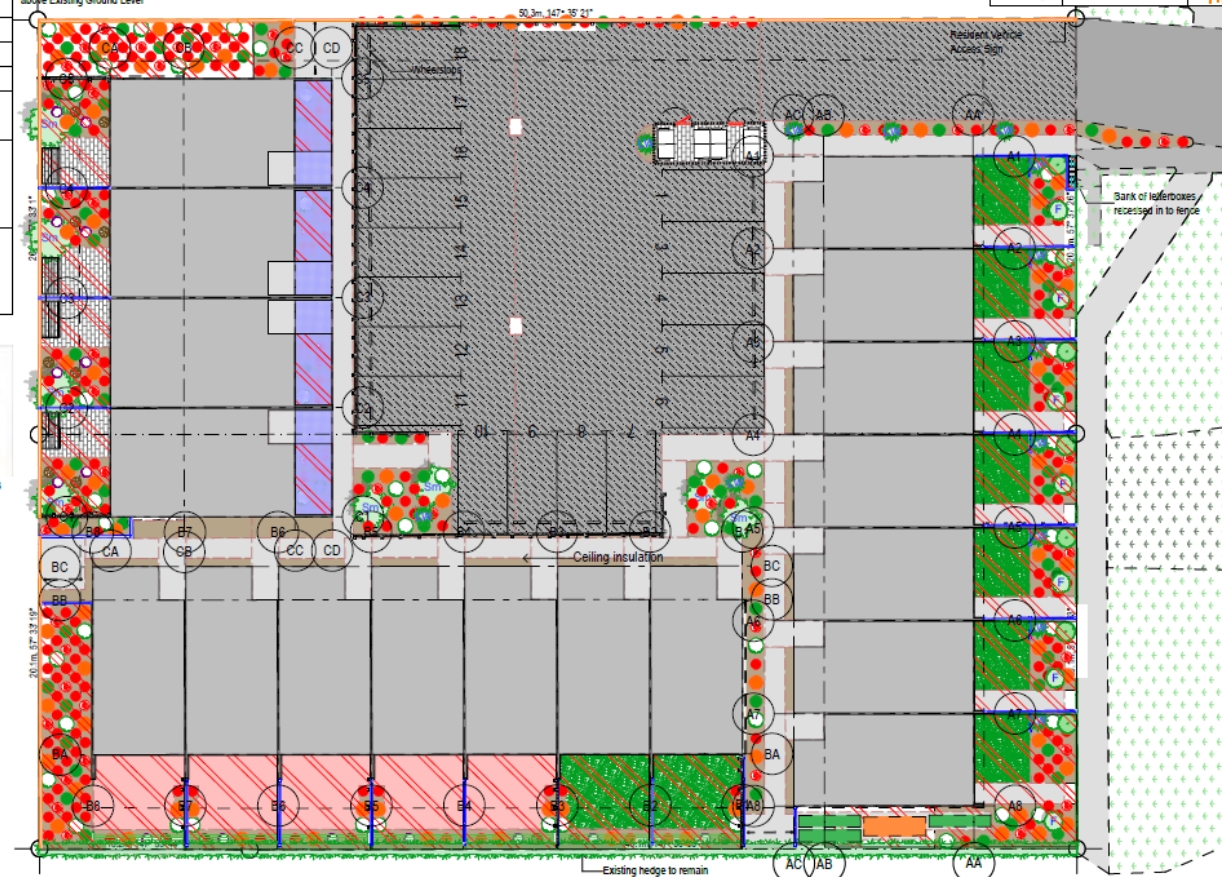


Vehicle Access Signage



PLANTING IMAGES

NOTE:
All fences and tanks to be 2m maximum height
above Existing Ground Level



Fencing Legend		
Plan Preview	Description	3D View
	Fence - BoundaryLine Smartwall Horizontal (1500mm High)	
	Fence - BoundaryLine Smartwall Horizontal (1800mm High)	
	Fence - Durepanel Polo	
	Fence - Timber Piling	

RevID	ChID	Revision	Date
04	R12	Bin Storage area amended	12/06/2024
03	R19	Planting list updated	05/06/2024
	R14	Additional Penious concrete areas added	
	R09	Planting schedule updated	
02	R07	RLS added	15/05/2024
	R06	Seals added to street front	
	R05	Landscaping amended to street	
	01		

The Links On Dundonald
at
30 - 32 Dundonald Street Dunedin
Lot 6 & Lot 7 Block II DP 1858
Building Consent - Issued

Layout Name: Landscaping Plan		Revision ID: 04
Date: 03/07/2024	Layout ID:	R-10
LBP (Design): TF		
Project No: #		
Scale: 1:250, 1:1, 1:33, 1:250, 1:625		



Street Elevation





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RevID	CHD	Revision	Date
05	R36	Cladding Changed to Rock-crete	02/07/2024
04	R23	Box window added	12/06/2024
03	03	Details not added	05/06/2024
02	R08	Items added to street front	16/05/2024
01	R05	Landscaping amended to street	13/03/2024

The Links On Dundonald
at
30 - 32 Dundonald Street Dunedin
Lot 6 & Lot 7 Block II DP 1858
Building Consent - Issued

Layout Name: Street Elevation		Revision ID: 05
Date: 03/07/2024 LBP (Design): TF Project No.: # Scale: 1:100	Layout ID: R-104	

Page Size A3

SITE WORKS NOTES

All Site work volume calculations are approximate

All retaining walls under 1500mm high, with no surcharge, do not form part of this building consent.

During the earthworks operations all topsoil, organic matter, fill and other unsuitable materials should be removed from the construction areas in accordance with the recommendations of NZS 4431:2022. Owing to the moderately erodible nature of some of the soils present across the site, sediment control measures should be instigated during earthworks construction. Water should not be allowed to pond or collect near or under a foundation slab. Positive grading of the subgrade should be undertaken to prevent ponding or ponding. All fill that is utilised as bearing or fill foundations should be placed and compacted in accordance with the recommendations of NZS 4431:2022 and certification provided to the effect. Topsoil stripping and subsequent earthworks be undertaken only when a suitable interval of fair weather is expected, or during the earthworks construction season.

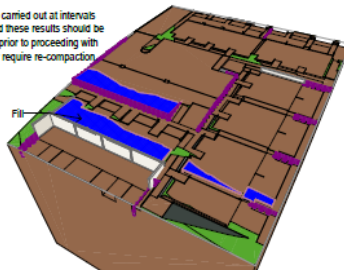
Recommended batters for permanent cuts up to 3 m in height

Material type	Recommended maximum permanent cuts less than 100 mm (horizontal to vertical)	
	Dry ground	Wet ground
Fill, Topsoil	2 : 1	3 : 1
Completely weathered Dunedin Volcanic Group	1.5 : 1	3 : 1

The existing uncontrolled fill/topsoil will not be suitable for re-use as engineered fill, instead use an imported well graded, crushed granular fill.

