

13 July 2021

M W W North and A L North
C/O Cookson Land Surveying Limited
4 Lochinvar Street
Mosgiel 9024

Via email: Via email: scott@cooksonlandsurveying.co.nz

Dear M W W North and A L North

RESOURCE CONSENT APPLICATION:

**SUB-2021-121 & LUC-2021-333
10 NICHOLAS STREET
PORTOBELLO**

Your application for resource consent was processed on a non-notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. The application was considered by a Senior Planner, under delegated authority, on 13 July 2021.

The Council has granted subdivision consent and land use consent with conditions. The assessment of the application, including the reasons for the decision, is set out in the report attached to this letter. The consent certificates are attached to the rear of this letter.

The consent certificates outline the conditions that apply to your proposal. Please ensure that you have read and understand all of the consent conditions.

You may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

Senior Planner - Enquiries
Dunedin City Council
PO Box 5045
Dunedin 9054

You may request that the objection be considered by a hearings commissioner. The Council will then delegate its functions, powers and duties to an independent hearings commissioner to consider and decide the objection. Please note that you may be required to pay for the full costs of the independent hearings commissioner.

Alternatively, there may be appeal rights to the Environment Court. Please refer to section 120 of the Resource Management Act 1991. It is recommended that you consult a lawyer if you are considering this option.

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

Development contributions are payable for this resource consent. A development contribution notice will be sent in due course outlining how the development contribution has been calculated and when payment is required.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Sule', written in a cursive style.

John Sule
Consultant Planner

APPLICATION SUB-2021-121 & LUC-2021-333: 10 NICHOLAS STREET, PORTOBELLO

Department: Resource Consents

DESCRIPTION OF ACTIVITY

The proposal is to subdivide a vacant 1048m² site to create 2 new sites. Lot 1 will be a front site that is 500m² in area and Lot 2 will be a rear site of 548m². The subject site contains a small dip at the bottom of the site. At the time of my site visit the dip has been partially filled to create an unsealed construction phase vehicle access shown in the photograph below. The site slopes up moderately from the dip and at the top of the site it flattens out. Earthworks have been undertaken at the top of the site and a new fence and retaining wall supporting a cut constructed.



The subject site is legally described as Lot 3 Deposited Plan 6383 (held in Record of Title OT363/85).

REASONS FOR APPLICATION

Dunedin currently has two district plans: the Operative Dunedin City District Plan 2006 (the “Operative District Plan”, and the Proposed Second Generation Dunedin City District Plan (the “Proposed 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.

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.

Operative District Plan

The subject site is zoned Residential 1 in the Operative District Plan. Nicholas Street is classified as a Local Road in the Plan's Rooding Hierarchy.

The majority of the relevant operative District Plan rules are deemed inoperative with the exception of the driveway width rule (Rule 6.6.3.9 in the 2GP; Rule 20.5.7 (v)(b) in the operative plan). There are other rules in the proposed Plan such as the subdivision standard for site shape that are still subject to appeal, but they have no equivalent rule in the operative Plan. The proposed new access can comply with the operative plan's legal width rule and on that basis, there are no breaches of the operative Plan to assess.

Proposed 2GP

The subject site is zoned Township and Settlement, and it is not subject to overlays. It is located with an Archaeological Alert layer. Nicholas Street is a Local Road in the 2GP's Rooding Hierarchy.

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.

Subdivision

Rule 15.3.5.2 lists general subdivision as being a restricted discretionary activity in the residential zones subject to performance standards. The proposed subdivision is considered to be a restricted discretionary activity pursuant to **Rule 15.3.5.2**.

Land Use

The site works being undertaken on the site fall under the definition of the following city-wide activity:

Earthworks – Small Scale -- Earthworks that meet the earthworks - small scale thresholds performance standard. Earthworks – small scale are a sub-activity of earthworks.

While the scale thresholds are met the new retaining wall constructed on the site does not comply with the boundary setback performance standard for a cut that has not obtained a building consent. A breach of 100-200mm breach was confirmed by the applicant. It requires retrospective consent as a restricted discretionary activity under **Rule 8A.5.4.2**.



