

From: Grace Ockwell
To: [REDACTED]
Cc: [Alan Worthington](#); [Kristy Rusher](#)
Subject: LGOIMA request - 118 Middleton Road
Date: Friday, 20 November 2015 11:35:26 a.m.
Attachments: [Knight, John LGOIMA SUB-2014-60, SUB-2014-71 Planning Application.pdf](#)
[Knight, John LGOIMA SUB-2014-60 Letter of Consent.pdf](#)
[Knight, John LGOIMA SUB-2014-71 Letter of Consent.pdf](#)
[image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

Dear Mr Knight,

I refer to our conversation of this morning and apologise again for my oversight in forwarding the requested documents to you.

Please find attached the following:

1. Application for Subdivision Consent – SUB-2014-60, SUB-2014-71
2. Letters of Consent - SUB-2014-60, SUB-2014-71

If you have any queries with respect to the consent process please contact the Manager of Resource Consents, Mr Alan Worthington on 477 4000.

Yours sincerely,

Grace Ockwell
Governance Support Officer
Civic and Legal

Dunedin City Council
50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000
Email: grace.ockwell@dcc.govt.nz



 Please consider the environment before printing this e-mail

From: John Knight [REDACTED]
Sent: Tuesday, 17 November 2015 11:46 p.m.
To: officialinformation@dcc.govt.nz
Subject: Re: Confirmation of receipt of LGOIMA request - 514004

Hello Grace,

I do not appear to have received any response to this request. A great deal more than 20 days have elapsed.

Regards,
John Knight

From: officialinformation@dcc.govt.nz <officialinformation@dcc.govt.nz>
Sent: Thursday, August 6, 2015 7:56 PM

To: John Knight

Subject: Confirmation of receipt of LGOIMA request - 514004

Dear john

Thank you for your request for information. A response will be provided as soon as reasonably practicable but in any event within 20 working days.

If you have any questions about your request, please email

official.information@dcc.govt.nz and quote reference number: 514004

Grace Ockwell

Governance Support Officer

Below are the details of the request

Your request:

I request all documents and submissions relating to the public submission process regarding the Corstorphine School site. I know of several parties who made submissions. Public consultation was promised. However, rumours are rife that housing development is going ahead regardless; these rumours have been provoked by reports of surveyors working in the area.

File attachment

No file uploaded

APPLICATION NUMBER:	SUB-2014-71
RELATED APPLICATIONS/LICENCES:	SUB-2014-60

PLANNING APPLICATION DETAILS FORM

Property Address		118 Middleton Road Dunedin	
Property Description:		Property No: 5119058, Legal Description: LOT 3 DP 454057	
First Contact: (Applicant)	Name:	L A Milton Limited	
	Mail Address:	C/O T L Survey Services Ltd Attention: J Willems, PO Box 901, Dunedin 9054	
	Phone Number:		
Second Contact: (Agent)	Name:		
	Mail Address:		
	Phone Number:		
	Contact Person:		
Description of Application:		subdivision creating 3 lots	
Application Type:		Subdivision Consent	
Consent Type:	Subdivision	Consent Nature	Fee-Simple Two or More Additional Sites
Major Category		Subdivision Category A	
Minor Category		Non-Notified - Restricted Discretionary	
Senior Planner or Responsible Officer:		Phil Marshall	
Lodgement Date:		20 June 2014	Lodgement Officer: Lorna Jackson
Amount Paid:	Charge time & costs to SUB-2014-60	Invoice Number:	
Waived: <input type="checkbox"/>			
Application Requirements	Signed Application Form		Copy of Title
	Locality Plan		Site Plan
	Plans and Elevations		AEE
	Affected Persons Consent		
Counter Comments:			

APPLICATION NUMBER:	
RELATED APPLICATIONS/LICENCES:	SUB 2014-60.

PLANNING APPLICATION DETAILS FORM

Property Address(es)		118 MIDDLETON ROAD	
Property Key(s):			
Contact Details:	Applicant Name(s):	L.A. MILTON LTD.	
	Person Key(s):		
	Address for Service:	T.L. SURVEYS LTD	
	Contact Person:	JOHN WILLEMS.	
	Contact Number:		
Description of Application:		3 LOT SUBDIV.	
Application Type:	New Application:	COC EXI LUC OUT POL S221 S226 S241 S243 <u>SUB</u>	
		POL Sub-Type:	BLR OIC ROW PLC
	Existing Consent:	S125 S127 S357 Decision S357 Fees	
	Subdivision Certification:	S223 only S224c only S223/224c combined	
Consent Type: <small>(refer to laminated sheet; only complete if a land use or a subdivision consent)</small>		A12	Consent Nature: <small>(refer to laminated sheet; only complete if a land use or a subdivision consent)</small>
			05
Major Category: <small>(only complete if a land use or a subdivision consent)</small>		LUC A LUC B LUC C LUC D <u>SUB</u> Limited Notified	
Minor Category: <small>(only complete if a land use or a subdivision consent)</small>		Controlled <u>Restricted</u> Unrestricted Non-Complying	
Senior Planner or Responsible Officer:		Phil Marshall Darrell Thomson Other _____	
Lodgement Date:		Amount Paid:	CHARGE TO SUB 2014-60
Payment Method:	Cheque EFTPOS Cash <u>To Be Invoiced</u> Internal Transfer		
Payment Date:	Prepay Number: <small>(if known)</small>	Receipt Number: <small>(if known)</small>	
Fee Waived:	Fees Schedule Full Waiver Partial Waiver Consequential		
	Size of Partial Waiver: Fees capped at _____ Fee waived amount _____		
Counter Comments:			



TL Survey Services Limited

Our Reference: 14006
Your Reference:



Phone 03 477-1133
Fax 03 477-1127
4th Floor Queens Building,
109 Princes St
PO Box 901
Dunedin 9054

12th June 2014

Senior Planning Officer
City Planning
Dunedin City Council
PO Box 5045
DUNEDIN

RESOURCE CONSENT – Subdivision and Land Use; 118 Middleton Road, Upper Kew, Dunedin.

Pease find enclosed 2 staged plans for this application. After the consent was lodged it was brought to my attention that the Agreement for Sale and Purchase between the applicant and council, required speedy action in regards the 2 allotments being vested with Council.

With the original application, the vesting in council would have happened at the culmination of the subdivision consent so some time away since this would have been included at the stage of Sec 223 and 224c RMA certification and approvals. It was thought the easiest and simplest way to deal with this would be to convert the original application into 2 stages.

The 2 staged plans are as follows:

The **Stage 1** plan shows:

- Lots 100 and 101 (as shown on the plan already) and the balance of CT 582264 is shown as Lot 102 - being a subdivision of Lot 3 DP 454057.
- Lots 100 and 101 will be amalgamated with Lot 4 DP 454057 held with Certificate of Title or Computer Freehold register 582265 – as previously stated.
- Lot 100 already has a private easement passing through it – this will remain.
- Lot 101 will be a pedestrian access and it will also include service easements in favour of council for foul and stormwater and possibly for adjoining allotments to connect to these services – if required. Although this allotment will be in Council ownership it is important for council to be aware that services will be placed (if possible) within this 3metre wide pedestrian access corridor. The other alternative is that these sewers might need to be placed 'at the bottom' of the allotments adjoining this 3 metre wide pedestrian access.
- The pedestrian access will be formed to gravel standard until the subdivision and all services are completed at which time the access will be hard surfaced. At the time of writing this covering letter, the pedestrian access was in the process of being constructed.

- The portion of Lot 101 with the easement will be 3m wide; the rest will be 2m wide up to Middleton Road as indicated on the attached plan.
- There is a transformer at the Middleton Road frontage of 101 – it is proposed that the walkway will be between the transformer and the southern legal boundary of the site.
- The power pole at the road frontage on the footpath will be moved to the south of its current position.
- There should be minimal conditions if any with this stage 1 plan.

Stage 2 is for the 21-lot residential subdivision of Lot 102 Stage 1 above. This is as already shown within the current plan (you already have) but the main difference is that this Stage 2 plan will exclude Lots 100 and 101 from the Stage 2 subdivision proposal.

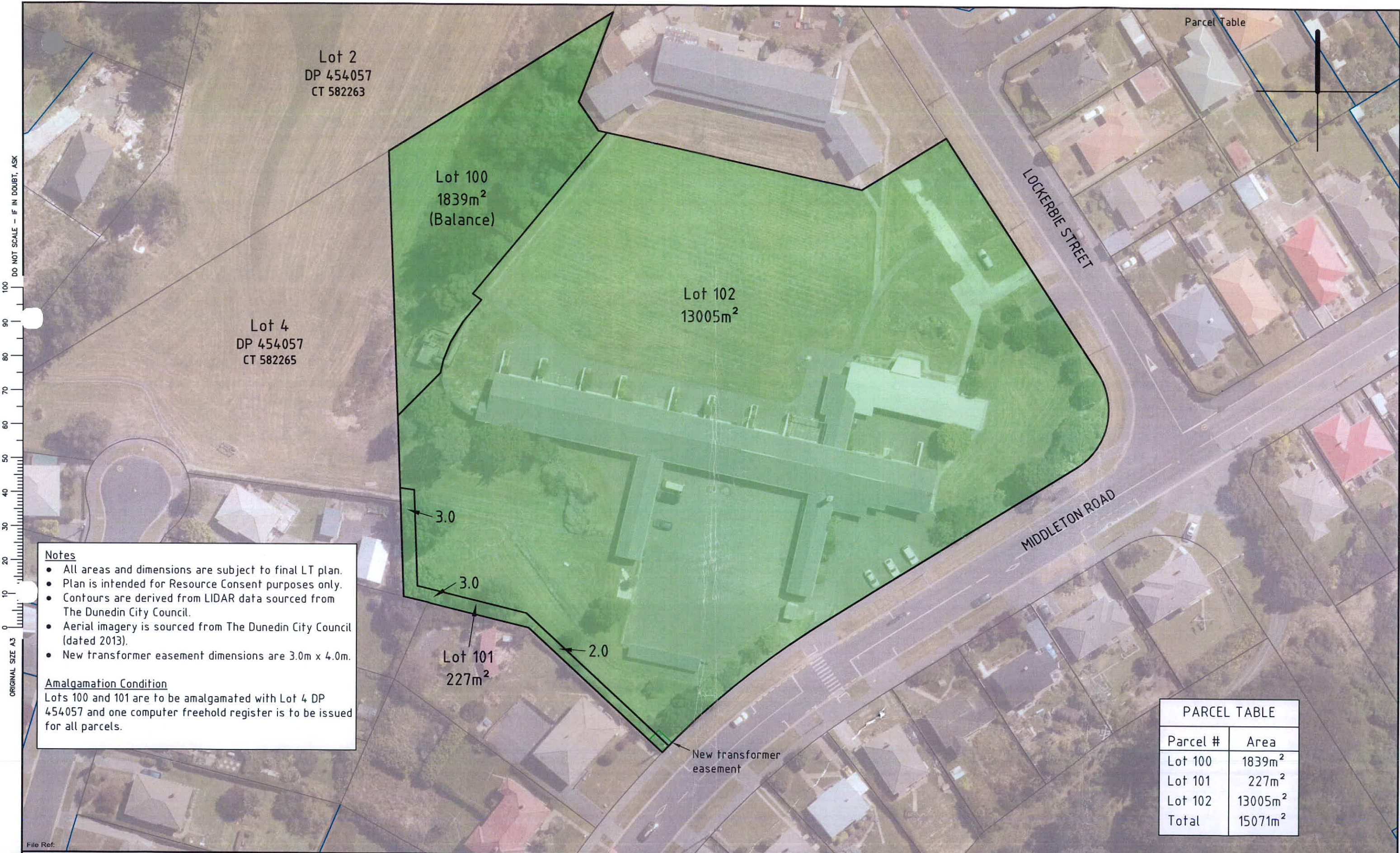
My contact details are above should you have any queries regarding this application.