For engineered fill, the following is typically required to allow certification:

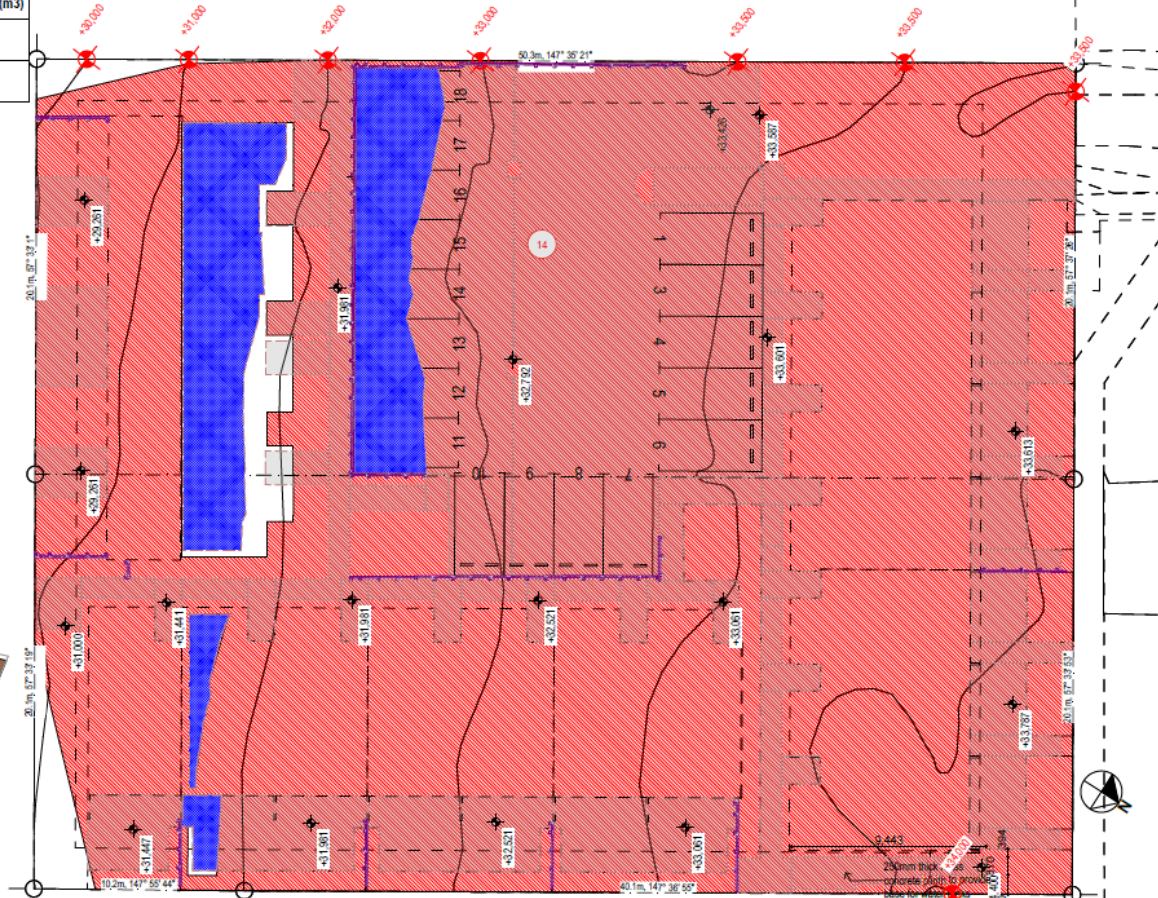
- Laboratory testing should be carried out on the proposed fill to be used to determine compaction curves and this should be presented for review by a geotechnical specialist to confirm its suitability prior to commencing filling.
- Excavation and removal of all uncontaminated fill sits down to subgrade. The contractor will need to extend at least the depth of fill past the building footprint extents, or a minimum of 1 m – whichever is greater. A geotechnical specialist should inspect the subgrade to confirm.
- The contractor shall carry out a plateau test on the initial fill of compacted fill to confirm the compaction methodology required to achieve compaction targets. This is usually 93% of maximum dry density based on NZS2612:1986 Test 14.1.5 (for gravels) or NZS2612:1986 Test 14.1.6 (for silts).
- Nuclear density meter tests should be carried out at intervals agreed by the reviewing engineer and these results should be forwarded to the engineer for review prior to proceeding with additional fillings. Any failed tests may require re-compaction.



Site Works 3D

Retaining Wall Types	
2D Plan Preview	Description
	Timber Retaining Wall (0-1500mm) - Schedule 1 Exempt

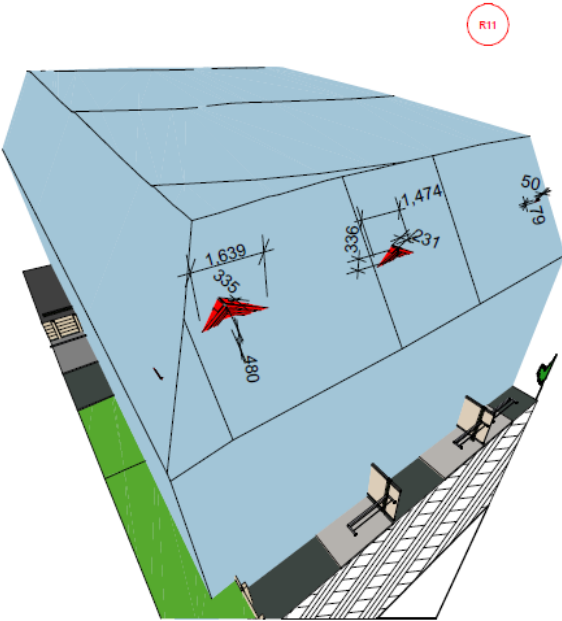
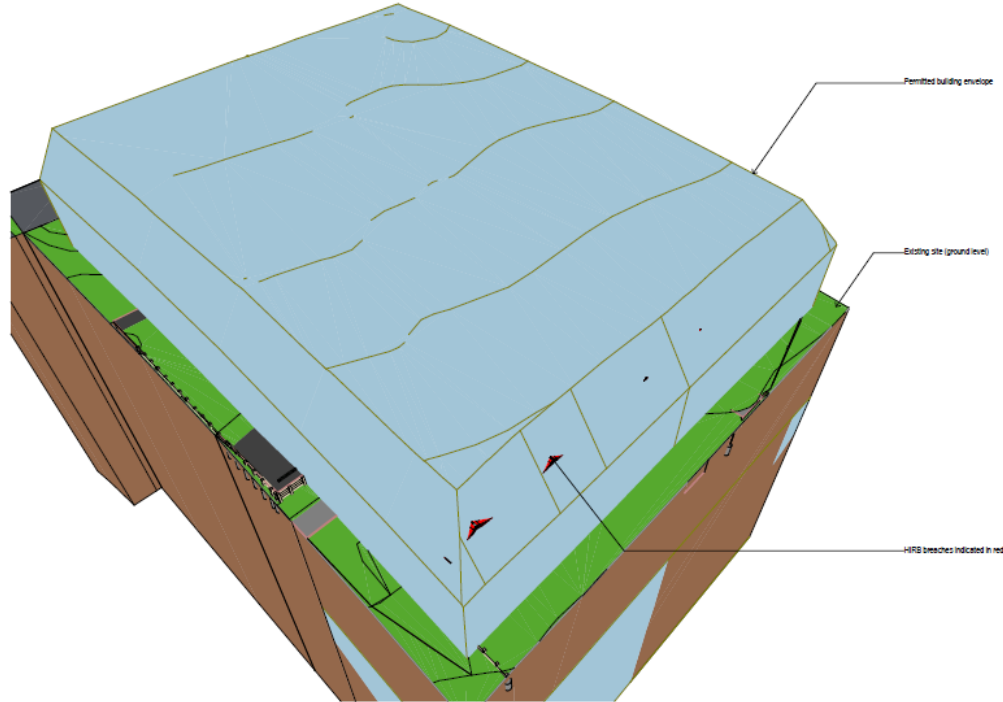
Site Works		
Description	Plan Preview	Volume (m3)
Excavation		625.28
Fill		33.80

[illegible]

The Links On Dundonald
at
30 - 32 Dundonald Street Dunedin
Lot 6 & Lot 7 Block II DP 1858
Building Consent - Issued

Layout Name:	Site Works Plan	Revision ID:	03
Date:	03/07/2024	Layout ID:	R-105
LBP (Design):	TF		
Project No.:	#		
Scale:	1:200, 1:1		

For council use only



Recession Plane encroachments

Recession Plane / Yard Encroachments

All recession planes calculated in accordance with Residential 2 rules of DCC 2GP.