The applicant has also confirmed the earthworks to form the vehicle access are under 600mm high and as a result they do not need to comply with earthworks setback rules. He has also confirmed the access will comply with 2GP access gradient rules raised by the transport planner and discussed under paragraph 4 of the effects assessment below.

The proposal also falls under the definition of *standard residential activity and site works*. Under the Proposed Plan, activities have both a land-use activity and a development activity component.

Land use

Rule 15.3.3.3 of the Proposed Plan states that standard residential activity is a permitted activity provided that it complies with the relevant performance standards. Based on the information currently available, the future residential activity on Lots 1 & 2 will be a permitted activity. Further assessment will be made once there are building proposals for the new lots.

Development

Rule 15.3.4.23 lists parking, loading and access as being a permitted activity subject to the performance standards. The future access to Lot 2 will fail to comply with the following:

- Rule 6.6.3.9a minimum legal width of a driveway. The proposed legal width is 3.5m breaching the minimum 4.0m rule by 0.5m.

Activities that contravene this rule are considered to be a **restricted discretionary** activity pursuant to Rule 6.6.3.9(b).

National Environmental Standards

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.

A search of the Council's records (HAIL2021-137) has not identified any explicit information regarding HAIL activity. 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 subdivision.

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

Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.

In this case, 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 restricted discretionary activity.

WRITTEN APPROVALS AND EFFECTS ASSESSMENT

Affected Persons

No affected persons forms were submitted with the application. No person or party is considered to be adversely affected by the activity. This is because the environmental effects of the proposal are limited to effects on parties that are less than minor when the permitted baseline is applied to the assessment of the proposal.

Effects on the Environment

Permitted Baseline

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

In this case the proposal is for a subdivision and the operative Plan is deemed inoperative, except for the vehicle access rule which is complied with in respect of the operative Plan. There are no permitted subdivisions in the proposed District Plan and as a result there is no permitted baseline for subdivision. In respect of land use, the proposal will likely result in two residential units being established on the site. Two units will comply with the permitted density of 1 unit for 500m² of site area as the site exceeds 1000m². On that basis, I consider the most relevant baseline for permitted development would be the development of 2 residential units that comply with the relevant land use and development performance standards in the proposed District Plan.

I consider this to be a non-fanciful and appropriate baseline for residential land use and development. The permitted baseline has been applied to the assessment of the effects of the proposal. As a result, it is the effects arising from the proposal, beyond the permitted baseline, that are the crucial elements for consideration.

Receiving Environment

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the existing and reasonably foreseeable receiving environment comprises Residential Activity within a well vegetated residential area with an informal township character. Narrow roads and footpaths on one side of the street are a feature.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises Residential Activity within a well vegetated area with an informal township character. Narrow roads and footpaths on one side of the street are a feature. Limited intensification is likely within the township when vacant sites are eventually utilised and larger sites subdivided.

It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment Matters/Rules

Consideration is required of the relevant assessment matters in the Operative District Plan and the relevant assessment rules in the Proposed 2GP, along with the matters in any relevant national environmental standard. This assessment is limited to the matters to which the Council's discretion has been restricted. No regard has been given to any trade competition or any effects of trade competition.

1. *Lot Size and Dimensions and Physical Limitations*

The proposed sites are suitable for future development. Lot 1 is a front site that is 500m² in area and is a rectangular shape. The lower part of Lot 1 is affected by a building line restriction and is in a dip but there still is sufficient land to build a modest dwelling with adequate outdoor amenity. Lot 2 is a rear site with an access leg. The site is moderately sloping but has a flatter area at the top of the site. Both sites can be developed for residential activity, and the Council's consulting engineer indicates that development is not likely to create instabilities if good practice is followed.

2. *Easements*

There are no easements on the title but there is a Building Line Restriction as follows:

X11314 Notice imposing Building Line Restriction - 12.9.1947 at 10.00 am

This building line Restriction is not expected to impact on development of either proposed lot.