Yours faithfully



John Willems

*(Planning and Project Management Consultant
BSc Land Planning & Development & NZCD Survey)*
john@tlsurvey.co.nz



- Notes**
- All areas and dimensions are subject to final LT plan.
 - Plan is intended for Resource Consent purposes only.
 - Contours are derived from LIDAR data sourced from The Dunedin City Council.
 - Aerial imagery is sourced from The Dunedin City Council (dated 2013).
 - New transformer easement dimensions are 3.0m x 4.0m.

Amalgamation Condition
Lots 100 and 101 are to be amalgamated with Lot 4 DP 454057 and one computer freehold register is to be issued for all parcels.

PARCEL TABLE	
Parcel #	Area
Lot 100	1839m ²
Lot 101	227m ²
Lot 102	13005m ²
Total	15071m ²

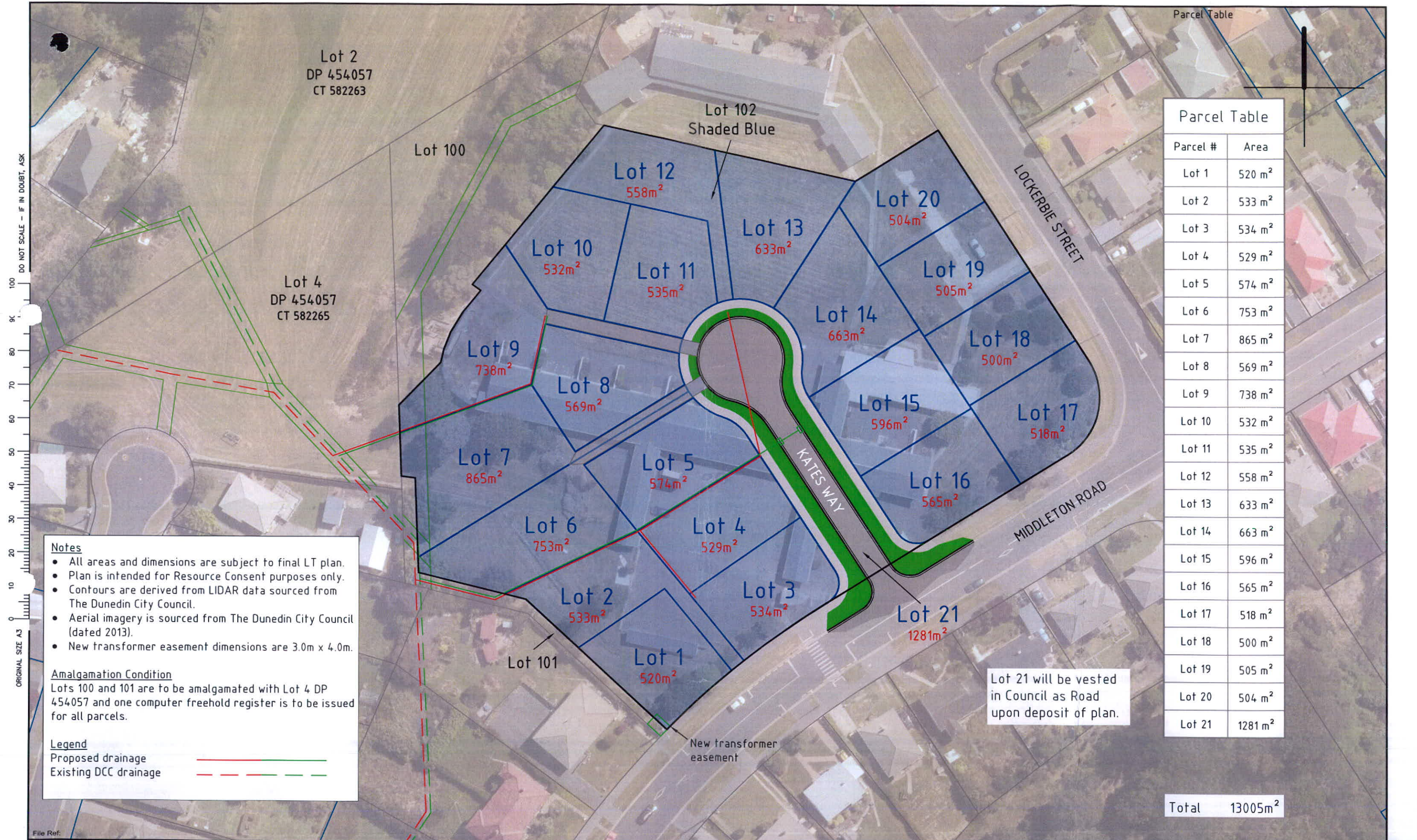
Prepared by:
PAT CUMMINGS
Director - LA MILTON LTD
mobile: 021 91 1956
email: patonland@xtra.co.nz
PO Box 649, Dunedin 9054
Level 2, 44 York Place, Dunedin

No.	Amendments	Drawn	Date

THE MIDDLETONS ESTATE
MIDDLETON ROAD
RESOURCE CONSENT SCHEME PLAN
LOTS 100, 101 & 102 BEING A PROPOSED SUBDIVISION OF LOT 3 DP 454057 (CT 582264)

Project No.: 14106	Surveyed:
Scale: 1:750	Designed: SC/DS
Date: 18 June 2014	Drawn: DS/CB
Sheet: RC-01	Checked: JW

Survey Services
Surveying Consultants
TL Survey Services Limited
P.O. Box 901 DUNEDIN
Phone (03) 477 1133



Parcel Table	
Parcel #	Area
Lot 1	520 m ²
Lot 2	533 m ²
Lot 3	534 m ²
Lot 4	529 m ²
Lot 5	574 m ²
Lot 6	753 m ²
Lot 7	865 m ²
Lot 8	569 m ²
Lot 9	738 m ²
Lot 10	532 m ²
Lot 11	535 m ²
Lot 12	558 m ²
Lot 13	633 m ²
Lot 14	663 m ²
Lot 15	596 m ²
Lot 16	565 m ²
Lot 17	518 m ²
Lot 18	500 m ²
Lot 19	505 m ²
Lot 20	504 m ²
Lot 21	1281 m ²

Total 13005m²

Notes

- All areas and dimensions are subject to final LT plan.
- Plan is intended for Resource Consent purposes only.
- Contours are derived from LIDAR data sourced from The Dunedin City Council.
- Aerial imagery is sourced from The Dunedin City Council (dated 2013).
- New transformer easement dimensions are 3.0m x 4.0m.

Amalgamation Condition
Lots 100 and 101 are to be amalgamated with Lot 4 DP 454057 and one computer freehold register is to be issued for all parcels.

Legend
Proposed drainage ————
Existing DCC drainage - - - - -

Lot 21 will be vested in Council as Road upon deposit of plan.

No.	Amendments	Drawn	Date

THE MIDDLETONS ESTATE

MIDDLETON ROAD

RESOURCE CONSENT SCHEME PLAN

LOTS 1 TO 21 BEING A PROPOSED SUBDIVISION OF LOT 102 HEREON

Project No.: 14106	Surveyed:
Scale: 1:750	Designed: SC/DS
Date: 18 June 2014	Drawn: DS/CB
Sheet: RC-02	Checked: JW

Surveying Consultants
TL Survey Services Limited
P.O. Box 901 DUNEDIN
Phone (03) 477 1133

18 July 2014

LA Milton Ltd
C/- John Willems
TL Survey Services Ltd
PO Box 901
Dunedin 9054

Dear John

**RESOURCE CONSENT APPLICATION: SUB-2014-60
118 MIDDLETON ROAD
DUNEDIN**

Your application for the subdivision (included earthworks) of the land at 118 Middleton Road, Dunedin, into 20 residential lots and road, was processed on a non-notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. The application was considered under delegated authority on 18 July 2014.

I advise that the Council has **granted** consent to the application with conditions. The decision and conditions are shown in the attached certificate.

Please note that the processing of this application could not be completed within the 20 working day time limit prescribed under section 115 of the Resource Management Act 1991. The time limits for the processing of this consent have been extended pursuant to section 37(1)(a) of the Resource Management Act 1991 on 18 June 2014 by Senior Planner – Consents, under delegated authority.

BACKGROUND TO APPLICATION

This application, SUB-2014-60, was received at Council on 13 June 2014 for the subdivision of 118 Middleton Road into 20 residential lots, road, balance land (Lot 100) and a walkway (Lot 101). The subject site is the former Corstorphine School and the school buildings and playing fields are still in place. As part of the subdivision, Lots 100 and 101 were to be amalgamated with the adjoining land of 50 Gilmerton Street, being Lot 4 Deposited Plan 454057, held in Computer Freehold Register 582265.

This subdivision application was lodged on 13 June but with the proviso that negotiations between Council and the applicant over the acquisition of part of the site for a reserve were not complete. As a result, the applicant's agent requested that the application be put on hold until these negotiations were complete. The applicant's agent then advised on 17 June 2014 that the subdivision could continue processing. This extended the timeframes for the consent by a week.

In order to allow the transfer of Lots 100 and 101 to proceed first, it was decided to stage the subdivision into two stages. Stage 1 will create Lots 100 and 101, with the balance land being Lot 102. This stage, received at Council on 20 June 2014 was given its own consent number, SUB-2014-71, so that it could be issued consent before the full assessment of the 20 proposed residential lots and road was completed. Accordingly, SUB-2014-71 for Stage 1 was issued on 4 July 2014.