Starting Height: 3.0m above natural ground level
Recession Angle: 55°

Elements coloured red breach recession plane or minimum set back requirements and will be subject to Resource Consent approval when not covered by the allowable encroachment provisions



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DUNEDIN CITY COUNCIL

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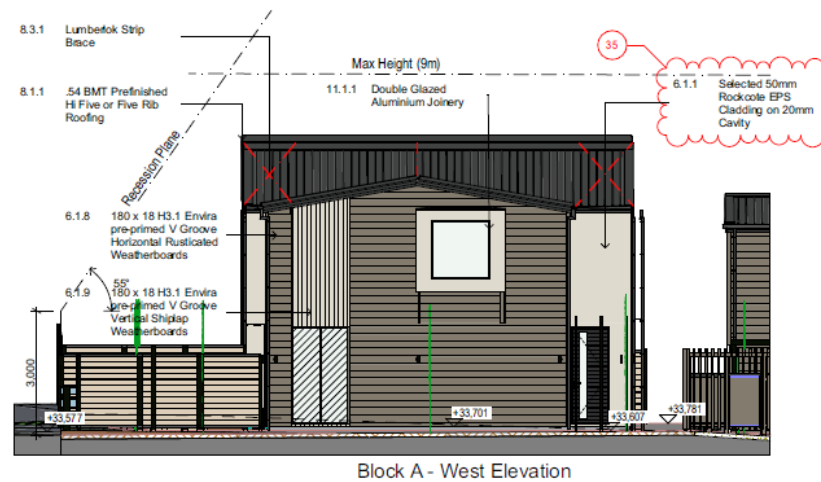
RevID	CHD	Revision	Date
01	R11	HRB breach dimensions added	15/05/2024
			13/05/2024

The Links On Dundonald
at
30 - 32 Dundonald Street Dunedin
Lot 6 & Lot 7 Block II DP 1858
Building Consent - Issued

Layout Name: Recession Plane Encroachment	Revision No: 02
Date: 03/07/2024 LBP (Design): TF Project No: # Scale:	Layout No: R-106

Impervious Surface area		E300 Impervious Surface Legend	
Surface Type	Surface Area	Plan Preview	Surface Type
Bin Storage	9.78		Impervious Surface
Driveway	503.75		Permeable Surface
Floor Slab - A1	1119.58		
Floor Slab - A2	94.28		
Floor Slab - B1	72.04		
Floor Slab - B2	70.76		
Floor Slab - B3	70.25		
Floor Slab - B4	37.90		
Floor Slab - C1	75.79		
Floor Slab - C2	111.61		
Footpath	226.26		
Outdoor Living Space	74.94		
Tank stand	11.97		
	1,480.23 m²		





Colour Schedule

	Dulux Haast
	Dulux Rakala Double
	Flaxpod

Block A - Vertical Weatherboards
Block A, B & C - Rockcote
Block C - Horizontal Weatherboards

Block A & B - Horizontal Weatherboards
Block C - Vertical Weatherboards

ColourSteel roofing
Aluminium Joinery and Balustrades

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Rev#	Chd	Revised	Date
01	01	Weatherboard changed to Rockcote	7/10/2024
02	02	Box ridge added	6/10/2024
03	03	Roofing layout not in detail	6/10/2024
04	04	Horizontal Weatherboards changed to Rusticated	5/15/2024
05	05		3/19/2024

The Links On Dundonald
at
30 - 32 Dundonald Street Dunedin
Lot 6 & Lot 7 Block II DP 1858
Building Consent - Issued

Project Name:	Elevations - Block A	Revision #:	05
Date:	25/2024	Project No. #	
LBP (Drawn):	TF	Scale:	1:100
			R-300

Page Size A3



Colour Schedule

	Dulux Haast Block A - Vertical Weatherboards Block A, B & C - Rockcote Block C - Horizontal Weatherboards
	Dulux Rakala Double Block A & B - Horizontal Weatherboards Block C - Vertical Weatherboards
	Flaxpod ColourSteel roofing Aluminium Joinery and Balustrades



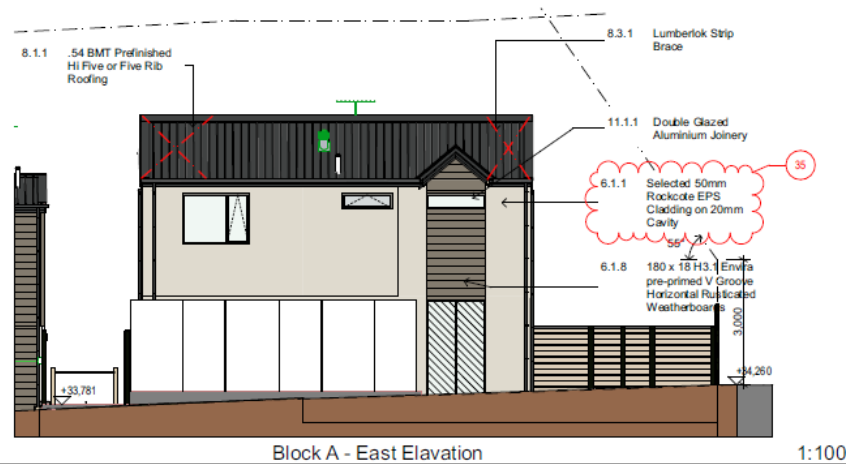
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RevID	CHD	Revision	Date
04	02	Weatherboard changed to Rockcote	7/10/2024
03	19	Roof Bracing amended	6/10/2024
02	017	Building Consent form indicated	6/10/2024
01	016	Customer selected for modification	6/10/2024
01	012	Horizontal Weatherboards changed to Rusticated	6/10/2024
01	011	Weatherboard changed to Rockcote	6/10/2024



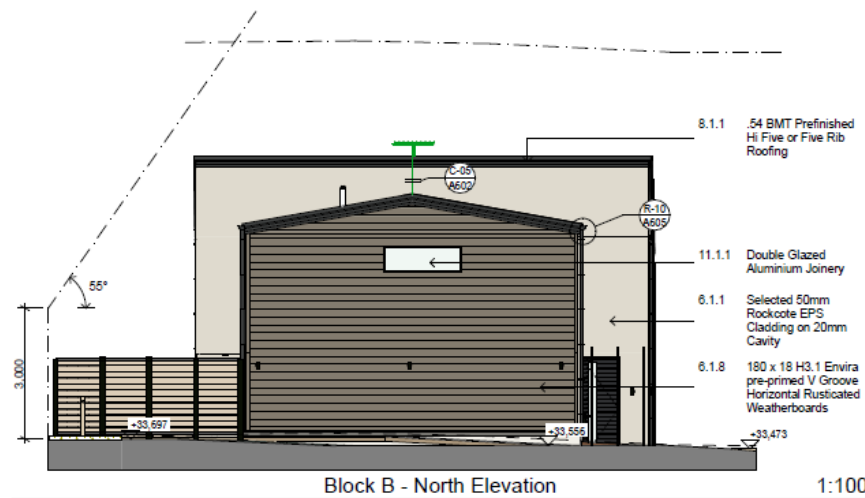
The Links On Dundonald
at
30 - 32 Dundonald Street Dunedin
Lot 6 & Lot 7 Block II DP 1858
Building Consent - Issued

