

HEARINGS COMMITTEE AGENDA

MONDAY, 9 JUNE 2025, 1.30 PM
Plaza Conference Room, Civic Centre
50 The Octagon, Dunedin

MEMBERSHIP: Commissioner Ros Day-Cleavin and Councillors Sophie Barker and Christine Garey

IN ATTENDANCE: Jane O’Dea (Associate Senior Planner/Committee Advisor), Karen Bain (Associate Senior Planner), Reese Martin (Transport Planner/Engineer) and Wendy Collard (Governance Support Officer)

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

1 RESOURCE CONSENT APPLICATION – LUC-2025-19, 36 MacLaggan Street, Dunedin

Introduction

Applicant to introduce themselves and their team.

Procedural Issues

Any procedural matters to be raised.

Presentation of the Planner's Report

Report from Karen Bain

Refer to pages 1 - 20

The Applicant's Presentation

Application

Refer to pages 21 – 51

Further Information – 19 February 2025

Refer to pages 52 – 56

Further Information and Revised Plans – 18 March 2025

Refer to pages 57 - 60

Council Officer's Evidence

- Email from Transport Planner/Engineer
Refer to page 62

Recommended Conditions

Refer to pages 63 – 66

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 – 36 MacLaggan 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: Karen Bain, Associate Senior Planner

DATE: 22 May 2025

SUBJECT: **RESOURCE CONSENT APPLICATION LUC-2025-19**
36 MACLAGGAN STREET, DUNEDIN

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 22 May 2025. The purpose of the report is to provide a framework for the Committee's consideration of the application, and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

SUMMARY OF RECOMMENDATION

- [2] For the reasons set out below, I recommend that the proposal be **granted**.

DESCRIPTION OF PROPOSAL

- [3] Resource consent is sought to establish residential activity in an industrial zone. The residential activity is to be in the form of worker accommodation, within the upper level of the existing building at 36 MacLaggan Street.
- [4] The application indicates that the residential activity/worker accommodation will have eight bedrooms, and shared common areas, including storage lockers, kitchen and living areas and bathrooms. It will be accessed externally, via existing stairs on the western side of the building. The ground floor of the building will be used for industrial purposes.
- [5] The application offers consent conditions relating to:
- operating the worker accommodation as a managed facility
 - annual reviews to ensure the worker accommodation is being managed appropriately; and
 - no outdoor space or garden to be established (due to the HAIL status of the property).
- [6] In an emails dated 19 February and 18 March 2025, Mr Conrad Anderson provided additional information in which:
- Additional comment/assessment was provided in respect of reverse sensitivity, 2GP objectives and policies, amenity for residents and HAIL issues
 - A covenant or condition was offered, to note that the residential activity may only operate while 36 and 38 MacLaggan Street are held in common ownership

- It was confirmed that district plan acoustic standards would be adhered to (i.e. acoustic insulation and provision of a positive supplementary source of ventilation)
- Revised plans were provided, which included the addition of two Juliet balconies and a skylight in the living area.

[7] A copy of the application and further information provided by Mr Anderson is contained in Appendices 1, 1A and 1B of this report.

DESCRIPTION OF SITE AND LOCATION

[8] The subject site is an irregularly shaped 374m² property, that slopes steeply upwards to the north-west. The property is almost entirely occupied by a two storey building that extends to the street frontage. The building was constructed in the 1920s as a Salvation Army men's shelter, and altered for industrial use by Brown and Cope Limited in the 1950s.

[9] The site is legally described as Deposited Plan 3225, held in Record of Title OT200/279.

ACTIVITY STATUS

[10] Dunedin currently has two district plans: the Operative Dunedin City District Plan 2006 (the "District Plan 2006", and the Proposed Dunedin City Second Generation District Plan. On 19 August 2024, the Proposed Dunedin City Second Generation District Plan became partially operative and now supersedes the District Plan 2006, except for limited specific provisions and identified areas that are still subject to appeal. Where these provisions and appeals are relevant, the District Plan 2006 must still be considered.

[11] In this instance, there are no relevant appeals, and this application has been processed with reference to the 2GP only.

[12] 2GP Plan Change 1 (Minor Improvements) was notified on Wednesday 20 November 2024. Rules that protect areas of significant indigenous vegetation or habitats of indigenous fauna, and that protect historic heritage, had immediate legal effect from that date. The submission period ended on 18 December 2024, at which point rules that did not have submissions in opposition to them were deemed operative. None of the rules that have immediate legal effect, or that are deemed operative, are relevant to this application.

Partially Operative Dunedin City Second Generation District Plan 2024 (the "2GP")

[13] The subject site is zoned Industrial, and is within the Archaeological Alert Layer Mapped Area. MacLaggan Street is classified as a collector road in the 2GP road classification hierarchy.

Land Use Activity

[14] The proposed land use is "standard residential" activity, which is defined in the 2GP thus:

The use of land and buildings for residential activity at a domestic scale.

For the sake of clarity, this definition includes:

- *short-term house rentals*
- *boarding houses*
- *supported living accommodation (with 10 or fewer residents); and*

- *emergency and refuge accommodation.*¹

...

- [15] Standard residential activity is an activity in the residential activities category (Refer 2GP Nested Tables 1.3.2). In accordance with 2GP Rule 19.3.3.27.a, all residential activities in the Industrial zone are a **non-complying** activity.

Development Activity

- [16] Details of the physical works proposed to convert the upper floor of the building to accommodate residential activity are limited to conceptual plans only. It is noted however that the performance standards for development activities in the industrial zone primarily relate to the external bulk and location of buildings, where the site adjoins a residential, school or recreation zone, or an amenity route mapped area. None of these situations apply in this instance. The proposed residential activity is to occur within an existing building, and the only changes to its external envelope is the addition of the two Juliet balconies. Therefore, consent is not required for the development component of the proposal.

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

- [17] The NES-CS came into effect on 1 January 2012, and applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites must comply with the permitted activity conditions specified in the NES-CS, or resource consent will be required.
- [18] This property is a verified HAIL site (HAIL.00769.01), having had the following activity undertaken on it:

D5: Engineering workshops with metal fabrication

- [19] Because the site is a HAIL site, and the proposal involves changing the use of the land to a use that is reasonably likely to harm human health, the NES-CS applies. Regulation 8(4) of the NES-CS states that for a change of use, the following conditions must be met:

Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met:

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

- [20] None of these requirements have been met. Furthermore, in the absence of a preliminary site investigation and a detailed site investigation, the proposal fails to comply with NES-CS requirements for controlled and restricted discretionary activities.

¹ While the application sometimes refers to the residential activity as "worker accommodation", the 2GP has no separate definition for worker accommodation, and the proposal is assessed as "standard residential".

- [21] Consequently, the proposal is a **discretionary** activity under the NES-CS.

Overall Activity Status

- [22] 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.
- [23] In this case, there is more than one rule involved, and the effects are linked. As a result, having regard to the most restrictive activity classification, the proposal is considered to be a **non-complying** activity.

WRITTEN APPROVALS

- [24] No affected persons forms were submitted with the application. No person or party is considered to be adversely affected by the activity because, for the reasons set out in the effects assessment below, the environmental effects of the proposal are limited to effects on parties that are less than minor.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

Permitted Baseline

- [25] 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.
- [26] In the Industrial zones, a number of activities are permitted, provided they comply with the relevant performance standards. These activities include:
- Industrial activities (other than industrial ancillary tourism)
 - Emergency Services (outside hazard facility mapped areas)
 - Port activities
 - Yard based retail
 - Self-service fuel stations
 - Restaurants
 - Stand-alone car parking
 - Conservation activities.

- [27] These activities comprise a baseline that is of marginal relevance to the assessment of this proposal.

Receiving Environment

- [28] 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.

[29] For the subject site, the existing and reasonably foreseeable receiving environment comprises a 374m² industrial property almost entirely occupied by a two storey building that has been used for industrial activities since the 1950s.

[30] For adjacent land, the existing and reasonably foreseeable environment comprises a combination of industrial and residential activities, occurring in an industrial zone sandwiched between residential areas to the north, south and west, and the commercial CBD to the east. MacLaggan Street is a busy road that provides a direct route from the city's commercial centre to the suburbs of Mornington and Belleknowes.

Assessment Rules

Reverse Sensitivity / Health and Safety (Assessment Rules 19.12.2.1.a, 19.12.2.1.f, 19.12.2.1.i, 19.12.2.1.k and 9.8.3.1)

[31] Consideration is to be given to the protection of industrial areas from incompatible uses, including activities that might give rise to reverse sensitivity. Activities other than industrial activities are only to be allowed where the potential for reverse sensitivity is insignificant. Relevant to this, effects on the health and safety of people associated with noise and light spill are also to be considered.

[32] The 2GP defines "reverse sensitivity" as

When lawful activities that create effects (such as noise, odour, traffic movements, electromagnetic interference or risk) are affected by uses that may be sensitive to these effects establishing or intensifying nearby and thereby curtail or constrain the activities. Lawful activities in the context of this definition refers to: existing lawfully established activities, permitted activities, designations and consented activities that are likely to establish. The most common example is new residential activities establishing next to farming or industrial operations, or airports, which can lead to the new residents complaining about noise, odour or other nuisance effects from those established activities.

The Application

[33] The application suggests that there is no potential for issues of reverse sensitivity to arise, stating:

Matters of reverse sensitivity are mitigated via the surrounding mixed use and the adjacent industrial site being in common ownership.

[34] In his further assessment of reverse sensitivity effects, Mr Anderson observed that there were at least 19 legally established residential units in the immediate area. He noted that the industrial land across MacLaggan Street from the subject site backs on to a residential zone, and that in that location, the 2GP requires noise at the boundary to be limited to the noise levels of the receiving zone. Therefore, any permitted activity on the industrial land across from the subject site would need to manage their noise emissions accordingly.

[35] Nonetheless, he indicated that, if concerns about reverse sensitivity remained, the following measures were offered:

- Noise insulation of the upper level of the street façade of the building, and double glazed windows.
- A 'no complaints' covenant.

Planning Officer's Assessment

[36] The 2GP's approach to the management of reverse sensitivity and the establishment in residential activities in the industrial zone is clearly set out in the 'Reverse Sensitivity' definition, as per the excerpt below (highlighting added):

... The most common example is new residential activities establishing next to farming or industrial operations, or airports, which can lead to the new residents complaining about noise, odour or other nuisance effects from those established activities."

[37] Nonetheless, it is acknowledged that there are a significant number of residential properties in this industrial zone. At the time of writing this report, there appeared to be a total of 27 residential units across the zone, viz.:

- 28 and 28A-C MacLaggan Street and 21 and 21A-D Clarke Street (i.e. the former Clarendon Hotel site) – eight units
- 66A-K MacLaggan Street - ten units
- 107 MacLaggan Street – one unit
- 113 MacLaggan Street – three units
- 5 Clarke Street - four units
- 9 Clarke Street – one unit

[38] A desktop calculation indicates that the approximate area of this industrial zone is 3.059ha, of which approximately 8500m², or 28%, is currently utilised for residential activity.

[39] In this respect, in terms of protection of industrial areas from incompatible uses that might give rise to issues of reverse sensitivity, and the potential for cumulative effects to arise, it could be said that the horse has already bolted; and the addition of one residential unit to the zone will not have a significant impact.

[40] The application has offered consent conditions relating to operating the worker accommodation as a managed facility, and undertaking annual reviews to ensure the accommodation is being managed appropriately. A covenant to require that the residential activity may only operate while 36 and 38 MacLaggan Street are held in common ownership has also been suggested.