No easements are proposed by the applicant as there is an access leg providing access to the rear site (Lot 2) where services and utilities can be installed.

3. *Infrastructure*

The Consents Officer, Water and Waste Services Business Unit Alyssa Henderson, has considered the application. She notes that the DCC's records identify a 100mm diameter water supply pipe and a 150mm diameter wastewater pipe in Nicholas Street and the Consents Officer confirms the development will comply with firefighting standards.

The Consents Officer advises that each lot must be serviced from an individual Point of Supply. She notes that the site is vacant and new water connections are required. For a new water connection or any change to an existing water connection, an "Application for Water Supply" is required.

It is noted that 2GP rule 9.3.7 requires that all services are laid at least 600mm into resultant sites. Therefore, when the connection is established, the water supply pipe must be laid at least 600mm into the lot. This will be secured through a consent condition.

The Council's Technical Support office Neville Mackay has reviewed private drainage requirements for the subdivision. He notes that Lot 1 has existing services connections to Kauri Street. He advises that new Lot 2 can connect its foul drain to the Council foul sewer in Kauri Street and discharge stormwater to the Kauri Street kerb and channel. He recommends a condition requiring the drainage for new lot 2 to be laid at least 600mm into the new site.

Subject to compliance with recommended conditions of consent, the adverse effects of the proposal on the City's reticulated infrastructure are considered able to be avoided remedied or mitigated. Advice notes are included in this decision regarding the future requirements for servicing.

4. *Transportation (Operative Plan 18.6.1(c); Proposed Plan 123 etc)*

The application was forwarded to the Council's Transportation Operations department for comment. The Graduate Transportation Planner Julianne Wacks is satisfied that the adverse effects of the activity on the transportation network are less than minor, subject to compliance with recommended conditions of consent.

Ms Wacks advises that the proposed access to Lot 2 will only comply with sight lines in one direction but does not consider this to be an issue for safety as usage volumes are low. I also note that once the subdivision is complete the access will meet the sight lines performance standards as there will be no other complying location available to Lot 2. Ms Wacks also acknowledges the legal width breach in terms of the proposed Plan for the Lot 2 access but raises no safety concerns subject to ensure the access is hard surfaced for 5m from the carriageway and adequately drained.

Ms Wacks notes that the site is sloping and therefore there may be issues with achieving compliance with the access gradient standard for both lots. She also acknowledges it is appropriate to defer consideration of compliance for the access on Lot 1 to development stage as there are a number of options. In respect of Lot 2 the site visit revealed a construction phase access had been constructed at a relatively level grade and that it had been shaped, potentially avoiding access gradient and grade transition issues. The applicant's agent has confirmed that the access will comply with access gradient rules and also meets earthworks setback rules.

Advice notes are included in this decision regarding the approval process for formation for the access within road reserve and confirming that the access for Lot 1 will be deferred and assessed at the building consent stage.

5. Hazards (Operative Plan 18.6.1(t); Proposed Plan 123 etc)

Section 6(h) of the Resource Management Act 1991 requires the Council to recognise and provide for the management of significant risks from natural hazards, as a matter of national importance. In addition, under section 106 of the Resource Management Act 1991, the Council may decline the subdivision consent, or it may grant the subdivision consent subject to conditions, if there is a significant risk from natural hazards.

The assessment of the risk from natural hazards requires a combined assessment of:

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

The site is annotated in the Hazards Register as being at a slight risk of land movement, but it is not identified in the 2GP as being subject to hazards. The application was consequently considered by the Council's consultant engineer, Stantec New Zealand Ltd. The Senior Engineer advised that there are no general potential instabilities of concern, and the subdivision proposal will not create or exacerbate instabilities on this or adjacent properties. He notes that there may be temporary stability hazards associated with development of the sites in the future but recommend that the application not be declined on the ground of known natural hazards.

Having regards to this assessment, it is considered that there are no significant risks from natural hazards that need addressing as part of this subdivision. Any future risks can be managed through earthworks consents should earthworks performance standards be breached by a development proposal.