Layout Name: Elevations - Block A	Revision ID: 04
Date: 7/5/2024 LBP (Design): TGC Project No.: 1100	Layout ID: R-301

Page Size A3

Colour Schedule

Dulux Haast
Block A - Vertical Weatherboards
Block A, B & C - Rockcote
Block C - Horizontal Weatherboards
Dulux Rakaia Double
Block A & B - Horizontal Weatherboards
Block C - Vertical Weatherboards
Flaxpod
Coloursteel roofing
Aluminium Joinery and Balustrades



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R17



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RevID	CHD	Revision	Date
01	R17	Existing Ground level indicated	05/05/2024
02	R12	Horizontal Weatherboards changed to Rusticated	15/05/2024
01			13/03/2024

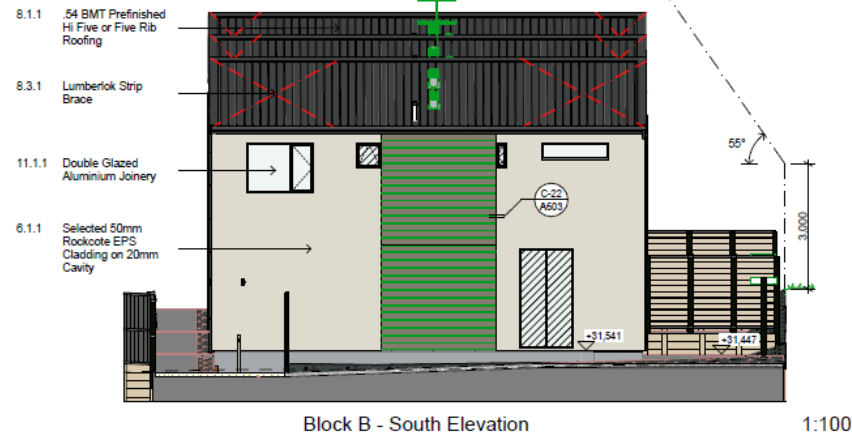
The Links On Dundonald
at
30 - 32 Dundonald Street Dunedin
Lot 6 & Lot 7 Block II DP 1858
Building Consent - Issued

Layout Name: Elevations - Block B	Revision ID: 03
Date: 03/07/2024 LBP (Design): TF Project No: # Scale: 1:100	Layout ID: R-302

Page Size A3

Colour Schedule

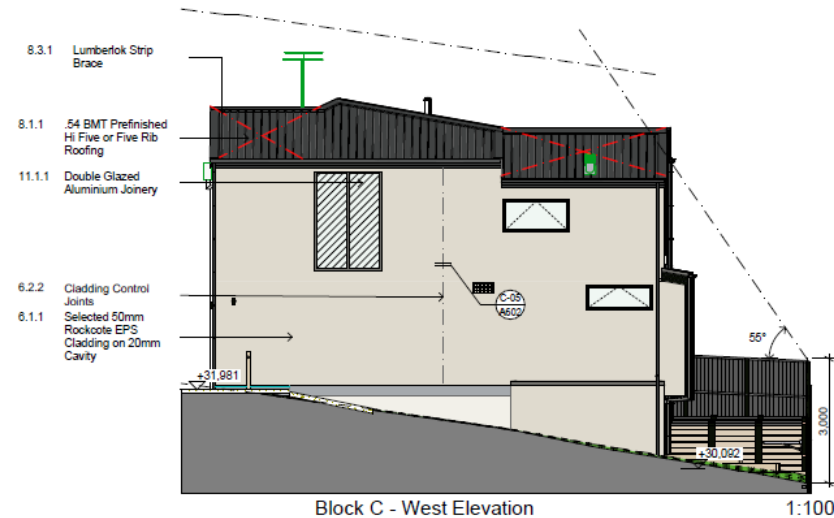
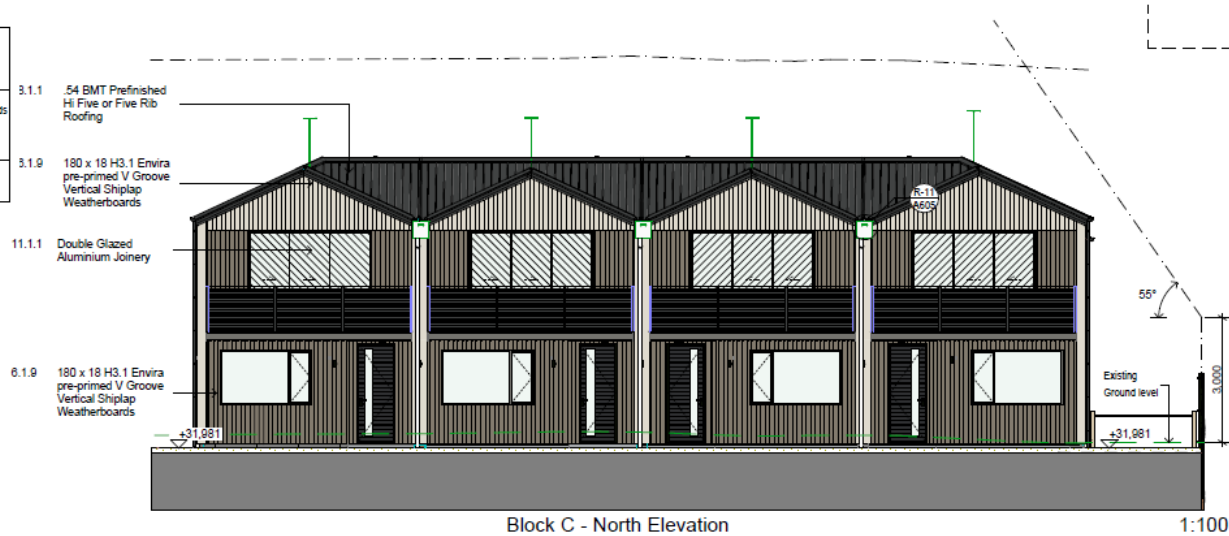
	Dulux Haast Block A - Vertical Weatherboards Block A, B & C - Rockcote Block C - Horizontal Weatherboards
	Dulux Rakai Double Block A & B - Horizontal Weatherboards Block C - Vertical Weatherboards
	Flaxpod ColourSteel roofing Aluminium Joinery and Balustrades



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							Page Size A3

Colour Schedule

Dulux Haast
Block A - Vertical Weatherboards
Block A, B & C - Rockcote
Block C - Horizontal Weatherboards
Dulux Rakaka Double
Block A & B - Horizontal Weatherboards
Block C - Vertical Weatherboards
Flaxpod
ColourSteel roofing
Aluminium Joinery and Balustrades



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RevID	CHD	Revision	Date
01	R17	Roof line changed to prevent recession plane encroachment	05/06/2024
02	R15	Horizontal Weatherboards changed to Rusticated	15/05/2024
01	R12	Horizontal Weatherboards changed to Rusticated	13/03/2024