This consent, SUB-2014-60, now deals with Stage 2 of the subdivision.

DESCRIPTION OF ACTIVITY

The proposal is to subdivide Lot 102 SUB-2014-71 into 20 residential lots and road. The subject site is currently part of the land legally described as Lot 3 Deposited Plan 454057, held in Computer Freehold Register 582264, which has an area of 1.15076ha. The completion of SUB-2014-71 will reduce this area so that the site of Lot 102 will have an area of approximately 1.3005ha. It will be a corner site with frontage to Middleton Road and Lockerbie Street.

The subdivision involves the vesting of a new road, a cul-de-sac extending from Middleton Road. The 20 residential lots will range in size from 500m² to 865m². The new lots will have frontage to existing legal road or to the new road except for Lot 10 which will be a rear lot relying on rights of way for access. Several of the other lots will be rear lots with leg-ins and/or will utilise reciprocal rights of way. The existing school buildings on-site will be removed, and all the new lots will be vacant sites suitable for future residential development.

REASONS FOR APPLICATION

The subject site is zoned **Residential 1** in the Dunedin City District Plan 1999. The former school, kindergarten and childcare site is designated **D058 – Corstorphine Primary School “Primary School”** with the requiring authority being the Minister of Education. As the school has closed and the land has been sold into private ownership, the designation is in the process of being formally lifted and, for the purposes of this subdivision consent, can be considered irrelevant. The Hazards Register shows this site listed as **11407 – Seismic (Liquefaction)**.

Rule 18.5.1(iv) allows subdivision in the Residential zones as a restricted discretionary activity where the application complies with Rules 18.5.3 to 18.5.6, and 18.5.9 to 18.5.12, and each site complies with minimum area and frontage requirements of the relevant zone. Not all the new lots will have frontage to legal road. Accordingly, the proposed subdivision is considered to be a **non-complying** activity pursuant to Rule 18.5.2.

NES Soil Contamination Considerations:

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

The applicant’s agent has undertaken a search of Council’s records. It appears that the site was first occupied by the school from about 1948. Before this, the land appears to have been vacant farm land. The applicant’s agent believes that there are no obvious impediments in developing the site from the information available.

ASSESSMENT OF EFFECTS

Affected Persons

No affected person written approvals have been submitted with the application. No persons are considered to be adversely affected by this proposal for those reasons outlined below in the section headed Effects on the Environment.

Effects on the Environment

The following effects assessment only takes into account the effects of the proposal that are relevant under section 104(3). The Courts have determined that the effects of an activity on the environment should be considered in relation to the existing environment. The following

assessment of the actual and potential effects of the proposal on the environment has been prepared on the basis that the environment is former school grounds within a medium density residential area with mature gardens.

The proposal has been assessed using the assessment matters of section 18.6.1 of the District Plan. Any actual or potential adverse effects on the environment of allowing the activity are considered to be no more than minor for the following reasons:

1. Lot Size and Dimensions (18.6.1(q)) and Physical Limitations (18.6.1(k))

The proposed subdivision will create 20 residential lots ranging in size from 500m² to 865m². These will meet the minimum lot size for the zone, but will not be large enough for two residential units to be established as a permitted activity. The new lots will either have frontage to existing legal road or to the new road to vest, with the one exception of proposed Lot 10 which has no frontage. Adequate legal and physical access will be provided for Lot 10 and any other rear lot relying on shared driveways for access.

The new road will be a cul-de-sac extending from Middleton Road. It will have an area of 1281m².

The residential lots will all be of practical size and shape for future development. There are no known geotechnical issues affecting this land which are expected to compromise the development potential of the new sites. Accordingly, there is no expectation that the proposed subdivision will create any site having physical limitations rendering it unsuitable for future use.

2. Easements (18.6.1(i))

The title of Lot 3 DP 454057 has two registered easements. The right to drain foul sewage and stormwater follows the western boundary of the subject site for approximately two-thirds of the boundary before cutting across the site towards Lot 1 DP 454057. An easement in gross for the drainage of sewage and stormwater in favour of the Dunedin City Council is situated at the southern end of the western boundary. Portions of these easements will be contained within new Lot 102.

Where these easements are contained within new Lot 102 SUB-2014-71, they will be retained on subdivision, and will carry down automatically onto the titles of whichever lots they cross. These are expected to be Lots 6, 7 and 9. The easements will not compromise the development potential of these lots as the easements are all situated at the extreme western end of the new lots.

No new easements are expected to be placed on the title of Lot 102 as a result of SUB-2014-71. It is very possible that easements for power and/or telecommunications over Lot 102 will be created as a result of moving a power pole on Middleton Road, although the timing of the creation of these easements has not yet been determined.

New easements proposed as part of this subdivision are several rights of way to ensure that the rear lots have adequate legal and physical access. Easements, including easements in gross, are likely to be required for servicing as well. These can be created as needed.

3. Infrastructure (18.6.1(d), (e), (i), (j), (n), (o), and (p))

The Consents and Compliance Officer, Water and Waste Services Business Unit, has considered the application. She notes that a review of Council's GIS records shows 150mm diameter water reticulation mains in Middleton Road and Lockerbie Street. There is a 225mm diameter stormwater sewer and a 150mm diameter foul sewer travelling through the properties on Middleton Road that traverse the southwest corner of the site (Lot 3 DP 454057) before heading downhill behind the subject site. There are no foul or stormwater sewers located in Lockerbie Street; however, there

are 150mm foul sewers located in Dornoch and Marewa Streets, and Middleton Road. A further 150mm diameter foul sewer is located within 101 Middleton Road, adjoining the unformed portion of Lockerbie Street. There is an existing water meter on Middleton Road associated with the existing school buildings on the subject site.

Water Services:

The Consents and Compliance Officer advises that the water model does not indicate any headloss or pressure issues in the vicinity of the development. Predicted fire flows are greater than 25L/s from a single fire hydrant at noon during a peak day simulation. The application notes the area as being within the Restricted Water Supply Area. The issues specifically relates to flows at Highgrove which have now been addressed with a capital renewal project. As such, there are no concerns with respect to the development being in the Restricted Water Supply Area.

The application notes the existing water supply is to be removed as part of the demolition of the existing building on the site. There will need to be a new ridermain installed in the new road. Detailed engineering plans for the proposed water servicing infrastructure for the development must be submitted to the Asset Planning Engineer, Water and Waste Services Business Unit for approval prior to any work commencing. The engineering plans submitted to the Water and Waste Services Business Unit must meet the requirements of the *Construction Plan Check List*.

It is required that each new lot be serviced from an individual Point of Supply as defined by the Dunedin City Council Water bylaw 2011. All new water service connections to the proposed development must be in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.

The application is not specific about the details of how each lot will be serviced for water. Proposed Lots 1, 2, 3, 16, 17, 18, 19 and 20 should be individually serviced from the water mains in Middleton Road and Lockerbie Street, as appropriate. Proposed Lots 6, 7, 9 and 10 should have individual water service lines off the new ridermain in the new road. The remaining lots (Lots 4, 5, 8, 11-15) must have individual water service lines off a new ridermain (to be vested with Council) in the new road. It is noted that any water servicing infrastructure located within private access lots will be privately owned and all maintenance will be the responsibility of the land owners serviced by it.

Stormwater Services:

The stormwater model¹ predicts surcharge and flooding both upstream and downstream of this location. Significant flooding has been experienced at the Glen Road and South Road intersection. The application includes some analysis about pre-development and post-development stormwater flows, indicating that the impervious area will be reduced by this development. However, the Water and Waste Services Business Unit considers a Stormwater Management Plan should still be submitted to the department for approval to further address changes in stormwater flows as a result of this development.

The Stormwater Management Plan must outline how stormwater from the subdivision will be managed to ensure post-development flows do not exceed pre-development flows, and identify and address any downstream effects of the stormwater generated by the development, including any mitigation required. As such, the Stormwater Management Plan must include (but is not limited to) the following:

- An assessment of the current and proposed imperviousness area;
- How stormwater flows from each lot are serviced;

¹Part of the Orari Street catchment ICMP and therefore a stormwater model is available and an ICMP is on-line at <http://www.dunedin.govt.nz/services/stormwater/integrated-catchment-management-plans>

- Secondary flow paths;
- An assessment of the current stormwater network and its ability to accept any additional flow from the proposed development.

A template detailing what should be included in the Stormwater Management Plan is available on request from the Water and Waste Services Business Unit.

The application notes, *'The proposed stormwater sewer will consist of 225/275mm pipes with a possible upgrade of the existing SW sewers within the adjoining Lot 4 DP 454057 should this be required.'* Further discussion with the applicant's agent indicates that the pipes are likely to be 225mm. However, on the basis of the above comment, the Water and Waste Services Business Unit, assessed the effects of 275mm diameter pipes.

It is noted that the existing 225mm diameter stormwater sewer (in Lot 4 DP 454057) will need to be checked to ensure it can handle the current flows and the proposed flows from the development, especially if the stormwater pipes within the subdivision are designed as 275 mm diameter. These calculations and assessment should be included in the Stormwater Management Plan. As the application notes, adjoining stormwater sewers may require upgrading; any upgrades to the downstream stormwater pipework required because of the development will be at the applicant's cost.

Depending on the conclusions of the Stormwater Management Plan, on-site retention may be required and if so, a consent notice to this effect will need to be placed on the certificate of title for each residential lot.

Foul Sewer Services:

The Water and Waste Services Business Unit has had extensive discussions with the applicant regarding the wastewater servicing for this development.

In the application, all wastewater flows from the development were proposed to be added to the 150 mm diameter sewer at the corner of the subject site (within Lot 4 DP 454057). This sewer combines with other foul sewers downstream to take flows to Corstorphine Road, through Surrey Street and MacAndrew Road, and on to the Main Interceptor Sewer and the Tahuna Wastewater Treatment Plant.

This wastewater catchment contributes to a downstream network that experiences surcharging and flooding issues in a 1 in 10 year rainfall event. The wastewater model predicts both flooding and surcharge in the wastewater sewers at this upstream end of this catchment and also at the downstream flat area of South Dunedin. There are currently significant wastewater surcharge and flooding events (internal and external property) experienced in Surrey Street. Flooding is also experienced from the wastewater manhole where the sewers combine at 20 Summertime Avenue. In addition, during a site visit to 118 Middleton Road, significant flow was heard at the upstream manhole (FSM60532) from 20 Summertime Avenue.