6. Earthworks

The earthworks undertaken on the site to date are relatively minor involving vegetation clearance, formation of an unsealed vehicle access, and establishment of a retaining wall at the top of the site. The retaining wall at the top of the site supporting a cut triggers a consent for a very minor setback breach. The wall has been constructed in workmanlike fashion and it appears fit for purpose. The

setback breach appears greater than the estimated 100-200mm breach identified by the applicant and I am advised the fence is constructed slightly within the boundary of the site, which would account for this. The wall appears to pose no risk to the global stability of any neighbouring sites and as a result it has not been assessed by the Council's consulting engineer. The applicant is advised to check with the Council's Building Services team regarding building consent requirements.

More significant earthworks may be required to establish dwellings on the new sites and these will be assessed at the time of development. Advice notes are included in relation to earthworks for future development.

7. *Amenity Values and Character (Operative Plan 123; Proposed Plan 123 etc)*

The area exhibits a township character being well vegetated, with narrow roads and with foot paths only on one side of the street. Although the site has been vacant for many years and the amenity of the site will change, the proposed sites will be consistent with the amenity expectations for the zone. I also note that the sites will be a little out of character with the site sizes on surrounding sites at this time, but I expect further development in the area is likely given the demand for housing. As a result, further infill may occur in line with the intended character and 500m² site sizes will become more common.

NOTIFICATION ASSESSMENT

Public Notification

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

Step 1: Mandatory public notification in certain circumstances

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

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

- There are no rules or national environmental standards precluding public notification.
- The application is for the following, but no other, activities: a controlled activity; a restricted discretionary or discretionary subdivision; a restricted discretionary or discretionary residential activity; a boundary activity; an activity prescribed in regulations as being precluded from public notification. As a result, public notification is precluded under Step 2.

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

- Step 3 does not apply because public notification is precluded under Step 2.

Step 4: Public notification in special circumstances

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

Limited Notification

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

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

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

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

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

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

- The application does not involve a boundary activity.
- There are no persons where the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

Step 4: Further notification in special circumstances

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

SUBSTANTIVE DECISION ASSESSMENT**Effects**

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

Offsetting or Compensation Measures

In accordance with section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Operative District Plan and the Proposed 2GP were taken into account when assessing the application.

Operative District Plan

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

- **Objective 4.2.1 and Policy 4.3.1 (Sustainability Section)**
These seek to enhance and maintain the amenity values of the Dunedin area.
- **Objective 8.2.1 and Policy 8.3.1 (Residential Section)**
These seek to ensure that the adverse effects on the amenity values and character of residential areas are avoided remedied or mitigated.
- **Objective 17.2.1 and Policies 17.3.2, 17.3.3, 17.3.4 & 17.3.6 (Hazards and Hazardous Substances Section)**

These seek to avoid, remedy or mitigate the effects of hazards and to control building and development on sites that may be prone to erosion, flooding, sea level rise and coastal hazards.

- **Objectives 18.2.1, 18.2.2 and 18.2.7 and Policies 18.3.1, 18.3.5, 18.3.7 and 18.3.8 (Subdivision Section)**

These seek to ensure that subdivision activity takes place in a coordinated and sustainable manner, that physical limitations are identified and taken into account at the time of subdivision activity, and that provision is made at the time of subdivision activity for appropriate infrastructure, including management of associated effects.]

- **Objective 20.2.2 and Policy 20.3.5 (Transportation Section)**

These seek to ensure that activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.

Proposed 2GP

The proposal is considered to be consistent with the following Proposed 2GP objectives and policies:

- **Objective 6.2.3 and Policies 6.2.3.3, 6.2.3.4 and 6.2.3.9 (Transportation Section)**
These seek to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.
- **Objective 15.2.2 and Policy 15.2.2.1 (Residential Zones)**
These seek to ensure that residential activities, development, and subdivision activities provide high quality on-site amenity for residents.
- **Objective 15.2.3 and Policy 15.2.3.1 (Residential Zones)**
These seek to ensure that activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.
- **Objective 15.2.4 and Policy 15.2.4.2 (Residential Zones)**
These seek to ensure that subdivision activities and development maintain or enhance the amenity of the streetscape and reflect the current of intended future character of the neighbourhood.
- **Policy 11.2.1.13 (Hazards)**
This seeks to only allow subdivision where the risk from natural hazards, including any future development, will be avoided or no more than low.

