
TO: Hearings Committee

FROM: Jane O'Dea, Planner

DATE: 7 November 2022

SUBJECT: **RESOURCE CONSENT APPLICATION**
LUC-2022-177
1044 Brighton Road, Brighton
GK Accommodation Ltd

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 7 November 2022. The purpose of the report is to provide a framework for the Committee's consideration of the application and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

SUMMARY OF RECOMMENDATION

- [2] I consider that the proposal will not reflect the current or intended character of the township and settlement zone; will not provide an adequate on-site living environment for residents in terms of outdoor amenity space; will adversely affect the natural character of the Ōtokia Creek; and will have adverse effects on the capacity of the Council's wastewater infrastructure. Furthermore, I also find the open-ended timeframe for the operation of the facility and the density to be of concern in terms of risk from natural hazards. Of lesser concern is the potential for over-spill parking to adversely affect the local transport network; and the workability of the access to the site, which is partially located over Crown land. As a result, I have concluded that the proposal should be declined in its current form.
- [3] Notwithstanding the above, I consider the principle of a worker's accommodation facility at the site to be appropriate. I would be minded to recommend approval if amendments were made to the application along the following lines:
- a reduction in the number of units,
 - increased planting around the water's edge and within the site,
 - provision of two or three communal outdoor areas
 - a more definite timeframe on the activity, which is purported to be temporary for the duration of the Dunedin Hospital rebuild project.
 - further details confirming that LINZ approves the ongoing use of that part of the access which is over Crown land, or alternatively that a reduced access width which doesn't rely on the use of this piece of land is workable.

NB. **Draft conditions are included in Appendix 1 of this report** for consideration by the Committee, in the event the Committee decide to grant consent to the proposal in its current form.

DESCRIPTION OF PROPOSAL

- [4] Resource consent is sought to convert the former Brighton motor camp to worker's accommodation comprising of 46 one-bedroom portable units with kitchenettes. Each unit would be 3m x 6m in footprint. The units would occupy an area of the site that is approximately 3500m². The existing dwelling on the site would be used for a manager's accommodation. The area of the site where the manager's house is located is approximately 1700m². Therefore, the total site area involved in the application is approximately 5200m².
- [5] Each unit is shown to have an outdoor area of at least 20m², except for Units 15, 17 and 37 which will have 16m² outdoor living areas. Although each unit will contain a bathroom and kitchenette, the existing facilities block will continue to be used for laundry and cooking facilities.
- [6] Thirteen parking spaces are proposed. 2 parking spaces would be allocated to mid-sized vans and 3 parking spaces to smaller vans. 8 Parking spaces would be available for residents' private vehicles.
- [7] The applicant considers that any earthworks will comply with permitted activity rules.
- [8] The application refers to the need for temporary worker accommodation for the new Dunedin Hospital build (the application refers to 'up to 8+ years'), but given uncertainties no end date for the consent is proposed, and a consent note is suggested to address requirements for future land use of the land at the end of the proposed activity. Note: This information would either have to be specified in a condition or advice note in the consent certificate if granted. A consent notice cannot be used as it is a subdivision mechanism and is not able to be implemented in relation to this application for land use consent.
- [9] Conditions offered include:
- The facility will have an on-site Manager, and an annual review of management is mentioned.
 - The Manager's contact details will be provided to adjacent neighbours, and clearly displayed at the site entrance.
 - The individual residential units will not be rented/leased separately.
 - The individual residential units will have a maximum of 1 person per unit.
 - All residents must have employment.
 - If required, conditions can also extend to external laundry services, and contracted rubbish and recycling services.
 - Landscaping – roof colours and landscape plan to be approved by the Council.
 - Shared transportation to/from the site for employment is to be provided/arranged.
 - Management of parking including prohibition on residents parking off-site within 300m of the site entrance. Within 7 days of the proposal being implemented (and then yearly), letters will be delivered to all properties within a 300m radius of the site entrance informing them that site residents are not to utilise offsite parking within that 300m radius, and if any resident has a concern relating to the use of on street parking, then they are to contact the site manager, with the site manager details being provided.
 - Review condition regarding any effects associated with off-site parking.

- Review condition providing that if LINZ does not allow the continued use of its land as part of the access (i.e. the available access width is reduced to 3m), then the matter needs to be reviewed to Council's satisfaction.
- Hazard evacuation management plan to be prepared.

[10] A copy of the application, including plans of the proposed worker accommodation facility is contained in Appendix 2 of this report.

DESCRIPTION OF SITE AND LOCATION

[11] The application site is the former Brighton Motor Camp. The site is legally described as Allotment 2 Deposited Plan 2277 in Record of Title OT170/55, and has an area of 1.0117ha.

[12] Approximately 5200m² of the site is usable land and approximately 4800m² is the estuary of Ōtokia Stream. The land portion contains the former motor camp on the flat land beside the estuary, and a manager's dwelling, garage and two cabins located on higher land to the north of the camp. The estuary portion of the site extends to the north west of the former motor camp and across the estuary towards Morse Street where it has an approximately 4.7m wide legal frontage to the unformed end of Morse Street.

[13] There is an approximately 3m wide legal frontage to Brighton Road, immediately to the south of the Brighton Store. The accessway has a total formed width of approximately 5m at the road boundary, however, approximately 2m of this formed width is over 1046 Brighton Road, being a separate title vested in Land Information New Zealand (LINZ), and the applicant has advised there is no legal right of way over this neighbouring site.

[14] The site includes a right of way (ROW) to a small parcel of land containing a DCC wastewater pumping station located in the centre of the site. A number of Council wastewater pipes connect to the pumping station. There is also a piped stormwater drain running north east to south west through the centre of the motor camp and discharging into the creek.

[15] There is a boat shed which was previously associated with the Motor Camp located to the left of the entranceway and over the water. This boat shed is on 1046 Brighton Road. The local store is to the right of the accessway at 1042 Brighton Rd. The Brighton Club adjoins the site to the east at 1038 Brighton Rd.



Figure 1: Aerial photograph of 1044 Brighton Rd. Note parcel in centre of site containing Dunedin City Council wastewater pumping station (source: Geocortex).

ACTIVITY STATUS

- [16] Dunedin currently has two district plans: the operative Dunedin City District Plan, and the Proposed Second Generation Dunedin City District Plan (the "Proposed 2GP"). Until the Proposed 2GP is made fully operative, both district plans need to be considered in determining the activity status and deciding what aspects of the activity require resource consent.
- [17] The activity status of the application is fixed by the provisions in place when the application was first lodged, pursuant to Section 88A of the Resource Management Act 1991. However, it is the provisions of both district plans in force at the time of the decision that must be had regard to when assessing the application.

Dunedin City District Plan

- [18] The subject site is zoned **Residential 1** in the 2006 District Plan. Brighton Road is a Regional Road. Morse Street is a Local Road.
- [19] No assessment of the activity status of the proposal under the Operative District Plan has been undertaken because the zoning and rules of the Proposed 2GP relevant to this application are deemed to be operative in accordance with section 86(F) of the RMA 1991. The rules of the 2006 District Plan that apply to this activity are therefore considered inoperative.

Proposed Second Generation Dunedin City District Plan ('Proposed 2GP')

- [20] The Proposed 2GP was notified on 26 September 2015, and some Proposed 2GP rules had immediate legal effect from this date. Some rules became fully operative following

the close of submissions, where no submissions were received. Additional rules came into legal effect upon the release of decisions. Those additional rules become fully operative if no appeals are lodged or once any appeals have been resolved. As stated in [19] above, the rules of relevance to this application are considered to be operative.

[21] The subject site is zoned **Township and Settlement** in the Proposed 2GP Plan and is subject to the following overlays:

- The Hazard 3 (coastal) overlay covers most of the site.
- The Hazard 1 (flood) overlay covers the estuary portion of the site, and overlaps with the wider Hazards 3 (coastal) overlay.
- Hazard 2 (flood) overlay covers some of the banks of the Ōtokia Stream within the site, and overlaps with the wider Hazard 3 (coastal) overlay.
- The Archaeological Alert layer over the entrance to the site, in the shape of an arc that is approximately 20m deep at the south east corner of the site.

[22] None of the hazard overlays encompass the existing dwelling and associated large shed on the eastern boundary.

[23] Brighton Road is classified as a Commercial Centre Road at the entrance to the site, and immediately to the south from the start of the bridge it is classified as a Strategic Road. For completeness, Bath and Morse Streets are classified as Local Roads.

[24] The application was received on 5 May 2022. Although Variation 2 was notified on 3 February 2021, any rules relevant to this application were not considered to have legal effect. The rules of Variation 2 came into effect when decisions were released on 31 May 2022. At the close of the appeal period on 13 July 2022 just one appeal had been received relating to new consent requirements for full demolition of pre-1940s buildings.

[25] The activity status of the application is fixed by the provisions in place when the application was first lodged, pursuant to section 88A of the Resource Management Act 1991. However, it is the provisions in force at the time of the notification decision that must be had regard to when assessing the application.

[26] Therefore, the activity status is fixed by the Proposed 2GP rules prior to Variation 2 being in effect, but the rules of Variation 2 apply for assessing the application.

Activity Status

Land Use

[27] For the sake of maintaining as much clarity as possible within this report, the impact of Variation 2 is not covered in this section of the report (paragraphs 27 to 38) given that the activity status must be determined based on the rules that were in effect when the application was first lodged.

[28] Under the Proposed 2GP, activities have both a land-use activity and a development activity component.

[29] The application concludes that the most appropriate land use activity is 'standard residential' (which falls under Residential Activities). 'Visitor accommodation' was not seen as an appropriate category, because it restricts stays to less than three months within any calendar year (this 3 month limit has subsequently been removed by Variation 2).

- [30] I agree that the proposal fits best under 'standard residential.' The abbreviated definition of 'standard residential' activity is:

*The use of land and buildings for residential activity at a domestic scale.
For the sake of clarity, this definition includes:*

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

- [31] A 'residential unit' for the purpose of calculating density is one that is capable of being used as a self-contained residence with sleeping, cooking, bathing and toilet facilities. There is a kitchenette and bathroom in the units.

- [32] The application notes that there is a shared facility for laundry and cooking, although an external laundry service is likely to be utilised.

- [33] I acknowledge that there are aspects of the proposal that make it unique as a standard residential activity, albeit that none of these factors preclude the proposal from being considered as standard residential activity. For example:

- The application involves small units which would each have a maximum of one occupant;
- Residents would likely have a primary residence, and potentially a family living elsewhere;
- Residents will not have a lease or ownership of the units or site;
- It is not envisaged that the units will be the long term/permanent base for the residents.
- The site will be managed.

- [34] Rule 15.3.3.3 lists Standard Residential activity as being a permitted activity subject to compliance with the performance standards.

- [35] For the sake of completeness, because there will be an on-site manager and certain services will be provided to the residents, I have considered whether the application could be considered as a 'supported living facility' however the definition of this activity requires that there is 'full-time management, care and supervision.' Examples of this type of activity are rest homes and student hostels. Although the application proposes that there will be an on-site manager, and some services such as laundry may be provided, I do not consider that this goes far enough to be considered full-time 'management, care and supervision.' Nor are the residents likely to have any special needs requiring particular care. I therefore do not consider this land use activity to be appropriate.

- [36] The table below contains an assessment of the application against the relevant performance standards pertaining to Standard Residential activity:

Performance Standard	Content of performance standard	Comment on compliance with performance standard.
15.5.2 Density	1 residential unit per 500m ² in the Township and Settlement zone (15.5.2.1.i.a).	Does not comply. Based on total site area (which encompasses the part of the site that is under water) the proposal would result

	In addition, more than one residential building may only be built on a site if all residential buildings are able to be subdivided while complying with site coverage, height in relation to boundary, setbacks and access requirements (15.5.2.3)	in a density of 1 residential unit per 220m². This aspect is a non-complying activity pursuant to Rule 15.5.2.4. Furthermore, the units would not comply with the relevant standards, such as setbacks, if they were ever subdivided. This aspect is a restricted discretionary activity pursuant to Rule 15.5.2.4. Council's discretion is restricted to 'effects on on-site amenity.'
15.5.5 Lightspill	Activities must comply with Rule 9.3.5 which sets out requirements for intensity and design of lighting.	Not assessed in application (not deemed relevant). I consider that compliance can likely be achieved.
15.5.10 Noise	Activities must comply with Rule 9.3.6 which sets out noise limits.	The application states compliance is anticipated.
15.5.11 Outdoor living space	Standard residential activity must provide outdoor living space of 25m ² per unit with 1 habitable room, meeting quality and location standards	Does not comply. The site plan identifies outdoor living areas for all units, although not all units would have the required 25m². Most units have closer to 20m² although some have more, and some less. In terms of quality and location, Units 37 & 38 would not have the required 3m dimensions. Units 40 & 41 outdoor living space would not be on the northern, eastern or western side of the units. In regards to the outdoor living space being directly accessible from a principle living area, the application states that there would be a 3-4m distance from the door. This is due to the orientation of the units in relation to the outdoor areas. The breaches of outdoor living area and quality are restricted discretionary activities pursuant to Rules 15.5.11.1.b & 15.5.11.3.d. Council's discretion is restricted to 'effects on on-site amenity for residents.'