[41] Operation of the accommodation as a managed facility and undertaking annual reviews are not considered to be practical or effective measures to manage potential issues of reverse sensitivity, or to mitigate adverse effects. This is because they effectively place the burden of monitoring and managing the residential activity on external parties, and the DCC Monitoring and Compliance Team in particular, rather than ensuring the reverse sensitivity issue or adverse effect doesn't arise in the first place. Measures to directly manage tangible effects are preferred.

- [42] Similarly, Mr Anderson's suggestion of a "no complaints" covenant is not supported, because it does nothing to fix the problem or make activities more compatible. The adverse effects will still occur, the sensitive (residential) activity will still get affected by noise, odour or other nuisance; even if they are unable to complain about it. Furthermore, if noise, odour etc makes the residents' living environment and the existing activity incompatible, a no-complaints condition or covenant does nothing tangible to address the Council's obligations in terms of sections 16 and 17 of the RMA. That is, issues of noise are not just about the noise generating activity, but also the noise sensitive activity - consideration of the health and safety of the occupants is required.
- [43] Following from this, I consider that Mr Anderson's suggestion of acoustic insulation is an essential mitigation measure. Should consent be granted to this proposal, it is recommended that a consent condition be included to require that acoustic insulation works be implemented, to ensure that adverse effects from the surrounding higher noise environments are mitigated; and the health and safety of occupants of the new residential unit is not compromised. A condition to this effect that reflects the 2GP acoustic insulation performance standard (Rule 9.3.1) is included in Appendix 3.
- [44] A covenant to state that the residential activity may only operate while 36 and 38 MacLaggan Street are held in common ownership seems a reasonable mechanism to reduce the potential for reverse sensitivity. This is because presumably the owner of the properties will not wish to compromise the residential tenancy of #36, and will therefore retain control over the (industrial) activities occurring within #38 MacLaggan Street. On the basis that this measure has been offered by the applicant, a condition to this effect is recommended, and is included in Appendix 3.
- [45] The application does not address the matter of light spill. Light spill has the potential to have an effect, both in terms of reverse sensitivity, and health and safety.
- [46] The 2GP performance standard for light spill (Rule 9.3.5) states:

1. *Light spill measured at any point of the vertical plane that marks the boundary of any site within a residential zone, or in any other zone the notional boundary of any residential building must not exceed the following limits:*

Time		Limit
a.	7.00am - 10.00pm	10 Lux
b.	10.00pm - 7.00am	3 Lux

- c. *This standard does not apply to light spill from the headlights of motor vehicles or trains, or from street lighting.*
 2. *Light spill must not be emitted in the angles above the horizontal.*
 3. *All outdoor lighting, except street lighting, must be shielded from or directed away from adjacent roads and site boundaries.*
- ...

- [47] From the point of view of reverse sensitivity, the need for industrial activities in this zone to comply with the light spill rule already exists, on account of the existing residential buildings in the zone, and the adjoining residential zones to the north, south and west. Therefore, the establishment of residential activity within the subject site will not generate any additional issues of reverse sensitivity, when it comes to light spill.
- [48] The need to comply with the light spill performance standard will also ensure that any adverse effects on the health and safety (of potential residents in the new accommodation) will be no more than minor.

- [49] In the context of an industrial zone within which a number of residential activities have already been established; and with conditions relating to acoustic insulation and a common-ownership covenant in place, the potential for issues of reverse sensitivity to arise are not considered to be significant; and adverse effects on the health and safety of residents will be managed so as to be no more than minor.

Purpose of the Industrial Zone / Positive Effects on Surrounding Industrial Activities (Assessment Rules 19.12.2.1.d and 19.12.2.1.e)

- [50] These assessment rules indicate that consideration is to be given to the extent to which the proposed activity supports the purpose of the industrial zone; and has a positive effect on the successful operation of surrounding industrial activities.

Application

- [51] The application suggests that the proposed activity supports the purpose of the zone because the proposed residential activity is confined to the upper level of the subject building, and the wider industrial area has limited industrial productive capability. It also considers that the residential activity “would assist the applicant’s industrial activity on the ground floor of the building”, but concedes that any positive effect associated with this would not be significant. No details of the “limited industrial productive capability”, or how the residential activity would assist the ground floor industrial activity, are provided.

Planning Officer’s Assessment

- [52] There is nothing in the application to suggest that the proposal will support the purpose of the zone, or have a positive effect on the successful operation of surrounding industrial activities. Nonetheless, in the context of the residential activities already occurring within the zone, any effects, while not positive, are nonetheless considered to be no more than minor.

Accessibility / Safety and Efficiency of The Transport Network (Assessment Rules 19.12.2.1.j and 6.13.2.1)

- [53] Consideration is to be given to whether the proposed activity is accessible by a range of travel modes; and the safety and efficiency of the transport network will be maintained.

Application

- [54] In terms of accessibility, Mr Anderson has advised observed that the subject site is close to the CBD and associated bus routes; and that access to the CBD is largely flat. As such, he concludes that the availability of a range of travel modes, including bus, walking and biking are “highly likely”.
- [55] He anticipates that the workers residing in the proposed accommodation will be working on the new hospital building site, and that this is within easy walking distance.
- [56] He considers that parking demand generated by the proposal will be very low because:
- Out of town workers are unlikely to have a vehicle in Dunedin (flying in and out of the city)
 - The proximity of the CBD / new hospital construction site means commuter vehicles will be unnecessary.
 - The proposal is limited to eight bedrooms.

- [57] He offers a condition of consent requiring provision of a secure bike storage area, should this be required.
- [58] Overall, he concludes that the proposal will be beneficial, in terms of the safety and efficiency of the transport network.

Advice from DCC Transport Planner / Engineer

- [59] The application was referred to the DCC Transport Department for assessment. The transport planner / engineer, Mr Reese Martin, has advised

Overall, the proposal is unlikely to result in any major transport related concerns... It is understood that the ground floor of the existing building and the two associated existing vehicle entrances will continue to be utilised as an industrial activity while the upper floor is proposed to be utilised for short-term worker accommodation and no on-site car parking or vehicle access provision will be provided for the residential activity.

Obviously the 2GP no longer requires minimum car parking requirements, the site is located in close proximity and within short walking distance to the CBD and public transport routes, the scale of the short-term accommodation activity will be limited (8 bedrooms), and it is unclear/difficult to determine how short-term workers will seek/choose to access the site. While on-street car parking demand appears to be relatively high and well utilised along MacLaggan Street based on recent Google Street View, on balance the proposal is likely to only have negligible effect on on-street car parking availability.

- [60] Mr Martin acknowledges the applicant's offer of a condition requiring a secure bike storage area, and supports this.
- [61] The full text of Mr Martin's advice is contained in Appendix 2.

Planning Officer's Assessment

- [62] Noting that the applicant has offered a consent condition regarding provision of a bike storage area; and that Mr Martin has supported this, a condition to this effect is recommended, and is included in Appendix 3.
- [63] No evidence has been provided to corroborate the applicant's assertion that residents are unlikely to have their own vehicles, and that there will be no impact of parking demand. Nonetheless, Mr Martin has not raised any particular concerns in this regard. As he notes, the subject site is within short walking distance of the CBD and public transport routes. In this regard, it is accepted that the residential activity will be accessible by a range of travel modes.
- [64] Taking Mr Martin's advice into account, and in the context of the surrounding industrial and residential activities, the proximity of the CBD, and the use of MacLaggan Street for commuter parking, any effects on the safety and efficiency of the transport network arising from the proposed residential activity are anticipated to be no more than minor.

Other Effects – On-site Amenity for Residents

- [65] Residential activity is a non-complying activity and not anticipated in the industrial zone. Consequently, there are no performance standards or assessment guidance relating to residential amenity for this zone. Nonetheless, it is appropriate to consider residential amenity, and how the amenity needs of the proposed residents will be met.

Application

- [66] The applicant has indicated that the proposed residential activity is for worker accommodation, which will effectively function as temporary housing for people working in Dunedin, but for whom Dunedin is not their usual place of residence. It suggests that such workers usually work longer than normal hours per day, and potentially leave town when not rostered on for work. Therefore, it anticipates that residents will have limited spare time within the accommodation and that the need for residential amenity is reduced.
- [67] The application observes that “...the town belt is only 400m (approx.) to the west and Queens Gardens is 550m (approx.) to the east.”
- [68] Following a meeting with Council staff, the applicant provided updated plans that include two Juliet balconies and a skylight in the living area; and suggested that these would “...provide an increased sense of connection with the outside, as well as additional sun and fresh air opportunities.”

Planning Officer’s Assessment

- [69] There is some emphasis in the application on the proposal being for temporary worker accommodation; and therefore that reduced levels of amenity are acceptable. Ensuring the premises are used for temporary worker accommodation on an ongoing basis is problematic because the 2GP provides no separate category for temporary residential accommodation. The closest equivalent is probably “Visitor Accommodation”, which is a commercial activity, and defined thus:

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. ...²

- [70] The inclusion of a consent condition to require that the premises are only used for temporary worker accommodation is not recommended because this would put the onus on the Council to monitor the use of the accommodation on an ongoing basis, to ensure that it is not being used as standard residential accommodation. The amenity needs of residents require consideration, regardless of the length of time they might spend in the accommodation.
- [71] Nor is it considered necessary to require that the residential activity be “managed” accommodation, because whether the accommodation is temporary or permanent, managed or not, has little bearing on the level of amenity provided (or any other effects arising from a new residential activity in this industrial zone).
- [72] In the residential zones, where outdoor living space requirements are not met, the 2GP indicates that potentially mitigating factors could be the availability of public green space within short

² The application has not sought consent for visitor accommodation, which is also a non-complying activity in the industrial zones in any case (see 2GP Rule 19.3.3.18).

walking distance, or Juliet balconies with glass doors that can be opened to create an opening greater than 1m wide and allow direct sunlight into the principal living area (see 2GP Residential Section Rule 15.10.3.10).

- [73] If the proposed residential activity is considered in this context, its proximity to public green space is arguable, depending on one's thoughts about the recreational opportunities presented by the shady and secluded recesses of the Town Belt, and the Queens Gardens, which are surrounded on three sides by busy state highways.
- [74] The Juliet balconies and skylight that have been added to the proposal are an improvement on what was originally proposed (no outdoor living space or deck areas), in terms of providing a connection with the outdoors, but the access to sunlight they will bring should not be overstated, given the shady location of the subject site.
- [75] Overall, it is considered that the level of residential amenity available to residents, be they temporary or permanent, will be low. This is of concern, but comparable to the level of amenity available to some other residential residential properties in this zone (66A-K MacLaggan Street in particular).

Effects Assessment Conclusion

- [76] The above effects assessment has found that, subject to conditions:
- the potential for issues of **reverse sensitivity** to arise within this particular industrial zone are not considered to be significant; and adverse effects on the **health and safety** of residents will be managed so as to be no more than minor.
 - the proposal will not **support the purpose of the zone**, or have a positive effect on **the successful operation of surrounding industrial activities**, but, any effects, while not positive, will be no more than minor.
 - the residential activity will be **accessible by a range of travel modes**, and effects on the **safety and efficiency of the transport network** arising from the proposed residential activity are anticipated to be no more than minor.
 - the level of **residential amenity available to residents** will be low, but comparable with that available to some other residential residential properties in this zone.
- [77] Overall, and in the context of this particular industrial zone where approximately 28% of the geographical area of the zone is currently utilised for residential activity, the effects of the proposed establishment of residential activity within the upper storey of the existing building on the subject site can be mitigated by conditions of consent so as to be **no more than minor**.

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

- [78] Consideration is required of the matters set out within the NES-CS.

The Application

- [79] The application advises that the HAIL activities that have occurred within the site are Brown and Cope leaf spring manufacturers in the 1950s), the presence of a 1,300 litre fuel tank from the 2000s, and use as a motor vehicle workshop. It notes that building plans from 1953 for Brown and Cope shows the upper level being in an office format.

