

15 October 2024

Fire and Emergency New Zealand
C/O Paterson Pitts Group
PO Box 5933
Dunedin 9054

Via email: jared.brensell@patersons.co.nz

Dear Fire and Emergency New Zealand

CERTIFICATE OF COMPLIANCE:

**COC-2024-9
182 & 184 MORNINGTON ROAD
DUNEDIN**

Your application for a certificate of compliance for the demolition of all the buildings on the sites at 182 and 184 Mornington Road was processed in accordance with section 139 of the Resource Management Act 1991. A Senior Planner considered the application and authorised the issue of a certificate of compliance under delegated authority on 11 October 2024. The decision was reissued under Section 133A on 15 October 2024.

The assessment of the application is set out in the report attached to this letter. The certificate of compliance itself is attached to the rear of this letter.

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

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

Yours faithfully



John Sule
Consultant Planner

ADVICE NOTES

1. It is recommended that the applicant undertake a survey of both buildings in relation to possible lead and asbestos contaminants prior to any demolition works being undertaken. The applicant should ensure demolition follows best practice to avoid contamination occurring during the demolition process.
2. If lead or asbestos is found within the buildings Categories E1 and/or I on the HAIL may be applicable to the sites in relation to future development.
3. Any unanticipated soil disturbance must be undertaken in accordance with the permitted activity standards in Regulation 8 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 or a resource consent will be required.
4. Any building built prior to 1900 will require an Archaeological Authority from Heritage New Zealand prior to any demolition of the building commencing. It is strongly recommended consultation with Heritage New Zealand occurs prior to any demolition work commencing.

APPLICATION COC-2024-9: 182 & 184 MORNINGTON ROAD, DUNEDIN

Department: Resource Consents

BACKGROUND

The application identifies that Fire and Emergency New Zealand (FENZ) is considering options for site redevelopment at 182 & 184 Mornington Road as follows:

The applicant, FENZ, has identified the building on 184 Mornington Road, namely Lookout Point Fire Station, as being strategically critical for FENZ to continue serving the community in their current capacity. In fact, it is of such importance that FENZ recently purchased 182 Mornington Road to secure enough land to redevelop this station to meet the current and future needs.

For FENZ to operate from this site, it must be fit for purpose and meet a certain criterion. FENZ have assessed the building and found that it is currently not fit for purpose. FENZ needs the ability to explore the best possibility for developing the site. This may include demolishing the existing building and constructing a new fire station across the two sites. Another possible option might be to upgrade the existing building to meet the required criteria. The final 'best use' form of the site is not entirely known at this time and is still being evaluated.

Lookout Point Fire Station has been identified as earthquake prone and as such it needs to be structurally strengthened to remove the current 'prone' status. As this facility provides an emergency services function, the level of earthquake strengthening required is significantly greater than most other residential or commercial properties. Further detailed investigation is intended to be carried out by FENZ over the coming months to better understand what will be involved in order to best meet the required earthquake strengthening. To date, FENZ has invested a significant amount of effort and expense into considering suitable replacement facilities at this site.

This application, similar to a number of recent Certificate of Compliance applications, appears to have been precipitated by the proposed upgrading of the list of scheduled heritage buildings in the District Plan by the DCC through a soon to be notified Plan Change and FENZ is seeking to preserve options for redevelopment of the sites.

A further information request was made during the processing of this certificate of compliance seeking a more detailed assessment of compliance with the partially operative District Plan (2GP) performance standards including the rules relating to construction noise. Further information was also sought in relation to compliance with National Environmental Standards including the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS). The application was suspended on 10 September 2024 and a further information response was received on 17 September 2024 and an acoustic report provided on 9 October 2024. An amended further information response was provided on 10 October 2024.

The further information provided by the applicant identified a confirmed HAIL status for the 184 Mornington Road site where the fire station buildings are located and no identified HAIL status for the adjoining accommodation block site at 182 Mornington Road. As a result of the HAIL status for the 184 Mornington Road site the applicant has modified the proposal so that the first development stage will be demolition only down to the floor slab of the building on 184 Mornington Road to avoid soil disturbance

that will potentially contravene the permitted soil disturbance thresholds in the NES-CS. The potential NES-CS issues will be addressed as part of the next development stage.