15.5.12 Service Areas	Service areas of 2.5m ² per residential unit is required for residential activity with 3 or more residential units.	While compliance with the rule would require 117.5m² of service areas, a single service area of 20m² is proposed. This aspect is a restricted discretionary activity pursuant to Rule 15.5.12.2. Council's discretion is restricted to 'effects on on-site amenity for residents.'
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NB: Performance standards concerning acoustic insulation, setbacks from the national grid, structure plan mapped areas and family flats are not of relevance to the application and accordingly have not been included in the table above.

Development

- [37] The table below contains an assessment of the application against the relevant development performance standards.

Performance Standard	Content of performance standard	Comment on compliance with performance standard
15.6.3 Firefighting	Rule 15.6.3 ultimately links to Rule 9.3.3.2 which requires that new residential buildings must connect to the public water supply.	Complies.
15.6.4. Natural Hazards Performance Standards	15.6.4.3 is relevant to the proposal and ultimately leads to Rule 11.3.3 which requires buildings containing residential activity on the ground floor in the Hazard 3 (Coastal) overlay to be relocatable.	Complies.
15.6.10 Maximum building site coverage and impermeable surfaces	Rule 15.6.10.1.f.i stipulates a 40% maximum building site coverage for buildings and structures with a footprint greater than 10m ² ; and Rule 15.6.10.1.f.ii: 70% Maximum building site coverage including impermeable surfaces.	The application states compliance is anticipated.
15.6.13 Boundary	Rule 15.6.13 requires the following setbacks: 4.5m setback from the	The application states compliance with boundary setbacks is anticipated.

setbacks	road. • 2m setback from the side and rear boundaries. • 1m setback from boundary with right of ways. 15.6.13.3 requires compliance with Rule 10.3.3 which provides for certain setbacks including: Rule 10.3.3.1 - 20 m from mean high water springs (MHWS); and Rule 10.3.3.5 - 5 m from any water body with a clearly defined bed in all other zones.	Schedule 1 of the Regional Coastal Plan identifies boundary of CMA at Ōtokia Creek as the downstream side of the road bridge. Therefore Rule 10.3.3.5 applies, which requires a 5m setback from a water body. The application therefore complies.
15.6.12 Parking, loading and access	Parking, loading and access must comply with the relevant performance standards, such as access width and car park dimensions as set out in Rule 6.6.	The proposed parking and access areas will contravene development performance standards for stall depth and aisle width. This is a restricted discretionary activity pursuant to Rule 6.6.1.1.f. The proposed access will contravene legal and formed widths. The legal access is approximately 3m wide at the road frontage rather than the required 4m legal and 3.5m formed. These aspects are restricted discretionary activities pursuant to Rule 6.6.3.10.b. Council's discretion is restricted to 'effects on the safety and efficiency of the transport network.'

NB: For the sake of brevity, performance standards concerning height in relation to boundary, maximum height, building length, setback from schedule tree, structure plan mapped area, and setback from national grid have not been individually assessed in the table above. This is because either the application clearly complies with these standards, or the standards are not relevant to the application.

[38] The overall activity status is assessed as a **non-complying** activity.

Impact of Variation 2

Visitor Accommodation

[39] In order to evaluate the proposal in terms of Variation 2, a number of definitions need to be examined.

- [40] 'Visitor accommodation' is now defined as follows:

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

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

Examples are:

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

This definition excludes accommodation activities that meet the definitions of working from home or standard residential...

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

- [41] The key change to the above definition is that the previous limitation of 'up to 3 months' has been removed.

- [42] The definition of 'Campground' is as follows:

The use of land and buildings for the purpose of:

X. providing visitor accommodation primarily in the form of tent, caravan, or campervan sites, but may also include visitor accommodation units; or

Y. providing for accommodation in transportable homes in the form of caravans, house buses/trucks or 'tiny houses' provided these meet the meaning of "motor vehicle" in the Land Transport Act 1998, are road legal (warranted and registered), and are movable.

...

Campgrounds are a sub-activity of visitor accommodation.

- [43] I note that the above definition differentiates between 'providing visitor accommodation primarily in the form of tent ... but may also include visitor accommodation units; or providing for accommodation in transportable homes ... provided these meet the meaning of 'motor vehicle.' I consider this indicates that longer stay accommodation is anticipated to occur in mobile homes rather than self-contained visitor accommodation units of the type proposed here. I consider this interpretation aligns with the discussion in section A.5.5 of the decision report for Variation 2 dated 31 May 2022.

- [44] For the sake of completeness, 'Visitor Accommodation Unit' is defined as:

An individual room or a single or multi-bedroom, self-contained unit with kitchen/lounge facilities, which is offered for rent as part of a visitor accommodation activity.

- [45] The removal of the 3 month stay limit in the definition of 'visitor accommodation' means that the question of whether an activity qualifies as 'visitor accommodation' now relies on consideration of what is 'temporary accommodation' and 'on a commercial fee paying basis.' These terms are not defined in the Plan.

- [46] Visitor accommodation is a **Restricted Discretionary** activity pursuant to Rule 15.3.3.22. The Council's discretion is restricted to effects on: 'accessibility,' 'the safety and efficiency of the transport network,' 'surrounding sites' residential amenity,' 'streetscape amenity and character,' and 'efficiency and affordability of infrastructure.'

- [47] The only relevant performance standard linked to visitor accommodation is minimum mobility parking. For this activity 1 mobility space is required. It is considered there is sufficient space on site to provide this.
- [48] The Section 32 Report for Variation 2 – Additional Housing Capacity discusses the rationale for the changes to the definitions of ‘visitor accommodation’ and ‘campgrounds.’ In essence, the intention was to recognise that campgrounds are often being occupied on a semi-permanent basis, and to provide a consenting pathway for this, by bringing it under the umbrella of ‘visitor accommodation,’ thereby providing greater housing choice.
- [49] Nevertheless, the Section 32 Report, Variation 2 Decisions report, and the definition of campground focus on this type of longer stay accommodation being carried out in transportable homes, such as mobile homes and mobile tiny houses which meet the definition of a ‘vehicle.’
- [50] The applicant has provided the following information to assist in classifying the activity:

It is temporary accommodation for the following reasons:

The individuals will not have a lease or ownership, so no long term right to occupy.

Individuals can not choose to live on site...its part of an employment agreement.

While the hospital rebuild will go on for years, it is expected that workers will come and go, depending on what trades are required, resource allocation by employers, people changing employers etc etc.

The residents are likely to have a home/family in their usual place of residence somewhere else.

It is likely to be on a commercial fee paying basis because the employer will be leasing the facility (i.e. commercial lease), rather than the residents entering into a residential lease agreement and paying rent.

I note the definition of visitor accommodation includes the example of motels and BnBs – the proposal is no different from an employer arranging to put workers up in a motel or a BnB

- [51] I have considered at length whether, following decisions on variation 2, the activity now falls within the definition of visitor accommodation, and more specifically ‘campground,’ or remains more appropriately classified as ‘standard residential.’
- [52] I consider that following that following decisions on Variation 2, there is certainly now a stronger argument for the application falling under ‘visitor accommodation’ rather than standard residential.
- [53] While the proposal does have close parallels with visitor accommodation I ultimately consider that there is not enough clarity, in terms of length of residents’ stay, duration of the overall activity (no proposed end date), or the definitions themselves, to definitively conclude that the activity should be considered ‘visitor accommodation’ rather than the broader definition of standard residential which is defined as ‘the use of land and buildings for residential activity at a domestic scale.’ Moreover, the activity would not be characterised by the fluctuations in occupancy that would usually characterise visitor accommodation.

Density for Standard Residential Activity

- [54] In relation to density for 'standard residential' activity,' Rule 15.5.2 was amended by Variation 2 to allow increased density in the Township and Settlement zone of 1 residential unit per 400m² of site area, or 2 units per 500m² where in the form of a duplex. Taking into account the entire site area, this would theoretically allow for 25 units at a density of 400m² or 40 units if in the form of a duplex. The proposal exceeds the allowable density under the amended provisions. Proposals breaching density remain a **non-complying** activity.

Development Activity

- [55] The same relevant performance standards apply as for standard residential activity and so are not repeated, except that in relation to Rule 15.3.4.22 - Parking, loading and access, some dimensions, such as legal and formed access width, have been increased.
- [56] Rule 15.3.4.5 lists multi-unit residential development as being a **restricted discretionary** activity. This rule previously did not apply to Township and Settlement zone, however, under Variation 2 the rule now applies to all residential zones. Matters that discretion is restricted to are: accessibility; safety and efficiency of the transport network; surrounding sites' residential amenity; streetscape amenity and character; efficiency and affordability of infrastructure (Stormwater); and Stormwater from future development.

Overall Status Activity Status

- [57] Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.
- [58] In this case, there is more than one rule involved, and the effects are linked. As a result, having regard to the most restrictive activity classification, the proposal is considered to be a **non-complying** activity. **Note:** This is based upon the rules prior to Variation 2 coming into force, however, the activity status remains unchanged under Variation 2, unless the proposed activity is considered to be Visitor Accommodation.

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

- [59] 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.
- [60] The application states:

The proposal does not involve subdivision, while soil disturbance will be within the permitted levels. Further, the site is already associated with residential activity – hence the proposal is not introducing a new activity.

However, for completeness, a DCC HAIL Report has been received (HAIL-2021-224) which concludes the site is not a HAIL site.

- [61] The site is not listed as a HAIL site in the Otago Regional Council HAIL database.
- [62] Based on the available information, it is considered, more likely than not, that no activities have been undertaken on the site that appear on the HAIL. As such, the National Environmental Standard is not applicable to the proposal.

NOTIFICATION AND SUBMISSIONS

- [63] No written approvals were submitted with the application.
- [64] The application was publicly notified in the Otago Daily Times on 3 September 2022.
- [65] Copies of the application were sent to those parties the Council considered could be directly affected by the proposal. Submissions closed on 30 September 2022.
- [66] Ten submissions were received by the close of the submission period. None of the submissions were in support, six submissions were opposed, and four submissions were neutral.
- [67] The submissions are summarised in the table below, and a full copy of the submissions is attached in Appendix 3.