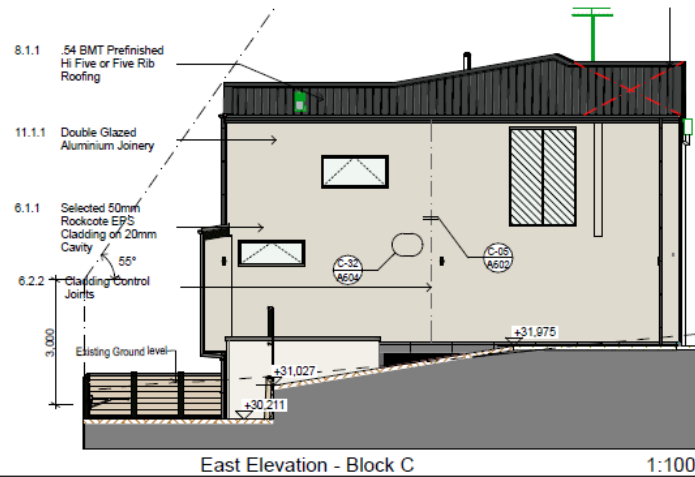
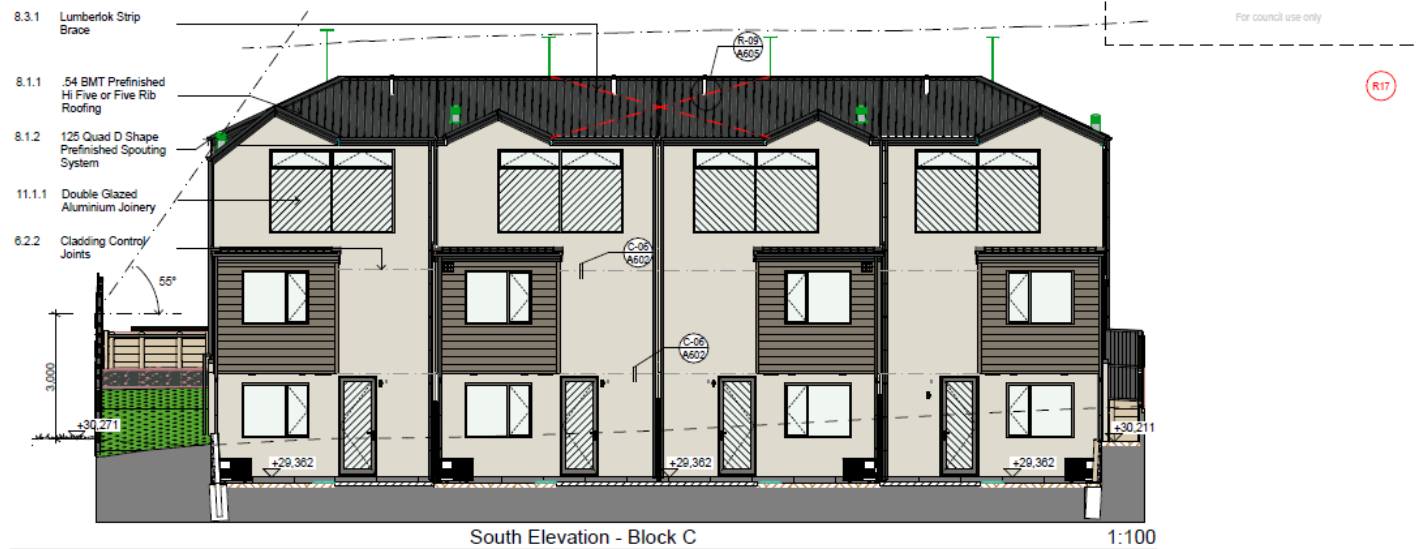
The Links On Dundonald
at
30 - 32 Dundonald Street Dunedin
Lot 6 & Lot 7 Block II DP 1858
Building Consent - Issued

Layout Name: Elevations - Block C	Revision ID: 03
Date: 03/07/2024 LBP (Design): TF Project No: # Scale: 1:100	Layout ID: R-304

Page Size A3

Colour Schedule

Dulux Haast
Block A - Vertical Weatherboards
Block A, B & C - Rockcote
Block C - Horizontal Weatherboards
Dulux Rakala Double
Block A & B - Horizontal Weatherboards
Block C - Vertical Weatherboards
Flaxpod
ColourSteel roofing
Aluminium Joinery and Balustrades



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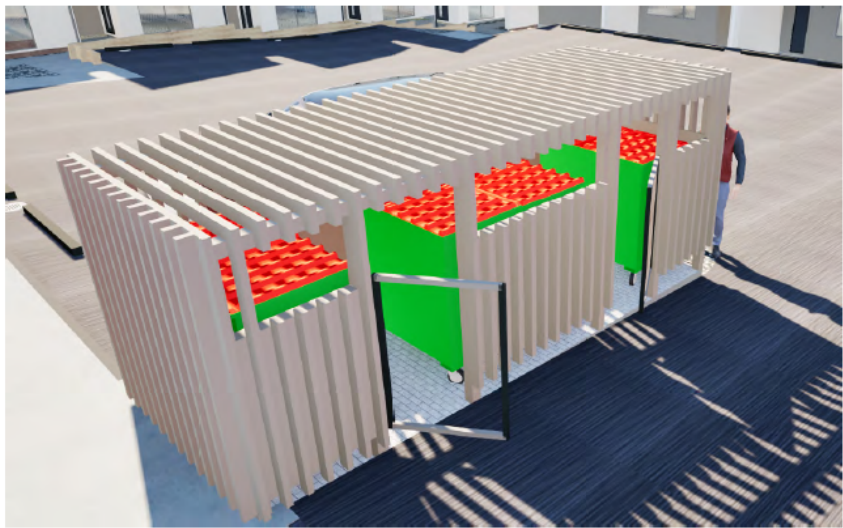
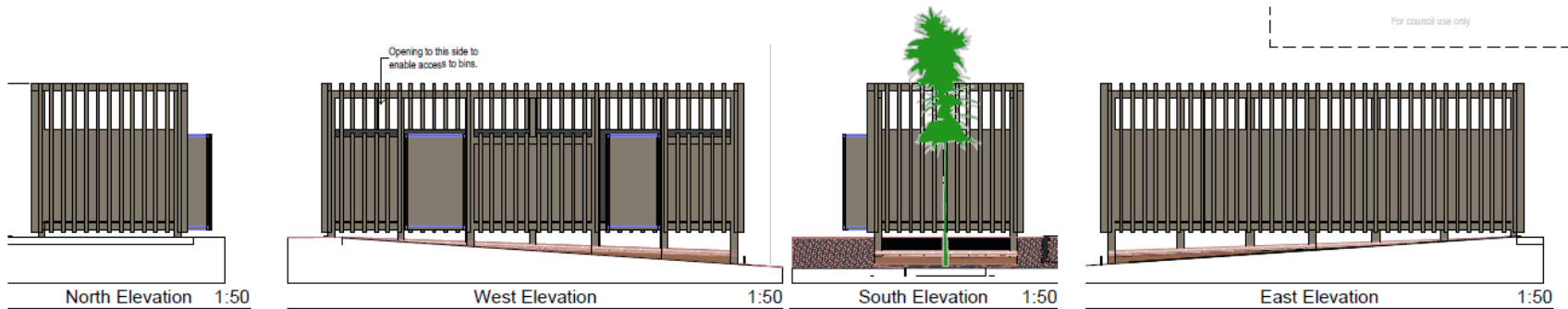
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RevID	CHD	Revision	Date
01	R17	Existing Ground level indicated	06/06/2024
02	R16	Gables added for modulation	15/05/2024
01	R15	Roof line changed to prevent recession plate encroachment	13/03/2024

The Links On Dundonald
at
30 - 32 Dundonald Street Dunedin
Lot 6 & Lot 7 Block II DP 1858
Building Consent - Issued

Layout Name:	Elevations - Block C	Revision ID:	03
Date:	03/07/2024	Layout ID:	R-305
LBP Design:	TF		
Project No:	#		
Scale:	1:100		

Page Size A3





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Rev'd	CHD	Revision	Date
01	R24	New Page added	12/06/2024

The Links On Dundonald
at
30 - 32 Dundonald Street Dunedin
Lot 6 & Lot 7 Block II DP 1858
Building Consent - Issued

Layout Name:
Elevations - Rubbish shelter

Date: 02/07/2024
LSP (Design): TF
Project No: #
Scale: 1:50

Revision No:
01

Project No:
R-306

R24



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.
- 9) Underlying land comprised in the following Records of Title: OT189/54 & OT166/83

Amalgamation Condition:

"That Lot 100 hereon (legal access) be held as to eighteen undivided one-eighteenth shares by the owners of Lots 1 – 18 hereon as tenants in common in the said shares and that an individual Record of Title be issued in accordance herewith (LINZ Ref.....)"

