



Dunedin City Council – Land Information Memorandum

Property Address: 29 Duncan Street Dunedin

Prepared for: Reuben Peter Sidney Ward

Prepared on: 04-May-2026

Property Details:

Property ID	5135988
Address	29 Duncan Street Dunedin
Parcels	LOT 1 DP 579142

Disclaimer:

Issued in accordance with Section 44A of the Local Government Official Information and Meetings Act 1987

Should you require further clarification of any of the information listed in this report, please phone our Customer Services Agency on 03 477 4000.

This Land Information Memoranda (LIM) has been prepared in accordance with Sections 44A, 44B, 44C, and 44D of the Local Government Official Information and Meetings Act 1987. It contains only information obtained from the records held by the Dunedin City Council as at 04-May-2026

The Dunedin City Council has not carried out an inspection of the land and/or buildings for the purposes of preparing this LIM. The Dunedin City Council records may not show illegal or unauthorised buildings or works on the land. Accordingly this report may not necessarily reflect the current status of the property. Examples of situations which affect the property but are not recorded in this report include: unauthorised work not known to Council and breaches of Consents or Licences that are not the subject of a formal Requisition or Notice. The applicant is solely responsible for ensuring that the land or any building or works on the land is suitable for a particular purpose. The applicant should check the Certificate(s) of Title as this report may not include information that is registered on the Certificate(s) of title. The Certificate(s) of title may record further information or obligations relating to the land.

Further information about this property may be available from other agencies such as the Otago Regional Council, Nova Gas, Telecom New Zealand (Chorus) or Delta Utility Services Limited.

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s44A(2)(a) Information identifying any special feature or characteristics of the land

District Plan Hazard Information

Refer to District Plan for Natural Hazards Information *section: s44A (2)(f) Information relating to the use to which the land may be put and any conditions attached to that use.*

Other Natural Hazard Information

Flood Hazards

No information.

Land Stability Hazards

No information.

Coastal Hazards

No information.

Seismic Hazards

No information.

Other Natural Hazards

No information.

Otago Regional Council Hazard Information

The Regional Council is required to provide information that it holds on Natural Hazards:

<https://www.orc.govt.nz/managing-our-environment/natural-hazards/otago-natural-hazards-database>

Contaminated Site, Hazardous Substances and Dangerous Goods

Contaminated Site Information

No information.

Historic Dangerous Goods Licence(s)

No information.

Hazardous Substances

No information.

WARNING – Change in legislation and management of hazardous substances

On 1 April 2004, all Dunedin City Council Dangerous Goods Licences expired. From this date they became the responsibility of the Environmental Protection Authority (EPA) under the Hazardous Substances and New Organisms Act 1996.

All new licences for hazardous substances were issued by independent Test Certifiers approved by the EPA. The Council no longer holds current information on the use of hazardous substances at these premises and hazardous substances may be present without the Council's knowledge.

The Council was advised by the EPA in 2016 that Worksafe had taken over responsibility for managing Location Test certificates under the Hazardous Substances and New Organisms Act 1996. The EPA no longer hold any information in relation to Location Test Certificates. If you have any questions, please contact Worksafe.

s44A(2)(b) Information on private and public stormwater and sewerage drains

Drainage

Drainage plans on file are indicative only.

Obtaining your own independent review may be required before commencing drainage works.

Foul Sewer and Waste Water

Drainage Reticulation Plans

A copy of the Dunedin City Council's drainage infrastructure in the vicinity of the subject property is attached. Public foul sewers are shown in red and stormwater sewers in green. All public drainage services are available to receive connections from the property and limited flows of stormwater may also be discharged to the street channel or an approved outfall.

Public Sewer Sheets

WARNING. Please note that public sewer reticulation sheets are scaled in either Imperial feet or Metric metres. Please check with the Duty Drainage Inspector if in doubt.

Dunedin City Council Private Drainage plans incomplete

WARNING. The Dunedin City Council's private drainage records (plans) prior to 1 January 1993 may be incomplete or not clearly recorded. Owners therefore are advised to carry out work with due care to avoid damage to any private drain not detailed because of the lack of information filed in the Council's records.

s44A(2)(bb) Information Council holds regarding drinking water supply to the land

Water Supply

Urban water supply area – Connected

This property is connected to the Dunedin City Council's urban (on-demand) water supply. Indicative water pressures are available to view at www.dunedin.govt.nz/water-pressure, and flows available to the property can be provided on request. Any change in water use (e.g. for a new commercial activity) requires a new application to be made to the Council. It is recommended that the applicant check the property for the location and suitability of the water service.

Terms and conditions of supply

All new and existing connections to the Dunedin City Council's water supply network are subject to the terms and conditions of the Dunedin City Council Water Bylaw 2011. The bylaw is available to view at www.dunedin.govt.nz/water-bylaw.

Water pressure

Indicative network water pressure to the property is shown on maps available at www.dunedin.govt.nz/water-pressure. Specific detail is available on request.

Water reticulation maps

A copy of the water reticulation map of Dunedin City Council infrastructure in the vicinity of the subject property is attached. These show the location of the water main in the road. It may or may not show the water service to the property. It is recommended that the applicant check the property

s44A(2)(c) Information relating to any rates owing in relation to the land

Rates Details

Rates Assessment Details

Rate Account	4032246
Address	29 Duncan Street Dunedin
Valuation Number	27160-55401
Latest Valuation Details	
Capital Value	\$315,000
Land Value	\$230,000
Value of Improvements	\$85,000
Area (Hectares)	0.0233HA
Units of Use	1
Current Rates	
Current Rating Year Starting	01-Jul-2025
Dunedin City Council Rates	\$2,974.47
Rates Outstanding for Year	\$743.64

For further explanation on the rate account, or to enquire about information referred to on this page, please contact Rates Staff between 8:30am and 5:00pm weekdays at the enquiries counter on the Ground floor of the Civic Centre, 50 The Octagon, Dunedin, or by phoning 477 4000.

s44A(2)(d) Consents, Certificates, Notices, Orders or Requisitions affecting the land or any buildings on the land

(da) the information required to be provided to a territorial authority under section 362T(2) of the Building Act 2004:s44A and

(2)(e) Information concerning any Certificate issued by a Building Certifier pursuant to the Building Act 1991 or the Building Act 2004

Building and Drainage Consents

The following consents are recorded for this property:

Status Key:	BC	-	Building Consent Issued
	CCC	-	Code Compliance Certificate Issued
	Archived	-	In accordance with section 93(2)(b) of the Building Act, the consent was reviewed for code compliance after two years. Compliance with the Building Code could not be established and therefore the Code Compliance Certificate has been refused.
	/CCC	-	
	Refused	-	
	Lapsed	-	Work has not commenced and no extension of time applied for within 12 months of date of consent issue. Consent is of no further effect

NOTE: This is not a comprehensive list of all building consent statuses

[ABA-2021-2930](#) Building Consent - Install Foul and Stormwater Drainage Connections

Lodgement Date 21-Dec-2021
Decision Granted
Decision Date 24-Jan-2022
Current Status **CCC Issued**
Previous Number
(Applications before 2007)

[ABA-2022-676](#) Building Consent - Amendment to ABA-2021-2930 - Construct Stormwater Drainage and Relocate Existing Foul Drainage

Lodgement Date 21-Apr-2022
Decision Granted
Decision Date 05-May-2022
Current Status **CCC Issued**
Previous Number
(Applications before 2007)

[ABA-1994-328149](#) Building Consent - Heater

Lodgement Date 06-Sep-1994
Decision Granted
Decision Date 08-Sep-1994
Current Status **CCC Issued**
Previous Number ABA943733
(Applications before 2007)

[ABA-2022-391](#) Building Consent - Construct Stormwater Drainage (Future Subdivision for Neighbouring Property 27 Duncan Street)

Lodgement Date 09-Mar-2022
Decision Granted
Decision Date 01-Apr-2022
Current Status **CCC Issued**
Previous Number
(Applications before 2007)

Building and Drainage Permits

[H-1915-130634](#) AAD19150445

A9069 - Plumbing and Drainage (Maxwell). The permit was lodged on 29-Jul-1915.

[H-1914-129083](#) AAD19141171

A7460 - Lay Board Drain in Common A184 (Dunedin Drainage and Sewerage Board). The permit was lodged on 02-Dec-1914.

[H-1921-137175](#) AAD19210865

B820 - Plumbing and Drainage (Maxwell). The permit was lodged on 17-Sep-1921.

[H-1952-169631](#) AAD19520948

F803 - Plumbing, No Plan (McLennon). The permit was lodged on 10-Aug-1952.

[H-1954-43693](#) AAB19540792

16282 - Erect Fence (McLennon). The permit was lodged on 06-Sep-1954.

Building Notices

No Building Notices

Resource Consents

The following Resource Consent(s) are recorded for this property:

[SUB-2021-181](#) - Subdivision Consent

Description	2 lot subdivision
Lodgement Date	29-Jun-2021
Decision	Granted
Decision Date	14-Oct-2021
Current Status	s224c Issued

[POL-2016-15](#) - Planning Other Legislation

Description	s348 right of way over 29 Duncan Street in favour of 27 Duncan Street
Lodgement Date	04-Apr-2016
Decision	Granted
Decision Date	24-May-2016
Current Status	Consent Issued

[POL-2016-15/A](#) - Planning Other Legislation

Description	objection to condition
Lodgement Date	20-Jun-2016
Decision	Withdrawn
Decision Date	24-Jun-2016
Current Status	Application Withdrawn

[LUC-2016-228](#) - Land Use Consent

Description	land use consent for an under-width right of way
Lodgement Date	04-Apr-2016
Decision	Granted
Decision Date	24-May-2016
Current Status	Completed

[LUC-2021-397](#) - Land Use Consent

Description	a land use consent for residential development within a heritage precinct consisting of an additional three-bedroom residential unit with performance standard breaches both prior to and following creation of lots under SUB-2021-181
Lodgement Date	29-Jun-2021
Decision	Granted
Decision Date	14-Oct-2021
Current Status	Consent Superseded

[LUC-2021-397/A](#) - Land Use Consent

Description	A land use consent for residential development within a heritage precinct consisting of an additional three-bedroom residential unit with performance standard breaches both prior to and following the creation of lots under SUB-2021-181.
Lodgement Date	23-Jan-2023
Decision	s127 Upheld
Decision Date	11-Apr-2023
Current Status	Consent Issued

Consent Notices

There are no Consent Notices recorded for this property. It is recommended that the applicant check the Record of Title for any notices or covenants that may affect the property.

Alcohol Licensing

There are no records of any Alcohol Licences for this property.

Health Licensing

There are no records of any Health Licences for this property.

s44A(2)(ea) Information notified under Section 124 of the Weathertight Homes Resolution Services Act 2006

No information.

s44A (2)(f) Information relating to the use to which the land may be put and any conditions attached to that use

District Plan

The information on district plan requirements is correct at the date this LIM is issued. Note that the Dunedin City Second Generation District Plan ("The 2GP") is subject to change at any time. To check whether any changes have occurred since the date this LIM was issued, consult the information and relevant planning maps in the 2GP, which can be found on our website at <https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan> as well as at all Dunedin City Council service centres and libraries.

SECOND GENERATION DISTRICT PLAN INFORMATION

Zoning

- Inner City Residential (refer Section 15, Residential)

Scheduled Items

- Heritage Buildings and Structures
 - Type: Character Contributing Building
 - Plan ID: CC605
 - Name: Residential building
 - Address: 29 Duncan Street

Overlay Zones

- Heritage Precinct Overlay Zone
 - Type: Residential
 - Name: City Rise

Mapped Areas

- Archaeological Alert Layer

[Please note that some of the items above may only extend over part of the property. If there are multiple designations over the property, these may overlap.]

District Plan Map

The District Plan map is available [online here](#). Instructions on how to use the map are [available here](#).

You can also access the District Plan map and instructions by visiting the Dunedin City Council 2GP Website at:

<https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan>

s44A(2)(g) Information regarding the land which has been notified to Council by another statutory organisation

No information.

s44A(2)(h) Information regarding the land which has been notified to Council by any network utility operator pursuant to the Building Act 1991 or Building Act 2004

No information.

Section 44A(3) Information concerning the land as the authority considers, at its discretion, to be relevant.

Building Information

Drainage

Seepage

A seepage incident has been lodged on this property.

Seepage Incident 57879 – 15/10/2001 – Completed.

Contact Building Compliance Team for further details.