DESCRIPTION OF ACTIVITY

The proposal is to demolish all the buildings on the sites at 182 and 184 Mornington Road. This would include the fire station building on 184 Mornington Road and the accommodation block (Units 1-5) and garage on 182 Mornington Road. The building consent records for development on the sites indicates that the fire station building, and the accommodation block were established in 1955 and the garage for the accommodation block constructed in 1957. The main buildings are both two storeys in height and constructed in brick.

The site is located at the top of Caversham Valley Road at the crest of the Hill and due to its elevated position, the fire station is known as the Lookout Point Fire Station. The District Plan aerial photograph in Figure 1 below shows the existing development on the sites and its proximity to the Dunedin Southern Motorway. Figure 2 shows the fire station and accommodation block buildings.

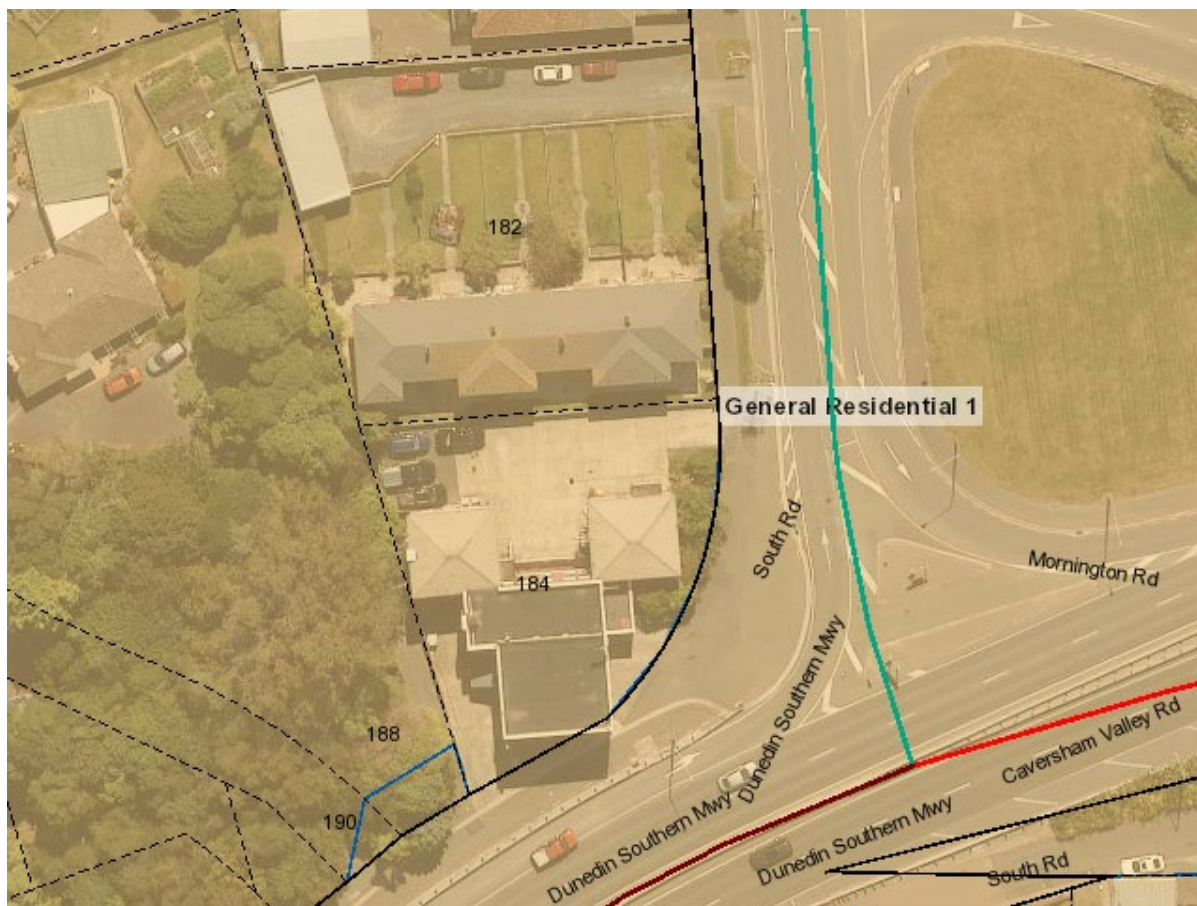


Figure 1: District Plan Aerial Photograph of the sites (Source – DCC Electronic Planning Map)



Figure 2: Photograph of the fire station and its accommodation block (Source - Google Maps Sept 2023)

The applicant considers the demolition is permitted by the District Plan but seeks to preserve development rights should the fire station and accommodation buildings be listed in the partially operative 2GP as scheduled heritage buildings through proposed Plan Change 1 to the 2GP.

The subject sites are legally described as Lot 1 DP 16802 & Lot 2 DP 16802 (held in Records of Title OT7C/1158 & OT7C/1159). The title OT7C/1159 is part cancelling relation to a small area of land acquired for motorway purposes in 1999.

CERTIFICATES OF COMPLIANCE

Sections 139(2) and 139(5) of the Resource Management Act 1991 state that a person may request the consent authority to issue a certificate of compliance; and that the authority must issue the certificate if the activity can be carried out lawfully in the particular location without a resource consent, and if the person pays the appropriate administrative charge.

DISTRICT PLAN RULES

Dunedin has two district plans: the Operative Dunedin City District Plan 2006 (the “District Plan 2006”), and the Proposed Second Generation Dunedin City District Plan (the “Proposed 2GP”). However, from 19 August 2024, the Proposed 2GP became partially operative and almost completely superseded the District Plan 2006, except for 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.