Name of Submitter	Support/ Oppose	Summary of Submission	Wish to be heard?
Commissioner of Crown Lands	Neutral	Provided affected party approval pursuant to section 95 of the RMA 1991 and advised that authorisation is required to undertake any activities on land owned or administered by Land Information New Zealand.	No
D Blair	Oppose	- Considers there will be too many people in a small space creating increased demand on facilities in Brighton. - Concern about effect on property value due to presence of people who are only there for a short time.	No
E Cotton	Neutral	- Provision of 46 units is at the expense of adequate on-site parking. - Discusses density and concludes that the applicant has applied the permitted baseline incorrectly. - Existing limited on-street parking is required for the shop and café. Parking in this area is at a premium and the development could result in increased congestion and parking competition. - Likely that residents will require vehicles to access Dunedin and Green Island for entertainment, shopping and socialising. 13 car parks appear inadequate. - Lack of clarity about how compliance with the	No

		conditions offered by the applicant regarding parking would be enforced. • There should be a management plan so that occupiers understand the parking constraints. • Legal right to the access from Land Information New Zealand should be confirmed. • Request for condition that rubbish be managed collectively for the entire development. This should be included in a management plan. • Considers it appropriate for the resource consent to have a fixed term and expiry date rather than the consent notice offered by the applicant. There should also be a requirement to restore the site to a permitted activity state. This should ensure that limited regard could be given to the development when establishing a permitted baseline for any other development. • There is a lack of detail about what the units would look like. Consideration should be given to views of the site from adjoining public spaces such as Ōtokia Creek and Brighton Estuary. • There should be conditions about the appropriate management of stormwater and sewage to ensure there would be no adverse effects on water quality or public health. • Conditions should be included to manage dust and sediment from any earthworks. • Construction noise should be limited to reasonable hours (8am – 6pm Monday to Friday) – no works on weekends or public holidays. • Support for proposed on-site manager. It would be helpful to have further information on matters such as washing lines and storage of outdoor equipment. • Outdoor amenity space for units 20-35 may be quite steep as it appears to end at the bottom of a bank and is located within a flood area. The applicant should confirm this space is usable and does not exceed a grade of 1v:12h. • There is no assessment of effects on Ōtokia Creek. Question about Otago Regional Council (ORC) requirements for setbacks from the top of the bank of any river and whether consent has been sought from the ORC.	
Fire and Emergency New Zealand (FENZ)	Neutral (not stated)	• The activity should take into account the operational requirements of FENZ. • The proposal does not provide sufficient access throughout the site or manoeuvring	Yes

		space for a fire appliance, which has potential implications for Fire and Emergency in terms of emergency access to the site. Some units would not be able to be accessed by a fire appliance and fire appliances would not be able to manoeuvre quickly in an emergency. • Request for a condition requiring the provision of adequate access consistent with the <i>New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008</i>. • Raises concern about building materials and how this contributes to fire spread, while acknowledging that this is a Building Act matter.	
V Kahui	Oppose	Considers the social impact of 46 units is untenable for a small township like Brighton, particularly with this location being in close proximity to the school and Brighton Club where alcohol is served. While some impacts such as noise, disorderly behaviour and traffic may be ameliorated by having an on-site manager and other conditions, the submitter considers that the number of units should be reduced to 30.	Yes
S Laing & A Mauger	Oppose	• Not opposed to non-resident worker's accommodation and believe a positive outcome is possible with good design and planning. • Ideally residents will integrate into the community which can only be achieved by creating a sense of belonging and community within the camp. • Personal experience of living in worker's camps in Australia. • Worker's camps can be places of poor mental health, drug and alcohol abuse and unsafe for women if not designed and managed appropriately. • Concerned about social impact from the development. • Concerned about lack of communal areas which is likely to lead to gatherings in the public barbeque areas in Brighton, monopolising the use of these areas. • The alternative to this would be residents spending time alone in their rooms which leads to isolation and poor mental health outcomes. • A healthy, social culture within such camps is critical. • Inadequate parking exacerbated by poor public transport options. Camp residents should be encouraged to have their own transport so that they are able to enjoy	Yes

		hobbies and activities. Ride-sharing does not accommodate this. A ratio of 1 parking space per 3 residents is suggested. • Accommodation arrangements should be predictable to reduce stress among residents, for example there should be a policy on 'motelling' which is the practice of residents checking in and out as they go on breaks and return, and potentially not being placed in the same room, which can add stress and does not foster a sense of belonging. • The submission makes a number of further suggestions to create a high quality, liveable facility which supports good mental health and well-being for residents. • Suggested procedure for complaints from the community to ensure that these are responded to appropriately and in a timely manner. • Potential need for professional security to protect vulnerable community members, for example on Friday and Saturday evenings. • Specific outcomes sought are: - Density limited to 30 accommodation units. - A minimum of two outdoor communal areas with seating and barbeque areas and one communal indoor lounge. - 1 on-site car park for every 3 units. - No motelling to take place for workers who expect to be returning to the camp on a regular basis. - Community liaison group to be established. - Suggested complaints procedure. - Council should require evidence that the camp has been designed with reference to research on similar facilities and their impacts on local communities. - Security should be provided on Friday and Saturday evenings. To be reviewed by community liaison group and discontinued if deemed unnecessary. - The submitter provided a number of links to research and best practice guidance on worker camp design and fly-in-fly-out worker well-being.	
L Marlow	Oppose	• Submission relates to density, parking, noise and site management. • The number of units is too many for the size of the site and flooding hazard. • There is limited parking in the immediate area	No

		with demand from the shop and Brighton Club. Not all residents have off-street parking and this could affect their ability to park near home. - Noise from the Club, including from live bands, could affect camp residents' sleep. - Suggests that a live-in manager responsible for security for this number of residents may be required. 46 transient workers would have a huge impact on the small village of Brighton and workers mental health may be affected by their hours of work and having nowhere to 'let off steam.'	
L McLaren	Oppose	Submission relates to parking and suggests that 1 space per unit should be provided. Concern about who will be responsible for monitoring the restriction on parking within 300m of the site, as offered by the applicant.	No
Ōtokia Creek & Marsh Habitat Trust	Neutral	- The submitter commissioned a professional assessment of the ecological values present at the site. The assessment is attached to the submission. - The assessment found the presence of a number of species of fish. - Currently there is no overhanging riparian vegetation along the creek banks on the site. - Potential ecological effects of the development could be sediment runoff during construction, and littering, both of which are exacerbated by the lack of a barrier, such as a planted edge. The ecological assessment discusses this in further detail. These effects can be ameliorated by dense riparian planting along the 5m setback from the water's edge. - Provided background about the Trust which has so far planted over 4000 native plants along the creek and marsh. - The Trust requests that the applicant consider funding riparian planting along the 5m setback. The Trust is able to provide various forms of support, such as plants and advice, to make this happen. - The Trust requests a condition requiring riparian planting to mitigate effects from sediment run-off and littering.	Yes
C Weatherall	Oppose	- Application is not sufficiently detailed to provide certainty. - Decision should state 'in accordance with,' not 'generally in accordance with.' - Safety aspects such as roading, footpath,	Yes

		visibility are extremely important and should be managed at applicant's expense because there are a number of community facilities nearby such as school, pre-school, Brighton Club, shop and café. • Appropriate construction hours and management required. • Mention of consent timeframe/lifespan. • More detail required on landscaping. • Limits on and more certainty about car parking within the community and concern about need for community to monitor off-site parking. • No double stacking of units or double bunking. • No alternative uses such as sub-letting for shorter stays should be allowed. • On-site manager should be required at all times. • On-site management of all refuse/waste. • Access for Council staff and contractors must be guaranteed, including to wastewater pump.	
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ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

[68] Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in Section 3 of the Act as including-

- a) *Any positive or adverse effect; and*
- b) *Any temporary or permanent effect; and*
- c) *Any past, present, or future effect; and*
- d) *Any cumulative effect which arises over time or in combination with other effects – regardless of the scale, intensity, duration or frequency of the effect, and also includes –*
- e) *Any potential effect of high probability; and*
- f) *Any potential effect of low probability which has a high potential impact.*

Permitted Baseline

[69] An important consideration for the assessment of effects is the application of what is commonly referred to as the permitted baseline assessment. The purpose of the permitted baseline assessment is to identify the non-fanciful effects of permitted activities and those effects authorised by resource consent in order to quantify the degree of effect of the proposed activity. Effects within the permitted baseline can be disregarded in the effects assessment of the activity.

[70] In this case, the extension (via Variation 2) of the rule requiring consent for multi-unit developments to the Township & Settlement zone, means that the permitted baseline only allows for the construction of two dwellings on the site (within a two year period).

[71] I therefore consider it may be more useful to consider what could be considered a 'plausible' residential development, as the purpose of the rule for multi-unit developments is to manage the effects of development rather than exclude development of more than two dwellings. Further, given the limitation of two dwellings

applies only to what may be established within a two year time period, the permitted baseline does potentially extend to this 'plausible' development, as it represents the cumulative outcome of what the Plan rules may allow to be established over time.

- [72] At the date that the application was made Variation 2 was not in effect. The application referred to the permitted baseline as being 20 residential units based on the total site, including those areas covered in water. The applicant has since provided information on what they consider would be a plausible development as follow:

... It is acknowledged that there are a number of factors to consider; hence the following is only to assist to inform a plausible permitted baseline.

It is important to note that:

- *The majority of the site is only associated with a Hazard 3 (coastal) overlay. This requires buildings that contain residential activity on the ground floor, to be relocatable – as this can be easily achieved it does not restrict the baseline.*
- *The 2GP provides for more than one residential building on the site, with key matters being*
 - *site coverage;*
 - *height in relation to boundary;*
 - *setbacks; and*
 - *access.*

The key matter (in terms of possible density) is considered to be site coverage. The flat area of the site, excluding the easement is approx. 3,000m². Allowing for a maximum building cover of 40%, a buildable area of 1,200m² is available. Allowing for single level dwelling with a 120m² footprint (i.e. 20m x 6m) then 10 dwellings could be placed on the buildable areas. Including the existing dwelling, that provides a total of 11 dwellings, if each had 3.5 residents, that equates to 38.5 people.

Two level dwellings would provide for increased density. In terms of the Hazard 3 (coastal) overlay, 2 level dwellings are not fanciful, as shown by a number of very recent multi-unit developments in the South Dunedin area (i.e. the developments by Blue Sky). However, the required setback of 5m from the stream/lagoon, would reduce the buildable area.

Considering the above, a plausible permitted baseline is perhaps somewhere in-between the 10 additional single level dwellings and perhaps 15 2-level dwellings (which should allow for the lagoon setback). Thus giving say 12 dwellings plus the existing dwelling, which provides a total of 13 dwellings, if each had 3.5 residents, that equates to 45.5 people.

Also, as per the AEE, it is noted that the consented environment provides for an estimated 47.5 people on the site.

Also, the proposed use (worker accommodation) provides for greater flexibility (than a standard residential development) which results in a much broader non-fanciful permitted baseline, including:

- *The proposal could be re-arranged to provide for 2 additional dwellings (permitted), each with 23 bedrooms. This would be permitted (as long as the footprint of each dwelling did not exceed 300m²). While such a dwelling would be unusual, it would be entirely conceivable and practical to build a modular, transportable building to such specifications. Or.*

- *The proposal could be re-arranged to use the existing communal bathroom and/or kitchen facilities (these currently exist as part of the receiving/consented environment) along with 46 standalone bedrooms (which would not be self-contained). This would be a permitted activity (subject to relevant performance standards). While such a 'dwelling' would be unusual, it would be entirely conceivable and practical to build a modular, transportable building to such specifications.*

Both of the above layouts would be suitable for the proposed worker accommodation. Therefore, such layouts are not fanciful.

- [73] While the applicant has put forward a potentially permitted scenario of one or two substantial residential units, I consider that this may or may not meet the definition of 'standard residential' activity, which refers to 'the use of land and buildings for residential activity *at a domestic scale*.' Furthermore, I would question the genuine likelihood of such a development meeting all of the necessary rules and performance standards, for example the 300m² maximum building footprint.
- [74] There are a range of factors to consider in evaluating what a plausible development might be, and numerous possible scenarios. I have therefore attempted to provide a plausible development scenario taking into account the applicant's assessment above, and three main influencing factors of site coverage, density, and the required 5m setback from a waterbody.
- [75] On balance, I consider that 10 additional residential units in addition to the existing house could be considered a plausible development. This would equate to a total of 38.5 people on the site (11 residential units at 3.5 people per unit), although the existing two cabin may be considered sleepouts associated with the existing dwelling, possibly giving 2 to 4 additional people on site.
- [76] I reiterate that this would not be a permitted baseline, unless the development was undertaken over 10 years in compliance with the rule for permitted residential developments as required since decisions on Variation 2. This development would otherwise be subject to consent as a multi-unit residential development (i.e. 3 or more units in any two year period) subject to a full assessment of the relevant matters set out in the District Plan.
- [77] In terms of visitor accommodation, there is no permitted baseline, with this activity being a restricted discretionary activity.
- [78] It is certainly plausible that visitor accommodation could be established on the site, however it is difficult to draw any conclusion as to an appropriate nature and scale of any such activity due to the relatively broad range of matters that must be considered in evaluating such an activity.

Receiving environment

- [79] The receiving environment should also be acknowledged. The site is currently occupied by a consented caravan/camping ground comprising of 24 camper/caravan parks and ablution block and kitchen. There is also a modern four-bedroom house with garaging and two detached cabins/sleepouts. As identified by the applicant, total occupancy of the site with these existing activities could be in the order of 47.5 people.
- [80] It is understood that the camping ground is no longer operating. However, as it was authorised by way of a resource consent, which was given effect, I understand that the

approved operation can resume at any time regardless how long ago this activity ceased. It is not reliant upon existing use rights.