Minimum Floor Levels

Clause E1.3.2 of the New Zealand Building Code requires that surface water, resulting from an event having a 2% probability of occurring annually, shall not enter buildings. This requirement applies to Housing, Communal Housing, Communal Residential and Communal non-residential buildings. For guidance when establishing minimum floor levels please refer to : <https://www.dunedin.govt.nz/services/building-services/minimum-floor-levels> and for links to specific areas:

<https://www.dunedin.govt.nz/services/building-services/minimum-floor-levels/mfl-guidance>

For further explanation on the current status of any building consent, or to enquire about information referred to in this section, please contact Building Services Staff between 8:30am and 5:00pm weekdays at the enquiries counter on the Ground floor of the Civic Centre, 50 The Octagon, Dunedin, or by phoning 477 4000.

Planning

Resource Consents within 50m of 29 Duncan Street Dunedin

RESOURCE CONSENTS WITHIN 50 METRES OF 29 DUNCAN STREET DUNEDIN

5027157 75 Elm Row Dunedin

LUC-2025-248 Land Use Consent Multi-unit development of 45 apartments and subdivision that result is land and development rule breaches. There has been no outcome yet.

SUB-2025-106 Subdivision Consent Multi-unit development of 45 apartments and subdivision that result is land and development rule breaches. There has been no outcome yet.

SUB-2021-173 Subdivision Consent Unit title subdivision into 36 principal units, auxiliary units, and common property.. The outcome was Granted on 01/06/2023.

LUC-2021-391 Land Use Consent Establishment of 36 residential units within two buildings with associated landscaping, carparking and earthworks. The outcome was Granted on 01/06/2023.

5027158 81 Elm Row Dunedin

LUC-2025-248 Land Use Consent Multi-unit development of 45 apartments and subdivision that result is land and development rule breaches. There has been no outcome yet.

SUB-2025-106 Subdivision Consent Multi-unit development of 45 apartments and subdivision that result is land and development rule breaches. There has been no outcome yet.

SUB-2021-173 Subdivision Consent Unit title subdivision into 36 principal units, auxiliary units, and common property.. The outcome was Granted on 01/06/2023.

LUC-2021-391 Land Use Consent Establishment of 36 residential units within two buildings with associated landscaping, carparking and earthworks. The outcome was Granted on 01/06/2023.

5027159 83 Elm Row Dunedin

SUB-2021-173 Subdivision Consent Unit title subdivision into 36 principal units, auxiliary units, and common property.. The outcome was Granted on 01/06/2023.

LUC-2021-391 Land Use Consent Establishment of 36 residential units within two buildings with associated landscaping, carparking and earthworks. The outcome was Granted on 01/06/2023.

SUB-2020-164 Subdivision Consent the subdivision of the sites to effectively adjust the rear boundary. The outcome was Granted on 05/11/2020.

5027160 85 Elm Row Dunedin

SUB-2021-173 Subdivision Consent Unit title subdivision into 36 principal units, auxiliary units, and common property.. The outcome was Granted on 01/06/2023.

LUC-2021-391 Land Use Consent Establishment of 36 residential units within two buildings with associated landscaping, carparking and earthworks. The outcome was Granted on 01/06/2023.

5027162 87 Elm Row Dunedin

LUC-2025-248 Land Use Consent Multi-unit development of 45 apartments and subdivision that result is land and development rule breaches. There has been no outcome yet.

SUB-2025-106 Subdivision Consent Multi-unit development of 45 apartments and subdivision that result is land and development rule breaches. There has been no outcome yet.

RMA-2001-364918 Resource Management Act (Historical Data) REMOVAL OF POPLAR TREE WHICH QUALIFIES AS A SIGNIFICANT TREE UNDER TRANSITIONAL DISTRICT (Non-Notified - Restricted Discretionary). The outcome was Granted on 06/08/2001.

RMA-1986-351878 Resource Management Act (Historical Data) DWG ADDN DISPENSATION 378 Ownr:PIHO (Non-Notified - Non Complying). The outcome was Granted on 06/05/1986.

5027200 16 Duncan Street Dunedin

LUC-2018-176 Land Use Consent land use consent for the raising of a portion of roof approximately 0.5m associated with the rear portion of the dwelling. The outcome was Granted on 05/04/2018.

5027202 18A Duncan Street Dunedin

RMA-2000-364357 Resource Management Act (Historical Data) ERECT 6 RESIDENTIAL UNITS (5 ON CT344/142 & 1 ON CT309/172) - NON COMPLYING BULK AND LOCATION REQUIREMENTS (Non-Notified - Restricted Discretionary). The outcome was Granted on 07/11/2000.

5107236 85A Elm Row Dunedin

LUC-2025-248 Land Use Consent Multi-unit development of 45 apartments and subdivision that result is land and development rule breaches. There has been no outcome yet.

SUB-2025-106 Subdivision Consent Multi-unit development of 45 apartments and subdivision that result is land and development rule breaches. There has been no outcome yet.

SUB-2021-173 Subdivision Consent Unit title subdivision into 36 principal units, auxiliary units, and common property.. The outcome was Granted on 01/06/2023.

LUC-2021-391 Land Use Consent Establishment of 36 residential units within two buildings with associated landscaping, carparking and earthworks. The outcome was Granted on 01/06/2023.

5107237 24 Duncan Street Dunedin

RMA-2000-364357 Resource Management Act (Historical Data) ERECT 6 RESIDENTIAL UNITS (5 ON CT344/142 & 1 ON CT309/172) - NON COMPLYING BULK AND LOCATION REQUIREMENTS (Non-Notified - Restricted Discretionary). The outcome was Granted on 07/11/2000.

5118303 20 Duncan Street Dunedin

RMA-2000-364357 Resource Management Act (Historical Data) ERECT 6 RESIDENTIAL UNITS (5 ON CT344/142 & 1 ON CT309/172) - NON COMPLYING BULK AND LOCATION REQUIREMENTS (Non-Notified - Restricted Discretionary). The outcome was Granted on 07/11/2000.

5118984 36 Duncan Street Dunedin

LUC-2012-305 Land Use Consent underwidth access created by subdivision. The outcome was Granted on 17/07/2012.

SUB-2012-53 Subdivision Consent subdivision creating 2 lots. The outcome was Granted on 17/07/2012.

5118985 36A Duncan Street Dunedin

LUC-2012-305 Land Use Consent underwidth access created by subdivision. The outcome was Granted on 17/07/2012.

SUB-2012-53 Subdivision Consent subdivision creating 2 lots. The outcome was Granted on 17/07/2012.

5121443 43A Duncan Street Dunedin

SUB-2015-53/A Subdivision Consent s357 objection to condition 2(c). The outcome was S357 Upheld on 22/09/2015.