Adding the volume of wastewater that will be generated from the development of 20 new residential lots to a catchment known to have substantial existing wastewater problems is likely to have significant adverse effects by exacerbating the wastewater surcharge and flooding issues in the catchment in both the upstream and downstream areas. As such, the Water and Waste Services Business Unit does not support the application as proposed to add all wastewater flows from the development to this catchment. The Consents and Compliance Officer advises:

'Following discussions with the applicant, agreement has been reached to divert as much of the wastewater flow from the development as engineering design permits into the 150 mm diameter wastewater sewer located within 101 Middleton Rd (adjoining the unformed part of Lockerbie Street). Flows discharged into the Lockerbie Street sewer go to the

Tahuna Wastewater Treatment Plant via Bayview Road, and the Main Interceptor Sewer. This wastewater catchment contributes to a downstream network that experiences surcharging in a 1 in 10 year rainfall event. The wastewater model predicts surcharge in the wastewater sewers but no flooding. Connecting to the 150 mm diameter wastewater sewer located within 101 Middleton Rd (adjoining the unformed part of Lockerbie Street) therefore avoids adding flows to the Surrey Street problem area.

'In conclusion, Water and Waste Services' agreement with this proposal is conditional on all possible wastewater flows from the subdivision (that engineering design permits) being connected to the 150 mm diameter foul sewer located in 101 Middleton Road adjoining the unformed section of Lockerbie Street, to avoid exacerbating wastewater issues in Surrey Street. An initial concept review by Water and Waste Services² confirms that potentially only four lots (1, 2, 6 and 7) would need to connect to the network that traverses Surrey Street (because of levels and topography of the site), but the final number can be discussed further and agreed to at the engineering design stage.'

Engineering Plans:

The development will require the extension of the Council water, foul sewer and stormwater networks. The applicant must provide detailed engineering design (plans, long sections and calculations) of how the proposed subdivision will be serviced for water, stormwater and wastewater to the Asset Planning Engineer, Water and Waste Services Business Unit, for approval prior to any works commencing on site. The engineering plans must meet the requirements of the *Construction Plan Check List* and the Dunedin Code of Subdivision and Development 2010. All work associated with installing the infrastructure to be vested in Council shall be undertaken in accordance with the engineering plans approved by the Asset Planning Engineer, Water and Waste Services.

Private Drainage:

The Consents and Compliance Officer notes that the final foul drain lateral connection points will be dependent on the final wastewater design to service the development that is approved by the Water and Waste Services Business Unit. Proposed Lots 1 to 20 will each require a separate foul drain.

Regarding stormwater disposal from the new lots:

New Lots 1 & 3: Stormwater is to drain to Middleton Road kerb and channel.

New Lots 2, 4-9: Separate stormwater drains are required for each new lot to the proposed new stormwater sewer in these lots, or via an easement. The lots have the option of draining to kerb and channel if this is more practical.

New Lot 10: Stormwater is to drain to the proposed kerb and channel in the new road via an easement over new lot 11.

New Lots 11, 12 and 13: Stormwater is to drain to the kerb and channel in the new road for each new lot.

New Lots 14 & 15: Stormwater is to drain to the kerb and channel in the new road.

New Lot 16: Stormwater is to drain to the kerb and channel in the new road or Middleton Road.

²Refer email from Louisa Sinclair 14 July 2014 'WWS suggested wastewater plan for 118 Middleton Road' for concept plan.

New Lots 17-20: Stormwater is to drain to the kerb and channel in Lockerbie Street.

New Lot 21 is to be vested as road. Stormwater is to drain to the proposed new stormwater sewer, subject to design options.

Easements:

There are existing Council stormwater and foul sewer pipes located within the subject site and new servicing infrastructure proposed. Any existing or new servicing infrastructure (water, stormwater, or wastewater) located within privately owned property that is to be vested in Council requires an easement in gross in favour of the Dunedin City Council. The easements must be made in accordance with the relevant section(s) of the Dunedin Code of Subdivision and Development 2010.

In conclusion, the Water and Waste Services Business Unit has no issues with the proposed subdivision, subject to conditions consistent with the above comments.

4. Transportation (18.6.1(c))

The Transportation Planner, Transportation, has visited the site and considered the application. Middleton Road is a Collector Road under the District Plan Roding hierarchy. Lockerbie Street and Gilmerton Street are both Local Roads. The Transportation Planner notes that the proposal is to create 20 residential lots and a new road to vest in Council. The proposed development of the site has been subject to substantial negotiation between the developer and the Council with regard to public access through the site, which has been addressed as part of SUB-2014-71.

The main access for the subdivision will be via the proposed cul-de-sac, Lot 21 – road to vest. This will provide frontage and physical access to Lots 3 to 16. Lots 3 and 16 will be corner sites with frontage also to Middleton Road. Lot 17 will be a corner site with frontage to Middleton Road and Lockerbie Street, and Lots 18 to 20 will have frontage to Lockerbie Street only.

Transportation has investigated the position of the proposed cul-de-sac intersection with Middleton Road to confirm that adequate visibility for safe operation will be provided. The department confirms that the available sight distances will comply with the Council Standard Plan RS-022, and the position of the cul-de-sac is therefore considered to be acceptable. The Transportation Planner notes:

'It is stated in the application that compliance with the Dunedin City Code of Subdivision and Development 2010 with regard to road design, and associated transportation matters, will be achieved. In the transportation assessment section of the application, the applicant proposes a road design incorporating the following features:

- Lot 21 will have a legal width of at least 16.0m.
- A 6.0m wide 2-way carriageway.
- Grass berms around the carriageway/cul-de-sac stopping at the accesses to proposed Lots 6/7 & 9.
- 2 x 2.0m wide footpaths around the carriageway/cul-de-sac stopping at the accesses to proposed Lots 6/7 & 9.
- A cul-de-sac head radius of 9.5m.'

Transportation notes that these provisions generally comply with Council standards; however, ultimate acceptability of the roading works will be determined at the detailed design stage via associated consent conditions. Specifically, detailed engineering plans showing the details of the construction of the new road and all associated transportation works shall be submitted to and approved by the Group Manager Transportation prior to construction. Upon completion of construction of the new road, all works shall be tested to demonstrate that they meet the acceptance requirements of the Dunedin Code of Subdivision and Development 2010. The works shall be

certified as having been constructed in accordance with the approved plans and specifications upon completion.

The specific vehicle accesses to the individual lots will be confirmed at the time of their eventual development, at the building consent or resource consent stage. It is noted that the applicant may wish to install vehicle crossings as part of the road works for the development, which is acceptable. However, the applicant is advised that such vehicle crossing will be required to meet the provisions of the District Plan, or they will require an additional land use consent.

The rear sites and those fronting Middleton Road are required by the District Plan to have on-site manoeuvring so that no vehicle is required to reverse onto or off the road. Transportation will assess the provisions for access, parking and manoeuvring at the time of resource consent or building consent application.

Transportation considers that the effects of the traffic generated by the proposed development are anticipated by the District Plan. In conclusion, Transportation considers that the proposal will have no more than minor impact on the safety and functionality of the transportation network subject to conditions consistent with the above points.

I note that Lots 6 and 7, and Lots 9 and 10 will share rights of way access. The District Plan requires that the full length of a right of way be formed, hard surfaced and adequately drained for its duration. This requirement will also be a condition of consent.

5. Earthworks

The proposal includes the development of a new road which will require earthworks as part of the construction phase. Earthworks undertaken as part of subdivision works are exempt from obtaining specific land use consent provided detailed engineering plans are provided. No engineering plans have been submitted with this application but will be required as part of the design process for the new roading. Accordingly, the earthworks for the construction of the road can be considered exempt from specific earthworks consent.

This consent does not address any earthworks for this subdivision associated with the development of the new lots, or the formation of any new access, manoeuvring areas, or retaining walls (should any be required) undertaken within the new lots once subdivision is complete. Should future earthworks on-site breach the performance standards of Section 17 of the District Plan, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.

6. Hazards (18.6.1(t))

Council's Consulting Engineer, MWH, assessed the suitability of the subject site for development as part of the original subdivision SUB-2012-5 which created the subject site. As part of that assessment, the Consulting Engineer concluded that the land appears to be at relatively low risk from natural hazards, although specific land management issues might be prudent in terms of constructing buildings on previously worked land. The Consulting Engineer has reviewed this assessment as part of this consent, and advises:

'The applicant correctly recognises that we have previously assessed the risk for this area and concluded that we do not anticipate any effects from natural hazards. There may be some earthworks involved for development, but the site is only gently sloping, and this work is unlikely to require special attention.'

The Consulting Engineer has not identified any known geotechnical issues for this land which would mean that the subdivision should not proceed. He did not comment further.

7. Amenity Values and Character (8.13.5)

The amenity values associated with this site and this area are associated with the former school use of the land. Although this use has been discontinued, the existing environment is still that of a school. This will change as the land is redeveloped. While there will be significant change to the existing environment as a result of this subdivision proposal, change in accordance with the zone expectations is not considered to be an adverse effect. The proposal is expected to maintain the amenity values and character of the Residential 1 zone and surrounding environment.

CONSENT DECISION

That, having taken into account:

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

the Council has, pursuant to section 37(1)(a) of the Resource Management Act 1991, extended the requirement outlined in section 115(b)(i) regarding the time in which notification of a decision must be given after the date the application was first lodged with the Council.

*That pursuant to section 34A(1) and 104B, and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **non-complying** activity being the subdivision of 118 Middleton Road, Dunedin, being the land of Lot 102 SUB-2014-71 (currently part of CFR 582264), subject to the conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*

REASONS

Effects

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

District Plan – Objectives and Policies

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

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

- **Objective 4.2.1 and Policy 4.3.1** seek to maintain and enhance the amenity values of Dunedin.
- **Objective 8.2.1 and Policy 8.3.1** seek to ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied or mitigated.
- **Objective 18.2.1 and Policy 18.3.1** seeks to ensure that subdivision activity takes place in a coordinated and sustainable manner.

- **Objective 20.2.2 and Policy 20.3.2** seek to ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.

RIGHTS OF OBJECTION

In accordance with section 357 of the Resource Management Act 1991, the consent holder may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

The Chief Executive
Dunedin City Council
P O Box 5045
Dunedin 9054

Attn: Senior Planner- Enquiries Plaza, ground floor.

DEVELOPMENT CONTRIBUTION DECISION

In accordance with Section 198 of the Local Government Act 2002 and the Dunedin City Council Policy on Development Contributions of the adopted 2009/10 – 2018/19 Community Plan, a development contribution of \$5454.20 (including GST) is payable on this development. This contribution has been calculated as set out below:

Contribution Area	Rate per Unit of Demand 2009/10#	Additional Units of Demand	Contribution excluding GST
City Wide Reserves Contribution	\$249.62 per unit	19	\$4742.78
GST:			\$711.42
Total:			\$5454.20

Payment shall be made at your earliest convenience but shall be prior to the issue of the 224(c) certificate for the respective stage of the development.