- [81] The site is within a residential zone, and even working within the constraints of the various applicable rules and performance standards such as those concerning natural hazards, bulk and location, density and multi-unit development, residential development is foreseeable on the site.

Assessment of Effects

Proposed 2GP

- [82] The assessment of effects is guided by the assessment matters in Sections 15 (Residential Zones), 6 (Transportation), 9 (Public Health and Safety), 11 (Natural Hazards) of the Plan. Accordingly, assessment is made of the following effects of the proposal:

- Density
- Bulk, Location, Design, Appearance and Amenity Values;
- Transportation;
- Infrastructure and Public Health and Safety
- Natural Hazards;
- Positive Effects;
- Cumulative Effects;

Density

- [83] A common theme of submissions was about density, or in other words, that the number of units is too many. This was expressed in various ways in submissions, with broadly the following issues being raised:

- Potential for noise and disorderly behaviour;
- Community safety concerns;
- Effects of overspill parking due to lack of on-site parking;
- Impact on worker's well-being from living in constrained environment with lack of communal areas in which to socialise;
- Too many units given the flooding hazard;
- Pressure on facilities in Brighton, including due to lack of communal areas on site;
- Concern about precedent for future development of the site.
- Two submissions recommended a limit of 30 units.

- [84] The matter of density runs through the following assessment of effects given that there is a link between the number of units proposed (46) and many of the effects of the activity such as pressure on wastewater infrastructure, overspill parking, on-site amenity for residents, and surrounding amenity values and character.

Bulk, Location, Design, Appearance and Amenity Values

Effects on Surrounding Amenity Values and Character

- [85] One means by which the District Plan seeks to maintain and enhance amenity values is through the density provisions. As discussed elsewhere, the proposal exceeds the anticipated density for the zone. Accordingly, careful consideration is required of the

effects of the built form and overall site layout in terms of how well this will uphold the amenity values of the zone.

- [86] The form of the development is unusual, with 46 units to be placed within the flat lower portion of the site of approximately 3000m².
- [87] The Council's Landscape Architect, Mr Luke McKinlay, has reviewed the application and provided comments to assist in evaluating the effects on landscape and urban design matters.
- [88] In relation to effects on streetscape amenity and character, Mr McKinlay provided the following comments, which I adopt:

The subject site is not highly prominent from surrounding streets. The site is located to the rear of 1036, 1038, 1040, 1042 and 1046 Brighton Road. From nearby locations on Brighton Road, the dairy (1042 Brighton Road) and neighbouring dwelling (1040 Brighton Road) largely block views of the site. Views of southern parts of the site are available from the vehicle entrance to the site on Brighton Road (refer figure 1). Peripheral views of southern parts of the site are also visible from the nearby bridge over Otokia Creek (refer figure 2). From both these locations, existing planting along the creek edge of the site provides partial screening of the interior of the site. Given the limited visibility of the site from surrounding streets, it is considered that the proposed development will have relatively low visual effects on existing streetscape amenity and character.

- [89] In relation to effects on the amenity of surrounding sites Mr McKinlay encapsulated his views as follows:

Unmitigated, effects on surrounding sites residential amenity values are likely to be more than minor but could be kept to low levels if mitigation measures are adopted, including painting the units in a complementary combination of visually recessive colours, providing additional planting and increasing the extent of open space, uncluttered by buildings.

In support of the above conclusion, Mr McKinlay provided the following comments:

The site is visible from some nearby residential sites on Morse Street on the opposite side of Otokia Creek. A residential dwelling at 1040 Brighton Road also backs onto the site. The extent to which the site is visible from residential properties on Morse Street varies depending on the extent of intervening vegetation. In some cases, mature trees on the banks above Otokia Creek largely screen views of the site from properties on Morse Street. From other properties, views overlooking the site are largely unobscured.

It is acknowledged that the proposed use of the site for worker accommodation, will bear some resemblance to the former use of the site as a motor camp, which was characterised by a collection of caravans and cabins... However, the proposed density of units will be noticeably greater as viewed from residential properties on Morse Street that overlook the site. The proposed development will likely have some adverse visual effects as viewed from these locations associated with the proposed dense arrangement of units with little open space. It is considered that the provision of a greater extent of open amenity space within the site would help to provide some relief from the proposed dense and regimented arrangement of units and help to reduce potential adverse visual amenity effects to low levels/a comparable level of visual amenity to the motor camp.

It is noted that unlike a motor camp, which tends to have a pattern of seasonal occupancy, with fewer visitors (and caravans) in the winter and busy times in the summer, the proposed workers accommodation units will be in place and occupied year-round for the length of the hospital built (estimated to be 8+ years).

It is noted that the applicant is proposing to paint the units so that they are visually recessive and to plant some additional trees within the site. It is agreed that both measures, in addition to the provision of more outdoor amenity space, would help to lessen adverse amenity effects from surrounding locations to relatively low levels.

It is recommended that additional planting is undertaken around both the periphery of the site, and internal to the site, to enhance the amenity of the site for both residents of the site and nearby residents.

It is considered that effects on the visual amenity of the adjoining residents at 1040 Brighton Road will be low given that the site is screened from this property by a solid fence. Further, it is noted that the motor camp appeared to have a number of cabins and caravan sites immediately adjoining the western boundary of this property. As such, where views of the top of cabins are available, there will likely be little difference between the view of the nearest units/caravans of the motor camp when compared with the nearest cabins of the proposed development.

It is considered that the amenity of boat users on the Ōtokia Creek should also be considered. It is noted that until relatively recently a boat hire business has operated from the adjacent site and it is plausible that this business will be operational in the future. In general, it is considered that from the perspective of boat uses on the creek, extensive views into the site will not be available. However, enhancing the level of existing planting at the water's edge would help to maintain the amenity values of the creek edge for members of the public boating on the creek.

A service area of 20m² is proposed, along with managed services such as recycling and rubbish, which the applicant proposes will result in a smaller space requirement. Further details are required regarding how the service area will be managed and where it will be located. It is recommended that this area is screened from view from surrounding locations and away from outdoor amenity spaces within the site.

- [90] Mr McKinlay has confirmed that although he only refers to Morse St, he means Bath and Morse Streets (Morse St runs on from Bath St). I accept Mr McKinlay's comments and consider the level of development will result in greater visual intrusion for some properties on Bath Street and Morse Street. This is due to the extensive site coverage of the proposed units, consequential lack of open space and the utilitarian appearance of a workers' camp.
- [91] Having visited the site, it is apparent to me that any properties on Bath and Morse Streets may have limited views of the site due to intervening vegetation and the orientation of their dwellings.
- [92] I also consider it worth acknowledging that effects on the visual amenity of neighbouring properties was not a theme of the submissions received.
- [93] A resource consent application to re-launch the Brighton Boat Shed at 1046 Brighton Rd is currently being processed (LUC-2022-403). The outcome of that application is not part of the hearing process for LUC-2022-177. However, the application is noted here as it reflects an interest in provision for facilities for recreational users on the Ōtokia Creek.

- [94] Linked to amenity values are two matters raised by the Council's Parks and Reserves Department (PARS). PARS identified potential dumping of household rubbish at bins within the Brighton reserve, and any nuisance or antisocial behaviour which may result from residents congregating in the reserve, as potential issues associated with the activity. PARS also stated that: *Reserves as public spaces should be for all members of the community to use. PARS support the residents from the worker accommodation in using and enjoying the reserve in a manner that still enables others within the community to also enjoy the space. Any activity that may damage the reserve, effect wildlife, effect other uses or adjoining land would require approval from PARS.*
- [95] PARS suggested a review condition to enable the Council to review the adequacy of the private on-site management of rubbish. I consider this to be an appropriate measure. PARS also recommended an advice note recommending that the consent holder be familiar with the Reserve Management Plan – General Policies and pass this onto their tenants. I consider that this could be incorporated into a site management plan.

On-site Amenity for Residents

- [96] Mr McKinlay provided the following assessment in relation to the quality of the environment provided for residents of the workers accommodation.

It is considered that adverse on-site amenity is the key area concern regarding this development, which stems from the proposed high density and rigid arrangement of units across the site.

Policy 15.2.2.1 requires residential development to achieve a high quality of on-site amenity by:

- a. providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, green space or recreation;*
- b. having adequate separation distances between residential buildings;*
- c. retaining adequate open space uncluttered by buildings; and*
- d. having adequate space available for service areas.*

The application fails to meet the minimum outdoor amenity space requirements (25m²) for many of the units and most of the units that are located internally within the site e.g units 8-12, 14-18, 37 & 38, 45 & 46.

Whilst the provision of fully compliant individual amenity spaces for each individual unit may not be necessary for this type of multiple unit development, it is noted that no communal outdoor amenity spaces are proposed. To avoid cramped living conditions and considering the failure to meet minimum outdoor amenity space requirements on a unit basis, it is recommended that two or three communal areas are necessary to provide an adequate level and type of outdoor amenity space for workers occupying this facility. A reduction in the overall numbers of units may be required to achieve this.

As identified in the submission of S Laing & A Mauger, which is supported by research articles, providing outdoor amenity spaces for worker accommodation plays a valuable role in the well-being of residents of these worker accommodation sites. While it is acknowledged that there are nearby recreational open spaces, which could be utilised by future residents of these units, it is considered that because this is long-term (8+ years), year-round worker accommodation rather than short-term/summer only accommodation adequate on-site open amenity spaces are an important consideration.

As proposed the development has a very rigid, evenly distributing arrangement of units. Rearranging and rationalizing the proposed layout to providing a greater extent of outdoor amenity space uncluttered by buildings would present an opportunity to address potential CPTED (Crime Prevention Through Environmental Design) issues with the proposed layout, such as the following:

- *Improved access – the creation of clearly defined pedestrian pathways through the site for safe and convenient movement (no detail is provided regarding how pedestrian paths will be formed – a grassed surface would not be adequate/would likely result in a muddy track in winter).*
- *Improved sightlines and the avoidance of concealment spaces.*
- *Improved overall environment with a mix of private and communal spaces.*

The current layout would result in outdoor living areas with a less than favourable orientation. Even where outdoor living spaces are north facing, there would be instances where neighbouring units would be located directly against an outdoor amenity space with a 'bedroom' window overlooking it.

An improved outcome would likely be possible if the units were consolidated into clusters and a mix of shared and private outdoor living space was developed. This would provide a more integrated development with a stronger residential character. This would also give residents the option of socialising, allow for well-planned service areas and provide space for planting and other amenities.

It would be necessary to ensure communal outdoor amenity spaces are not used for vehicle car parking. This may require these areas to be defined by planting and/or fencing and their use managed by the on-site manager.

A planning mechanism to ensure that this workers accommodation is only a temporary arrangement associated with the hospital build and will be dismantled/removed from site at the completion of the hospital project is also recommended to ensure that this development, which is proposed to specifically address the needs of hospital construction workers, is not used for long-term housing.

[97] Mr McKinlay recommended a planting plan involving planting at the edge of the Ōtokia Creek, bordering the site and internal to the site; and reconsideration of the layout and extent of the units. This included the provision of two or three communal outdoor amenity spaces within the site. I do not consider that there is sufficient space on the site to achieve this without a reduction in the number of units, as well as rearrangement of the units. Accordingly, while I support this recommendation, it has not been carried over into the draft conditions of consent, because I do not consider that these outcomes could practically be achieved with the current number and arrangement of units on the site. Note: the draft conditions in this report have been prepared in the event the Panel is minded to grant consent to the proposal in its current form.

[98] I concur with the Landscape Architect that, overall, the development will have adverse effects on residential character and visual amenity, including on-site amenity (which could extend to social impacts beyond the site). Although the applicant has offered conditions regarding roof colour and landscaping, I consider the site will retain the utilitarian appearance of a worker's camp and will provide an inadequate living environment for residents due to the quality of outdoor living spaces provided.

[99] I accept that the suggestion to provide communal outdoor living spaces within the site could raise concerns about noise from residents congregating there. The application mentions that communal areas have specifically been avoided for this reason. However, with appropriate on-site management I consider that this is a potential effect that can

be managed in order to provide a higher quality environment for residents of the site, as well as for those neighbouring properties that do overlook the site.

- [100] I also accept the comment that application is for a relatively long-term proposal with no agreed end date. I also note that if consent were granted, there may need to be some mechanism (such as a bond) to ensure the building are removed once they have served the intended use, and the site left in a tidy condition.