Objectives and Policies Assessment

As the 2GP is for the most part deemed operative in relation to this application almost full weight has been given to the objectives and policies of the proposed District Plan is undertaking this assessment

The objectives and policies of both plans support the granting of consent as it is consistent with density and amenity expectations for the zone.

Other Matters

Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

Part 2

Based on the findings above, it is evident that the proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of consent would promote the sustainable management of Dunedin's natural and physical resources.

RECOMMENDATION

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

1. This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.
2. The Council grant consent to the proposed activity under delegated authority, in accordance with sections 104 and 104C of the Resource Management Act 1991.



John Sule
Consultant Planner

Date: 13 July 2021

DECISION

I have read both the notification assessment and substantive decision assessment in this report. I agree with both recommendations above.

Under delegated authority on behalf of the Dunedin City Council, I accordingly approve the granting of resource consent to the proposal:

*Pursuant to Part 2 and sections 34A(1), 104 and 104C of the Resource Management Act 1991, and the provisions of the Operative Dunedin City District Plan 2006 and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary activity** being a 2-Lot Residential Subdivision and to a land use consent for an under width vehicle access to Lot 2 and a retaining wall setback breach, at 10 Nicholas Street, Portobello, legally described as Lot 3 Deposited Plan 6383 (Record of Title OT363/85), subject to conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificates.*



Phil Marshall
Senior Planner

Date: 13 July 2021

Consent Type: Subdivision Consent

Consent Number: SUB-2021-121

Purpose: A 2-Lot Residential Subdivision.

Location of Activity: 10 Nicholas Street, Portobello.

Legal Description: Lot 3 Deposited Plan 6383 (Record of Title OT363/85).

Lapse Date: 13 July 2026, unless the consent has been given effect to before this date.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 16 June 2021, except where modified by the following conditions.*
2. *Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:*
 - a) *If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.*
3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*
 - a) *Each lot shall have a separate service connection installed. An "Application for Water Supply" shall be submitted to the Dunedin City Council for approval to establish a water connection to Lots 1 & 2. Details of how these lots are to be serviced for water shall accompany the "Application for Water Supply". The water supply pipe from the newly installed water connection shall be laid at least 600mm into new lots 1 & 2.*
 - b) *The vehicle access to proposed Lot 2 must be formed to a minimum 3.0m wide, be hard surfaced from the edge of the Nicholas Street carriageway toward the property boundary for a distance of not less than 5.0m and be adequately drained for its full duration.*
 - c) *New laterals for stormwater and sewage discharges are to be established for new Lots 1 & 2 and laid at least 600mm into the new lots.*
 - d) *The consent holder must confirm that all aspects relating to the availability of the water for fire-fighting are in compliance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless an alternative is approved by the New Zealand Fire Service. Details of any alternative approval must be provided to Dunedin City Council.*

Advice Notes:

Transportation

1. In the event of any future development on proposed Lot 1, Transport would assess the provisions for access, parking and manoeuvring at the time of resource consent/building consent application.
2. The applicant is advised that Transport would assess the parking and manoeuvring provisions of any future development on proposed Lot 2 at the time of resource consent/building consent application.
3. The vehicle crossing, between the road carriageway and the property boundary, is within legal road and will therefore require a separate Vehicle Entrance Approval from DCC Transport to ensure that the vehicle crossing is constructed/upgraded in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).
4. Any work within road reserve will require a Corridor Access Request, submitted and approved prior to work commencing onsite.
5. Any damage to any part of the footpath or road formation as a result of the construction works shall be reinstated at the applicant's cost.