- [80] It suggests that these activities are such that it is practical to conclude that the HAIL activities would have been confined to the ground floor, particularly as there is no vehicle access to the upper level.
- [81] It speculates that the presence of airborne contaminants is highly unlikely, and that any risks to future residents will be mitigated via the extensive renovation that is required for the upper level of the building. It considers that the proposal does not increase any risk associated with the HAIL activities that have occurred on the site, because:
- The residential activity is on the upper level of the building
 - Future residents are not anticipated to be long term or permanent residents at the site.
 - The site has no easily accessible outdoor space, and future residents will not have access to an outdoor area nor a garden area.

Advice from Contaminated Land Assessment Practitioner

- [82] The application was referred to the DCC's consultant environment assessment practitioner, Ms Ilze Rautenbach. She has advised:

It is uncertain the exact state of the inside of building except that it's in poor condition (no photos included). Due to the building being constructed before the 1920s, it is likely to have asbestos present.

*Therefore, there may be a potential risk to construction workers during the repairs. It is recommended that an **asbestos specialist inspect** the building prior to any repairs as well as inspect the potential risk to human health in relation to potential airborne contaminants.*

If unexpected waste materials, or other visual or olfactory indicators of potential contamination, or anomalous ground conditions are observed during the repair works, a Contaminated Land Advisor must be consulted, and further analysis may be required.

The application further indicates that the entire upper level will be fitout / repaired, with the temporary worker accommodation to be managed by a third party.

*Due to a combination of the existing structure and the site being associated with past HAIL activities, **no outdoor space and/or garden areas** is to be provided – which must be included as part of the third-party management conditions.*

Requirement for a Preliminary and/or Detailed Site Investigation

- [83] Ms Rautenbach has recommended that further investigations be undertaken; and that any necessary measures to avoid potential risk to workers during the repair/renovation work be implemented, but has not indicated that provision of a PSI or a DSI is necessary.

Suitability of the Land for the Proposed Activity

- [84] Ms Rautenbach has not raised any concerns in respect of the proposed change in land use to residential activity. With the measures discussed in paragraphs 85 to 87 below in place, it is considered that any risks to human health arising from the change in land use will be managed appropriately.

Approach to the Remediation or Ongoing Management of the Land

- [85] If the investigations recommended by Ms Rautenbach indicate that remediation is required, it is recommended that the remediation be managed under a Remedial Action Plan ("RAP") and Contaminated Site Management Plan (CSMP), which will set out measures to protect workers from contaminated materials, and ensure the effects of contamination are managed appropriately.

Adequacy of or Need for the Site Management Plan and/or Site Validation Report

- [86] For completeness, if remediation has been required, provision of a Site Validation Report is considered appropriate, to confirm that any necessary works have been undertaken.

Transport, Disposal and Tracking of Soil and Other Materials

- [87] Implementation of a CSMP, together with the inclusion of standard conditions relating to the transport, disposal and tracking of contaminated materials, will ensure that these matters are managed appropriately.

Requirement for and Conditions of a Financial Bond

- [88] A financial bond is not considered necessary. The Council's standard monitoring and enforcement procedures are considered adequate to ensure compliance with the requirements set out in the consent conditions. Should the consent holder wish to defer implementation of any of these requirements, this can be considered through a Section 127 consent variation process.

Review of Consent Conditions

- [89] As discussed above, it is recommended that a site validation report be required by condition of consent, and no additional review conditions are considered necessary. The consent conditions will be reviewed and monitored by the Council's Monitoring and Compliance Team as the works progress.

NES-CS Conclusion

- [90] On the basis of Ms Rautenbach's advice, it is recommended that consent conditions be included that reflect the matters discussed above, to ensure that any risk to human health from any contaminated materials or substances that might be present on the site are adequately managed. Conditions to this effect are included in Appendix 3.

NOTIFICATION ASSESSMENT

Public Notification

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

Step 1: Mandatory public notification in certain circumstances

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

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

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

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

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

Step 4: Public notification in special circumstances

- There are no special circumstances that warrant the application being publicly notified. There is nothing exceptional or unusual about the application that makes public notification desirable.

Limited Notification

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

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

- The activity is not in a protected customary rights area; the activity is not an accommodated activity in a customary marine title area; and, the activity is not on or adjacent to, or might affect, land that is the subject of a statutory acknowledgement.

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

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

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

- The application does not involve a boundary activity.
- There are no persons where the activity's adverse effects on the person are minor or more than minor (but are not less than minor).
- Step 3 does not apply because limited notification is precluded under Step 2.

Step 4: Further notification in special circumstances

- There are no special circumstances that warrant the application being limited notified. There is nothing exceptional or unusual about the application that makes limited notification to any other persons desirable.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

- [91] Section 104(1)(ab) of the Resource Management Act 1991 requires that the Council have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

- [92] In this case, no offsetting or compensation measures have been proposed or agreed to by the applicant.

OBJECTIVES AND POLICIES ASSESSMENT

Assessment of Objectives and Policies of the District Plan (Section 104(1)(b)(vi))

- [93] The 2GP was made partially operative on 19 August 2024. No consideration of the objectives and policies of the District Plan 2006 is required, unless the proposal relates to the specific provisions and identified areas of the 2GP that remain subject to an appeal. In this instance, none of the appeals are relevant to this application.
- [94] In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the 2GP were taken into account when assessing the application. These are discussed below:

Transportation Section

Objective/Policy	Assessment
Objective 6.2.2: <i>Land use activities are accessible by a range of travel modes.</i> Policy 6.2.2.1: <i>Require land use activities whose mobility parking demand either cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities, to provide mobility parking either on or near the site at an amount that is adequate to:</i> a. <i>avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the availability of publicly available mobility parking in the vicinity of the site (including on-street parking and off-street facilities); and</i> b. <i>ensure accessibility for residents, visitors, customers, staff and students (as relevant) who have limited mobility, including disabled people, the elderly and people travelling with young children.</i>	The application suggests that the location of the site in proximity to the CBD and bus routes is such that travel modes such as bussing, walking and cycling are “highly likely; and that parking demand will be very low. <i>Planning Officer’s Assessment</i> The proposed residential activity will be accessible by a range of travel modes, and is consistent with Objective 6.2.2. No parking or mobility parking is proposed, and nor are any other measures to ensure accessibility for residents with limited mobility discussed in the application. However, mobility parking is only required where parking spaces are being provided. In this instance, no on-site parking is being provided. Therefore, the proposal is considered to be neither consistent nor inconsistent with Policy 6.2.2.1.
Objective 6.2.3: <i>Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.</i> Policy 6.2.3.4: <i>Require land use activities to ensure that any overspill parking effects that could adversely affect the safety and</i>	The application suggests that the proposal will be beneficial in terms of the safety and efficiency of the transport network. <i>Planning Officer’s Assessment</i> Mr Martin considers that the proposal will have a “negligible effect” on parking availability, and has not raised any

Objective/Policy	Assessment
<i>efficiency of the transport network are avoided, or if avoidance is not practicable, adequately mitigated.</i> Policy 6.2.3.9: <i>Only allow land use and development activities or subdivision activities that may lead to land use or development activities, where:</i> a. <i>adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated; and</i> b. <i>any associated changes to the transportation network will be affordable to the public in the long term.</i>	concerns in terms of the safety and efficiency of the transport network. On the basis of his advice, it is considered that the safety and efficiency of the transport network will be maintained. Accordingly, the proposal is consistent with this objective and these policies.

Public Health and Safety Section

Objective/Policy	Assessment
Objective 9.2.2: <i>Land use, development and subdivision activities maintain or enhance people's health and safety.</i> Policy 9.2.2.1: <i>Require activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant.</i> Policy 9.2.2.2: <i>Require that noise sensitive activities, where undertaken in buildings, have adequate acoustic insulation to avoid, as far as practicable, significant adverse effects from the higher noise environment anticipated in the following areas:</i> ... f. <i>within 20m of an industrial zone;</i> ... Policy 9.2.2.4: <i>Require activities to be designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant.</i> Policy 9.2.2.14: <i>Activities on land that has a history of land use that may have</i>	The application does not address this objective or these policies. <i>Planning Officer's Assessment</i> It is not expected that the proposed activity will result in adverse noise or light spill effects. Consent conditions relating to acoustic insulation, mechanical ventilation and a covenant to hold 36 and 38 MacLaggan Street in common ownership are recommended. Consent conditions to manage on-site contaminants and potential adverse effects on human health are recommended. With these measures in place, the proposal is considered to be consistent with this objective and these policies.

Objective/Policy	Assessment
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.	

Strategic Directions and Industrial Zone Sections

Objective/Policy	Assessment
Strategic Direction 2.3.1: <i>Land, facilities and infrastructure that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities, and productive rural land:</i> <i>are protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and</i> <i>in the case of facilities and infrastructure, are able to be operated, maintained, upgraded and, where appropriate, developed efficiently and effectively.</i> Policy 2.3.1.4: <i>Identify land strategically important for industrial activities, including near the Harbour and key transport routes, and use industrial zoning and rules to protect industrial activities from incompatible or competing land uses in these areas, in particular retail (other than yard-based retail) and residential activities.</i> Objective 19.2.1: <i>The industrial zones enable and protect industrial and port activities by:</i>	The application observes that the application is only associated with the upper level of the subject building, which, it suggests, has limited industrial productive capability. It finds that the proposal is not an incompatible land use, and will not give rise to issues of reverse sensitivity, but concedes that any positive effect on the operation of surrounding industrial activities “would not be described as significant”. It concludes that the proposal is consistent with Objective 19.2.1 and Policy 19.2.1.10 in respect of the potential for reverse sensitivity, but concedes that it is contrary to Policy 19.2.1.3. <i>Planning Officer’s Assessment</i> In terms of the protection of industrial areas from incompatible uses or activities that may give rise to issues of reverse sensitivity (Strategic Direction 2.3.1, Policy 2.3.1.4, Objective 19.2.1 and Policy 19.2.10), as discussed in the effects assessment above, there are already a significant number of residential properties in this industrial zone. In the context of this environment, the operation of surrounding industrial activities is not expected to be constrained or compromised by the

Objective/Policy	Assessment
a. <i>only providing for a very limited range of specified non-industrial or non-port activities; and</i> b. <i>ensuring the potential for reverse sensitivity is insignificant.</i> Policy 19.2.1.3: <i>Avoid the establishment of non-industrial or non-port activities, other than those expressly provided for in the industrial zones, unless they would have significant positive effects on the successful operation of surrounding industrial or port activities.</i> Policy 19.2.1.10: <i>Only allow industrial ancillary tourism and activities other than industrial activities in the industrial zones where the potential for reverse sensitivity is insignificant.</i>	conversion of the upper storey of the subject building to residential use. Nor is the potential for issues of reverse sensitivity to arise considered to be significant. The proposal is therefore considered to be not inconsistent with this Strategic Direction, Objective and these policies. With regard to avoiding the establishment of non-industrial activities in the industrial zone (Policy 19.2.1.3), the proposal has not been found to have “significant positive effects” on the successful operation of surrounding industrial activities. In the absence of such positive effects, the proposal is found to be contrary to this “avoid” policy.
<u>Strategic Direction 2.3.2</u> and Policy 2.3.2.2 <u>Strategic Direction 2.4.3</u> and Policy 2.4.3.4	These Strategic Directions and Policies, while referenced in 2GP Assessment Rule 19.12.2.1 (assessment of non-complying land use activities) relate primarily to restricting retail and office activities outside of the CBD and Centres zones. As such, they are not considered relevant to this proposal, and no assessment of them has been undertaken.