Project Title: Lots 1 - 19 & 100
Being a Subdivision of
Lots 6 - 7
Block II DP 1858

Address: 30 & 32 Dundonald Street,
Tainui, Dunedin

Legal Description: Lot 6 - 7
Block II DP 1858

Client: T. Nailard

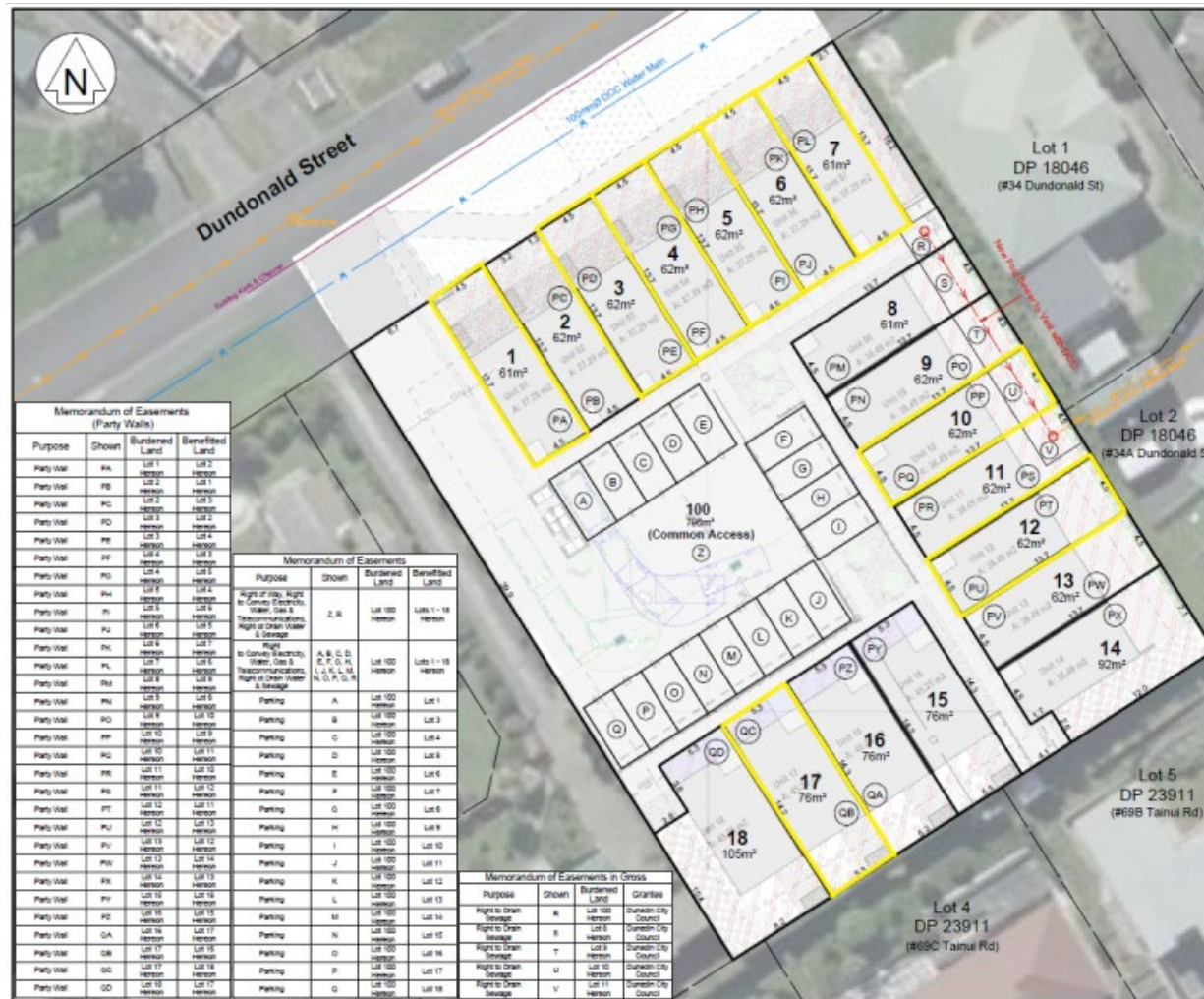
Area: 2024m² See Notes

Date: 15/03/2024 Scale (AS): 1:250

Plan No: 230788 Revision: 3 A



Appendix Two: Approved Plan for LUC-2024-298 visitor accommodation (scanned image(s), not to scale)



Appendix Three: Easement Instrument

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Form 22

Easement instrument to grant easement ~~or profit à prendre~~

(Section 109 Land Transfer Act 2017)

Grantor

Dundonald Street Limited

Grantee

Dunedin City Council

Grant of Easement ~~or Profit à prendre~~

The Grantor being the registered owner of the burdened land set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or ~~profit(s) à prendre~~ set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose of Easement, or profit	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to Drain Water	[X]	Lot 1-18 and 100 DP ____ (RT ____)	In gross

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Easements or ~~profits à prendre~~ rights and powers (including terms, ~~covenants~~ and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

The implied rights and powers are hereby [varied] ~~[negated]~~ [added to] or ~~[substituted]~~ by:

[Memorandum number _____] registered under section 209 of the Land Transfer Act 2017

[the provisions set out in Annexure Schedule 1]

Annexure Schedule 1

1. Definitions and Interpretation

- 1.1 In this Instrument unless the context otherwise requires:
- (a) **Easement Facility** means pipes, conduits, open drains, pumps, tanks (with or without headwalls), manholes, valves, surface boxes, other equipment suitable for that purpose (whether above or under the ground), and anything in replacement or substitution.
 - (b) **Fifth Schedule** means Schedule Five of the Land Transfer Regulations 2018.
 - (c) **Instrument** means this easement instrument and includes the annexure schedule(s).
 - (d) **Regulations** means the Land Transfer Regulations 2018.
 - (e) **Right to Drain Water** means the Grantee shall have the right to drain and convey water whether sourced from rain, springs, soakage or seepage in any quantities in free and unimpeded flow (except during any periods of necessary cleaning, renewal and/or repair) through the Easement Facility (laid or to be laid) together with the additional rights and powers incidental thereto and set out in this Instrument and the Fifth Schedule.
 - (f) **Working Day** means as defined in section 4 of the Property Law Act 2007.
- 1.2 **Defined Expressions:** Any terms used in this Instrument that are defined in the Fifth Schedule will take those meanings unless the context requires otherwise.
- 1.3 **Headings:** Section, clause and other headings are for ease of reference only, and do not affect this Instrument's interpretation.
- 1.4 **Negative Obligations:** Any obligation not to do anything includes an obligation not to suffer, permit or cause that thing to be done.
- 1.5 **Parties:** References to parties are references to parties to this Instrument and includes:
- (a) that party's executors, administrators, or permitted assigns; or
 - (b) if a company, limited partnership, or any other body corporate, its successors or permitted assigns or both; and
 - (c) where appropriate Council includes the Council's workman, contractors, professional advisers or other employees authorised by the Council pursuant to this Instrument.
- 1.6 **Persons:** References to persons include references to individuals, companies, corporations, partnerships, firms, joint ventures, associations, trusts, organisations, governmental or other regulatory bodies or authorities or other entities, in each case whether or not having separate legal personality.
- 1.7 **Plural and Singular:** Words importing the singular number include the plural and vice versa.
- 1.8 **Sections, Clauses and Schedules:** References to sections, clauses and schedules are references to this Instrument's sections, clauses and schedules.