In this case there are no identified areas or specific provisions that are subject to appeal. Accordingly, this application has been processed with reference to the 2GP only.

Partially operative 2GP

The subject sites are located within the General Residential 1 zone. There are no other relevant planning overlays or mapped areas that apply to the site.

The sites adjoin the Dunedin Southern Motorway and Mornington Road which are respectively classified as a Motorway and a Collector Road under the 2GP roading hierarchy.

Assessment of Compliance

Demolition of the Buildings

Demolition falls within the category of development activities, and it is defined in the 2GP as:

Demolition

The complete or partial destruction of a building or structure.

Demolition is an activity in the building and structures sub-category, which is in the development activities category.

The residential zone activity status table for development activities that identifies whether a development activity is permitted is contained in Rule 15.3.4. The rule table has a number of rows which the proposal needs to be assessed against. Demolition is identified as restricted discretionary activity under Rule 15.3.4.8 when buildings are visible from a public place and located within a heritage precinct and under Rule 15.3.4.18 demolition is a non-complying activity when it affects the protected part of a heritage building. Neither of these rules apply in this case as the buildings are not in a precinct and were not scheduled at the date the application was lodged.

As demolition is not covered by the rules discussed above or any other rules in Rows 5 to 22 of the rules table for development activities, the proposal is assessed as being subject to Rule 15.3.4.4 shown in the table below. This rule identifies the activity as permitted subject to compliance with performance standards.

All buildings and structures activities not covered in rows below		Activity status	Performance standards
3.	Signs attached to buildings and structures	P	a. Number, location and design of ancillary signs
4.	All other buildings and structures activities not covered in rows 5 to 22 below	P	a. Fence height and design b. Number, location and

			design of ancillary signs
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In addition to the specific performance standards in the row there are general standards that apply to all development and buildings and structures activities as follows:

1.	Performance standards that apply to all development activities	a. Natural Hazards Performance Standards b. Maximum building site coverage and impermeable surfaces c. Setback from scheduled tree d. Structure plan mapped area performance standards (where relevant) e. Service connections - stormwater for development (in a new development mapped area)
2.	Performance standards that apply to all buildings and structures activities	a. Boundary setbacks b. Building length c. Firefighting d. Height in relation to boundary e. Maximum height f. Setback from coast and water bodies g. Setback from National Grid h. Setback from Critical Electricity Distribution Infrastructure i. Setback from designated rail corridor j. Area of buildings and structures (SNL Overlay Zone) k. Reflectivity (SNL Overlay Zone)

These development performance standards have been assessed in the application and reviewed. No signs are proposed, and the remaining performance standards do not apply to the proposed demolition activity as they relate to new activities or establishment of new buildings. Following a review I am satisfied that the proposal is a permitted activity under the Residential Zone rules in the 2GP.

I also note that demolition is an activity that is also subject to temporary activities rules related to construction which is defined as follows:

Construction

The use of plant, tools, gear or materials as part of the erection, installation, repair, maintenance, alteration, dismantling or demolition of any building or structure; or site development. This definition includes all work from site preparation to site restoration.

This definition does not include any resultant buildings, structures or site development activities (including demolition or removal for relocation), which are separately defined under development activities or city-wide activities.

Construction is an activity in the temporary activities category.

The proposal will therefore be subject to relevant temporary activity rules. Rule 4.3.2.2 identifies construction (demolition) as a permitted activity subject to performance standards. Development Standards, Light Spill and Noise are all applicable to demolition works. The application provides information to identify there will be compliance with temporary activity development and light spill standards and has supplied an acoustic report from Marshall Day Acoustics that confirms compliance with construction noise limits for a *typical duration* demolition activity at the closest noise sensitive receiver. No specific mitigation is necessary to achieve compliance but a noise barrier around the site during the works is recommended in the report as an appropriate measure under the applicant's duty to undertake the best practicable option to keep noise to a reasonable level. Compliance with construction noise rules is dependent on the demolition only being undertaken from 730am to 6pm Monday to Saturday. This is specified in the application.

I have reviewed the relevant temporary activity performance standards relevant to a demolition activity and I am satisfied that the proposed activity can comply with the relevant rules and is a permitted activity in relation to the construction rules in the 2GP.

NATIONAL ENVIRONMENTAL STANDARDS – (NES-CS)

National environmental standards may trigger a requirements for a resource consent and therefore they are considered relevant under the Section 139 assessment requirements. The only relevant national environmental standard in relation to the proposed demolition activity is the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).

The NES-CS is considered applicable in this case as the process of demolition may lead to the disturbance of soil which is regulated under the NESCS where the soil is potentially contaminated by an activity on the Hazardous Activities and Industries List (HAIL) and a potential risk to human health. The applicant's agent has obtained a HAIL search of the subject sites (HAIL-2024-124). This report finds no evidence that the accommodation block on 182 Mornington Road is a HAIL site but that 184 Mornington Road, the site of the fire station buildings, is a verified HAIL site. The site as 184 Mornington Road is a HAIL activity under the following category:

A17: Storage tanks or drums for fuel, chemicals or liquid waste

Depending on the activities undertaken at the fire station in relation to fuel and chemical storage use and washdown activities the report identifies the site may also be possible HAIL under the following categories:

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

A17: Storage tanks or drums for fuel, chemicals or liquid waste

F7: Service stations including retail or commercial refuelling facilities

F4: Motor vehicle workshops

A2. Chemical manufacture, formulation or bulk storage

If asbestos is present within the buildings to be demolished, I also note that the demolition process itself could result in widespread contamination of the site with asbestos if care is not undertaken with the demolition and the site clean-up. Building products containing asbestos were widely used in New Zealand. If any buildings containing asbestos are not demolished in accordance with best practice, then Categories E1 and/or I on the HAIL may be applicable to the sites in relation to future development.