Overall Objectives and Policies Assessment

- [95] The above assessment has found that the proposal is generally **consistent** with the objectives and policies of the Transportation and Public Health and Safety Sections.
- [96] The key objectives and policies however are those set out in the Strategic Directions and Industrial Zones Sections. The proposal has been found to be **not inconsistent** with most of these, but **contrary** to “avoid” policy 19.2.1.3. While there is some softening of this policy for proposals that are found to have significant positive effects on the operation of surrounding industrial activities, this proposal does not meet this proviso. This, together with the absence of a strong consistency with the other relevant Industrial Zone objectives and policies, is such that I consider substantial weight must be given to Policy 19.2.1.3. Therefore, the proposal is considered to be **contrary** to the 2GP framework.

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

- [97] In accordance with Section 104(1)(b) of the Resource Management Act 1991, the provisions of the NES-CS were taken into account when assessing the application. The proposal is considered to be consistent with the policy objective of the NES-CS.

OTHER MATTERS

- [98] 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 to be potentially relevant here. These issues have been addressed by the Environment Court, starting with *Russell v Dunedin City Council* C092/03, where the case law 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.
- [99] However, subsequent case law indicates that the importance of plan integrity and precedent will vary, depending on things such as the nature of the district plan itself, and the local environment in which an activity is proposed (refer *Dye v Auckland Regional Council*, CA86/01).
- [100] In this case, the proposal is non-complying because the 2GP identifies residential activities as a non-complying activity in the Industrial Zones. Nonetheless, in the context of this particular industrial zone where approximately 28% of the geographical area of the zone is currently utilised for residential activity, it is not considered that approval of the proposed establishment of residential activity within the upper storey of an existing building will fundamentally undermine the integrity of the 2GP.

DECISION MAKING FRAMEWORK

Section 104D

- [101] Section 104D of the Act specifies that a resource consent for a non-complying activity must not be granted unless the proposal can meet one of two limbs. The limbs of Section 104D require either that the adverse effects on the environment will be no more than minor, or that the application is for an activity which will not be contrary to the objectives and policies of either the relevant plan or proposed plan.
- [102] As discussed above in the assessment of effects, overall I consider that the actual and potential effects associated with the proposal will be able to be mitigated by imposing consent conditions so as to be **no more than minor** and therefore the first limb of Section 104D is met.
- [103] In order for a proposal to fail the second test of Section 104D, it needs to be contrary to the objectives and policies of the plan. In order to be deemed contrary, an application needs to be repugnant to the intent of the District Plan and abhorrent to the values of the zone in which the activity was to be established. It is noted that in this instance, the proposal is assessed as being **contrary to** the 2GP policy framework. The proposed subdivision therefore fails the second limb of Section 104D.
- [104] However, only one of the two tests outlined by Section 104D need be met in order for Council to be able to assess the application under Section 104 of the Act, and therefore it is appropriate for the Committee to undertake a full assessment of the application in accordance with Section 104 of the Act; and to consider granting the consent.

Part 2 Matters

[105] There is no invalidity, incomplete coverage or uncertainty within the 2GP. As a result, there is no need for an assessment in terms of Part 2 of the Resource Management Act 1991.

CONCLUSION

[106] Having regard to the above assessment, I recommend that the application be granted subject to conditions.

RECOMMENDATION

1. *This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.*
2. *Pursuant to Part 2 and sections 34A(1), 104, 104B and 104D of the Resource Management Act 1991, and the provisions of the Partially Operative Dunedin City Second Generation District Plan 2024, the Dunedin City Council **grants** consent to a **non-complying activity**, being the establishment of residential activity in an industrial zone, on land that is subject to the NES-CS, at 36 MacLaggan Street, Dunedin, legally described as as Deposited Plan 3225, held in Record of Title OT200/279, subject to the conditions imposed under Section 108 of the Act, as shown in Appendix 3.*

Report prepared by:



Karen Bain
Associate Senior Planner

Date: 22 May 2025

Report checked by:



Jane O'Dea
Associate Senior Planner

Date: 22 May 2025

APPENDIX 1:

Application



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We

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

Land Use Consent Subdivision Consent

I opt out of the fast-track consent process: Yes No

(only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity:

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

Site location/description

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

Street address of site:

Legal description:

Certificate of Title:

Contact details

Name: (applicant agent (tick one))

Address:

Postcode:

Phone (daytime):

Email:

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

I wish the following to be used as the address for service (tick one): Email Post Other:

Ownership of the site

Who is the current owner of the site?

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

Address:

Postcode:

Phone (daytime):

Email:

Planning Application Fees Payment Details (Who are we invoicing)

THIS FORM MUST BE COMPLETED FOR ALL PLANNING APPLICATIONS THAT ATTRACT A FEE. ALL FIELDS ARE MANDATORY.

This information is required to assist us to process resource consent invoices and refunds at lodgement and the end of the process. If you have any queries about completing this form, please email planning@dcc.govt.nz

Deposit Payment Payee Details:

Full Name of Deposit Payee (Person or Company):

Mailing Address of Deposit Payee (please provide PO Box number where available):

Email Address of Deposit Payee:

Daytime contact phone number:

Important Note: The Payee will automatically be invoiced for the deposit and/or any additional costs. Should a portion of the deposit be unspent, it will be refunded to the payee.

Fees

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

Development contributions

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

Occupation of the site

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

Monitoring of your Resource Consent

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

(month and year)

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

Detailed description of proposed activity

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

Description of site and existing activity

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

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site?

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

Breaches of district plan rules

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

Affected persons' approvals

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

Name:

Address:

Name:

Address:

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

Assessment of Effects on Environment (AEE)

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

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

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have been applied for: Yes No

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

Assessment of Objectives and Policies

In this Section you need to consider and assess how your application proposal aligns with the relevant objectives and policies in the District Plan relating to your activity. If your proposal is a discretionary or non-complying activity under the District Plan more attention to the assessment will be necessary as the objectives and policies of the District Plan may not always be in support of the proposed activity.

Declaration

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

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

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

Signature of: Applicant Agent (tick one): 

Date:

Privacy – Local Government Official Information and Meetings Act 1987

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

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

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

What happens when further information is required?

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

Further assistance

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

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

City Planning Staff can be contacted as follows:

IN WRITING: Dunedin City Council, PO Box 5045, Dunedin 9054

IN PERSON: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon

BY PHONE: (03) 477 4000

BY EMAIL: planning@dcc.govt.nz

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

Information requirements

- Completed and Signed Application Form
- Description of Activity and Assessment of Effects
- Site Plan, Floor Plan and Elevations (where relevant)
- Written Approvals
- Payee details
- Application fee (cash, eftpos, direct credit or credit card (surcharge may apply))
- Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- Forms and plans and any other relevant documentation signed and dated by Affected Persons

In addition, subdivision applications also need the following information:

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

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

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information)?

Yes

No

Application:

Received

Rejected

Received by:

Counter

Post

Courier

Other:

Comments:

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

Planning Officer:

Date:

Approved by Registrar-General of Land under No. 2002/6055

Easement instrument to grant easement or *profit à prendre*, or create land covenant

Sections 90A and 90F, Land Transfer Act 1952

Land registration district

OTAGO

**EI 7354997.1 Easement I**

Cpy - 01/03, Pgs - 007, 04/06/07, 11:23



DocID: 110866082

Grantor

Surname(s) must be

MCLAGGAN PARKING LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

BROWN & COPE PROPERTIES LIMITED

Grant* of easement or *profit à prendre* or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) 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, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 24th day of April 2007**Attestation**

 Director Director	Signed in my presence by the Grantor Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name J M VAN BOLDEREN Occupation SOLICITOR. Address DUNEDIN
Signature [common seal] of Grantor	
 Director Director	Signed in my presence by the Grantee by its Directors Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name J M VAN BOLDEREN Occupation SOLICITOR Address DUNEDIN
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.

 [Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2002/6055

Annexure Schedule 1

Easement instrument

Dated

24 APRIL 2007

Page

1

of

2

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Land Covenant	part Section 14 Block IX Town of Dunedin in OT129/15 part Section 15 Block IX Town of Dunedin in OT129/54 part Section 13 Block IX Town of Dunedin in OT200/280 Lot 23 DP 76 Fol 6 Lot 22 DP 76 Fol 6	OT129/15 OT129/54 OT200/280 OT13D/1054 OT13D/1055	OT129/14 OT200/279

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 specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

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

~~Memorandum number _____, registered under section 155A of the Land Transfer Act 1952.~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~Memorandum number _____, registered under section 155A of the Land Transfer Act 1952.~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule

Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated 24 APRIL 2007

Page 2 of 2 Pages

(Continue in additional Annexure Schedule, if required.)

Continuation of "Covenant Provisions"

The registered proprietor of the servient tenement hereby covenants with the registered proprietor of the dominant tenement that the registered proprietor of the servient tenement or his transferees, assigns and successors in title will not make nor permit any occupier of the land in the servient tenement to make any claim, action, environment complaint or lodge any abatement notice upon the registered proprietor of the dominant tenement or any occupier of the dominant tenement in respect of any current industrial or other activity or any existing use rights of the dominant owner currently used.

If the registered proprietor or occupier of servient tenement should make any claim, action, environment complaint or lodge any abatement notice upon the registered proprietor or occupier of the dominant tenement and the registered proprietor or occupier is required to undertake any works or required to stop any operations on the dominant tenement then the registered proprietor or occupier of servient tenement shall pay all costs associated therewith.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

REF: 7025 - AUCKLAND DISTRICT LAW SOCIETY

ANZ NATIONAL BANK LIMITED

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **Chandra Rekha Prasad** Manager Lending Services of Auckland in New Zealand, certify that:

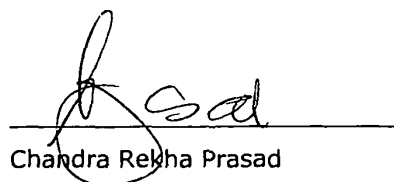
1. By Deed dated 28 June 1996 deposited in the Land Registry Offices situated at:

Auckland	as No.	D.016180	Hokitika	as No.	105147
Blenheim	as No.	186002	Invercargill	as No.	242542.1
Christchurch	as No.	A.256503.1	Napier	as No.	644654.1
Dunedin	as No.	911369	Nelson	as No.	359781
Gisborne	as No.	G.210991	New Plymouth	as No.	433509
Hamilton	as No.	B.355185	Wellington	as No.	B.530013.1

The National Bank of New Zealand Limited appointed me its attorney with the powers and authorities specified in that Deed.

2. On 26 June 2004 The National Bank of New Zealand Limited was amalgamated with ANZ Banking Group (New Zealand) Limited to become ANZ National Bank Limited and the rights, powers and property covered by the Deed have become the rights, powers and property of ANZ National Bank Limited (as the amalgamated company) under Part XIII of the Companies Act 1993.
3. On 18 August 2006 Arawata Investments Limited and Philodendron Investments Limited (**Amalgamating Companies**) among other companies, amalgamated with ANZ National Bank Limited to become ANZ National Bank Limited. Accordingly, on that date ANZ National Bank Limited (as the amalgamated company) succeeded to all the property, rights, powers, privileges, liabilities and obligations of each of the Amalgamating Companies under Part XIII of the Companies Act 1993.
4. At the date of this certificate, I am a Manager Lending Services, Auckland Lending Services Centre of The National Bank of New Zealand, part of the ANZ National Bank Limited.
5. At the date of this certificate, I have not received any notice of the revocation of that appointment by the winding-up or dissolution of the ANZ National Bank Limited or otherwise.