LUC-2015-290 Land Use Consent land use consent being the establishment of a dwelling on Lot 1 that breaches side yard, height plane angle, amenity open space, coverage and eave projection requirements, along with a dwelling on Lot 2 that breaches amenity open space and on-site manoeuvring requirements, proposed by SUB-2015-53. The outcome was Granted on 31/07/2015.

SUB-2015-53 Subdivision Consent subdivision creating 2 lots. The outcome was Granted on 31/07/2015.

5121444 43B Duncan Street Dunedin

SUB-2015-53/A Subdivision Consent s357 objection to condition 2(c). The outcome was S357 Upheld on 22/09/2015.

LUC-2015-290 Land Use Consent land use consent being the establishment of a dwelling on Lot 1 that breaches side yard, height plane angle, amenity open space, coverage and eave projection requirements, along with a dwelling on Lot 2 that breaches amenity open space and on-site manoeuvring requirements, proposed by SUB-2015-53. The outcome was Granted on 31/07/2015.

SUB-2015-53 Subdivision Consent subdivision creating 2 lots. The outcome was Granted on 31/07/2015.

5134165 25 Duncan Street Dunedin

SUB-2020-164 Subdivision Consent the subdivision of the sites to effectively adjust the rear boundary. The outcome was Granted on 05/11/2020.

5134166 83 Elm Row Dunedin

LUC-2025-248 Land Use Consent Multi-unit development of 45 apartments and subdivision that result is land and development rule breaches. There has been no outcome yet.

SUB-2025-106 Subdivision Consent Multi-unit development of 45 apartments and subdivision that result is land and development rule breaches. There has been no outcome yet.

SUB-2021-173 Subdivision Consent Unit title subdivision into 36 principal units, auxiliary units, and common property.. The outcome was Granted on 01/06/2023.

LUC-2021-391 Land Use Consent Establishment of 36 residential units within two buildings with associated landscaping, carparking and earthworks. The outcome was Granted on 01/06/2023.

SUB-2020-164 Subdivision Consent the subdivision of the sites to effectively adjust the rear boundary. The outcome was Granted on 05/11/2020.

5135989 27B Duncan Street Dunedin

LUC-2021-397/A Land Use Consent A land use consent for residential development within a heritage precinct consisting of an additional three-bedroom residential unit with performance standard breaches both prior to and following the creation of lots under SUB-2021-181.. The outcome was s127 Upheld on 11/04/2023.

LUC-2021-397 Land Use Consent a land use consent for residential development within a heritage precinct consisting of an additional three-bedroom residential unit with performance standard breaches both prior to and following creation of lots under SUB-2021-181. The outcome was Granted on 14/10/2021.

SUB-2021-181 Subdivision Consent 2 lot subdivision. The outcome was Granted on 14/10/2021.

5137158 27 Duncan Street Dunedin

SUB-2022-27 Subdivision Consent Two lot residential subdivision. The outcome was Granted on 19/04/2022.

LUC-2016-228 Land Use Consent land use consent for an under-width right of way. The outcome was Granted on 24/05/2016.

POL-2016-15 Planning Other Legislation s348 right of way over 29 Duncan Street in favour of 27 Duncan Street. The outcome was Granted on 24/05/2016.

5137159 27A Duncan Street Dunedin

SUB-2022-27 Subdivision Consent Two lot residential subdivision. The outcome was Granted on 19/04/2022.

LUC-2016-228 Land Use Consent land use consent for an under-width right of way. The outcome was Granted on 24/05/2016.

POL-2016-15 Planning Other Legislation s348 right of way over 29 Duncan Street in favour of 27 Duncan Street. The outcome was Granted on 24/05/2016.

The information provided with this LIM on District Plan requirements and resource consents has been verified by City Planning in relation to the subject property only. All information included in relation to other land surrounding the site is indicative.

Accuracy of Boundaries

Knowing the true location of the property boundaries on the ground is important in determining what can be carried out on the land under the District Plan and in determining whether the current activity complies with the District Plan or any resource consent. Please note that the Council's aerial photographs may not accurately depict the extent of the property. The Record of Title for the site should be checked in the first instance. A surveyor may need to be consulted to establish the true location of the title boundaries on the ground.

Access to Site

The legality of any access to the site is important in determining what can be carried out on the land under the District Plan and in determining whether the current activity complies with the District Plan or any resource consent. It is recommended that the Record of Title and/or a lawyer be consulted regarding the legality of any legal and/or physical access to the site (and the maintenance thereof).

Heritage New Zealand Pouhere Taonga Act 2014

The Heritage New Zealand Pouhere Taonga Act 2014 applies in addition to any protection provided to a building or site by the District Plan. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, or modify the whole or any part of an archaeological site, whether or not the land on which the site is located is designated, or a resource or building consent has been issued, without the prior authority of Heritage New Zealand. The Heritage New Zealand Pouhere Taonga Act 2014 defines an archaeological site as a place associated with pre-1900 activity, where there may be evidence relating to the history of New Zealand. Pre-1900 buildings are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014 and are also often associated with subsurface archaeological remains that provide evidence of pre-existing use of the site. Council records may not necessarily identify the precise date upon which an existing building was constructed. Contact the Dunedin office of Heritage New Zealand for further information: infodeepsouth@heritage.org.nz; 03 477 9871.

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

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 came into force 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. (The current edition of the HAIL is available on the Ministry for the Environment website at www.mfe.govt.nz.) Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent. (The Otago Regional Council should also be consulted for any rules in might have in regards to the use or development of contaminated sites.)

If a person wishes to establish whether a piece of land has had hazardous activities or industries conducted on it, and thus whether activities on that land are controlled by the National Environmental Standard, then the person must pay for a review of the information about the land held by the Council, or pay for a suitably qualified and experienced practitioner to undertake a preliminary site inspection. Formal confirmation from the Council that resource consent is not required under the National Environmental Standard can only be given through a certificate of compliance application.

If you would like a copy of any Resource Consent decision or advice on the current status and relevance of any planning matter referred to in the LIM, enquiries may be made at the Planning Enquiries desk on the Ground Floor of the Civic Centre, 50 The Octagon, or by phoning 477 4000 and asking for the Duty Planner. Planners are available at the Planning Enquiries desk to answer your enquiries between 8:30am and 5:00pm weekdays.

3 Waters

Information Regarding Watercourses

The controlling authority for all water and waterbodies in Dunedin City is the Otago Regional Council. The Regional Plan: Water addresses water take and use, diversions, damming, discharges and bed alteration under the Resource Management Act 1991. They are also responsible for the Flood Protection Management Bylaw 2012.