2. Term of Grant

- 2.1 Each grant shall be for all time.
- 2.2 No power is included in this Instrument for the parties to terminate the easement for breach of any provision in this Instrument (whether express or implied) or for any other cause, it being the intention of the parties that this easement shall subsist for all time unless it is surrendered by mutual consent.

3. Grantee's Rights

- 3.1 For the purpose of performing any duty or in the exercise of any rights contained in this Instrument, and in addition to the implied rights set out in the Fifth Schedule, the Grantee:
- (a) may inspect, maintain, cleanse, repair, extend, remove, enlarge or replace the Easement Facility;
 - (b) may enter on the burdened land by a reasonable route and remain on the burdened land for a reasonable time for the purpose of completing the necessary work;
 - (c) bring on to the burdened land such materials, tools, equipment, machinery, vehicles or other things as may be necessary for the purposes of completing the necessary work;
 - (d) shall comply with the requirements of all statutes, regulations and bylaws relevant to its exercise of the rights under this Instrument;
 - (e) generally do and perform such acts and things in or upon the easement area as may be necessary or proper for or in relation to any of the purposes of this Instrument.
- 3.2 To avoid doubt, the easement created by this Instrument include the right to convey any electricity necessary to operate a pump or other equipment that is part of the Easement Facility.
- 3.3 The Grantee shall give the Grantor at least 24 hours written notice to enter on the burdened land to exercise its rights under this Instrument, except in an emergency requiring immediate access.

4. Grantee Covenants

- 4.1 The Grantee covenants with the Grantor that upon the exercising of any of its rights the Grantee shall not, except while work is being carried on upon the burdened land, leave on the burdened land any rubbish or debris or obstruction, and will remove same forthwith upon completion of any such work.

5. No Obligation to Perform Works

- 5.1 Notwithstanding any other provision in this Instrument, the Grantee is under no obligation to carry out any works under clause 3.1. Any works undertaken by the Grantee are entirely at the Grantee's sole discretion.

6. No Liability

- 6.1 The Grantor releases the Grantee from all liability of any nature for any claims, loss, costs and damages of any nature whatsoever, arising from the exercise or non-exercise by the Grantee of its rights and obligations under the easements created by this Instrument.

7. Indemnity

- 7.1 The Grantor indemnifies the Grantee from and against all liability, costs, losses, damages, expenses, claims, demands, actions or causes of action arising from the exercise or non-exercise by the Grantee of its rights and obligations under the easements created by this Instrument.

8. Private Ownership

- 8.1 The Easement Facility shall remain in the ownership of the Grantor, even if the Grantee undertakes any works on the Easement Facility.
- 8.2 This Instrument does not transfer ownership or responsibility for the Easement Facility to the Grantee. All responsibilities in relation to the Easement Facility, including maintenance, repair and replacement, remain with the Grantor.

9. Cost Recovery

- 9.1 The Grantee may recover all reasonable costs and expenses incurred in connection with any works carried out on the Easement Facility from the Grantor. The Grantor agrees to pay the Grantee such costs within 20 Working Days of receipt of invoice from the Grantee.

10. Grantor's Covenants

- 10.1 The Grantor must not do and must not allow to be done anything that may interfere with or adversely affect the rights and powers granted to the Grantee in this Instrument.

11. Regulatory Capacity

- 11.1 This Instrument does not bind the Grantee in its capacity as a regulatory authority in any way and any consent or agreement the Grantee gives under this Instrument is not an agreement or consent in its regulatory capacity and vice versa.
- 11.2 When acting in its regulatory capacity, the Grantee is entitled to consider all applications to it without regard to this Instrument.
- 11.3 The Grantee will not be liable to the Grantor if, in its regulatory capacity, the Grantee declines or imposes conditions on, any consent or permission that the Grantor or anyone else seeks for any purpose associated with this Instrument.

12. Costs

- 12.1 The Grantor will pay the Grantee's reasonable legal costs and disbursements in relation to the preparation, registration, variation and any surrender of this Instrument.

13. General

- 13.1 Where there is a conflict between the provisions of this Annexure Schedule 1, and the implied terms set out in the Fifth Schedule, the additional terms set out in this Annexure Schedule 1 prevail.
- 13.2 The Grantor must not surrender, merge, modify or extinguish the easements created by this Instrument without the prior written consent of the Grantee.

Appendix Four: Required amendments to the Draft Residents' Association Rules, submitted to Council on 23 July 2024

Association Rules (document titled "Association Rules Draft – Dundonald.pdf"):

1. Add "DCC" as a defined term in rule 2.1 as follows:

"DCC" means the Dunedin City Council.

2. Definition of "Shared Stormwater Infrastructure" in rule 2.1 needs to be amended as follows:

...Specifically, the infrastructure includes 3 x 5000L water tanks, 2 x AEP stormwater pumps, 2 x pumping chambers, 2 x mud tanks, 1 x back-up generator and all stormwater pumping lines, piping, laterals, connections and adaptors shared across Lots 1-18 and Lot 100 all on DP [REDACTED]

3. Rule 4.1(a) needs to be amended as follows:

...A covenant instrument ("Covenant") shall be registered against each Owner's Title in favour of the Association...

4. There needs to be another row added to the table in rule 7.2 to add the estimated budget for insurance for the shared stormwater infrastructure.

5. Rule 9.6 needs to be amended as follows:

...Common Maintenance Areas, including but not limited to, gardens, fencing, gates, Shared Stormwater Infrastructure, and aggregate concrete surfaces.

6. Rule 9.7 needs to be amended as follows:

9.7 *The Association shall:*

- (a) schedule and pay for the cleaning, maintenance, servicing, repair and replacement of the Shared Stormwater Infrastructure in accordance with the Stormwater Management Plan approved by the DCC which are appended to these rules under Schedule 3, unless otherwise approved by DCC's 3 Waters team;*
- (b) the stormwater infrastructure is to be maintained in good working order in accordance with the general maintenance schedule and the Association must ensure that the intake structures (grates/mud-tank) and the suction pipe to the pumps are kept clear and free of debris to ensure the stormwater system and pumps operate as designed; and*
- (c) ensure the AEP stormwater pumps, back-up generator and the stormwater detention tanks are maintained in accordance with the manufacturer's guidelines, which are appended to these rules under Schedule 4.*