SIGNED by the abovenamed)
 Attorney at Auckland on this)
 1st day of May 2007)


 Chandra Rekha Prasad

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)

Insert type of instrument
"Caveat", "Mortgage" etc**Easement**Page **1** of **1** pages**Consentor**Surname must be underlined or in CAPITALS**Capacity and Interest of Consentor**

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

ANZ NATIONAL BANK LIMITED**Mortgagee under Mortgage No. 6817153.2****Consent**

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~[section 238(2) of the Land Transfer Act 1952]~~~~[section _____ of the _____ Act _____]~~~~[Without prejudice to the rights and powers existing under the interest of the Consentor]~~the Consentor hereby consents to:
the within restrictive covenant**This consent is given without
prejudice to the mortgagee's
rights powers and remedies
under the said Mortgage**

Dated this 1ST day of May 2007**Attestation**

 ANZ National Bank Limited by its Attorney Chandra Rekha Prasad	Signed in my presence by the Consentor	
	 Signature of Witness	
	Witness to complete in BLOCK letters (unless legibly printed)	
	Witness name	Oli Niulesa
	Occupation	Bank Officer Auckland
	Address	
Signature of Consentor		

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

Landonline User ID: jvanboldere001

LODGING FIRM: Wilkinson Adams

Address: P O Box 803

Dunedin

Uplifting Box Number: 50

ASSOCIATED FIRM:

Client Code / Ref: 913896.6

Dealing / SUD Number:
(LINZ Use only)Priority Barcode/Date Stamp
(LINZ use only)HEREWITH
Survey Plan (#)

Title Plan (#)

Traverse Sheets (#)

Field Notes (#)

Calc Sheets (#)

Survey Report

Plan Number Pre-Allocated or
to be Deposited:

Rejected Dealing Number:

FOR DEPOSIT ONLY
04/05/2007 10:33
CHECK
000000#0494 0001
\$62.00

Other (state)

Priority Order	CT Ref	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
1	See Schedule	EI	McLaggan Parking Ltd to Brown & Cope Properties Ltd	50.00	6	\$12					\$62.00
2											
3											
4											
5											
6											

Land Information New Zealand Lodgement Form

Annotations (LINZ use only)

Original Signatures?

KB415/07

Fees Receipt and Tax Invoice

GST Registered Number 17-022-895

LINZ Form P005

LINZ Form P005 - PDF

Less Fees paid on Dealing #

Subtotal (for this page) \$62.00
Total for this dealing \$62.00

Cash/Cheque enclosed for \$62.00

TITLE SCHEDULE

Landonline User ID: ivanboldere001

LODGING FIRM: Wilkinson Adams

Client Code / Ref: 913896.6

Line Number	CT Ref:	Line Number	CT Ref:	Line Number	CT Ref:	Line Number	CT Ref:
1	OT129/14 OT129/15 OT129/54 OT200/279 OT200/280 OT13D/1054 OT13D/1055	5		9		13	
2		6		10		14	
3		7		11		15	
4		8		12		16	
				</			

RESOURCE CONSENT APPLICATION
(Residential Activity – in the form of ‘worker accommodation’)

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

**Application
by
Rayners 2019 Limited
at
36 MacLaggan Street, Dunedin**

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

Ref:\3071

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AUTHOR:

1. My name is Conrad Anderson and I am a director of Anderson & Co (Otago) Limited.
2. I hold a Masters in Planning from the University of Otago. I have over 10 years of professional experience in planning, and I am a member of the New Zealand Planning Institute.
3. I completed this Assessment of Environmental Effects (AEE).

SUMMARY:

4. The subject site (36 MacLaggan Street) contains a two level industrial building, and to the west is a single level industrial building (38 MacLaggan Street). The Applicant has a conditional purchase agreement for both sites.
5. Behind the site is residential activity, and to the east is a non-industrial building (most recently used for office activity), with additional residential activity further east. Across MacLaggan Street is car parking.



6. While this application is only associated with 36 MacLaggan Street, the anticipated common ownership with 38 MacLaggan Street assists in terms of effects to third parties.
7. The proposal seeks to establish a limited quantum of 'worker accommodation' (i.e. a form of residential activity') in the upper level of 36 MacLaggan Street.
8. Resource consent is required due to:
 - a. Land Use Activity Status / Performance Standards:
 - i. Residential activity
 - b. Development Activities Status / Performance Standards:
 - i. n/a
 - c. Subdivision:
 - i. n/a
 - d. Hazards:
 - i. n/a
 - e. Earthworks
 - i. n/a
 - f. HAIL
 - i. New activity
9. Overall, the proposal is a **non-complying** activity.

DESCRIPTION OF THE SITE AND LOCATION

10. The subject area is located within a mixed use environment.
11. The site is held in OT200/279 (PT SEC 13 BLK IX DP 3225 TN OF DUNEDIN), being 374m². Copy of title attached.
12. The subject building has two levels, with the upper level having limited industrial use. Further, the building is in generally poor condition, with some remaining heritage items on the street facade.
13. The subject area and immediate surrounds includes:
 - Industrial activity to the west – it is anticipated that site is to be owned by the Applicant.
 - Residential activity to the north.
 - Non-industrial activity to the east, after which is residential activity.
 - Across MacLaggan Street is a car park.
14. In terms of the industrial land on the opposite side of MacLaggan Street, it is noted that all those sites back onto the densely populated Inner City Residential land that fronts High Street.
15. The Applicant has a conditional purchase agreement for the subject site (and the adjacent property). The Applicants address for the purposes of this resource consent application is c/- Anderson & Co, PO Box 5933, Dunedin 9058.
16. The site owner is Anvil Buildings Limited, and their address is c/- 37 Newport Street, Belleknowes, Dunedin, 9011.

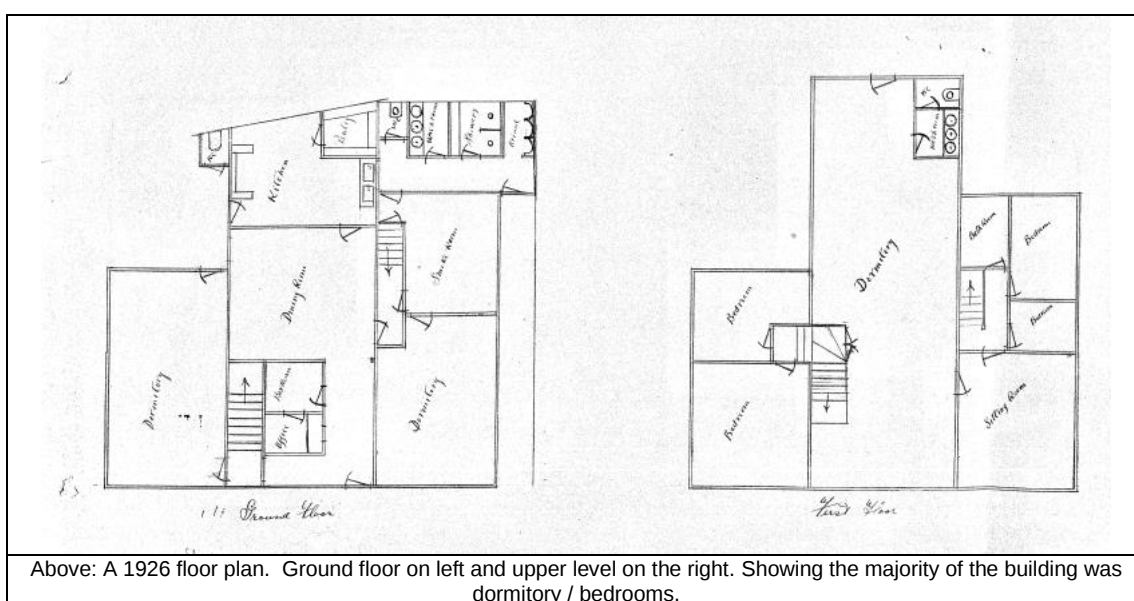
DESCRIPTION OF THE PROPOSAL:

17. This application relates to the upper level of the existing building at 36 MacLaggan Street, with the proposed activity being 'worker accommodation'.
18. In term of the most suitable activity definition, Standard Residential is considered the most appropriate, as that definition requires a domestic scale, and includes short-term house rentals, boarding houses and supported living accommodation (with 10 or fewer residents).
19. The proposed worker accommodation will provide temporary housing for people working in Dunedin, but for whom Dunedin is not their usual / permanent place of residence. This will be beneficial to the Applicant and also to third parties, such as those associated with the construction of the new Dunedin Hospital.
20. The proposed worker accommodation is to consist of:
 - External access via the existing stairs.
 - Eight bedrooms, each for the use by one person.
 - Shared common areas including storage lockers, kitchen and living areas, along with bathrooms. All as generally shown in the attached floor plan.
 - Due to a combination of the existing structure and the site being associated with a past HAIL activity, no outdoor space is to be provided.
21. The Applicant is anticipating using the ground level of the subject building for their own industrial purposes, along with a limited need for some of the proposed worker accommodation (on the first level). Given the existing poor state of the building, a limited fitout of the upper level is uneconomic/impractical. Hence, the proposal envisages the fitout of the entire upper level (maximum 8 bedrooms), with the accommodation managed by a third party (such as recruitment agency who specialises in recruitment for the industrial sector).

22. The Applicant is offering the following conditions:
- The accommodation will be a managed facility.
 - A condition of consent could be the annual review of the activity to ensure appropriate management.
 - No outdoor space and/or garden area is to be established on site.
23. In addition to the necessary building repairs/fitout, it is anticipated the proposal will allow for the enhancement of the heritage frontage.

RELEVANT SITE HISTORY / BACKGROUND TO THE APPLICATION

24. In the 1920s and 1930s the building was used for a form of residential activity, being a Mens Shelter, which was run/managed by the Salvation Army. The diagram below is dated 1926 and shows:
- Ground floor: Consisting of 2 dormitory rooms, a dining room, a smoke room, kitchen and laundry facilities.
 - Upper level: Consisting of 4 bedrooms, a dormitory room, a sitting room and a bathroom.



Above: A 1926 floor plan. Ground floor on left and upper level on the right. Showing the majority of the building was dormitory / bedrooms.

25. More recently the building has fallen into a poor state of repair.

ACTIVITY STATUS

26. From 19 August 2024 the Second Generation Dunedin City District Plan (the “2GP”) was made ‘partially operative’.
27. The parts of the 2GP which were not made operative from 19 August 2024, relate to a limited number of specific sites, none of which have relevance to this application.
28. Therefore for the purposes of this application, only the 2GP needs to be considered in determining the activity status and deciding what aspects of the activity require resource consent.
29. 2GP Plan Change 1 (PC1) was notified on 20 November 2024, and where appropriate any relevant PC1 matter will be discussed below.
30. To follow is consideration of the activity status under the 2GP, and the activity status applied by the National Environmental Standard is also considered.

Second Generation Dunedin City District Plan (the “2GP”)

31. The 2GP maps show the site as being zoned Industrial, with an Archaeological Alert Layer Mapped Area overlay.
32. The adjacent road is a Collector road.
33. In terms of the Land Use Activity Table, the relevant matters are:
 - Rule 19.3.3.1.a Acoustic insulation – which requires compliance with Rule 9.3.1. Compliance is anticipated.
 - Residential activity has a **non-complying** activity status (Rule 19.3.3.27), with no performance standards.
34. The development, subdivision, hazard and earthwork matters are not relevant.