The controlling authority for watercourses in relation to stormwater drainage, and removal of obstructions in accordance with Local Government Act 1974 is the Dunedin City Council. The Council also issues building and resource consents for certain works around watercourses.

Not all watercourses within Dunedin City are recorded or known to the Council, therefore it is recommended that the applicant inspect the property for watercourses.

For further information on watercourses it is recommended the applicant read the Watercourse Information Sheet. A copy of this document is available on request or for download from the Dunedin City Council website www.dunedin.govt.nz.

Transport

DCC Transport has carried out a desktop inspection of this property and found the following:

Non-compliant vehicle crossing – no stormwater run-off and not sealed for the first 5 metres.

To meet current Council standards the vehicle crossing would be required to be hard surfaced from the edge of the carriageway to 5m inside the property boundary. This requirement is to prevent debris migrating from inside the property out onto the footpath and/or carriageway. The stormwater run-off would be required to be captured at the boundary and managed in a way where it does not cause a nuisance to neighbouring properties, including the road corridor. For example: a strip drain with sump or a sump and piped to the kerb and channel. Council accepts this situation but accepts no liability and points out that maintenance is the responsibility of the property owner. The Council may require this to be addressed in the future.

Non-compliant vehicle crossing - driveway

The vehicle crossing appears to exceed the Council's maximum allowable grade of 1 in 8 for first five meters from the back of the footpath which might lead to scraping issues and damage to the footpath. Council accepts this situation but accepts no liability and points out that maintenance is the responsibility of the property owner.

Non-compliant entrance crossing – driveway level does not match the back of the footpath

The driveway level within the property does not match the level at back of the footpath. This may result in vehicle scraping. This may remain at the pleasure of Council. Council accepts this situation but accepts no liability, and points out that maintenance is the responsibility of the Property Owner.

Neighbouring property driveway access – vehicle access for the neighbouring property is over this property's boundary.

Access to the neighbour's property is over this property's boundary, the maintenance of the private driveway/s is the property owners/users responsibility. Please consult with your Lawyer to find out if this is registered under your property title and/or there is a formal agreement in place between the owners/users of all private accesses in order, to clarify maintenance responsibilities and access permission for the owners/users.

Private stormwater lateral.

Private stormwater laterals collect stormwater from private properties guttering and runs under the footpath to the kerb and channel on the roadside. The stormwater laterals are private pipes and are the responsibility of the landowner who they service, the repair and maintenance of these pipe's rests solely with the property owner. As the landowner you must maintain your stormwater lateral to ensure that it doesn't become a safety hazard for pedestrians or other road users.

For further explanations on property owner obligations in regard to local road encroachments, vehicle entrances, vegetation management or retaining structures please refer to the Dunedin City Council website at <http://www.dunedin.govt.nz/services/roads-and-footpaths> or contact Transport on 477 4000.

For properties abutting the state highway, Waka Kotahi NZ Transport Agency is the Road Controlling Authority.

Glossary of Terms and Abbreviations

The following are abbreviations and terms that may appear as a part of a LIM.

Consent, Permit, Licence & Complaint types

AAB	DCC Building permit
AAD	DCC Drainage permit
AAG	Green Island drainage permit
AAH	Hyde permit
AAK	St Kilda permit
AAM	Mosgiel permit
AAP	Port Chalmers permit
AAS	Silverpeaks permit
AAT	Maniototo permit
ABA	Application Building Act 1991
AMD	Amendment to a Building Consent
BC	Building Consent
BCC	Building Compliance Certificate - Sale and Supply of Alcohol Act
BCM	Building Complaint
CER	Certifier
COA	Certificate of Acceptance
DGL	Dangerous Goods Licensing
ENV	Health complaint
HTH	Health licence
LIQ	Alcohol licence
NTF	Notice to Fix
NTR	Notice to Rectify
PIM	Project Information Memorandum
POL	Planning Other Legislation
RMA	Resource Management Act - Resource consent
RMC	Resource consent complaint
WOF	Building Warrant of Fitness

Terms used in Permits & Consents

ALT	Alteration
ADD	Addition
BD D/C	Board drain in common
BLD	Building
BLDNG	Building
BT	Boundary trap
B/T	Boiler tube
CCC	Code Compliance Certificate
DAP	Drainage from adjacent property
DGE	Drainage
DIC	Drain in common
DR	Drainage
DWG	Dwelling
FS	Foul sewer
HEA	Heater
ICC	Interim Code Compliance

MH	Manhole
PL	Plumbing
PLB	Plumbing
PTE	Private
SIS	Sewer in section
WC	Water course
WT	Water table
SW	Stormwater