Heritage

6. Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check whether a site is an archaeological site, the consent holder is advised to discuss their proposal with Heritage New Zealand.

Earthworks

7. Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.
8. This consent only addresses minor earthworks for this subdivision. Should future earthworks within the new lots breach the performance standards of Rule 8A of the Proposed Plan, further resource consents will be required.

Engineering Advice for Future Earthworks

9. All walls retaining over 1.5m, or supporting a surcharge / slope, including terracing, require design, specification and supervision by appropriately qualified person/s
10. Where the long-term stability of other's land or structures may rely upon the continued stability of retaining works, the designer must confirm that the retaining structure can be safely demolished following a complete design life without creating hazards for neighbouring properties.

11. Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development
12. Slopes may not be cut steeper than 1:1 (45°) or two metres high without specific engineering design and certification
13. Slopes may not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and certification
14. As-built records of the final extent and thickness of any un-engineered fill should be recorded
15. Any modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events.

Infrastructure

16. Should any stormwater discharge from the site not connect to the Council's reticulated network, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of stormwater will enter any waterway and what level of treatment and/or discharge permit, if any, may be required.
17. Detail of the water supply application process can be found at <http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
18. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
 - a) Environment Canterbury, 2007 "Erosion and Sediment Control Guideline 2007" Report No. R06/23.
 - b) Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).

General

19. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
20. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
21. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
22. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.

23. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 13 July 2021

A handwritten signature in black ink, appearing to read 'J Sule', written in a cursive style.

John Sule
Consultant Planner

Consent Type: Land Use Consent

Consent Number: LUC-2021-333

Purpose: The under width vehicle access to Lot 2 and a retaining wall setback breach.

Location of Activity: 10 Nicholas Street, Portobello.

Legal Description: Lot 3 Deposited Plan 6383 (Record of Title OT363/85) and/or Lot 2 of SUB-2021-121

Lapse Date: LUC-2021-333 shall lapse 5 years from the date that the s223 certificate for SUB-2021-121 is issued.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 16 June 2021.*

Advice Notes:

Heritage

1. Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check whether a site is an archaeological site, the consent holder is advised to discuss their proposal with Heritage New Zealand.

Transportation

2. The applicant is advised that Transport would assess the parking and manoeuvring provisions of any future development on proposed Lot 2 at the time of resource consent/building consent application.
3. The vehicle crossing, between the road carriageway and the property boundary, is within legal road and will therefore require a separate Vehicle Entrance Approval from DCC Transport to ensure that the vehicle crossing is constructed/upgraded in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).
4. Any work within road reserve will require a Corridor Access Request, submitted and approved prior to work commencing onsite.
5. Any damage to any part of the footpath or road formation as a result of the construction works shall be reinstated at the applicant's cost.

Earthworks

6. Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.
7. This consent only addresses minor earthworks for this subdivision. Should future earthworks within the new lots breach the performance standards of Rule 8A of the Proposed Plan, further resource consents will be required.

Engineering Advice for Future Earthworks

8. All walls retaining over 1.5m, or supporting a surcharge / slope, including terracing, require design, specification and supervision by appropriately qualified person/s
9. Where the long-term stability of other's land or structures may rely upon the continued stability of retaining works, the designer must confirm that the retaining structure can be safely demolished following a complete design life without creating hazards for neighbouring properties.
10. Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development
11. Slopes may not be cut steeper than 1:1 (45°) or two metres high without specific engineering design and certification
12. Slopes may not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and certification
13. As-built records of the final extent and thickness of any un-engineered fill should be recorded
14. Any modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events.

General

15. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
16. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
17. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.

18. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
19. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work. In particular, it is recommended that the retaining wall constructed at the top of the site be discussed with Building Services to ensure that no building consent was required to establish it.

Issued at Dunedin on 13 July 2021

A handwritten signature in black ink, appearing to read 'J Sule', written in a cursive style.

John Sule
Consultant Planner

Appendix One: Approved Plan/s for SUB-2021-121 & LUC-2021-333 (scanned image(s), not to scale)