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

35. The subject site is an un-investigated ‘Verified HAIL’ as per the ORC website, site reference HAIL00769.01.
36. The proposal does not include earthworks nor subdivision. However, it does include a change in activity i.e. the introduction of residential activity to the site, which would be considered a more sensitive activity than the existing activities.
37. This application is not supported by a PSI or a DSI, therefore the proposal is considered to be a **discretionary** activity pursuant to Regulation (11) of the NES-CS.
38. The proposal does not increase any risk associated with possible HAIL activities on the subject site, for the following reasons:
 - The residential activity is on the upper level.
 - Future occupiers of the ‘worker accommodation’ are not anticipated to be long term / permanent residents at the site.
 - The site currently has no easily accessible outdoor space. Hence the future residents will not have access to an outdoor area nor a garden area.

Overall Activity Status

39. Overall, the proposal is a **non-complying** activity.

NOTIFICATION

40. The matter of both public and limited notification are discussed below:

Public Notification (s95A)

41. In terms of 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.

Therefore Step 2 is to be considered.

42. In terms of 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.

Therefore Step 3 is to be considered.

43. In terms of 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.

Therefore, Step 4 is to be considered.

44. In terms of Step 4: Public notification in special circumstances

- There are no special circumstances that warrant the application being publicly notified. There is nothing exceptional or unusual about the application that makes public notification desirable.

Limited Notification (s95B)

45. In terms of Step 1: Certain affected groups and affected persons must be notified

- The activity is not in a protected customary rights area; the activity is not an accommodated activity in a customary marine title area; and, the activity is not on or adjacent to, or might affect, land that is the subject of a statutory acknowledgement.

Therefore, Step 2 is to be considered.

46. In terms of 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.

Therefore, Step 3 is to be considered.

47. In terms of 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).

Therefore, Step 4 is to be considered.

48. In terms of Step 4: Further notification in special circumstances

- There are no special circumstances that warrant the application being limited notified. There is nothing exceptional or unusual about the application that makes limited notification to any other persons desirable.

EFFECTS ON THE ENVIRONMENT

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

Permitted Baseline

50. Under Sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect. This is called the permitted baseline.

51. The permitted activities includes the majority of industrial activities, along with emergency services, yard based retail, service stations, restaurants and car parks.

Receiving Environment

52. 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.

53. The receiving environment includes the existing building, and surrounding mixed of activities.

Assessment of Effects

54. As discussed earlier in this AEE the reason for this resource consent application is that the proposed residential activity (worker accommodation) is a non-complying matter¹.

55. The relevant assessment matter is in Rule 19.12 and are reviewed below:

Standard	Details	Comment
19.12.2 Assessment of non-complying land use activities		
19.12.2.1 All non-complying land use activities...		
Relevant objectives and policies (priority considerations):		
19.12.2.1.a	The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to Objective 2.3.1.	Objective 2.2.1 – not relevant. Objective 2.2.2 – limited relevance, but the site location will assist in terms of 2.2.2.b. Objective 2.2.3 – not relevant. Objective 2.2.4 – limited relevance, but the sites location will assist in terms of not impacting urban expansion. Objective 2.2.5 – n/a Objective 2.2.6 – notwithstanding the past uses of the site, the proposal will not increase risk to peoples health. Objective 2.3.1 – limited relevance as the site/building would not be considered “important for economic productivity and social well-being” due to the current state of the building and the lack of recent use of the building. Matters of reverse sensitivity are mitigated via the surrounding mixed use and the adjacent industrial site being under common ownership. Objective 2.3.2 – not relevant. Objective 2.3.3 – not relevant. The Objectives within Sections 2.4, 2.5, 2.6 and 2.7 are generally not relevant.
19.12.2.1.b	Objective 2.3.2 and Policy 2.3.2.2	Not relevant.
19.12.2.1.c	Objective 2.4.3 and Policy 2.4.3.4.	Not relevant.

¹ Along with the HAIL matter.

19.12.2.1.d	The activity supports the purpose of the zone as outlined in (objectives 2.3.1 and 19.2.1).	Objective 2.3.1 seeks to protect “land, facilities and infrastructure that are important for economic productivity and social well-being”. As outlined above, the subject site/building is not considered important in those terms. For clarification Objective 2.3.1 also references “industrial areas”. The surrounding area is described earlier in this AEE, and it is concluded it is a mixed use area (rather than an industrial area). Further, Objective 2.3.1 seeks to protect such land from less productive competing uses or incompatible uses. The application is only associated with the upper level of the subject building – that area has limited industrial productive capability. In terms of incompatible uses, this is not relevant, as the Applicant anticipates utilising the ground floor area for an industrial use. Objective 19.2.1 is similar to Objective 2.3.1. Objective 19.2.1 is more fully discussed below. In general, while the proposal does not support these Objectives, it is not contrary to them.
19.12.2.1.e	The activity would have significant positive effects on the successful operation of surrounding industrial or port activities (Policy 19.2.1.3).	The proposal would assist the Applicants industrial activity on the ground floor of the building, but that positive effect would not be described as ‘significant’.
19.12.2.1.f	The potential for reverse sensitivity is insignificant (Policy 19.2.1.10).	None, as discussed earlier in this AEE.
General assessment guidance:		
19.12.2.1.g	In assessing the significance of effects, consideration will be given to: I. both short and long term effects, including effects in combination with other activities; and II. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.	Noted – short and long terms effects likely to be similar. The matter of precedent is discussed later in this AEE, and it is concluded the precedent risk is low.
19.12.2.1.h	In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item...	n/a
Conditions that may be imposed include:		

19.12.2.1.i	A requirement for noise sensitive activity establishing in an industrial zone to comply with the acoustic insulation requirements in Rule 9.3.1.	Compliance is anticipated.
Relevant guidance from other sections (priority considerations):		
19.12.2.1.j	See Section 6.13 for guidance...	n/a
19.12.2.1.k	See Section 9.8 for guidance...	n/a
19.12.2.1.l	See Section 14.6 for guidance...	

Effects Assessment Conclusion

56. Overall, the effects of the proposal are assessed as being less than minor.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

57. The proposal will assist with the required works for a building that is in a poor state of repair. Those works should provide for the retention of the heritage façade, which has positive effects.

OBJECTIVES AND POLICIES ASSESSMENT

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

59. Within the 2GP the key section that has relevance in terms of the Objectives and Policies is Section 19, and the relevant items are included below:

Industrial Zones (Section 19):

Objective	Supporting Policy	Comment
Objective 19.2.1 The industrial zones enable and protect industrial and port activities by: - only providing for a very limited range of specified non-industrial or non-port activities; and - ensuring the potential for reverse sensitivity is insignificant.		Objective 19.2.1 In terms of the proposal, the key outcome sought by Objective 19.2.1 is to protect industrial activity by: - Requiring a resource consent for activities which are not permitted. This is the exact point of this application. - When considering an application (as required by 19.2.1.a) focusing attention of the potential for reverse sensitivity effects is important. In terms reverse sensitivity effects: - Ground floor of the subject site. This is to be owned and used by the Applicant for industrial purposes, hence no reverse sensitivity effects anticipated/relevant. - To the adjacent industrial site (38 MacLaggan St), this is to be owned by the Applicant. - To the adjacent industrial site (34 MacLaggan St),

	Policy 19.2.1.3 Avoid the establishment of non-industrial or non-port activities, other than those expressly provided for in the industrial zones, unless they would have significant positive effects on the successful operation of surrounding industrial or port activities.	this is in the form of either a residential or office building. Hence the industrial use of that site is unlikely. • To the industrial land across MacLaggan Street – a key factor for any industrial activity on that site is the permitted noise environment due to the adjacent densely populated Inner City Residential zone. Policy 19.2.1.3 This policy is a directive policy, to which the proposal does not adhere to. Therefore the proposal must be contrary to this Policy.
--	---	--

60. Overall, it is assessed that the proposal is generally consistent with the policy direction of the 2GP, with the exception of one directive policy.

Operative and Proposed Regional Policy Statement for Otago

61. The Operative and Proposed Regional Policy Statement for Otago raises no matter of concern.

DECISION MAKING FRAMEWORK

Part 2 Matters

62. It is considered that there is sufficient assessment guidance within the 2GP. As a result, there is no need for an assessment in terms of Part 2 RMA.

Actual and Potential Effects

63. As noted above, the effects of the proposal are limited, and are assessed as being less than minor.

Any Relevant Provision

64. The only relevant provisions relate to the district plan, and it is concluded the proposal is generally aligned the anticipated outcomes, with the exception of one directive policy.

The Gateway Test

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

66. As detailed above, the proposal does pass the effects gateway. Therefore, consideration to granting consent can be given under s104D.

Other Matters

67. S104(1)(c) RMA requires regard to be given to any other matters considered relevant and reasonably necessary to determine the application, such as precedent and Plan integrity. Case law now directs consideration of whether approving a non-complying activity will create an undesirable precedent. If a plan's integrity is at risk by such a precedent, then the 'true exception test is to be applied'.
68. In terms of effects, overall these are assessed as being less than minor. Therefore, any precedent is unlikely to be 'undesirable'.
69. In terms of policy, the proposal is contrary only to one directive policy.
70. Therefore, to ensure there is no risk that granting consent will result in the setting of an undesirable precedent, the 'true exception test' is required. The proposal has a number of features that assist to differentiate the application (including those listed below), therefore, there is limited risk of any precedent being set:
- The site sits within a mixed use environment.
 - The proposal is only associated with the upper level, which has reduced industrial use.
 - The proposal is for worker accommodation, rather than a more broad residential activity use.
 - The worker accommodation will be a managed facility.
 - The worker accommodation is limited to eight bedrooms.
 - The Applicant is anticipating owning the building and utilising the ground floor for an industrial activity.
 - The history of the site includes its use as for a form of residential activity.
71. The proposed use (worker accommodation), the specifics of the site/application, the sites setting, along with the offered conditions of consent assists to differentiate the proposal. Thus, if consent is granted, the risk of setting an undesirable precedent is assessed as being very low.

Specific Considerations

72. Details of any permitted activity that is part of the proposal: Not applicable
73. S124 / S165ZH91(e): Not applicable
74. S85 of the Marine and Coastal Area: Not applicable
75. Subdivision Consent: Not applicable
76. Reclamation Consent – Additional Information: Not applicable

Written Approvals

77. No person has been identified as being affected by the proposal.

CONCLUSION

78. The subject site is somewhat unique in the Industrial zone.
79. The subject site has a physical setting that does not fully align with the Industrial zone, and the proposal will result in the efficient use of the resources (land and building).
80. The proposal is a unique, small scale, worker accommodation proposal, and includes site management and the conditions offered as part of this application².

² A condition of consent can include the accommodation will be a managed facility, and an annual review of the activity to ensure appropriate management.

81. An additional benefit of the proposal will be the resulting enhancements to the building, resulting in the retention of the heritage facade.
82. Overall, the proposal seeks the efficient use of the subject area, with no reverse sensitivity matters of concern. Therefore the proposal is assessed as being suitable for consent to be granted.

Anderson & Co (Otago) Ltd

-
- No outdoor space and/or garden area is to be established on site.