General terms

RDMS Records and Document Management System



Appendices



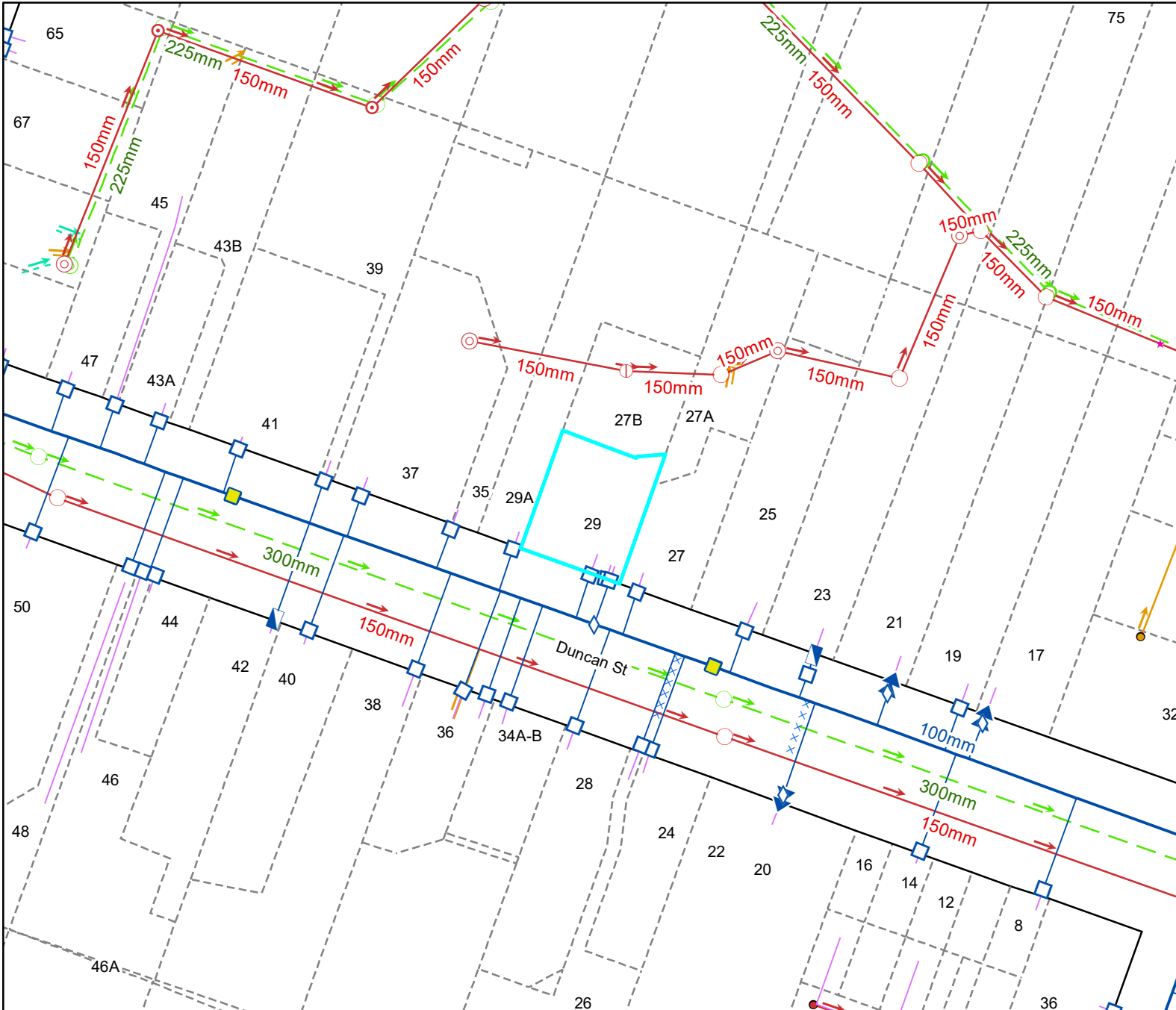
Photographic Map

Scale at A4:
1:750
28/04/2026
8:04:29 PM



PARCEL LINES CAN VARY FROM
LEGAL PARCEL BOUNDARIES
This map is for illustration purposes only
and is not accurate to surveying, engineering
or orthographic standards. Every effort
has been made to ensure correctness and
timeliness of the information presented.

2018-2019 Urban. Copyright DCC/Aerial Surveys
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2006/2007 Urban photography March 2007,
copyright NZAM. Rural photography March
2006, copyright T erralink International Ltd.



Legend

Water Supply

	Manifold Box		Water Non-Return Valve
	Water Meter		Water Pump Station
	Toby		Water Bore
	Meter without manifold box		Water Treatment Plant
	Retic Flow Meter		Water Storage Tank
	Combination Meter		Supply Main
	Manifold Box With Restrictor		Trunk Main
	Water Valve - Zone		Disused
	Non Return Valve		Reticulation
	Water Valve - Gate		Rider
	Water Valve - Sluice		Scour
	Water Hydrant		Water Service Lateral
	Water Backflow Preventor - RPZ		Water Fire Service Lateral
			Water Critical Service Lateral
			Water Zone Boundary
			Water Reservoir
			Redundant Water Main

NOTE: Private water services have the same symbols as those above, however they are coloured pink.

Foul Sewerage

	Standard Manhole		Pump Station
	Valve Chamber (pressurised)		Treatment Plant
	Boundary Kit		Vent
	Non-Return Valve		Foul Sewer Node
	Pump Station Domestic		Foul Drains in Common (public)
	Drop Manhole		Sewer
	Inspection Manhole		Trunk Sewer
	Inspection Opening		Vent Line
	Lamphole		Rising Main
	Outlet		Redundant Foul Sewer Pipe

NOTE: Private foul drains have the same symbols as those above, however they are coloured orange.

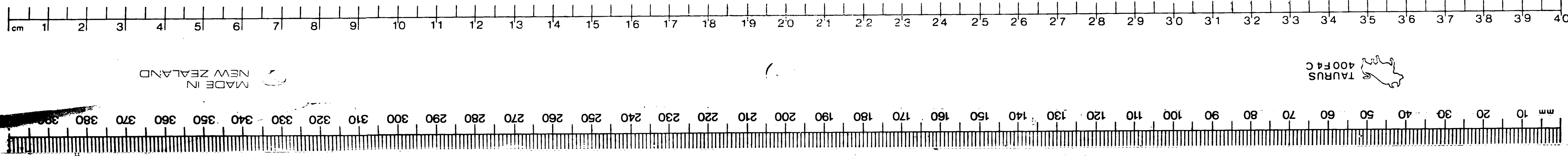
Stormwater

	SW Bubble-up Tank		Roading Bubble-Up Tank
	SW Drop Manhole		Roading Mudtank
	SW Insp Chamber and Grating Inlet		Stormwater Main
	SW Inspection Manhole		Stormwater Trunk Main
	SW Inspection Opening		DCC Open Channel
	SW Lamphole		Piped WC
	SW Mudtank Inlet		Open WC
	SW Outlet		Culvert
	SW Pipe Inlet		Stormwater Mudtank Pipe
	SW Pressure Manhole		Redundant Stormwater Main
	SW Standard Manhole		SW Sump
	SW Stormwater Node		SW Pump Station

NOTE: Private stormwater drains have the same symbols as those above, however they are coloured light green.

General

	DCC Water & Waste Structure		Parcel		Road/Rail
	Railway Centreline		Hydro		Motorway Parcels
			Strata		Easment (where recorded)