Biodiversity and Natural Character

- [101] The proposal will meet the requirements for a 5m setback from the water's edge. There are some established trees and shrubs along the water's edge perimeter of the site.
- [102] The development would result in removal of the existing caravans and lean-to structures on the site, some of which are closer than 5m to the water's edge. However, these lean-to structures are not legal, and the consented camping ground was based on providing sites for travellers with caravans and campervans, and not the permanent location of caravans on the site. Notwithstanding this, from the point of view of recreational users of the creek, these informal structures have formed part of the environment of the site for some time.
- [103] The Council's Landscape Architect, Mr McKinlay considers that *from the perspective of boat users on the creek, extensive views into the site will not be available. However, enhancing the level of existing planting at the water's edge would help to maintain the amenity values of the creek edge for members of the public boating on the creek.*
- [104] The proposal will result in an extensive line up of buildings approximately 5m from the water's edge. I consider this would have minor adverse effects on natural character for recreational users of the Creek, however, this view is moderated by the recent receiving environment which was characterised by the informal structures mentioned above.
- [105] The Ōtokia Creek & Marsh Habitat Trust has raised the potential that the operation could result in unintentional littering of the creek and potential sediment run-off during earthworks. This submitter raised the potential for riparian planting to mitigate these potential effects.
- [106] The application indicates that earthworks are likely to be minimal. I consider that if any small-scale earthworks are subject to proper site management, there should be little risk of sediment run-off during construction.
- [107] The same cannot be said for the potential inadvertent escape of rubbish/litter from the site which I consider to be an inevitable outcome of having 46 residents living in a confined space in such close proximity to a waterway, with all the associated refuse this will generate. No matter how well rubbish is managed on site, dropped litter, lightweight items left outside, high winds and over-full rubbish bins are potential occurrences that could lead to litter and other items escaping the site and ending up in the creek. There is no fencing along the edge of the waterway to trap such debris, and from an amenity and natural character perspective I do not consider that fencing would be appropriate.
- [108] I can see that there would be a benefit to the riparian planting suggested by the Trust in capturing such material. Mr McKinlay has also recommended increased planting along the water's edge to mitigate adverse visual amenity effects. However, with the current site layout, it appears that such planting would impact on the outdoor amenity areas of many of the units. Units 1-36 all have outdoor amenity areas directly adjoining the creek

and, accordingly, I consider amendments would be needed to accommodate this planting.

Noise

[109] In terms of potential noise, the Council's Environmental Health Officer has made the following comments:

I have read the application and am generally familiar with the locality. Environmental Health aspects of this application relates to noise from the construction work and the proposed unique residential activity - workers accommodation.

Construction Noise Limits

The applicant mentioned the proposal will be involving the earthworks and construction work. Noise from construction works frequently causes complaints to Council. Therefore, all construction work on the site shall be designed and conducted to ensure that construction noise for typical duration between 14 days and 20 weeks from the site does not exceed the noise limits in the following table.

<i>Time of Week</i>	<i>Time Period</i>	<i>Leq (dBA)</i>	<i>L max(dBA)</i>
<i>Weekdays</i>	<i>0730-1800</i>	<i>75</i>	<i>90</i>
	<i>1800-2000</i>	<i>70</i>	<i>85</i>
<i>Saturdays</i>	<i>0730-1800</i>	<i>75</i>	<i>90</i>
	<i>1800-2000</i>	<i>45</i>	<i>75</i>
<i>Sundays and public Holidays</i>	<i>0730-1800</i>	<i>55</i>	<i>85</i>
	<i>1800-2000</i>	<i>45</i>	<i>75</i>

Noise levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction noise.

Residential activity

With a large number of units on one site, the applicant is offering a number of conditions to mitigate the effects, including:

- The facility will have an on-site Manager, and an annual review of management is mentioned.*
- The Managers contact details will be provided to adjacent neighbours and clearly displayed at the site entrance.*
- The layout has been designed to avoid providing a large area for congregation.*

The 'Noise Management Plan' has not been mentioned in the application. It may be that the owner will need to put in place a 'Noise Management Plan' that may include rules for occupiers, regular check by management.

Summary of Recommendations

Based the above information, I have no objection in principle to the proposal. If consent is granted, the following information should be included in the consent by means of Advice Note:

- 1. NZS 6803 Construction noise standard shall be a condition.*

2. *I recommend that the owner of the property need to put in place a Noise Management Plan to ensure the noise from the site doesn't cause excessive noise issues.*
- *Noise between occupiers in this large accommodation site is dealt by the landlord under the Residential Tenancies Act 1986.*
 - *Noise control is considered the landlords responsibility and in the event of any such offences could be liable to a fine.*

- [110] I accept the advice from the Environmental Health Officer, that from a noise aspect, they have no objection to the application. It is noted that the application purposefully does not provide any large areas for residents to congregate on site. This is in order to reduce the potential for gatherings that could create noise issues for surrounding residents.
- [111] Nevertheless, given the relatively large group of workers living in close proximity and without the usual domestic constraints created by family environments, I consider there is the potential for social activities on the site which could create noise and disturbance to surrounding residents, with or without the provision of any gathering space on site. I therefore agree that a Noise Management Plan is an appropriate requirement, as recommended by the Environmental Health Officer.
- [112] Noise associated with the construction of the units is likely to be less than that of a standard development due to the buildings being transported onto the site rather than constructed on site.
- [113] One submitter, L. Marlow, raised the issue of noise disturbance from the Brighton Club (1038 Brighton Rd) on the occupants of the site. It is understood from the submission that the Club hosts live music. I accept that noise from the Club could disturb residents of the camp. There are five units proposed in the area directly adjoining the boundary with 1038 Brighton Rd (units 42-46). These units would likely receive the most noise disturbance. The Club building is located some 6m off the boundary with the subject site. In terms of the subject site, it appears that there have been one or two caravans situated in this general area previously, however the proposal would result in additional occupants, and the potential for some reverse sensitivity effects.
- [114] It is noted that there are residential neighbours directly adjoining the Club site to the north and south (1036 & 1040 Brighton Rd), although the dwellings on these properties have greater separation from the Club building, and are more permanent buildings, and therefore likely more sound-proof buildings than the proposed cabins are likely to be.
- [115] I consider that the mitigation of potential noise from this existing activity, and potential complaints that could arise from any reverse sensitivity effects, is a matter that should be addressed in a noise management plan should consent be granted.

Infrastructure

Provision for Stormwater, Water and Sewerage

- [116] Council's Development Support Officer, 3 Waters and the Technical Support Officer, Seepage Control Unit (Building Services) have considered the application.
- [117] The Technical Support Officer – Seepage Control, has advised that: *There is a piped watercourse located north to south within this property. There are 3 Dunedin City Council foul sewers, a Council sewage pump station and a pumping sewer main dissecting this property in various locations. All private drainage matters will be dealt with at time of*

Building Consent. I note that the piped watercourse is better described as running northeast to southwest.

- [118] The Development Support Officer – 3 Waters has raised concerns about the non-compliance with the density requirements and stated that 3 Waters does not support the application. The Development Support Officer notes that the overall site is 10,081m² which would allow 20 units, and that for 46 units there would need to be another 12,919m².
- [119] Since Decisions on Variation 2, the allowable density has increased from that which the calculation above was made on and would now provide for 25 units at 400m² site area per unit, and more than this if duplexes were involved.
- [120] The 3 Waters Subdivision Engineer has advised the following estimates for wastewater demand:

Scenario	Effluent discharge from site [L/min]	Comment
46 x one bedroom units	11.7	Assuming 1 person per unit which is impossible to police.
46 x one bedroom units	18.4	Assuming 2 people per unit as we always do.
10 x three bedrooms units	6.6	Assuming 3.5ppl per household as per DCoS
20 x campervans	0.5	As per 'EFFLUENT DISCHARGE LOCATIONS FOR MOTORIZED CARAVANS: A GIS ANALYSIS FOR THE SOUTH ISLAND NEW ZEALAND'.

- [121] The 3 Waters Subdivision Engineer notes that: *"There is no major issues with the FS network capacity in the immediate vicinity at the moment, so the network is likely to take extra loads without too much drama – but 46 units will limit network capacity for future compliant developments"*.
- [122] I note that it appears that some of the units may be located over the Council owned wastewater pipes that feed into the pumping station and would require 3 Waters approval, and possibly further resource consent, to be built over. This is a matter of detail that may be more appropriately dealt with at a later stage.
- [123] The Development Support Officer also advises that if consent were to be granted, conditions should be included requiring: an RPZ boundary backflow prevention device be installed on the water connection; a stormwater management plan be provided; and new wastewater services provided.
- [124] In terms of stormwater, I note that the application states that maximum building coverage (40% of site) and impermeable surfaces (70% of site) are anticipated to be met. I note that these standards are based on the full site, which would also include the water portion of the site. However, I consider the maximum building coverage and impermeable surfaces will be met when applied to only the above-water portion of the site. Nevertheless, 3 Waters have sought a condition of consent requiring a stormwater management plan (SWMP). 3 Waters have clarified in a further verbal discussion about this matter that the SWMP is required in order to ensure that volumes of stormwater discharge to the Ōtokia Creek would not result in inundation of the site (rather than stormwater attenuation). Given the extent to which the creek forms part of the subject

site, and the low lying nature of the development area in relation to the creek, I consider that the requirement for a SWMP is reasonable.

- [125] Overall, I accept the concern of 3 Waters regarding the potential long term effects on infrastructure from the increased density, particularly when compared to the permitted baseline of two residential units, the plausible development of 10 additional residential units, or the consented development for a campground. I consider that there is scope for these concerns to be addressed, for example, by way of a guarantee that the proposal would be for a limited timeframe, and/or a reduction in the number of units.

Transportation

- [126] The application was forwarded to Council's Transportation Operations Department for comment. The Consultant Transportation Planner, Mr Antoni Facey, provided the following, abbreviated, comments:

ACCESS:

Access is from a parking area adjacent to Brighton Road on the outside of a horizontal curve.

Width of the access is typically 6 metres and is partially outside the road reserve but is variable. There are also judder bars installed on the access to control speeds. It is understood that the existing road and access will be used in the new layout. This will be adequate for the proposed activity. Drivers will be regular users and familiar with the site and access arrangements.

PARKING AND MANOEUVRING:

...

The 13 parking spaces are of compliant dimension. However, the aisle width is below expectations in part. It is however, generally compliant with the AS/NZS 2890.1 and is compliant around the important parking manoeuvring area.

There is no turning head on site to allow drivers to exit in a forwards direction. A vehicle access to a house allows for a 3 point turn on site so vehicles can leave in a forwards direction. To reverse off the site would require reversing blind around a curve which is not acceptable. The proposed turning option is adequate to alleviate this issue. Tracking should be shown to allow this to be confirmed. Since it is siting of the dwelling units that will restrict turning paths, it is considered that this can be assessed at building consent stage and dwelling locations adjusted if necessary.

It should also be noted that in my experience, companies will provide larger people mover type vehicles to transport staff to and from the workplace. The number of parking spaces on site is reasonable and some of the people mover vehicles may park on site overnight. These vehicles may require larger spaces than usual and some spaces appear capable of accommodating such vehicles. This has been confirmed by the applicant and they will be proposing mid-sized vans to transport residents. The vehicle spaces will be adequate for this purpose.

The applicant has offered a condition that no vehicles larger than a mid-sized van should be used on site. While there is no definition of mid-sized van, a passenger capacity should be conditioned to ensure large buses are not used. A 21-seat capacity vehicle would be appropriate.

It is unlikely that any significant amount of on street parking would be required for this application.

Rubbish collection has not been determined but it is intended that the rubbish removal should be from a private collection system. If it is intended that an on-site private system is proposed, manoeuvring must be provided on site for the truck to turn around on site and leave in a forwards direction.

TRAFFIC GENERATION:

Traffic generation will be limited. There will be no more than 2 movements per day per private vehicle parked on site. If mass transport vehicles are brought to site each day, they could account for 4 movements each.

The total number of potential traffic movements generated by the site is unlikely to be greater than the potential from the current camping ground when operating at its peak. Therefore, there is unlikely to be any capacity issues.