In the event that the development contribution for this consent is not paid, the Council may pursuant to section 208 of the Local Government Act 2002:

- a) withhold a certificate under section 224(c) of the Resource Management Act 1991 and
- b) register the development contribution under the Statutory Land Charges Registration Act 1928, as a charge on the title of the land in respect of which the development contribution was required.

Yours faithfully

Lianne Darby
PLANNER

Consent Type: Subdivision

Consent Number: SUB-2014-60

Location of Activity: 118 Middleton Road, Dunedin

Legal Description: Lot 102 SUB-2014-71, currently part of Lot 3 DP 454057 (CFR 582264)

Lapse Date: 18 July 2019, unless the consent has been given effect to before this date.

*That pursuant to section 34A(1) and 104B, and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **non-complying** activity being the subdivision of 118 Middleton Road, Dunedin, being the land of Lot 102 SUB-2014-71 (currently part of CFR 582264), subject to the conditions imposed under sections 108 and 220 of the Act, as follows.*

1. *The proposal shall be given effect to generally in accordance with the revised plan prepared by TL Survey Services Ltd entitled, "The Middleton's Estate, Middleton Road, Resource Consent Scheme Plan Lots 1 to 21 being a Proposed Subdivision of Lot 102 hereon," received at Council on 27 June 2014, and the accompanying information submitted as part of SUB-2014-60 received by Council on 13 June 2014, except where modified by the following:*
2. *Prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:*
 - a) *If a requirement for any easements for services is incurred during the survey then those easements shall be granted or reserved and included in a Memorandum of Easements on the survey plan.*
 - b) *That a right of way is duly created or reserved over Lot 9 in favour of Lot 10, and shall be shown on the application plan in a Memorandum of Easements. The width of the right of way shall a minimum of 3.5m.*
 - c) *That reciprocal rights of way shall be created over the leg-ins of Lots 6 and 7, and shall be shown on the survey plan in a Memorandum of Easements. The combined width shall be a minimum of 3.5m.*
 - d) *That any servicing infrastructure (water, stormwater or wastewater) to be vested with Council which is to be located with privately owned property shall have an easement in gross in favour of the Dunedin City Council. The easements in gross shall be in accordance within the relevant section of the Dunedin Code of Subdivision and Development 2010.*
3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:*
 - a) *The subdividing owner of the land shall provide a letter to the Council advising who their representative shall be for the design and execution of the engineering works required in association with this subdivision and shall confirm that this representative will be responsible for all aspects of the works covered under section 104 of NZS4404:2004 "Code of Practice for Urban Land Subdivision" in relation to this development.*

- b) *That prior to the commencement of any works on the land being subdivided, the consent holder shall provide detailed copies of specifications, calculations, and design plans for water, stormwater and wastewater reticulation to the Asset Planning Engineer, Water and Waste Services Business Unit, for approval. The submitted engineering plans shall meet the requirements of the Construction Plan Check List and the Dunedin City Council's Code of Subdivision and Development 2010.*
- c) *That all work associated with installing any Council-owned servicing infrastructure shall be undertaken in accordance with the engineering plans approved by the Asset Planning Engineer, Water and Waste Services Business Unit, and the Dunedin Code of Subdivision and Development 2010.*
- d) *That an 'Application for Water Supply' shall be submitted to the Water and Waste Services Business Unit for approval to establish a new water connection to each of Lots 1 to 20. Details of how each lot is to be serviced for water shall accompany the application.*
- e) *Upon approval by the Water Network Engineering Officer, the new water service connection shall be installed in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.*
- f) *That the construction of water reticulation shall be as specified by the Dunedin City Council's Code of Subdivision and Development 2010, and to details approved by Water and Waste Services Business Unit.*
- g) *That all wastewater flows from the subdivision, where engineering design of the wastewater infrastructure permits, must be connected to the 150mm diameter foul sewer located in 101 Middleton Road adjoining the unformed section of Lockerbie Street (Asset ID = FSM06686).*
- h) *That a stormwater management plan shall be submitted to the Water and Waste Services Business Unit for approval. The Stormwater Management Plan shall outline how stormwater from the subdivision will be managed to ensure post-development flows do not exceed pre-development flows, and identify and address any downstream effects on the stormwater network of the stormwater generated by the development, including any mitigation required.*
- i) *Should the Stormwater Management Plan conclude that mitigation for stormwater flows is required, the following consent notices shall be prepared for registration on the titles of Lots 1 to 20 for the following ongoing condition:*

'That prior to residential activity taking place on this site, the property owner shall install a retention tank to retain all stormwater run-off from roof surfaces. This tank shall have a minimum storage capacity of [x] litres. Primary discharge shall be through a restricted aperture located near the invert of the tank, which shall be specifically designed to pass 0.5 litres per second. Secondary discharge shall be by way of a standard 100mm diameter drain installed at the top of the tank, which shall provide an escape route for water during extreme rainfall events.'

The required capacity of the tank shall be determined as part of the Stormwater Management Plan and shall be approved by the Water and

Waste Services Business Unit. Once this figure is known, it shall be recorded within the above consent notice instead of [x].

- j) That during any site disturbance stages associated with this subdivision, appropriate measures are put in place in order to control and contain stormwater run-off from the site.*
- k) That electricity and telecommunications shall be supplied to the net area of each allotment. These shall be installed underground from any existing reticulation.*
- l) The subdivider shall provide to Council 'as-built' plans and information detailing all engineering works completed in relation to or in association with this subdivision.
Such "as-built" plans of:*
 - (i) the water reticulation pipes laid within the subdivision shall include the locations of hydrants, valves, pipelines, service connections and manifold box installations and details of the pipeline materials and depth of cover over the pipelines. Written confirmation shall also be given that only approved materials have been used in the construction of the water reticulation in the subdivision.*
 - (ii) the foul and stormwater system shall show laterals for each lot.*
- m) Detailed engineering plans showing the details of construction of the road to vest shall be submitted to and approved by the Group Manager Transportation prior to construction.*
- n) Upon completion of the road construction, the pavement shall be tested to demonstrate that it meets the pavement acceptance requirements of the Dunedin City Council Code of Subdivision and Development 2010.*
- o) Street nameplates and street lighting shall be provided in accordance with the Dunedin City Council's Code of Subdivision and Development 2010.*
- p) Any tree planting to be undertaken in the road reserve shall be undertaken generally in accordance with plan 9421.7. Species and location of trees shall be approved by the Group Manager Transportation prior to planting commencing.*
- z) The entire lengths of the rights of way over Lots 6, 7 and 9 shall be formed and hard surfaced to a minimum width of 3.0m (combined width in the case of Lots 6 and 7), and be adequately drained.*
- aa) Vehicle crossings shall be constructed at the entrance to Lots 6/7, 9 and 12. Other vehicle crossings may be constructed at the developer's discretion. Vehicle crossings, where constructed, shall comply with the requirements of the Transportation Section of the District Plan.*
- bb) That a suitably qualified engineer experienced in soils investigation provide certification in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development for all areas of controlled engineered fill placed during construction of the subdivision.*
- cc) That a plan shall be prepared showing the extent of any uncontrolled and/or any engineered fill within the new lots. The plan shall be submitted to Council for its records. The plan shall be also attached to the consent notice of condition 3(dd) below, if such a consent notice is necessary.*

dd) *That, if necessary, a consent notice shall be prepared for registration on the title of those lots having areas of uncertified fill within their boundaries for the following on-going condition:*

- (i) *'This site contains area/s of uncertified fill. If any building is to be constructed within the area of uncertified fill, it will be necessary to undertake specific geological investigation and engineering design of the foundations.'*

Advice Notes:

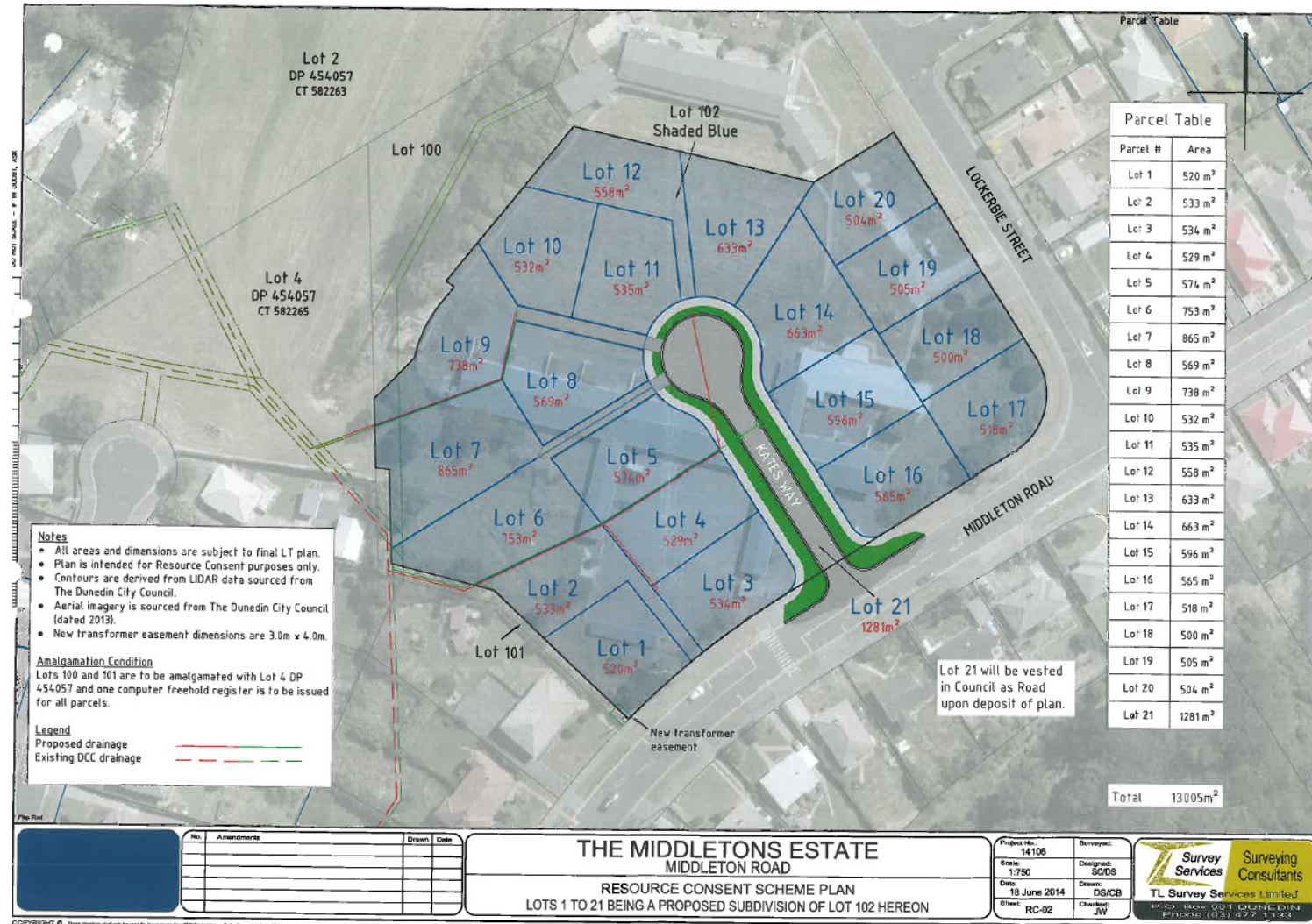
1. In addition to the conditions of a resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake. A similar responsibility exists under the Health Act 1956.
2. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
3. Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
3. It is the consent holder's responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
4. The following documentation is recommended as best practice guidelines for managing erosion and sediment-laden run-off and for the design and construction of erosion and sediment control measures for small sites:
 - ARC Technical Publication No. 90 Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region, March 1999.
 - Environment Canterbury, 2007 'Erosion and Sediment Control Guidelines for the Canterbury Region' Report No. CRCR06/23.
 - Environment Canterbury, 2007 "Erosion and Sediment Control Guidelines for Small Sites."
5. All aspects relating to the availability of the water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.
6. Parts 4, 5 and 6 (Stormwater Drainage, Wastewater and Water Supply) of the Dunedin Code of Subdivision and Development 2010 must be complied with.
7. It is advised that in the event of any new development on the new lots, Transportation Operations will review the provisions for access and parking at the time of any building consent or resource consent application for a specific proposal.
8. Certain requirements for building on this land may be stipulated via the building consent process, and are likely to include the following points:
 - For sites level with or above the road, the finished floor level of any building is to be a minimum of 150mm above the crown of the road.
 - For sites below the road, the finished floor level is to be no less than 150mm above the lowest point on the site boundary. Surface water is not to create a nuisance on any adjoining properties.
 - For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.