7. New rules 9.10 – 9.13 need to be added as follows:

- 9.10** *The Association must replace any of the Shared Stormwater Infrastructure in the event of failure and/or if it is no longer fit for purpose.*
- 9.11** *If the Association wish to make any additions to the stormwater management system or replace any of the Shared Stormwater Infrastructure with one that is of different specifications and/or capacity than that within the Stormwater Management Plan approved by DCC, the Association must obtain prior written consent from DCC.*
- 9.12** *The Association shall maintain comprehensive records of all maintenance, repair and replacement activities related to the Shared Stormwater Infrastructure. These records shall include, but are not limited to, dates of service, descriptions of the work performed and the names of contractors or service providers. The Association shall provide a copy of these records to DCC upon request, in a timely manner, and at no cost to DCC.*
- 9.13** *Notwithstanding rule 9.4, the Association shall effect and maintain insurance for the Shared Stormwater Infrastructure including public liability cover.*

8. New rule 17.4 needs to be added as follows:

Dissolution

17.4 *The Association shall not dissolve without the prior written consent of DCC.*

- 9. Schedule 4 needs to be updated to include manufacturer's guidelines for the AEP stormwater pumps, back-up generator, and the stormwater detention tanks.**
- 10. "shared stormwater infrastructure" must be capitalised ("Shared Stormwater Infrastructure") throughout the document.**
- 11. There is an inconsistent use of the term "rule" and "clause" – e.g. "rule 3.1" "clause 13.1". The Association Rules must be updated to use a consistent term.**

Appendix Five: Required amendments to the Draft Covenant, submitted to Council on 23 July 2024

Covenant Instrument (document titled “Covenant Instrument Draft – Dundonald.pdf”):

1. Clause 2.4.3 must be amended as follows:

...the obligations and covenants of the Covenantor under this Instrument are for the benefit of the Covenantee, the Council and also for the benefit of the Residents Association.

2. Clause 3.2 must be amended as follows:

The Covenantor covenants with the Covenantee and the Council that on becoming the registered Owner of a Property the Covenantor will...

3. Clause 3.3.1 must be amended as follows:

...to pay the Covenantee’s and the Council’s legal costs of and incidental to the enforcement or attempted enforcement of the Covenantee’s and the Council’s rights, remedies and powers under this instrument...

4. New clauses 3.3.4 – 3.3.6 must be added as follows:

3.3.4 *that the Covenantor shall be liable for any and all loss, injury or damage arising directly and indirectly in relation to the Stormwater Infrastructure. This includes, but is not limited to, any costs associated with damage to property and personal injury;*

3.3.5 *to indemnify the Council from and against all liability, costs, losses, damages, expenses, claims, demands, actions or causes of action arising out of or in connection with the Stormwater Infrastructure; and*

3.3.6 *that this Instrument cannot be surrendered without the prior written consent of the Council.*

5. Clause 4.1 must be amended as follows:

*The rules of the Residents Association (as recorded in this clause 4 and any other rules as adopted by the Residents Association from time to time) (**Association Rules**) shall dictate how the Owners make those decisions that they are required to under this Instrument.*

6. New clause 4.6 needs to be added as follows:

4.6 *Notwithstanding any other provision in this Instrument, the Covenantor agrees that:*

4.6.1 *the rules of the Residents Association in relation to the ownership, leasing, licensing, maintaining, administering, operating, managing (including but not limited to establishing, amending and enforcing rules pertaining to the use of), repairing, replacing, upgrading or renewing the Stormwater Infrastructure cannot be changed, amended, added to or rescinded without prior written consent of the Council; and*

4.6.2 *the Residents Association must not be dissolved without the prior written consent of the Council.*

7. Reference to “for the benefit of all four Owners” should be changed to “for the benefit of all Owners” in clauses 5.1.1 and 5.1.3.

8. Clause 6.2.1 needs to be amended as follows:

6.2.1 *it will procure and maintain:*

- (a) a comprehensive insurance policy for the Covenantor’s Property and a fair share of those common improvements which are located on the Land on either a replacement basis or on a sum insured basis reasonably sufficient to replace the Property and a fair share of those common improvements on the Land, to the reasonable satisfaction of all the other Owners; and*
- (b) notwithstanding clause 6.2.1, the Covenantor will procure and maintain a comprehensive insurance policy for the Stormwater Infrastructure including public liability cover (together, the **Insurance Policy**)*

9. Clause 6.8 needs to be amended as follows:

The Covenantor covenants with the Covenantee, and with the Council, that it will, at the Covenantor’s cost in all respects, maintain good working order at all times the Stormwater Infrastructure in accordance with:

- 6.8.1** *the manufacturer’s maintenance and servicing guidelines in respect of the specified Stormwater Infrastructure;*
- 6.8.2** *the stormwater infrastructure is to be maintained in good working order in accordance with the general maintenance schedule and the Covenantor must ensure that the intake structures (grates/mud-tank) and the suction pipe to the pumps are kept clear and free of debris to ensure the stormwater system and pumps operate as designed;*
- 6.8.3** *the Stormwater Management Plan approved by the Council (unless otherwise approved by the Council’s 3 Waters team); and*
- 6.8.4** *the Association Rules.*

10. Clause 6.9 needs to be amended as follows:

The Covenantor covenants with the Covenantee, and with the Council, that it will:

- 6.9.1** *at the Covenantor’s cost in all respects, repair or replace any of the Stormwater Infrastructure in the event of failure and/or if it is no longer fit for purpose;*
- 6.9.2** *at the Covenantor’s cost in all respects, ensure that a back up power system is available for ensuring continuity of the Stormwater Infrastructure in the event of a power cut;*
- 6.9.3** *maintain comprehensive records of all maintenance, repair and replacement activities related to the Stormwater Infrastructure. These records shall include,*

but are not limited to, dates of service, descriptions of the work performed and the names of contractors or service providers. The Association shall provide a copy of these records to the Council upon request, in a timely manner, and at no cost to the Council; and

- 6.9.4** *obtain prior written consent from the Council if the Covenantor wish to make any additions to the stormwater management system or replace any of the Stormwater Infrastructure with one that is of different specifications and/or capacity than that within the Stormwater Management Plan approved by the Council.*

11. Clause 6.11 needs to be amended as follows:

Notwithstanding any other provision contained in this Instrument, no term or provision of this Instrument may be deleted or amended in any way without majority vote of the Covenantors and the prior written consent of the Council.

12. Typo in clause 8.1.1 needs to be corrected – “ensure that contemporaneously with settlement of the sale, that ruits name(s)...”

13. New clause 8.3 must be added as follows:

- 8.3** *The Covenantor covenants with the Covenantee and the Council that prior to transferring ownership of the Burdened Land, the Covenantor shall procure the purchaser of the Burdened Land to enter into, execute and deliver to the Covenantee a deed of covenant, wherein the purchaser covenants to become a Member contemporaneously with the transfer of the Burdened Land, to remain a Member, and to observe and perform the obligations of a Member as set out in the Association Rules.*

14. Clause 9.1.1 needs to be amended as follows:

...the Covenantor's obligations and covenants under this Instrument are for the benefit of the Covenantee, the Council and also for the benefit of the Residents Association (being all the Owners)...

15. New clause 12 needs to be added as follows:

12. Regulatory

- 12.1** *The Council has entered into this Instrument in its non-regulatory capacity. This Instrument does not bind the Council in its capacity as a regulatory authority in any way and any consent or agreement the Council gives under this Instrument is not an agreement or consent in its regulatory capacity and vice versa.*
- 12.2** *When acting in its regulatory capacity, the Council is entitled to consider all applications to it without regard to this Instrument.*
- 12.3** *The Council will not be liable to the Covenantor if, in its regulatory capacity, the Council declines or imposes conditions on, any consent or permission that the Covenantor or anyone else seeks for any purpose associated with this Instrument.*

16. Reference to “covenanter” must be changed to “covenantor” throughout the document.