- [127] Transport concluded that the effects on the transportation network would be no more than minor subject to a number of recommended conditions and advice notes.
- [128] I note that 13 on-site car parks are proposed. 2 parking spaces would be allocated to mid-sized vans and 3 parking spaces to smaller vans. This then leaves 8 parking spaces for private vehicles, a ratio of 1 park per 5.75 residents of the cabins. This excludes the 4 residents of the house who could presumably utilise the existing garaging and sealed driveway/parking area near the house.
- [129] The Consultant Transportation Planner was requested to comment on the following: "Given the location away from the city, is there not the potential for many of the workers to have their own cars for use during the periods they are not working?" and replied:
- Yes. There is also the likelihood of many flying in rather than driving. Until they start, we won't know what it looks like. But we can't require parking to be provided. There isn't a lot of space around Brighton but they will need to find their own parking.*
- [130] I accept the Consultant Transportation Planner's statement that there is no minimum parking space performance standard. This is the case for both standard residential activity and visitor accommodation, and is a consequence of the National Policy Statement for Urban Development 2020.
- [131] The National Policy Statement on Urban Development directed the removal of minimum car parking requirements from Plans, and consequently rules for this were removed from the 2GP. Pressure on on-street parking is the inevitable and foreseeable outcome of this.
- [132] The activity is not a 'high trip generator' as defined in the Proposed 2GP. I consider this provides some indication that the activity is not of a scale where traffic effects, including parking, would generally be of significant concern.
- [133] Given that the application is a non-complying activity, however, all actual or potential environmental effects are relevant. Having regard to the density of units, as well as concerns raised in submissions, I consider it is appropriate to consider the effects of overflow parking onto the street, particularly in an environment that is somewhat

remote from the city where residents will be employed, with limited public transport options, and where on-street parking in the immediate vicinity is somewhat limited.

[134] This concern has also been raised by several submitters who mentioned matters such as:

- Insufficient on-site parking driven by the number of units proposed, which does not leave sufficient space on the site for parking;
- Residents will require vehicles to access services in Green Island and Dunedin;
- An appropriate ratio of on-site parking should be provided so that residents are encouraged to have their own transport, making it possible for them to get out and enjoy hobbies activities;
- The limited amount of on-street parking is required for the shop, Brighton Club and Café.

[135] PARS (Parks and Reserves) expressed concern about the potential that residents will park vehicles within the Brighton Reserve due to lack of on-site parking. PARS suggested a review condition to enable the Council to review the adequacy of parking spaces provided.

[136] I note that a plausible residential development, such as a multi-unit development, would require consideration of the effects on the safety and efficiency of the transport network. There is every likelihood a plausible residential, or more conventional visitor accommodation development such as a traditional campground or motel, would provide off-street parking, even if not required by the District Plan, in order to satisfy the market demand for such parking.

[137] Overall, I consider there is potential for adverse effects in the neighbourhood arising from increased demand for on-street parking, and that ideally additional on-site parking would be provided.

[138] In correspondence, the applicant has advised that people associated with the applicant have experience with large construction projects that require an out of town workforce, and that based on their experience, the level of car ownership is generally very low. This is because: transport to and from work is provided; workers have limited down time locally – in essence they here to work and tend to fly home when not rostered on; they are usually seeking to maximise income and minimise expenditure and do not seek the luxury of car ownership.

[139] I accept the above points, but given the out of town location and limited public transport options, I believe there remains a possibility that some residents would require or wish to have a private vehicle, albeit that as identified by Mr Facey, it is difficult to know just how many.

[140] The applicant has offered conditions addressing potential off-site parking, namely a prohibition on residents parking private vehicles within 300m of the site entrance, however as identified in submissions, this could result in additional ongoing compliance issues for the Council and community. Furthermore, I question whether this would merely shift the issue onto narrower residential streets such as McIntosh Rd and Bath St, which are in some ways less appropriate than Brighton Rd for accommodating additional parking. If an overspill of parking associated with the activity occurs on Bath St it could interfere with school pick ups and drop offs to Big Rock Primary School on Bath St.

[141] The applicant has also offered a review condition to address any effects of off-site car parking. Given the lack of certainty about the scale of the potential problem, this could be an effective mechanism to manage adverse effects, should they arise. In order to be

genuinely effective, any such condition would need to provide scope for additional on-site parking to be required if deemed necessary, or alternative options such as leasing of off-site parking by the operator.

Access width

- [142] As previously noted, part of the 5m wide access comprises a strip of crown land. As made clear in the submission from the Commissioner of Crown Lands, authorisation is required to undertake any activities on land owned or administered by Land Information New Zealand. In the event that LINZ declines permission for the continued use of the strip of crown land, then there would still be a 3m wide access to the site.
- [143] While the Council's Transportation Planner has not specifically raised this scenario as being of concern, he has requested an advice note that 'the existing access arrangements should be used without reductions in dimensions,' as well as noting that 'We are trying to ensure that they use the existing vehicle access without any reduction in standards since it is adequate for what is proposed. The applicant has indicated that is their intention.'
- [144] If consent were to be granted, confirmation that the 5m wide access can be continued should be provided.
- [145] The applicant has offered a condition to the effect that if LINZ does not allow the continued use of its land as part of the access (i.e. the available access width is reduced to 3m), then the matter needs to be reviewed to Council's satisfaction.
- [146] I cannot see how the applicant's proposed condition would provide scope to address any fundamental issues with a 3m wide access, as there is no alternative means of achieving a wider access if the use of 1046 Brighton Road is not available. However, it may allow for reconsideration of matters such as rubbish collection arrangements and pick up and drop off of workers which may need to occur off site. Overall, I question how satisfactory the proposed condition is for addressing the potential effects of a reduced access width.
- [147] I have consulted with Mr Facey about the potential scenario wherein LINZ does not authorise the continued use of the relevant piece of land, and whether the narrower width of access would be workable. Mr Facey's response was that the approximately 3m width could possibly be made to work if LINZ's agreement to the existing access arrangement is not forthcoming, but that the applicant would need to show how this would operate. Mr Facey commented that visibility looks adequate with speed controls.
- [148] Since the application was lodged and Mr Facey's original assessment was undertaken, an application to re-launch the Brighton Boat Shed at 1046 Brighton Rd has been received (LUC-2022-403). The outcome of that application is yet to be determined and as noted above is not part of the hearing process for application LUC-2022-177. Mr Facey has also raised the possibility that if this activity goes ahead, the Council may wish to use part of the road reserve to improve pedestrian access to the Boat Shed, thereby reducing the available width of access to the campground up to the boatshed.

Fire Engine Access

- [149] FENZ has lodged a submission which raises the issue of insufficient access throughout the site and lack of manoeuvring space for a fire appliance, which has potential implications for Fire and Emergency in terms of emergency access to the site. FENZ

considers that some units would not be able to be accessed by a fire appliance and fire appliances would not be able to manoeuvre quickly in an emergency.

- [150] While this is likely more of a public safety rather than a transport issue, I mention it here because it is linked to the overall lack of available space on site for parking and manoeuvring. A reduction in the number of units, or rearrangement to free up space, could potentially address these issues.

Rubbish Collection

- [151] The application states that private rubbish collection is envisaged. I consider this to be appropriate. Based on previous experience with far smaller multi-unit developments than that proposed here, it is my understanding that even if not volunteered, the Council would require private rubbish collection. I would recommend that if consent is granted a condition should be imposed requiring rubbish to be collected from within the site at an appropriate location, so as to avoid bins being placed on the street and the hazard this creates for pedestrians, cyclists and drivers.

Natural Hazards

- [152] Section 6(h) of the Resource Management Act 1991 requires the Council to recognise and provide for the management of significant risks from natural hazards, as a matter of national importance.

- [153] The assessment of the risk from natural hazards requires a combined assessment of:

- (a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
- (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
- (c) *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*

- [154] The application site is subject to a number of hazard overlays in the Proposed 2GP. The images below are taken from the Plan to illustrate the extents of the hazard overlays in relation to the area that will be developed as part of the application.



Figure 2: Blue and orange lines denote the Hazard 3 (coastal) overlay zone (low risk).

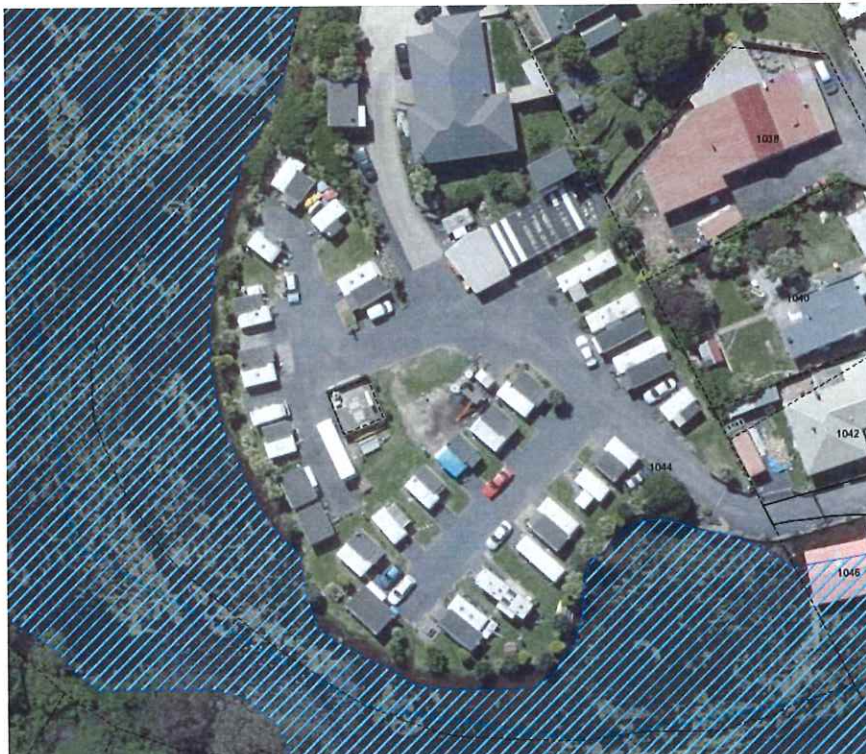


Figure 3: Blue lines denote the Hazard 1 (flood) overlay zone (high risk).



Figure 4: Dark and light blue lines denote the Hazard 2 (flood) overlay zone (moderate risk).

The application has been assessed by the Council's Consultant Engineer, Stantec, who has advised:

Hazards

From the Hazard Register, street files, and previously sent emails ; for both this title and nearby properties

- Hazard ID 10106: Land Stability – Land Movement (Alluvial Fans – Active Floodwater dominated)
- Hazard ID 11407: Seismic – Liquefaction (Domain C)

Global Setting

The underlying geology consists of alluvial deposits adjacent to Otokia Creek.

Discussion

The proposal outlines some 46 removable units to help with worker accommodation for the construction the hospital. Whist there are significant hazards associated with flooding and seismic effects, the nature of the structures are temporary. There is likely to be lateral spreading liquefaction in a strong seismic event. This will directly affect the site. Minimum floor levels are likely to be required.

We anticipate that these structures will be largely placed either on the ground or on removeable supports. No earthworks are anticipated to be required for the units.

[155] Stantec has emphasised the temporary nature of the proposal. I accept that from an engineering viewpoint the units can be viewed as being temporary in nature and are relocatable.

[156] Stantec recommended some standard conditions regarding recording un-engineered fill, appropriate design of stormwater modification and culverts. The proposed conditions relate to works that are not indicated but could foreseeably occur. I consider it appropriate to include the recommended conditions should consent be granted.