- As required by the New Zealand Building Code E1.3.2, surface water resulting from an event having a 2% probability of occurring annually, shall not enter buildings. The finished floor level shall be set accordingly.
9. This consent does not address any earthworks for this subdivision associated with the development of the new lots, or the formation of any new access, manoeuvring areas, or retaining walls (should any be required) within the new lots. Should future earthworks on-site breach the performance standards of Section 17 of the District Plan, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.
 10. All measures (including dampening of loose soil) should be undertaken to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary.

Issued at Dunedin this 18 July 2014.

Lianne Darby
Planner

COPY OF PLAN: Not to Scale.



4 July 2014

LA Milton Ltd
C/- John Willems
TL Survey Services Ltd
PO Box 901
Dunedin 9054

Dear John

**RESOURCE CONSENT APPLICATION: SUB-2014-71
118 MIDDLETON ROAD
DUNEDIN**

Your application for the subdivision of the land at 118 Middleton Road, Dunedin, to allow transfer of two lots to 50 Gilmerton Street, was processed on a non-notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. The application was considered under delegated authority on 4 July 2014.

I advise that the Council has **granted** consent to the application with conditions. The decision and conditions are shown in the attached certificate.

BACKGROUND TO APPLICATION

Council received an application, SUB-2014-60, on 13 June 2014 for the subdivision of 118 Middleton Road into 20 residential lots, road, balance land (Lot 100) and a walkway (Lot 101). The subject site is the former Corstorphine School and the school buildings and playing fields are still in place. As part of the subdivision, Lots 100 and 101 are to be amalgamated with the adjoining land of 50 Gilmerton Street, being Lot 4 Deposited Plan 454057, held in Computer Freehold Register 582265. The new site will have an area of approximately 5955m².

It has now been determined that it is desirable to transfer Lots 100 and 101 at the earliest stage possible, and accordingly, a revised proposal to stage the subdivision was submitted to Council on 20 June 2014. The revised proposal creates Lots 100, 101 and a balance area, Lot 102 at Stage 1, and then subdivides Lot 102 into the 20 residential lots and road at Stage 2. It has been decided to completely separate the staging of the subdivision so that Stage 1 is a different consent to Stage 2. A new consent number has been issued for Stage 1, being SUB-2014-71.

DESCRIPTION OF ACTIVITY

This subdivision will subdivide 118 Middleton Road, Dunedin, into three lots as follows:

- Proposed Lot 100 will be a balance area of 1839m² situated at the northwest end of the subject site. It will have no frontage to legal road and no legal access.
- Proposed Lot 101 will be a strip of varying width along the southwest edge of the subject site, created for the purpose of providing pedestrian access between Middleton Road and Gilmerton Street.

- Proposed Lot 102 will be a corner site of 1.3005ha having frontage to Middleton Road and Lockerbie Street. It will become the new subject site of SUB-2014-60.

Lots 100 and 101 are to be amalgamated with Lot 4 DP 454057 to create a new site of 5955m². This site will have frontage to the end of Gilmerton Street, and a short section of frontage to Middleton Road at the end of the walkway.

REASONS FOR APPLICATION

The subject site is zoned **Residential 1** in the Dunedin City District Plan 1999. The former school, kindergarten and childcare site is designated **D058 – Corstorphine Primary School “Primary School”** with the requiring authority being the Minister of Education. As the school has closed and the land has been sold into private ownership, the designation is in the process of being formally lifted and, for the purposes of this subdivision consent, can be considered irrelevant. The Hazards Register shows this site listed as **11407 – Seismic (Liquefaction)**.

Rule 18.5.1(iv) allows subdivision in the Residential zones as a restricted discretionary activity where the application complies with Rules 18.5.3 to 18.5.6, and 18.5.9 to 18.5.12, and each site complies with minimum area and frontage requirements of the relevant zone. Lots 100 and 101 will be amalgamated with Lot 4 DP 454057 and the new site will comply with minimum frontage and area requirements, as will Lot 102. Accordingly, the proposed subdivision is considered to be a **restricted discretionary** activity pursuant to Rule 18.5.1(iii).

NES Soil Contamination Considerations:

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

The applicant’s agent has undertaken a search of Council’s records. It appears that the site was first occupied by the school from about 1948. Before this, the land appears to have been vacant farm land. The applicant’s agent believes that there are no obvious impediments in developing the site from the information available.

ASSESSMENT OF EFFECTS

Affected Persons

No affected person written approvals have been submitted with the application. No persons are considered to be adversely affected by this proposal for those reasons outlined below in the section headed Effects on the Environment.

Effects on the Environment

The following effects assessment only takes into account the effects of the proposal that are relevant under section 104(3). The Courts have determined that the effects of an activity on the environment should be considered in relation to the existing environment. The following assessment of the actual and potential effects of the proposal on the environment has been prepared on the basis that the environment is former school grounds within a medium density residential area with mature gardens.

The proposal has been assessed using the assessment matters of section 18.6.1 of the District Plan. Any actual or potential adverse effects on the environment of allowing the activity are considered to be no more than minor for the following reasons:

1. Lot Size and Dimensions (18.6.1(q)) and Physical Limitations (18.6.1(k))

The proposed subdivision will create three new lots. The amalgamation of Lots 100 and 101 with the adjoining land of Lot 4 DP 454057 will mean that the subdivision will create two new sites from two existing sites, being in effect a boundary adjustment. Both new sites will meet the minimum area requirement for the Residential 1 zone, and will have frontage to legal road.

Council has an agreement to purchase Lots 2 and 4 DP 454057 as well as proposed Lots 100 and 101. The future use of this land has yet to be determined, but one intention of the subdivision is to provide continued pedestrian access between Gilmerton Street and Middleton Street. The new site will achieve this purpose.

Proposed Lot 102 is subject of a further subdivision proposal to subdivide the land into a residential development. The suitability of the land for the purpose proposed is still being assessed. However, it is evident that the site is of practical size and shape to accommodate at least one residential unit, and there are no known geotechnical issues affecting this land which are expected to compromise the development potential of the new site. Accordingly, there is no expectation that the proposed subdivision will create any site having physical limitations rendering it unsuitable for future use.

2. Easements (18.6.1(i))

The title of Lot 3 DP 454057 has two registered easements. The right to drain foul sewage and stormwater follows the western boundary of the subject site for approximately two-thirds of the boundary before cutting across the site towards Lot 1 DP 454057. An easement in gross for the drainage of sewage and stormwater in favour of the Dunedin City Council is situated at the southern end of the western boundary. These easements will be retained on subdivision, and will carry down automatically onto the title of whichever lot they cross.

No new easements are proposed as part of this subdivision proposal.

3. Infrastructure (18.6.1(d), (e), (i), (j), (n), (o), and (p))

No servicing of Lots 100 or 101 is anticipated at this stage as there is no development proposed for this land. The servicing of Lot 102 is currently being assessed by the Water and Waste Services Business Unit, and will be commented upon at length as part of the subdivision SUB-2014-60. This proposal is, in effect, a boundary adjustment between two adjoining properties where there is no change in land use intended as part of this application. The Consents and Compliance Officer, Water and Waste Services Business Unit, has considered the application and advises there is no issue with the transferring of the land between the properties.

4. Transportation (18.6.1(c))

The Transportation Planner, Transportation, has considered the application. Middleton Road is a Collector Road under the District Plan Roding hierarchy. Lockerbie Street and Gilmerton Street are both Local Roads. The Transportation Planner comments:

'While we have made it clear to all parties involved with this development that Lot 101 would not meet current requirements for an accessway, we are accepting of the fact that the agreement to acquire this land has already been made at an executive level. Relevant staff within Transportation have discussed this aspect, and I have mentioned this to Robert Clark who is handling the land acquisition negotiations for Council. We have agreed that what has been put forward by the applicant with regard to Lot 101 is an acceptable outcome given the circumstances. We note that the applicant has proposed mitigation measures, such as fencing beside Lot 101, in order to address CPTED issues relating to the proposed alignment of the walkway.'

As such, there are no formation requirements for Lot 101 in the context of this subdivision consent. This matter is understood to have been addressed separately as part of the sale and purchase agreement between the landowner and the Council.