MADE IN NEW ZEALAND

TAURUS 400F4C

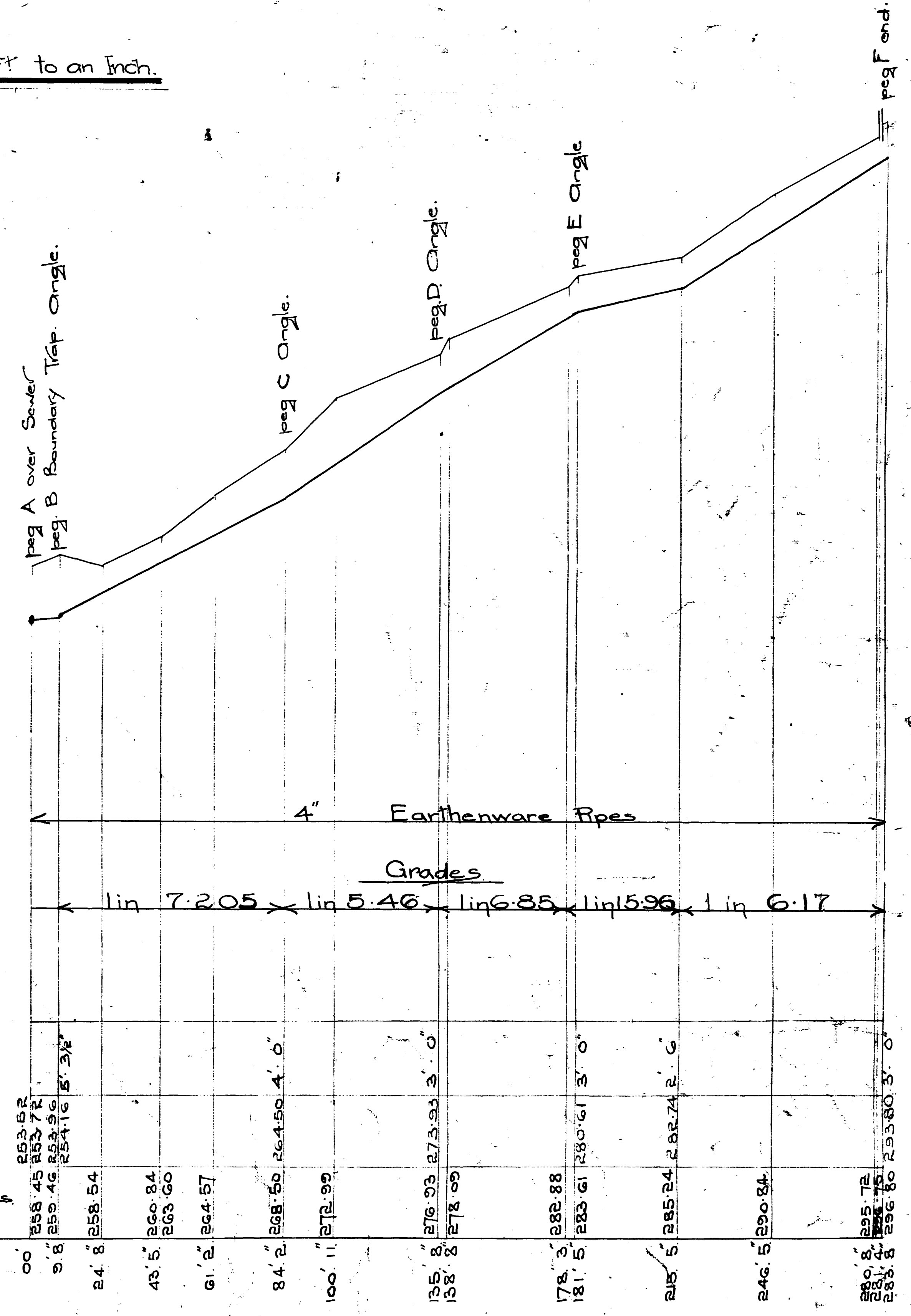
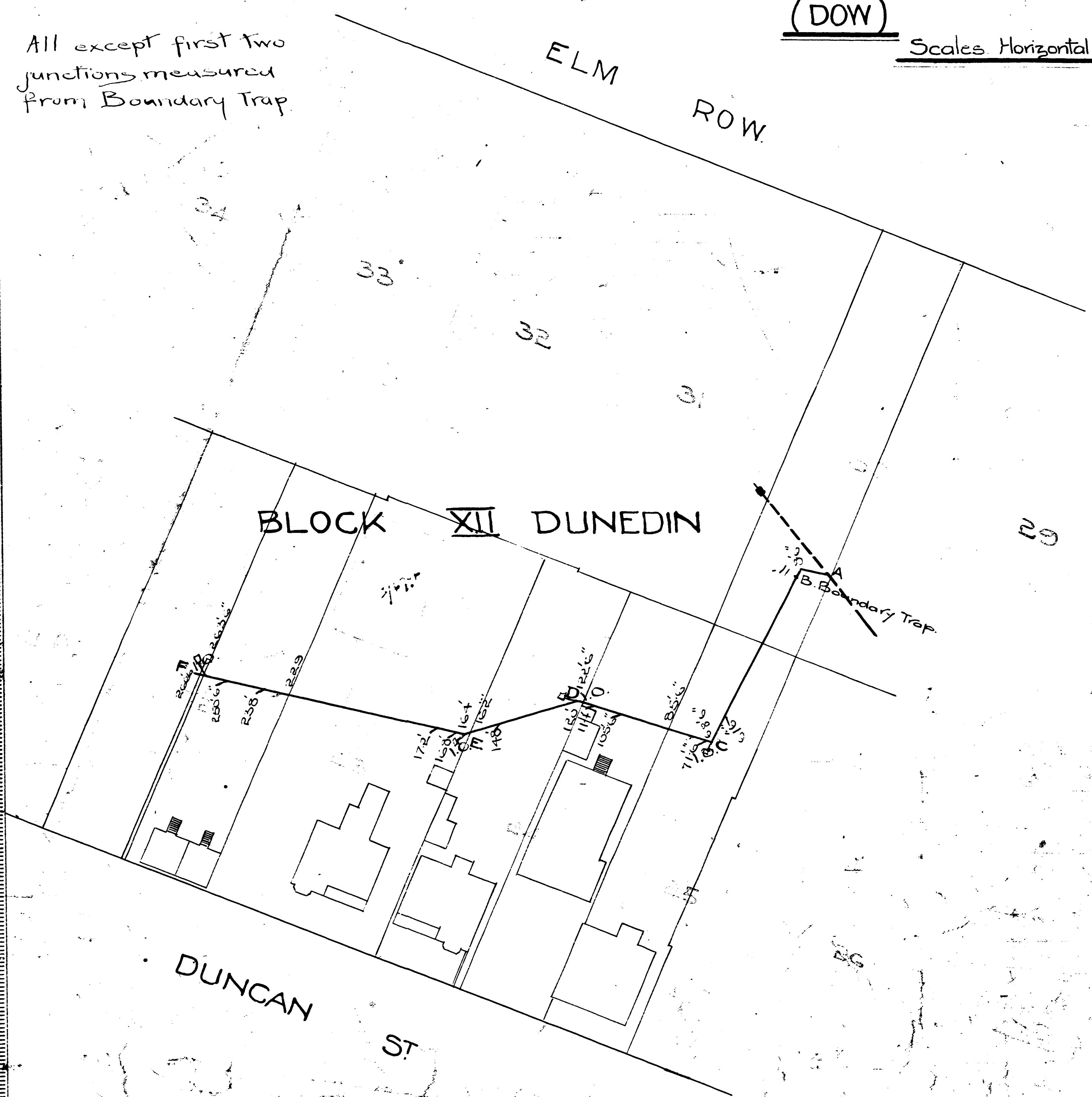
A184

DRAIN IN COMMON DUNCAN STREET

(DOW)

Scales Horizontal 40 Ft Vertical 10 Ft to an Inch.