- [157] Stantec was asked to specifically consider the flooding hazard. They have advised that over the 8 year timeframe mentioned in the application there is an 18% chance of a 50 year flood event, and that it is reasonable to assume this type of event would flood the site. Stantec considers that as long as the structures are required to be temporary and meet minimum floor levels, they can be allowed, and that floor levels would be set at building consent stage which may require a flood hazard assessment, and this may put a deadline on the activity.
- [158] The Otago Regional Council report entitled 'Coastal Hazards of the Dunedin City District,' published in 2004, identifies the site as being vulnerable to direct inundation from the Pacific Ocean. The report states that *the overall effects of direct inundation from the Pacific Ocean ... may create a threat to life/safety, could result in damage to buildings, and create difficulties when evacuating people. These effects are likely to be greatest in areas which are low-lying, and/or immediately adjacent to the Pacific Ocean.*
- [159] This same report identifies much of the site as being within 'Area A' which is land which is below the height identified as the 1:100 year storm surge level and is vulnerable to other coastal hazards such as tsunami, coastal erosion and inundation from heavy rainfall events and high flows in Ōtokia Creek. The report notes that *as sea level rises, the likelihood that inundation resulting from these hazards will reach a level where it can affect people and assets in this area will increase.*
- [160] It is understood that the above report informed the Proposed 2GP hazard layers.
- [161] I accept that although there is a risk of flooding, the purported limited life of the activity will carry less risk than a permanent residential activity where significant investment in larger, more permanent houses would be expected. On the other hand, I have difficulty with the lack of a specific timeframe/end date for the activity in terms of treating the 'temporary' nature of the activity as being meaningful, and therefore a mitigating factor.
- [162] I also accept that being a managed site, flood warning and evacuation can also be coordinated by inclusion of appropriate procedures and actions to be taken in the management plan for the site.
- [163] I further note that notwithstanding the risks from natural hazards, the site has been zoned for residential activity, with the rule requiring buildings containing residential activity on the ground floor to be relocatable as the only formal mechanism for specifically managing this risk. The residential density requirement, which the proposal is in breach of, also acts as an indirect mechanism for managing risk from natural hazards.
- [164] The applicant cites the following factors which mean that risk from flooding can be managed or mitigated:
- Transportable buildings with good vehicle access;
 - Height of buildings off the ground can be adjusted at building consent stage to ensure an appropriate minimum floor level;
 - Residents will not be elderly, children, or have restricted mobility which will assist in an emergency situation;
 - The site includes higher ground which can be used as a means of escape;
 - The site will be managed and the manager will be responsible for co-ordinating an emergency response;
 - Flooding can be predicated to a certain extent which allows for a proactive emergency response.

- [165] Overall, and based on the professional advice received, I consider that given the relocatable nature of the buildings, as required under the Plan for residential activity in the Hazard 3 (coastal overlay) zone; as well as and the applicant's commitment to produce an emergency management plan, that risk from natural hazards may be acceptable if a more definite timeframe for the activity could be provided.

Public Health and Safety

- [166] Fire and Emergency New Zealand (FENZ) has lodged a submission which raises the issue of insufficient access throughout the site and lack of manoeuvring space for a fire appliance, which has potential implications for Fire and Emergency in terms of emergency access to the site. FENZ considers that some units would not be able to be accessed by a fire appliance and fire appliances would not be able to manoeuvre quickly in an emergency.
- [167] FENZ has requested a condition requiring the provision of adequate access consistent with the *New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008*. The document referenced is a technical document and the submission from FENZ does not provide details of what would comprise the 'adequate access' referred to.
- [168] Section 6.1 of the Code of Practice states that *'Roading widths, surface and gradients where hydrants are located should support the operational requirements of Fire Service appliances. The Compliance Documents for the New Zealand Building Code specify these requirements and have final authority, but in general the roading gradient should not exceed 16%. The roading surface should be sealed, and trafficable at all times. The minimum roading width should not be less than 4m...'* The Code further outlines hardstand requirements at section 6.4, with an area of not less than 4.5m width and 11m length, but ideally 17.5m in length required for a standard fire appliance. This perhaps provides an indication of FENZ's expectations in regards to access for fire appliances.
- [169] While the main access into and through the site might achieve the 4m referred to in the Code of Practice, I can see that due to the close spacing between the units, it may be difficult for a fire appliance to access those units that are not sited within close proximity to the main access through the site.
- [170] I accept the concern raised by FENZ and reiterate my previous comment that a reduction in the number of units, or rearrangement of units to free up space, could potentially provide acceptable access for fire appliances.
- [171] I further consider that the submission from FENZ lends weight to the need to confirm that the applicant has authority to utilise the part of the site access that is located on crown land, as discussed in the Transportation section above.
- [172] It would be helpful if the submitter provided further detail on this so that all parties have a good understanding of what would be involved in providing suitable access and manoeuvring for a fire appliance.

Positive Effects

- [173] The proposal will provide workers' accommodation for a large-scale construction project in Dunedin. I am not aware of any quantitative data substantiating the need for such accommodation, however, I believe it is widely accepted that there is currently a housing/accommodation shortage in general, and accordingly there will be challenges associated with housing large numbers of construction workers who will be required to

work on the new hospital project. As a general concept, I consider a facility of this nature will meet this need to house workers in a practical and efficient manner.

- [174] There are also likely to be positive effects for the Brighton community from an influx of new residents who may wish to get involved in the community, for example local sports clubs. The workers are also likely to support the local dairy, cafe and any other local stores/businesses. There may also be positive economic effects further afield, for example to the Green Island centre which is the closest area for shopping.

Cumulative Effects

- [175] The concept of cumulative effects, as defined in *Dye v Auckland Regional Council & Rodney District Council* [2001] NZRMA 513, is:

"... one of a gradual build up of consequences. The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite effect D. All of these are effects which are going to happen as a result of the activity which is under consideration".

- [176] Similarly, some effects may not presently seem an issue, but after having continued over time those effects may have significant impact on the environment. In both of these scenarios, the effects can be considered to be 'cumulative'.

- [177] As traversed in the Infrastructure section of this report, 3 Waters do not support the application because of the pressure it will place on the Council's reticulated wastewater network which would result in reduced capacity for future developments. However, there is no suggestion that this application represents a tipping point which would, for example, result in a need for public infrastructure upgrades in the short term.

- [178] No other potential cumulative effects of any significance have been identified.

Effects Assessment Conclusion

- [179] After considering the likely effects of this proposal above, I have come to the overall conclusion that the proposal would result in adverse effects of a more than minor nature. That is that there would be noticeable adverse effects. Notwithstanding this I consider the principle of the proposed land use to be appropriate and consider that the effects of the proposal could be remedied or mitigated through amendments to the application.

- [180] My overall evaluation is that most, if not all, of the adverse effects of the proposal could be addressed by placing a more definite lifespan on the activity and reducing the number of units which could allow the following matters to be addressed:

- Provide additional space for improved outdoor amenity areas, including shared spaces.
- Provide additional access and manoeuvring space for fire appliances/emergency vehicles.
- Reduce pressure on on-street parking in the wider Brighton township;
- Remedy or mitigate the effects of density on the Council's reticulated wastewater services;
- Mitigate risk from natural hazards by ensuring the facility would not be long term.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

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

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

OBJECTIVES AND POLICIES ASSESSMENT

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

[183] Due to the advanced stage of the Proposed 2GP, wherein the rules, objectives and policies of relevance to this proposal, are now fully operative, an assessment against the Operative Plan objectives and policies has not been undertaken.

Proposed 2GP

[184] The following 2GP objectives and policies were considered to be relevant to this application:

Provision reference	Provision summary	Assessment
Transportation		
Objective 6.2.2 and Policies 6.2.2.1, 6.2.2.3 & 6.2.2.4	Which seek to ensure that land use activities are accessible by a range of travel modes, provide sufficient mobility parking and that visitor accommodation is either located where there is convenient access to centres or frequent public transport services, or have appropriate on-site services.	Adequate mobility parking can be provided on the site although this is only a requirement for visitor accommodation, not standard residential activity. Policy 6.2.2.1 is therefore considered to be satisfied. Policy 6.2.2.3 directs that visitor accommodation only be allowed where customers and residents will have convenient walking access to centres, or frequent public transport services or an appropriate range of on-site services or facilities. This policy is considered to be satisfied given that the site directly adjoins a neighbourhood centre, albeit one with only a few services. In terms of Policy 6.2.2.4, although the proposal will generate trips by walking, primarily between the site and adjoining dairy, café and local

		beach and recreation areas, I consider the number of trips is unlikely to be of the magnitude that this policy is seeking to manage. I therefore consider the proposal to be consistent with this policy.
Objective 6.2.3 and Policies 6.2.3.3, 6.2.3.4 & 6.2.3.9	These seek to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes, including by ensuring land use activities provide adequate loading and manoeuvring to support their operations, and ensuring that avoiding or mitigating the effects of overspill parking on the safety and efficiency of the transport network.	As raised in the submission from FENZ, there is doubt as to whether the proposal provides sufficient manoeuvring space for a fire appliance. There does appear to be adequate on-site manoeuvring for the proposed on-site car parks. Effects of overspill parking remains a concern and could adversely effect the safety and efficiency of the transport network, although it is difficult to come to a firm conclusion as the magnitude of any such effects, and it is noted that the activity is not strictly required to provide car parking, and is not a high trip generator. Policy 6.2.3.4 seeks to avoid or adequately mitigate effects of overspill parking. I further consider that with the uncertainty regarding the width of access available, that the safe and efficient operation of the access has not been definitively demonstrated. I consider the proposal to be inconsistent with Objective 6.2.3 and Policy 6.2.3.3 & 6.2.3.9, and conservatively also with 6.2.3.4.
Objective 6.2.4 and Policies 6.2.4.1, 6.2.4.2 & 6.2.4.6	These seek to ensure that parking and loading areas and vehicle access provide for safe and efficient operation, including of the wider transportation network.	The application is partially inconsistent with Policy 6.2.4.1 due to concerns about emergency vehicle access and manoeuvring, which is required under clause d. of Policy 6.2.4.1 to be safe and convenient.

		Likewise, there is some doubt about whether the width of the driveway is sufficient, as required under Policy 6.2.4.2.c, given that use of the full width is reliant on LINZ approval. The proposal is considered to be generally aligned with the other relevant aspects of the objective and policies.
Public Health and Safety		
Objective 9.2.1 and Policy 9.2.1.1A & 9.2.1.4	These seek to have land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.	3 Waters does not support the application due to pressure on the public wastewater system from a development breaching density. 3 Waters considers that the development would compromise the capacity of the network for future compliant developments. Notwithstanding this, 3 Waters have not indicated that there are any serious concerns about capacity at this stage, in other words, the development can be accommodated. No particular concerns about water supply or stormwater management have been identified. On balance I consider the proposal to be inconsistent with Objective 9.2.1 and Policy 9.2.1.1A.a., but consistent with Policy 9.2.1.4.
Objective 9.2.2 and Policies 9.2.2.1, 9.2.2.4, & 9.2.2.9	These seek to have land use, development and subdivision activities maintain or enhance people's health and safety.	The proposal is considered to be generally consistent with these objectives and policies, although while the site has access to sufficient water supply for firefighting, there is some question in regards to access for fire appliances.
Natural Environment		
Objective 10.2.1 and Policy 10.2.1.1 & 10.2.1.5	These seek to maintain or enhance biodiversity values and encourage	There is no suggestion that the proposal would give rise to significant adverse effects on biodiversity. No significant

	conservation activity.	habitats or indigenous biodiversity would be affected. The potential for litter to escape into the Creek has been raised and is a potential effect, however, overall, I consider the application to be consistent with these provisions.
Objective 10.2.2 and Policies 10.2.2.1, 10.2.2.2 & 10.2.2.6	These seek to maintain and enhance biodiversity values and natural character of riparian margins.	As noted above, there is no suggestion that the proposal would give rise to significant adverse effects on biodiversity. Buildings would be setback the required 5m from the margins of the Creek, however as identified by the Council's Landscape Architect, the extensive line up of buildings 5m back from the water's edge would detract somewhat from the natural character of the Ōtokia Creek. The potential for litter to escape into the Creek has also been raised as a potential effect. I therefore consider the application to be inconsistent with this objective and Policies 10.2.2.2 & 10.2.2.6.
Natural Hazards		
Objective 11.2.1 and Policies 11.2.1.5 & 11.2.1.8 & 11.2.1.14	These seek to ensure the risk from natural hazards, including climate change, is minimised, in the short to long term.	The Proposed 2GP planning maps indicate that the property is subject to several hazard overlays. The proposal involves an overly dense residential development in an area susceptible to flooding and there is insufficient surety about the timeframe for which the activity will operate. While risk can be managed to a certain extent through minimum floor levels and the use of relocatable buildings, evacuation plans and setbacks, I remain concerned about the appropriateness of allowing a development exceeding the allowed density in an area known to be susceptible to hazards, and for an indefinite length of time. I therefore

		consider the proposal to be inconsistent with Objective 112.2.1 but consistent with the more specific policies.
Residential		
Objective 15.2.1 and Policies 15.2.1.1 & 15.2.1.2	These seek to reserve residential zones primarily for residential activities and a limited range of compatible activities such as visitor accommodation where the effects of these would be managed in line with the succeeding residential zone objectives.	As residential activity, there is no question about the appropriateness of the proposal, in principle, within the Township and Settlement zone. Visitor accommodation is also provided for in the sense that it is a restricted discretionary activity. However, Policy 15.2.1.1 requires that the effects of activities are managed in line with the succeeding objectives, not all of which the proposal aligns with.
Objective 15.2.2 and Policy 15.2.2.1	These seek to ensure that residential activities, development, and subdivision activities provide high quality on-site amenity for residents including by providing good quality outdoor living spaces, adequate separation between buildings, adequate open space and service areas.	For the reasons outlined in the report, primarily associated with the density of units, which ultimately compromises the quality of outdoor living space, provision of communal areas and open space, I consider the application to be inconsistent with these objectives and policies. I would not go so far as to say that the application is contrary to these provisions.
Objective 15.2.3 and Policy 15.2.3.1 & 15.2.3.4	These seek to ensure that activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces, particularly by ensuring buildings are of an appropriate scale and location so as not to unduly adversely effect sunlight access to adjoining residential properties and their outdoor living space.	The proposal would not directly impact on sunlight access to any adjoining residential properties, and accordingly the application is consistent with these provisions.