The Transportation Planner notes that there is a power pole at the road frontage of Lot 101, which will need to be relocated in order to allow for pedestrian access in this location. It is understood that this aspect is also covered by the sale and purchase agreement. The Transportation Planner advises that the power lines from this pole extend through the site, to Glimerton Street. These might require easements over private land.

Overall, Transportation has no objection to the Stage 1 proposed subdivision as outlined in the application, and has not recommended any conditions for consent.

5. Earthworks

This consent does not address any earthworks for this subdivision associated with the development of the new lots, or the formation of any new access, manoeuvring areas, or retaining walls (should any be required). Should future earthworks on-site breach the performance standards of Section 17 of the District Plan, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.

6. Hazards (18.6.1(t))

Council's Consulting Engineer, MWH, assessed the suitability of the subject site for development as part of the original subdivision SUB-2012-5 which created the subject site. As part of that assessment, the Consulting Engineer concluded that the land appears to be at relatively low risk from natural hazards, although specific land management issues might be prudent in terms of constructing buildings on previously worked land. The Consulting Engineer has reviewed this assessment as part of SUB-2014-60, and advises:

'The applicant correctly recognises that we have previously assessed the risk for this area and concluded that we do not anticipate any effects from natural hazards. There may be some earthworks involved for development, but the site is only gently sloping, and this work is unlikely to require special attention.'

This subdivision proposal does not involve any new construction, and is, in effect, a boundary adjustment between two existing properties. The Consulting Engineer has not identified any known geotechnical issues for this land which would mean that the subdivision should not proceed.

7. Amenity Values and Character (8.13.5)

The amenity values associated with this site and this area are associated with the former school use of the land. Although this use has been discontinued, the existing environment is still that of a school. This will change as the land is redeveloped, although any development in accordance with the zone expectations will not be an adverse effect. This particular subdivision proposal does not involve any new development, and as such, there will be no change to the amenity values and character of the immediate area.

CONSENT DECISION

*That pursuant to section 34A(1) and 104C, and after having regard to section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being the three-lot subdivision of 118 Middleton Road, being the land legally described as Lot 3 DP 454057 (CFR 582264), subject to the conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*

REASONS

Effects

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

District Plan – Objectives and Policies

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

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

- **Objective 4.2.1 and Policy 4.3.1** seek to maintain and enhance the amenity values of Dunedin.
- **Objective 8.2.1 and Policy 8.3.1** seek to ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied or mitigated.
- **Objective 18.2.1 and Policy 18.3.1** seeks to ensure that subdivision activity takes place in a coordinated and sustainable manner.
- **Objective 20.2.2 and Policy 20.3.2** seek to ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.

RIGHTS OF OBJECTION

In accordance with section 357 of the Resource Management Act 1991, the consent holder may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

The Chief Executive
Dunedin City Council
P O Box 5045
Dunedin 9054

Attn: Senior Planner- Enquiries Plaza, ground floor.

DEVELOPMENT CONTRIBUTION DECISION

No development contributions are required in respect of this subdivision proposal. Development contributions are assessed in accordance with Section 198 of the Local Government Act 2002 and the Dunedin City Council Policy on Development Contributions of the adopted 2009/10 – 2018/19 Community Plan.

Yours faithfully

Lianne Darby
PLANNER

Consent Type: Subdivision

Consent Number: SUB-2014-71

Location of Activity: 118 Middleton Road, Dunedin

Legal Description: Lot 4 DP 454057 (CFR 582265)

Lapse Date: 4 July 2019, unless the consent has been given effect to before this date.

*That pursuant to section 34A(1) and 104C, and after having regard to section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being the three-lot subdivision of 118 Middleton Road, being the land legally described as Lot 3 DP 454057 (CFR 582264), subject to the conditions imposed under sections 108 and 220 of the Act, as follows.*

1. *The proposal shall be given effect to generally in accordance with the plan prepared by TL Survey Services Ltd entitled, "The Middleton's Estate, Middleton Road, Resource Consent Scheme Plan Lots 100, 101 & 102 being a Proposed Subdivision of Lot 3 DP 454057 (CT 582264)," **Stage 1 only**, and the accompanying information submitted as part of SUB-2014-71 received by Council on 20 June 2014, except where modified by the following:*
2. *Prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:*
 - a) *If a requirement for any easements for services is incurred during the survey then those easements shall be granted or reserved and included in a Memorandum of Easements on the survey plan.*
 - b) *That the following amalgamation condition shall be endorsed on the survey plan:*

" That Lots 100 and 101 hereon and Lot 4 DP 454057 (CFR 582265) be held in the same computer freehold register (See CSN Request 1223546)."

Advice Notes:

1. In addition to the conditions of a resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake. A similar responsibility exists under the Health Act 1956.
2. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
3. It is the consent holder's responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.

4. This is resource consent. Please contact the Building Control Office, Development Services, about the need for building consent for any construction work as part of the subdivision.
5. This consent does not address any earthworks for this subdivision associated with the development of the new lots, or the formation of any new access, manoeuvring areas, or retaining walls. Should earthworks on-site breach the performance standards of Section 17 of the District Plan, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.

Issued at Dunedin this 4 July 2014.

Lianne Darby
Planner

COPY OF PLAN: Not to Scale.



From: Grace Ockwell
To: [REDACTED]
Cc: [Sandy Graham](#); [Kevin Taylor](#); [Kristy Rusher](#)
Subject: RE: LGOIMA request - 118 Middleton Road
Date: Friday, 20 November 2015 05:00:04 p.m.
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

Dear John,

Just confirming my advice that I will come back to you in the week starting 30 November 2015 with respect to providing you with a summary of the views received by the DCC in response to the questionnaire "Views sought on the use of part of the former Corstorphine School site". This summary will also be provided to the estimated 580 people living near the former school site who received the original questionnaire.

I also confirm that no decision has been made as to what purpose the DCC will use the land for.

If you wish to discuss this matter further please contact either the Manager of Corporate Services, Sandy Graham or the Property Manager, Kevin Taylor.

Kind regards,

Grace Ockwell
Governance Support Officer
Civic and Legal

Dunedin City Council
50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000
Email: grace.ockwell@dcc.govt.nz



 Please consider the environment before printing this e-mail

From: John Knight [REDACTED]
Sent: Friday, 20 November 2015 4:02 p.m.
To: Grace Ockwell
Subject: Re: LGOIMA request - 118 Middleton Road

Hello Grace,

My wife has found a copy of the 8-page A4 colour illustrated document that got circulated to residents (at great expense, we surmise) to all householders in this wider area.

Submissions were due by

Free Post or at <http://www.dunedin.govt.nz/corstorphineschool> by 9 July 2015.

As we understood it, consultation was promised. There has been none that we are aware of.

Regards,
John

[REDACTED]
[REDACTED]
[REDACTED]

From: Grace Ockwell <Grace.Ockwell@dcc.govt.nz>
Sent: Friday, November 20, 2015 11:32 AM
To: John Knight
Cc: Alan Worthington; Kristy Rusher
Subject: LGOIMA request - 118 Middleton Road

Dear Mr Knight,

I refer to our conversation of this morning and apologise again for my oversight in forwarding the requested documents to you.

Please find attached the following:

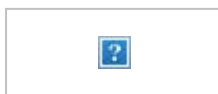
1. Application for Subdivision Consent – SUB-2014-60, SUB-2014-71
2. Letters of Consent - SUB-2014-60, SUB-2014-71

If you have any queries with respect to the consent process please contact the Manager of Resource Consents, Mr Alan Worthington on 477 4000.

Yours sincerely,

Grace Ockwell
Governance Support Officer
Civic and Legal

Dunedin City Council
50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000
Email: grace.ockwell@dcc.govt.nz



Please consider the environment before printing this e-mail

From: John Knight [REDACTED]
Sent: Tuesday, 17 November 2015 11:46 p.m.
To: officialinformation@dcc.govt.nz
Subject: Re: Confirmation of receipt of LGOIMA request - 514004

Hello Grace,

I do not appear to have received any response to this request. A great deal more than 20 days have elapsed.

Regards,
John Knight

From: officialinformation@dcc.govt.nz <officialinformation@dcc.govt.nz>
Sent: Thursday, August 6, 2015 7:56 PM
To: John Knight
Subject: Confirmation of receipt of LGOIMA request - 514004

Dear john

Thank you for your request for information. A response will be provided as soon as reasonably practicable but in any event within 20 working days.

If you have any questions about your request, please email
officialinformation@dcc.govt.nz and quote reference number: 514004

Grace Ockwell

Governance Support Officer

Below are the details of the request

Your request:

I request all documents and submissions relating to the public submission process regarding the Corstorphine School site. I know of several parties who made submissions. Public consultation was promised. However, rumours are rife that housing development is going ahead regardless; these rumours have been provoked by reports of surveyors working in the area.

File attachment

No file uploaded

If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination, distribution or reproduction of this material by you is prohibited.

From: Grace Ockwell
To: [REDACTED]
Cc: [Kristy Rusher](#); [Kevin Taylor](#)
Subject: RE: Local Government Official Information request - 514004
Date: Friday, 4 December 2015 11:33:01 a.m.
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[Knight, John LGOIMA Former Corstorphine School Site - Community Engagement Feedback For release.pdf](#)

Dear Mr Knight,

I refer to your emails of 6 and 17 August and 20 November 2015 and our conversation of 20 November 2015.

In your first email you requested

"... all documents and submissions relating to the public submission process regarding the Corstorphine School site. I know of several parties who made submissions. Public consultation was promised. However, rumours are rife that housing development is going ahead regardless; these rumours have been provoked by reports of surveyors working in the area."

Your request has been considered under the provisions of the Local Government Official Information and Meetings Act 1987 (LGOIMA) and I attach, pursuant to section 15(1)(e) of LGOIMA, a high level summary of responses to the Corstorphine School Site Questionnaire. As advised a copy of this summary is also being forwarded to everyone who responded to the questionnaire.

I note your comment that "Public Consultation was promised" and advise that the Dunedin City Council (DCC) can find no record of public consultation having been promised. The DCC Property Group will at some stage in the future, most probably in the first half of 2016, prepare a report which will be presented to the Planning and Regulatory Committee with their recommendations for the future use of the site. The Property Group will take into account the questionnaire feedback when it formulates its recommendations. Council will make a decision as to which (if any options) it will pursue.

I apologise again for the delay in forwarding this information to you.

Should you require any further information, please contact the Property Manager, Kevin Taylor on 477 4000.

Yours sincerely,

Grace Ockwell
Governance Support Officer
Civic and Legal

Dunedin City Council
50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000
Email: grace.ockwell@dcc.govt.nz



 Please consider the environment before printing this e-mail

From: john [REDACTED]
Sent: Thursday, 6 August 2015 7:57 p.m.
To: Grace Ockwell
Subject: Local Government Official Information request - 514004

john has submitted a LGOIMA request - 514004.