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

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




R.W. Muir
Registrar-General
of Land

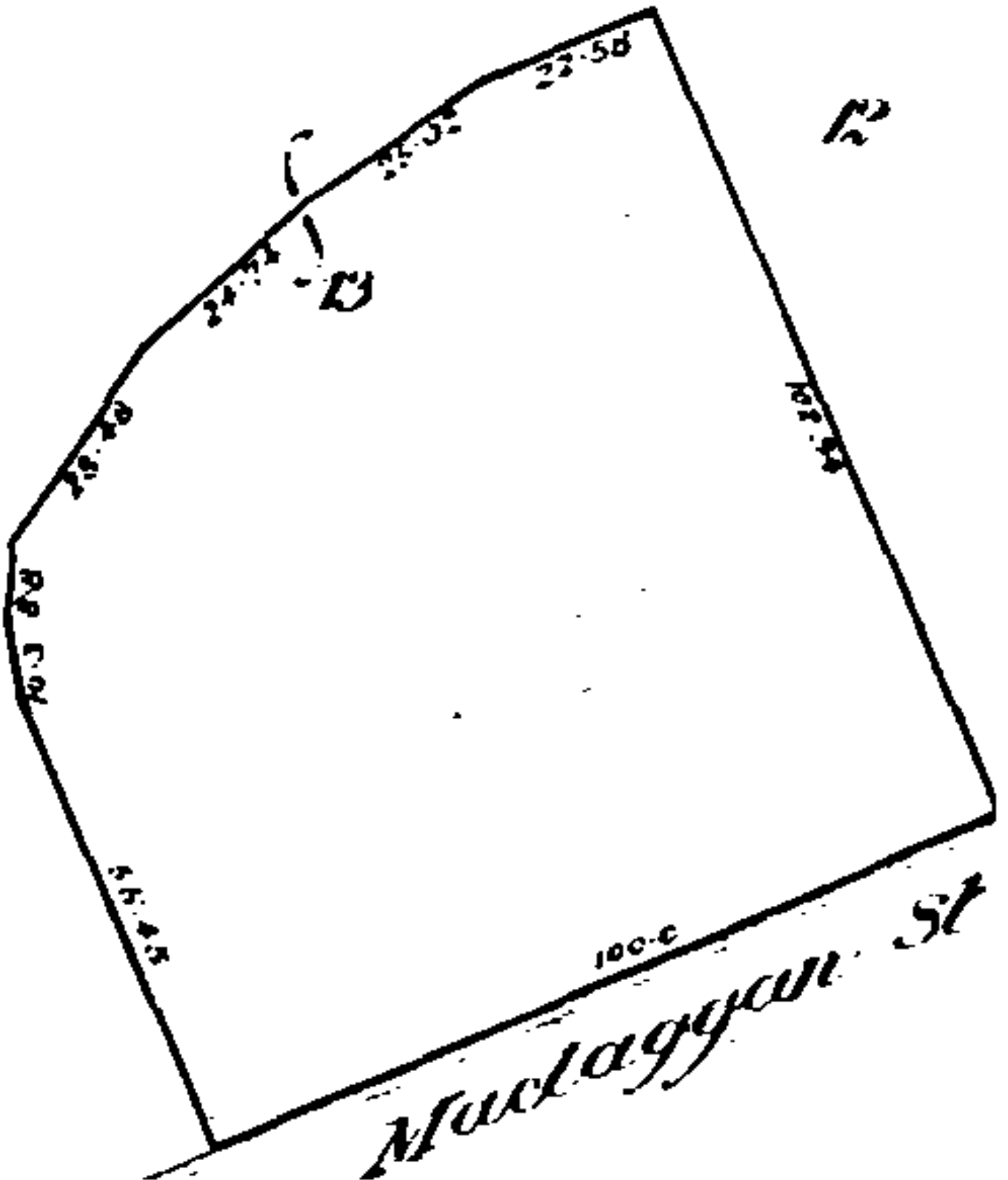
Identifier **OT200/279**
Land Registration District **Otago**
Date Issued 13 February 1923

Prior References
OT24/186

Estate Fee Simple
Area 374 square metres more or less
Legal Description Deposited Plan 3225
Registered Owners
Anvil Buildings Limited

Interests

Land Covenant in Easement Instrument 7354997.1 - 7.5.2007 at 9:00 am
10821143.3 Mortgage to Westpac New Zealand Limited - 30.6.2017 at 4:25 pm



[illegible]

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Owner

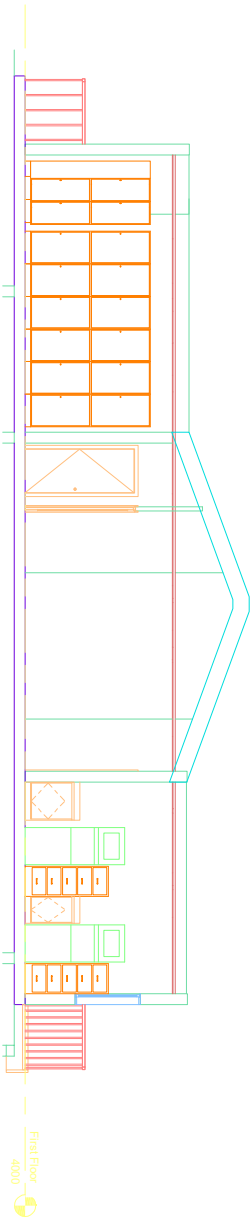
PROJECT TITLE

Enter address here

DESIGN	VERIFIED	APPROVED	DATE
GP	Checker	Approver	2025.01
PROJECT NUMBER		SCALE @	
0001		1 : 50	
DRAWING TITLE			
First Floor Plan			
SHEET NUMBER			REVISION
A102			



1 First Floor
1:50



Section 3
1 : 50

Section 2
1 : 50

APPENDIX 1A:

**Further Information Provided by Mr Anderson (19 February
2025)**

36 MacLaggan Street, Dunedin

LUC-2025-19

Reply to email of 18/2/2025

Reverse Sensitivity:

34 MacLaggan St (and further east) – these are either an office building or residential apartments. There are 7 units at 28 MacLaggan St (unknown number of bedrooms) and it is highly unlikely to ever be converted to a permitted industrial activity. In terms of #34 this is a former dwelling repurposes as an office – it is highly likely its future use is office. Removing the building at #34 for a new industrial building would seem unlikely. For these reasons, reverse sensitivity matters to 34 MacLaggan St (and further east) are considered mitigated.

66 MacLaggan St – this comprises of 10 apartments (estimated to have 20 bedrooms), which are fairly modern. It is highly unlikely one or more of the apartments will be demolished and converted to a permitted industrial activity.

38 MacLaggan St – to be owned and managed by the Applicant.

Across MacLaggan St – this is zoned industrial and it is agreed/acknowledged that any industrial activity could be established there as of right. But such current/future industrial activities will be subject to restrictions, regardless of this proposal. I believe key matters for consideration in terms of reverse sensitivity include:

- The following sites are within the industrial zone and contain legally established residential activity: 28 MacLaggan St, 66 MacLaggan St, 9 Clark St and 5 Clark St. This is important, because any industrial activity in the vicinity has a duty under RMA s16 to avoid unreasonable noise. And I understand court decisions have concluded that the duty under s16 is not necessarily avoided by compliance with district plan rules i.e. in terms of reverse sensitivity associated with noise, because of the existing legally established residential activity in the immediate area and the requirement by RMA s16, the establishment of the proposed worker accommodation does not materially change the potential for reverse sensitivity effects.
- As noted in the AEE, all the industrial land across the road from the subject site backs onto the residential zone associated with High St. This has two implications: (a) as above re RMA s16 and (b) the 2GP requires noise at the boundary to be limited to the noise levels of the receiving zone. Therefore, any permitted activity on the industrial land across from the subject site will need to manage their noise emissions because of the adjacent residential zone boundary. The current proposal does not change this.
- In terms of other potential reverse sensitivity matters (i.e. odour, traffic etc) the same logic can be applied due to the legally established residential activity in the zone and the adjacent residential zone.

In summary, the immediate area has legally established residential activity (at least 19 units) and the industrial land across MacLaggan Street from the subject site backs on to a residential zone. That setting means any use (current or future) of the industrial land near the subject site already has to

be mindful of various matters (noise, order, traffic etc). The establishment of worker accommodation at the subject site will not materially change the existing setting, thus the potential reverse sensitivity effects are assessed as being insignificant.

Notwithstanding the above, if the industrial land across MacLaggan St continues to raise concerns in terms of reverse sensitivity, the following is offered:

- The upper level of the street façade of the subject building can include sound insulation and double glazed windows.
- Agreeing to a 'no complaints' covenant (or similar).

Objective 19.2.1 and associated Policies:

In terms of Objective 19.2.1 I continue to believe that the because of the receiving environment (legally established residential activity in the industrial zone and the adjacent residential zone, with its lower permitted noise levels) results in the conclusion that the introduction of the proposed activity can only result in the insignificant potential for reverse sensitivity effects.

Policy 19.2.1.3 – as per the AEE - This policy is a directive policy, to which the proposal does not adhere to. Therefore the proposal must be contrary to this Policy.

Policy 19.2.1.10 – the potential for reverse sensitivity effects because of the proposal are assessed as being insignificant due to the factors explained above.

The Proposed Residential Activity:

The proposed residential activity is for 'worker accommodation' and is associated with only 8 bedrooms, and shared facilities (as per the floor plan attached to the application).

It is anticipated that the 'worker accommodation' is effectively temporary housing for people working in Dunedin, but for whom Dunedin is not their usual / permanent place of residence. Such people usually work longer than normal hours per day, and often fly home on breaks. Due to the proposed configuration of the worker accommodation, families are not anticipated to stay (and if required this can be a condition of consent).

Because of the nature of the accommodation, it is anticipated the residents will have limited spare time within the accommodation and will not undertake the usual onsite activities that permanent residents may do, such as gardening etc.

Residents Amenity:

As discussed above, it is anticipated that the residents will have limited spare time within the building, and thus demand for amenity is reduced. The reduced outdoor amenity mirrors the requirements of apartments in the city, and also the surrounding existing residential activity at 28 MacLaggan St, 5 Clark St and 9 Clark St.

However, it is noted the town belt is only 400m (approx.) to the west and Queens Gardens is 550m (approx.) to the east.

In terms of residents amenity, it is important to stress the proposal is for temporary worker accommodation, most of whom will be working longer than normal hours per day and potentially leaving town when not rostered on for work.

Objective 6.2.2 and 6.2.3:

Objective #	Objective wording	Comment
6.2.2	Land use activities are accessible by a range of travel modes.	The subject site is in close proximity to the CBD and associated bus routes. Further, access to the CBD is largely flat. Thus travel modes including bus, walking and biking are highly likely. Further, a key anticipated work site is the new hospital, which is within easy walking distance. For the following reason, parking demand generated by the proposal is anticipated to be very low: • Out of town worker are unlikely to have a vehicle in Dunedin (i.e. fly in/fly out). • The proximity of the CBD / new hospital means work commute vehicles are unnecessary. • The proposal is limited to 8 bedrooms. If required, a condition of consent can include a requirement to provide a secure bike storage area.
6.2.3	Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.	The proposal requires no loading nor manoeuvring space. Nor the comings and going of customers. Also, refer comments above. Overall, it is anticipated the proposal will be beneficial in terms of the safety and efficiency of the transport network

HAIL:

The site is listed in the HAIL register due to the past activity associated with Brown and Cope (being a leaf spring manufacturer in the 1950s), the presence a 1,300l litre fuel tank (2000s) and being used as motor vehicle workshop.

The building plans from 1953 for Brown and Cope (page 38/40 of the LIM) shows the upper level being in an office format.

It is a practical conclusion that the HAIL activities would have been confined to the ground floor, as there is no vehicle access to the upper level and it makes no sense to locate a large fuel tank on the upper level. Further, the plans indicate an historic office layout for the upper level.

The likelihood of airborne contaminants are highly unlikely, and any concern to future residents will be mitigated via the extensive renovation that is required of the upper level of the building.

Non-notified hearing:

I appreciate that no decision has been made in terms of the need, or otherwise, for a hearing.

In that regard, I believe it is highly relevant that within the immediate industrial zone surroundings there are at least 19 residential units (as listed below). That setting, along with the requirement of RMA s16 provides the operational bounds for future industrial activity in the immediate area. The current proposal will not change or impact on that. On that basis, there seems limited rationale for the Applicant to incur time delays and additional costs of a non-notified hearing.