Objective 15.2.4 and Policy 15.2.4.1, 15.2.4.2, 15.2.4.7 and 15.2.4.8.	These seek to ensure that development maintains or enhance the amenity of the streetscape and reflects the current of intended future character of the neighbourhood, including by ensuring multi-unit developments maintain or enhance streetscape and neighbourhood amenity and character.	The proposal would maintain streetscape amenity but does not reflect either the current or intended future character of the neighbourhood when viewed from public places, due to the density and layout of units within the site and lack of open space. Furthermore, as a multi-unit development, the assessment of effects concludes that neighbourhood amenity and character would not be maintained. I therefore consider the proposal to be inconsistent with these provisions. I would not go so far as to say that the application is contrary to these provisions.

Overall Objectives and Policies Assessment

- [185] Having regard at the relevant objectives and policies individually, and considering these in an overall way, the above assessment indicates that the application is inconsistent with key provisions relating to the current and intended future of the residential zone; provision of high quality on-site amenity for residents; and the efficiency and affordability of public infrastructure, and natural hazards.
- [186] I am satisfied that notwithstanding the above conflict with the objectives and policies of the 2GP, the proposal is not contrary to them. In order to be deemed contrary, an application needs to be repugnant to the intent of the District Plan and abhorrent to the values of the zone in which the activity was to be established. In this instance, while the proposal is assessed as being inconsistent with key objectives and policies of the Plan, ultimately, the activity is for a residential activity in a residential zone, and accordingly I find it difficult to conclude that these inconsistencies make the application repugnant to the intent of the Proposed 2GP, or abhorrent to the values of the zone.

Assessment of National Policy Statements (Section 104(1)(b)(iii))

- [187] Section 104(1)(b)(iii) of the Act requires that the Council take into account any relevant national policy statements.
- [188] The New Zealand Coastal Policy Statement 2010 (NZCPS) is considered to be of relevance in that the site is subject to coastal hazard risk and can therefore be considered to be part of the 'coastal environment.'
- [189] The objectives and policies of the New Zealand Coastal Policy Statement are considered to be given effect to through the provisions of the Proposed 2GP. Of particular relevance in relation to this application are the provisions concerning natural hazards;

and the natural environment, which covers the natural character of the coast and waterbodies, and landscape considerations.

- [190] As previously covered in this report, the Proposed 2GP identifies the site as being subject to a number of natural hazards, including the Hazard 3 (coastal) overlay zone, and seeks to manage this hazard by ensuring that residential buildings within this zone are relocatable. The risk level of the Hazard 3 (coastal) overlay is identified in the Proposed 2GP as 'low.' The Council has not seen fit to alter the residential zoning of the site to address this hazard. The application involves residential activity, with buildings being relocatable, which is the primary mechanism identified in the Plan for managing risk from natural hazards in this overlay.
- [191] The site is not recognised as being part of any notable landscape in the Proposed 2GP.
- [192] Based on the above considerations, the application is considered to be generally consistent with the relevant objectives and policies of the NZCPS 2010.
- [193] The National Policy Statement on Urban Development 2020 (NPS-UD) was gazetted on 23 July 2020 and came into effect on 20 August 2020. Dunedin City is identified as a 'tier 2' territorial authority under the NPS-UD. I consider that the over-arching intention of the NPS-UD is to promote responsive and well-functioning urban environments overall, with a key focus on improving housing affordability and encouraging adequate housing supply that meets the varying needs of the community, while ensuring that this is supported by the necessary infrastructure.
- [194] Under the NPS-UD, the Dunedin City Council was required to remove any minimum car parking standards within the Proposed 2GP. Therefore, despite the potential overspill of parking, it is noted that changes to the urban environment are expected to occur when minimum car parking standards will be no longer applicable to any land use development.
- [195] Much of the NPS-UD is more directly relevant to the creation of an appropriate regulatory framework through regional and district planning documents, rather than being applicable to individual resource consent applications. Notwithstanding this, the proposed development will provide a bespoke form of housing to meet a particular need, in other words it will provide housing choice. Therefore, while the proposal has been evaluated as being inconsistent with some of the more detailed provisions of the Proposed 2GP, I consider the proposal is consistent with the more general relevant objectives and policies of the NPS-UD.

Assessment of Regional Policy Statements (Section 104(1)(b)(v))

- [196] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. The partially operative Regional Policy Statement for Otago was made partially operative in March 2021 and the Regional Policy Statement for Otago was revoked on this date.
- [197] Much of the Partially Operative Regional Policy Statement is more directly relevant to the creation of an appropriate regulatory framework through regional and district planning documents. The 2GP provisions of central importance to the application are beyond appeal, and as such are deemed to give effect to the relevant objectives and policies of the RPS. The policy assessment above has found that the proposal is inconsistent with a number of key objectives and policies of the 2GP, however these are more directive than the objectives and policies of the RPS which are focused on managing natural and physical resources at a regional level. As such I consider that the

proposal could be said to be inconsistent with the corresponding higher order provisions of the RPS such as those concerning the amenity values of the margins of rivers (Objective 3.1 & Policy 3.1.2(e)); risk from natural hazards (Objective 4.1 & Policies 4.1.5, 4.1.6 & 4.1.8) and urban growth and development (Objective 4.5 & Policy 4.5.3).

DECISION MAKING FRAMEWORK

Part 2 Matters

- [198] It is considered that there is no invalidity, incomplete coverage or uncertainty within either the operative Dunedin City District Plan or the Proposed 2GP. As a result, there is no need for an assessment in terms of Part 2 of the Resource Management Act 1991.

Section 104D

- [199] Section 104D of the Act specifies that a resource consent for a non-complying activity must not be granted unless the proposal can meet one of two limbs. The limbs of Section 104D require either that the adverse effects on the environment will be no more than minor, or that the application is for an activity which will not be contrary to the objectives and policies of either the relevant plan or the relevant proposed plan.
- [200] As outlined in the preceding assessment, I consider that the proposal will give rise to certain adverse effects that would be more than minor. That is not to say that these effects could not be remedied or mitigated, but that as the proposal stands, such solutions have not been incorporated.
- [201] However, only one of the two tests outlined by Section 104D needs to be met for Council to be able to assess the application under Section 104 of the Act. In order for a proposal to fail the second test of Section 104D, the proposal must be contrary to the objectives and policies of the Proposed 2GP. As noted in paragraph 186, to be deemed contrary, an application needs to be repugnant to the intent of the District Plan and abhorrent to the values of the zone in which the activity was to be established. In this instance, the proposal is assessed as being inconsistent with some of the objectives and policies of the Plan. Of most relevance are those objectives and policies relating to infrastructure and the existing or intended character of the residential zones. However, ultimately, the activity is for a residential activity in a residential zone, and accordingly I find it difficult to conclude that these inconsistencies make the application repugnant to the intent of the Proposed 2GP, or abhorrent to the values of the zone. The proposed development is considered to satisfy the second 'gateway' test outlined by Section 104D.
- [202] In summary, the application passes the threshold tests in Section 104D of the Act and therefore, in my opinion, it is appropriate for the Committee to undertake a full assessment of the application in accordance with Section 104 of the Act. In turn, consideration can therefore be given to the granting of the consent.

Section 104

- [203] Section 104(1)(a) states that the Council must have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposed development overall will be more than minor.
- [204] Section 104(1)(ab) requires the Council to have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the

environment to offset or compensate for any adverse effects. No offsetting or compensation measures have been proposed or agreed to by the applicant.

- [205] Section 104(1)(b)(iii) & (iv) requires the Council to have regard to any national policy statement, and the NZCPS. This report concluded that the application would be generally consistent with the NZCPS and the NPS-UD.
- [206] Section 104(1)(b)(v) requires the Council to have regard to any relevant regional policy statement. In this report it was concluded that the application is consistent with the relevant objectives and policies of the Regional Policy Statement for Otago.
- [207] Section 104(1)(b)(vi) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concluded that the application would be consistent with a number of the objectives and policies of the Proposed 2GP, but inconsistent with other key objectives and policies.

Other Matters

- [208] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.
- [209] Case law indicates that for the Council to grant consent to a non-complying activity, the application needs to be a 'true exception', otherwise an undesirable precedent may be set and the integrity of the District Plan may be undermined.
- [210] In this regard, I do not consider that the proposed activity represents a challenge to the integrity of the Proposed 2GP. The site and proposal have a number of unique facets such as:
- The historic campground use of the site which differentiates the site from other sites in the Township and Settlement zone;
 - The nature of the proposed residential activity, being managed workers accommodation;
 - Units will not be leased or sold separately;
 - Parallels with 'visitor accommodation' which is a restricted discretionary activity.

The proposal is a relatively unique and confined proposal and I consider that, if approved, it would be unlikely to undermine public confidence in the plan's provisions.

- [211] For the above reasons, I consider that approval of the proposal will not undermine the integrity of the Plan. I therefore do not consider that the Committee needs to be concerned about the potential for an undesirable precedent to be set in this regard.

CONCLUSION

- [212] Having regard to the above assessment, I recommend that the application be declined unless amended as follows:
- A reduction in the number of units;
 - Increased planting around the water's edge and within the site;
 - Rearrangement of units and provision of two or three communal outdoor amenity areas;
 - Provision of adequate access and manoeuvring for emergency vehicles (eg. a fire appliance);

- A more definite timeframe on the activity, which is purported to be temporary for the duration of the Dunedin Hospital rebuild project;
- Confirmation that LINZ approves the ongoing use of that part of the access which is over Crown land, or alternatively further details confirming that a reduced access width, which doesn't rely on the use of this piece of land, is workable.

RECOMMENDATION

[213] *Pursuant to Part 2 and Sections 34A(1), 104, 104B and 104D of the Resource Management Act 1991, the Dunedin City Council declines the proposal for a non-complying activity being the establishment of a workers accommodation facility at 1044 Brighton Rd, Brighton.*

[214] *That should the Panel exercise its discretion under section 104D to grant consent, that the draft conditions included in Appendix 1 should be imposed.*

REASONS FOR RECOMMENDATION

[215] The proposal breaches the allowable density for residential activities under the Proposed 2GP and would adversely affect the capacity of public wastewater infrastructure;

[216] The proposal does not reflect the current or intended future character of the residential zone by virtue of its density and physical form;

[217] The proposal will not provide an adequate living environment for residents in terms of outdoor living spaces;

[218] The proposal does not maintain or enhance the natural character of the margins of the Ōtokia Creek;

[219] The proposal has the potential to adversely affect the safety and efficiency of the transportation network as a result of overspill parking, and a lack of certainty about the adequacy of the width of access available, including for emergency vehicles such as fire appliances;

[220] The proposal has the potential to adversely affect public health and safety due to lack of sufficient access and manoeuvring for fire appliances;

[221] The open ended timeframe for the activity gives rise to concerns about risk from natural hazards (primarily flooding) in the medium to long term.

[222] The proposal is considered to be inconsistent with the key relevant objectives and policies of the Proposed 2GP.

[223] Nevertheless, as the proposal will not be contrary with the objectives and policies of the District Plan, the proposal is considered to meet one 'limb' of the Section 104D 'gateway test'. Consideration can therefore be given to the granting of consent to the proposal.

Report prepared by:



Jane O'Dea
Planner

____ 7 November 2022 ____
Date

Report checked by:



Campbell Thomson
Senior Planner

____ 7 November 2022 ____
Date