Below are the details of the request

Request details:

I request all documents and submissions relating to the public submission process regarding the Corstorphine School site. I know of several parties who made submissions. Public consultation was promised. However, rumours are rife that housing development is going ahead regardless; these rumours have been provoked by reports of surveyors working in the area.

File attachment

No file uploaded

Name

john knight

Email address

[REDACTED]

Mailing address

[REDACTED]

Contact phone number

[REDACTED]

Community Engagement Feedback:

City Property connected with the Dunedin community on two different mediums; there was a development options questionnaire released online and by post, and a Facebook post advertising the questionnaire on the Dunedin City Councils Facebook page (the Facebook responses were taken from the comments). Below is the graph of the quantitative results where the community had to choose their preferred option:

[Note- the meeting at the Community Hub was measured as one questionnaire in the graphs, predominately this group was in favour of a combination of the three options]

Exhibit 1:

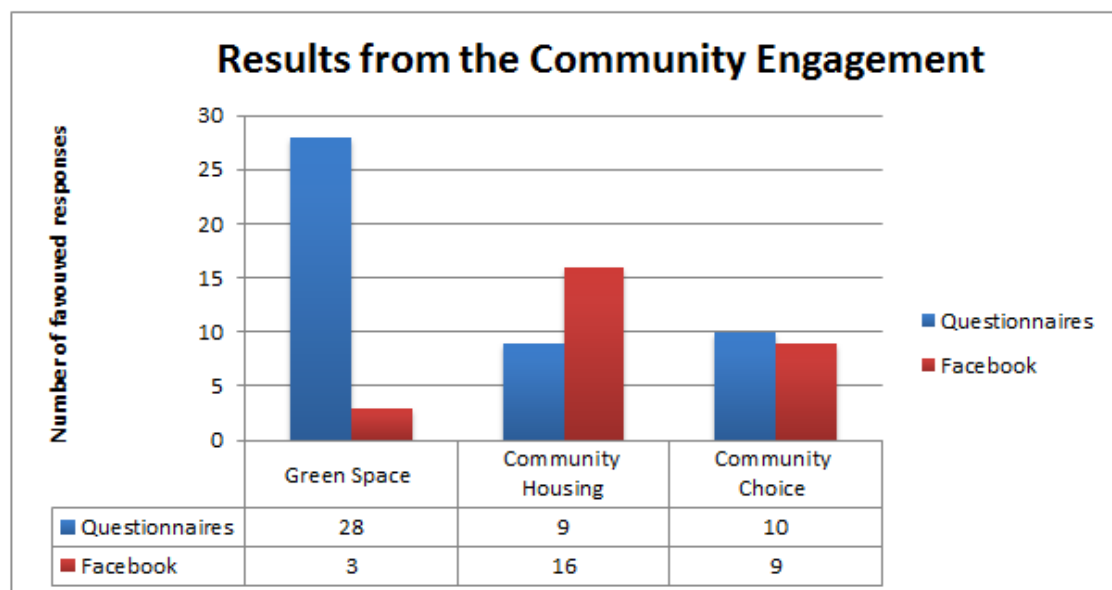


Exhibit 1 results indicate that the preference of the Corstorphine community who filled out the questionnaire was to retain the entire space as green space. However this is only the surface level of the questionnaires results as it does not represent the qualitative responses of the participants; as many who chose 'green space' or 'community choice' for their development option, indicated they were open to some of the land being used for a community housing development later in the questionnaire. Below are some examples of these responses:

- *"Some housing would be a sensible part of the overall development; for minimising crime risk, it is useful to have a number of people watching over any open space."* - Respondent 10
- *"I believe new housing development should be planned in such a way that encourages people to connect with neighbours – creating a sense of community."* - Respondent 40
- *"Our preference is to leave it green to improve drainage... However if there is a need for housing then that should take place... A mixture of social and affordable housing and greens space and connecting paths extended"* - Respondent 41
- *"Balance! Some housing, some green space, arboretum to be enjoyed by all"* - Respondent 43
- *"I feel the space can be used in a combined manner"* - Respondent 48

The next section of the results will focus on the questionnaire results only. There have been three core themes recognised in the qualitative responses, being community housing, community purpose and outdoor environment.

Exhibit 2:

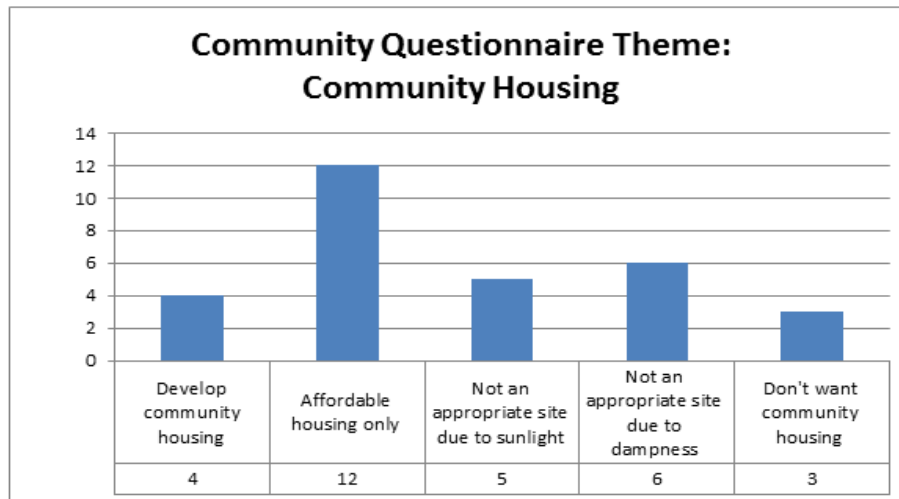
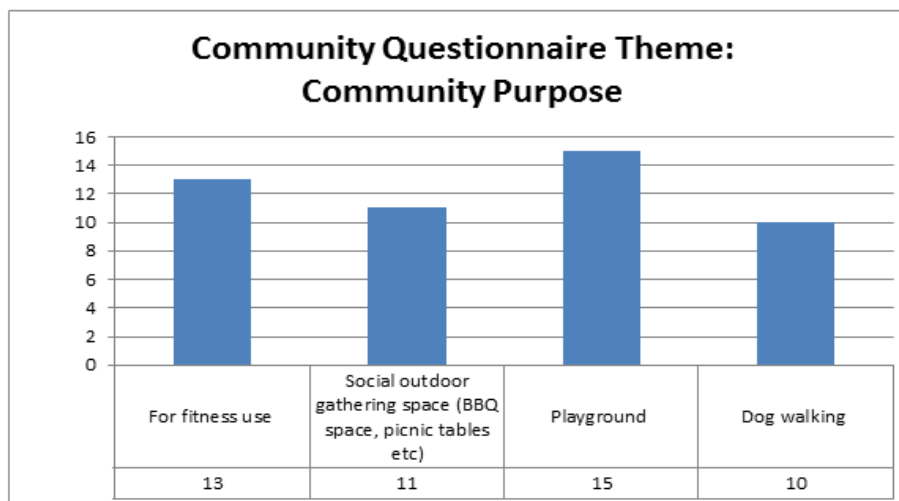


Exhibit 2 represents the community housing theme. One concern of the community in regards to housing was that the site in its current state is not an ideal location for housing, as it has high surrounding trees that block the sunlight which makes the land significantly damp in the winter months. These issues would be managed and minimised in any scale development to ensure the site was a suitable location for Community Housing.

Neighbouring residents tended to prefer affordable housing being introduced to help members of the community to achieve homeownership, rather than increasing the presence of social housing in Corstorphine.

Exhibit 3:



A large theme in the consultation process and in conversation with the community hub was the use of the site for community purpose (different types can be seen in *Exhibit 3*). Corstorphine is a high deprivation area and the community made it clear that with

any housing development they believed it would be enhanced if other sections of the land were used as community spaces to interact and exercise. A good example of what the community is looking for can be seen in this response:

- *"A bigger vision for the Corstorphine community is needed. There is opportunity with this land to further develop a viable community. We have watched the positive impact the community hub has had on young families, providing a place of support, connectedness and belonging. There is a sense of pride in the community so any future development; we believe will have a positive impact. A mixture of affordable housing, walkways and natural spaces would benefit this unused land" - Respondent 40*

Exhibit 4:

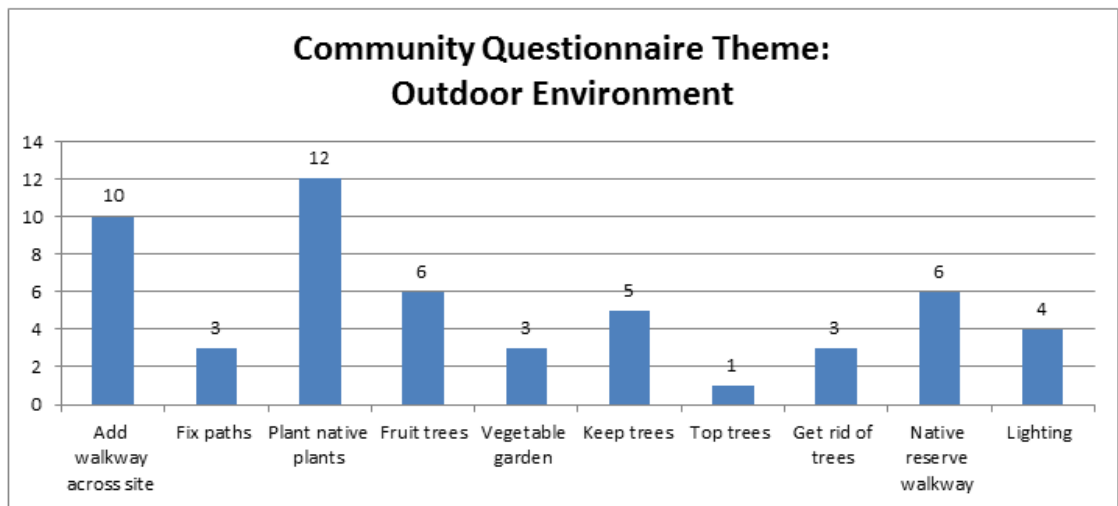


Exhibit 4 is a representation of what the Corstorphine community want to be recognised in any development use of the land. The variables below will be taken into consideration in any development of this site; as City Property wants to enhance the existing properties of this site and add additional fixtures that will make this site more usable for the community, such as fixing the current paths and adding connecting pathways through the community village design.