Residential units in the immediate industrial zone surroundings:

- 66 MacLaggan Street – 10 units – believed to be 2 bedrooms each.
- 28 MacLaggan Street – 7 units.
- 9 Clark St – one unit
- 5 Clark St – unknown number of units

Assessment Matter 19.12.2.1.e:

The Applicant has reflected on the above assessment matter and believes the following is more correct:

The proposal would assist the Applicants industrial activity on the ground floor of the building, but that positive effect would not be described as 'significant', however the ability for tradespersons to be domiciled in this location could be considered 'significant' considering the Hospital build over the next few years.

END

APPENDIX 1B:

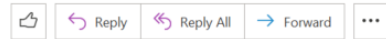
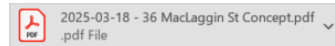
**Further Information and Revised Plans Provided by Mr
Anderson (18 March 2025)**



Conrad Anderson <conrad_a@xtra.co.nz>

To Karen Bain

 You replied to this message on 18/03/2025 10:38 a.m.



Tue 18/03/2025 09:56 a.m.

Hi Karen,

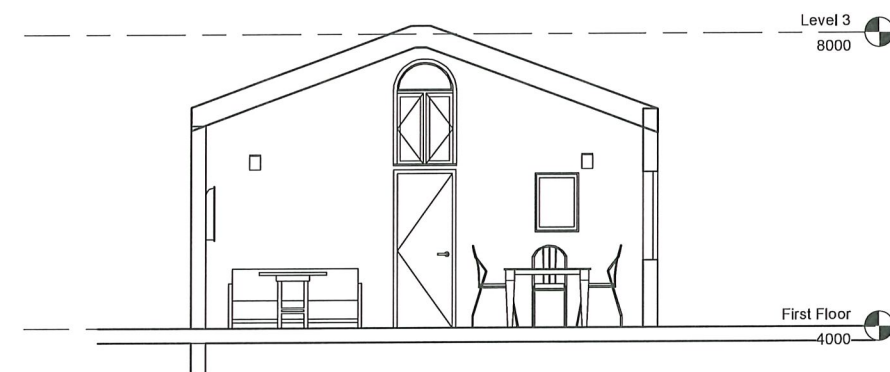
With regards to this one, please see the following updates:

The applicant wishes to include a condition/covenant that the proposed residential activity can only be operated while 36 and 38 MacLaggan Streets are held in common ownership – or words to that effect. i.e. if one of the buildings is sold, then the RC cannot be relied upon.

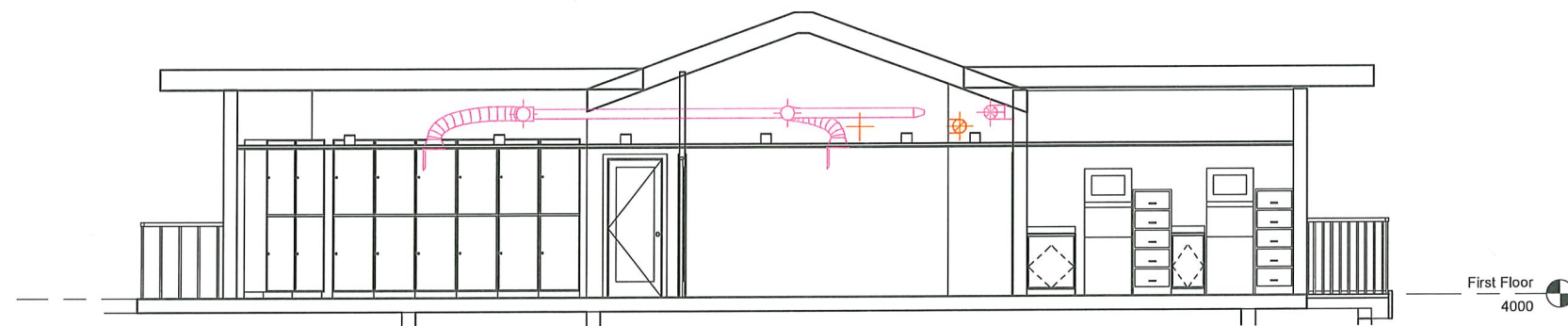
As per the application, the acoustic standards in the district plan will be adhered to i.e. acoustic insulation and a positive supplementary source of ventilation. For reference, the updated plans (attached) show the full ventilation system.

In terms of amenity for future residents, the plans have been updated (copy attached) to include two Juliette Balconies and a large Skylight in the common area (living area). These will provide an increased sense of connection with the outside, as well as additional sun and fresh air opportunities.

Please let me know if you need anything else at this stage. Best, Conrad

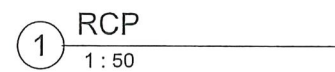


2 Section 3
1 : 50



3 Section 2
1 : 50

DRAWING IN PROGRESS

[illegible]

Rayners

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CLIENT

PROJECT TITLE

36 - 38 MacLaggan Concept

36 MacLaggan
Dunedin

DRAWN	VERIFIED	APPROVED	DATE ISSUED
GP	Checker	Approver	2025-03-18

PROJECT NUMBER	SCALE @ A1
0001	1 : 50

DRAWING TITLE

SHEET NUMBER A103	REVISION
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DRAWING IN PROGRESS

APPENDIX 2:

**Advice from the DCC Transport Planner / Engineer, Mr Reese
Martin**



Reese Martin

To: ● Karen Bain

Cc: ○ Transport; ○ Trevor Watson

You replied to this message on 14/03/2025 01:48 p.m.



Reply

Reply All

Forward



Fri 14/03/2025 01:34 p.m.

LUC-2025-19 - 36 MacLaggan Street, Dunedin

Kia Ora Karen,

Overall, the proposal is unlikely to result in any major transport related concerns from my perspective. It is understood that the ground floor of the existing building and the two associated existing vehicle entrances will continue to be utilised as an industrial activity while the upper floor is proposed to be utilised for short-term worker accommodation and no on-site car parking or vehicle access provision will be provided for the residential activity.

Obviously the 2GP no longer requires minimum car parking requirements, the site is located in close proximity and within short walking distance to the CBD and public transport routes, the scale of the short-term accommodation activity will be limited (8 bedrooms), and it is unclear/difficult to determine how short-term workers will seek/choose to access the site. While on-street car parking demand appears to be relatively high and well utilised along MacLaggan Street based on recent Google Street View, on balance the proposal is likely to only have negligible effect on on-street car parking availability.

The applicant has also noted that if required a condition of consent can include a requirement to provide a secure bike storage area for the short term workers to use if required which is supported.

On that basis, the effects of the proposal on the transport network are considered to be less than minor.

Ngā mihi,

Reese Martin

TRANSPORT PLANNER/ENGINEER

TRANSPORTATION

APPENDIX 3:

Recommended Conditions

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, the information provided with the resource consent application received by the Council on 27 January 2025, and further information received in emails from Mr Conrad Anderson dated 19 February and 18 March 2025, except where modified by the following conditions.*
2. *Prior to the commencement of residential activity:*

a) *all rooms that are to be used for noise sensitive activities must:*

- i) *have acoustic insulation that achieves a minimum design standard of $D_{nT, w} + C_{tr} > 30$; and*
- ii) *be supplied with a positive supplementary source of ventilation that achieves a minimum of 7.5 litres per second per person, to enable adequate ventilation when windows are closed.*

Note: This requirement does not apply to bathrooms, laundries, toilets, pantries, walk-in wardrobes, corridors, hallways, lobbies, clothes-drying rooms, or other spaces of a specialised nature occupied neither frequently nor for extended periods.

b) *a covenant must be prepared and registered on the titles of 36 and 38 MacLaggan Street (Records of Title OT200/279 and OT129/14) for the following condition:*

'Residential activity within 36 MacLaggan Street may only be undertaken while 36 and 38 MacLaggan Street are held in common ownership. If the properties are sold into separate ownership, the residential activity must cease.'

Note: The covenant documentation must be prepared by the Council's legal representatives, at the consent holder's expense.

3. *Evidence that the works required by condition 2(a) above have been completed must be provided, in the form of an acoustic design certificate signed by an acoustic engineer, or other such suitably qualified and experienced person. This must be provided to rcmonitoring@dcc.govt.nz.*
4. *A secure bike storage area for the exclusive use of the residential tenants must be provided within the site.*

NES-CS Conditions

5. *Prior to the commencement of any site works, the building must be inspected by a suitably qualified and experienced practitioner, for the purpose of determining whether asbestos is present at levels above Standard Residential Soil Contaminant Standards ("SCS") levels for Residential (10% produce). The report must be submitted to rcmonitoring@dcc.govt.nz.*
6. ***If** the inspection required under condition 5 above confirms the presence of asbestos at levels exceeding the Residential SCS, conditions 7-11 below must be complied with.*
7. *A Remedial Action Plan (RAP) and Contaminated Site Management Plan (CSMP) must be prepared by a suitably qualified and experienced person, and submitted to*

rcmonitoring@dcc.govt.nz for certification. These documents must contain the following information:

- a) *The RAP must be prepared in accordance with Contaminated Land Management Guideline No 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, 2011) and contain sufficient detail to address the following matters:*
 - (i) *The remediation objectives, methodology and anticipated outcomes*
 - (ii) *The protocols to be followed in managing the contaminated materials and their replacement with clean materials*
 - (iii) *The validation testing, monitoring or inspection proposed to demonstrate that the remediation has met the specified objectives; and*
 - (iv) *The site validation criteria.*
 - b) *The CSMP must include:*
 - (i) *A brief summary of the works to be undertaken*
 - (ii) *Details of how the NES-CS related conditions of this consent will be implemented*
 - (iii) *Details of the known contamination present in the site (including a plan and cross section)*
 - (iv) *A site-specific layout, including working areas, site access, clean and contaminated areas, decontamination areas and vehicle routes*
 - (v) *Measures for the management of contaminated material stockpiles; and erosion, sediment and dust control procedures*
 - (vi) *Contingency measures to address any unexpected or accidental discoveries of contamination or discharges identified at the site*
 - (vii) *Measures to monitor any discharges or sediment runoff during the activity*
 - (viii) *Handling and disposal procedures for any contaminated material encountered during the activity, including the location of any off-site disposal; and*
 - (ix) *Details of who is responsible for implementing and monitoring the controls detailed within the CSMP for the entirety of the works covered by the CSMP.*
8. *Removal of contaminated material and remediation of the site must be undertaken in accordance with the RAP and CSMP required under condition 7 above.*
 9. *All contaminated material must be covered during transportation off-site.*
 10. *In the event that unexpected waste materials, or other visual or olfactory indicators of potential contamination or anomalous ground conditions are found / observed during site works, work must cease until a suitably qualified and experienced practitioner has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils. The consent holder must notify the Resource Consent Manager by way of email to rcmonitoring@dcc.govt.nz.*

11. *Within 20 working days of the completion of the remediation works, a Site Validation Report (“SVR”) must be prepared by a suitably qualified and experienced person. This report must be in accordance with Contaminated Land Management Guideline No 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, 2011), and must be provided to rcmonitoring@fcc.govt.nz. The SVR should contain the following information:*

- a) Summary of the works undertaken*
- b) Confirmation that the works have been completed in accordance with the Remedial Action Plan and Contaminated Site Management Plan*
- c) Details of any unexpected contamination encountered during the works, including any associated test results, if applicable*
- d) records of the site, type and volumes of soil material removed from the site, associated test results (if any), disposal destination of surplus soil, and waste disposal acceptance receipts; and*
- e) confirmation that there were no safety or environmental incidents during the works. If any incidents occurred, then the report must detail the nature of the incident and the measures taken to mitigate effects.*

Advice Notes:

- 1. Any changes to the building envelope must comply with district plan requirements, or a further resource consent will be required.