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

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

In this case the applicant advises that the demolition will be down to floor slab level and disturbance of the soil is not proposed as part of the demolition activity at 184 Mornington Road. It may be possible to demolish the buildings to floor slab without disturbing the soils, but some potential disturbance appears possible as part of the process. I note that disturbing up to 25m³ of soil per 500m² of site area is a permitted activity subject to compliance with the standards in the regulations. As the proposal specifies that ground disturbance is not proposed and demolition is only proposed to be to floor slab level on the site that has a HAIL, then it appears more likely than not that the proposal will not trigger consent under the NES-CS for soil disturbance.

Having considered the proposal demolition of dwellings and outbuildings on the subject sites, I am satisfied that the demolition can occur as a first stage in the redevelopment of the without triggering a requirement for a resource consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health if the demolition is undertaken down to the foundation levels of the building on 184 Mornington Road as proposed. I have recommended that advice notes be included regarding the potential for contamination of the site during the demolition process.

CONCLUSION

The above compliance assessment identifies that the proposed demolition of the dwellings and outbuildings at 182 & 184 Mornington Road is a permitted activity under the requirements of the partially operative 2GP and the NES-CS at 27 August 2024, the date the Council received the proposal. The Council is therefore able to issue a Certificate of Compliance for the proposed work.

RECOMMENDATION

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

1. The activity is a permitted activity in terms of the Proposed 2GP as at 27 August 2024 when the application was lodged.
2. The Council is therefore able to issue a certificate of compliance under section 139 of the Resource Management Act 1991.



John Sule
Consultant Planner

Date: 10 October 2024

DECISION

I have read the assessment in this report. I agree with the recommendation above.

Under delegated authority on behalf of the Dunedin City Council, I accordingly approve the issuing of a certificate of compliance because:

The proposal is consistent with the provisions of section 139 of the Resource Management Act 1991, in that the activity is a permitted activity in terms of the partially Operative Second Generation Dunedin City District Plan as at date that the application was lodged, the date the Council received the proposal.



Jeremy Grey
Senior Planner

Date: 11 October 2024

CERTIFICATE OF COMPLIANCE
SECTION 139 RESOURCE MANAGEMENT ACT 1991

Certificate of Compliance Number: COC-2024-9

Property Address: 182 & 184 Mornington Road, Dunedin

Applicant: Fire & Emergency New Zealand

Operative Dunedin City District Plan: General Residential 1 Zone

Date Received: 21 August 2024

The applicant seeks a certificate of compliance for the demolition of all the buildings at 182 & 184 Mornington Road, Dunedin. The subject sites are legally described as Lot 1 DP 16802 & Lot 2 DP 16802, comprising approximately 1518m² more or less and held in Records of Title OT7C/1158 & OT7C/1159.

The proposal is the demolition of the dwellings and outbuildings at 182 & 184 Mornington Road, Dunedin. To comply with relevant 2GP rules and ensure compliance with the NES-CS the application identifies that the demolition will:

- Only be undertaken between the hours of 7.30am and 6pm from Monday to Saturday,
- Ensure noise limits within Rule 4.5.4.1 are adhered to, and
- Only demolish the structures on 184 Mornington Road down to floor slab level.

The proposed activity is considered to constitute a development activity in accordance with the partially operative 2GP Plan definition of *demolition* and is authorised as a permitted activity in terms of the provisions contained in Rules 15.3.4 (Residential Section) and 4.3.2 (Temporary Activity Section) of the Partially Operative Second Generation Dunedin City District Plan:

- 4.3.2.2 Activity Status Rule for Construction that includes Demolition
- 4.3.2.1 Performance Standards that apply to all temporary activities
- 4.3.2.2.a Performance Standard for construction noise
- 15.3.4.4 Activity Status Rule for Demolition in Residential zones
- 15.3.4.1 Performance Standards that apply to all development activities in Residential zones
- 15.3.4.2 Performance Standards that apply to all buildings and structures activities in Residential zones

The certificate of compliance is effective from the date that the Dunedin City Council received the request for this certificate and will lapse in accordance with section 125 of the Resource Management Act 1991 if it is not given effect to within five years from the date of issue on this certificate.



John Sule
Consultant Planner

~~Issue Date: 11 October 2024~~

Reissue Date: 15 October 2024