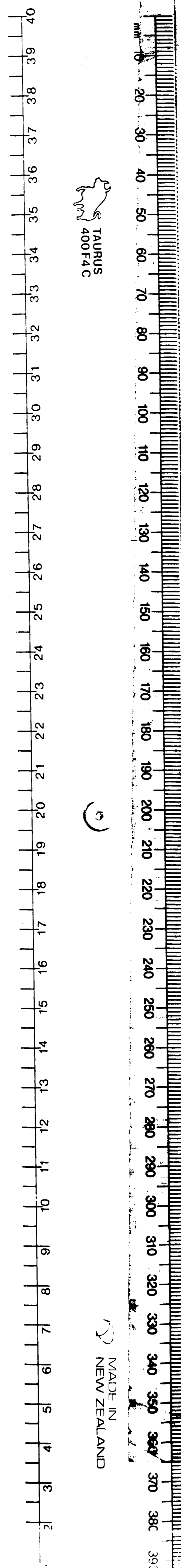
All except first two junctions measured from Boundary Trap



A. Hinger
Drainage Engineer
 11/11/1914

L. Barton

6.11.14



TAURUS 400F4C

MADE IN NEW ZEALAND

DUNEDIN DRAINAGE AND SEWERAGE BOARD

HOUSE CONNECTION PLAN.

APPLICATION No.

A 9067

DATE

29. 7. 15

SCALE : $\frac{1}{2}$ in. to a Foot.

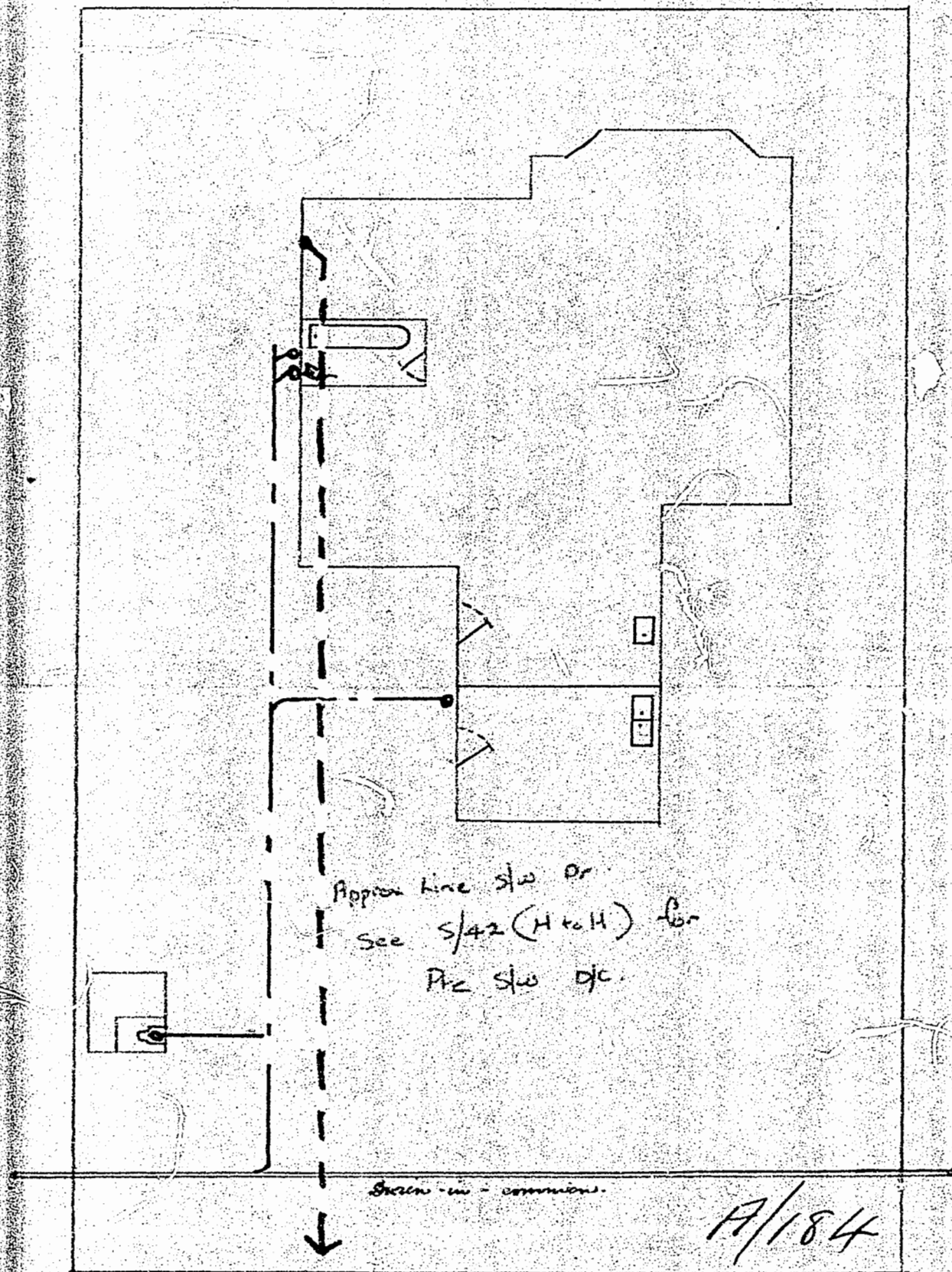
NEW SEWAGE DRAINS: RED

STORM WATER: DOTTED BLACK

OLD DRAINS: FULL BLACK

Duncan Street

Pl



A/184

LEGEND

- Existing Drains
- New Foul Drains
- New Stormwater Drains

Owner *Mr. H. Maxwell*

Street *29 Duncan Street*

Locality *In*

Block *12*

Section *23*

Allotment

Signature of Drainer *C. E. Wright*

ARTHUR STREET

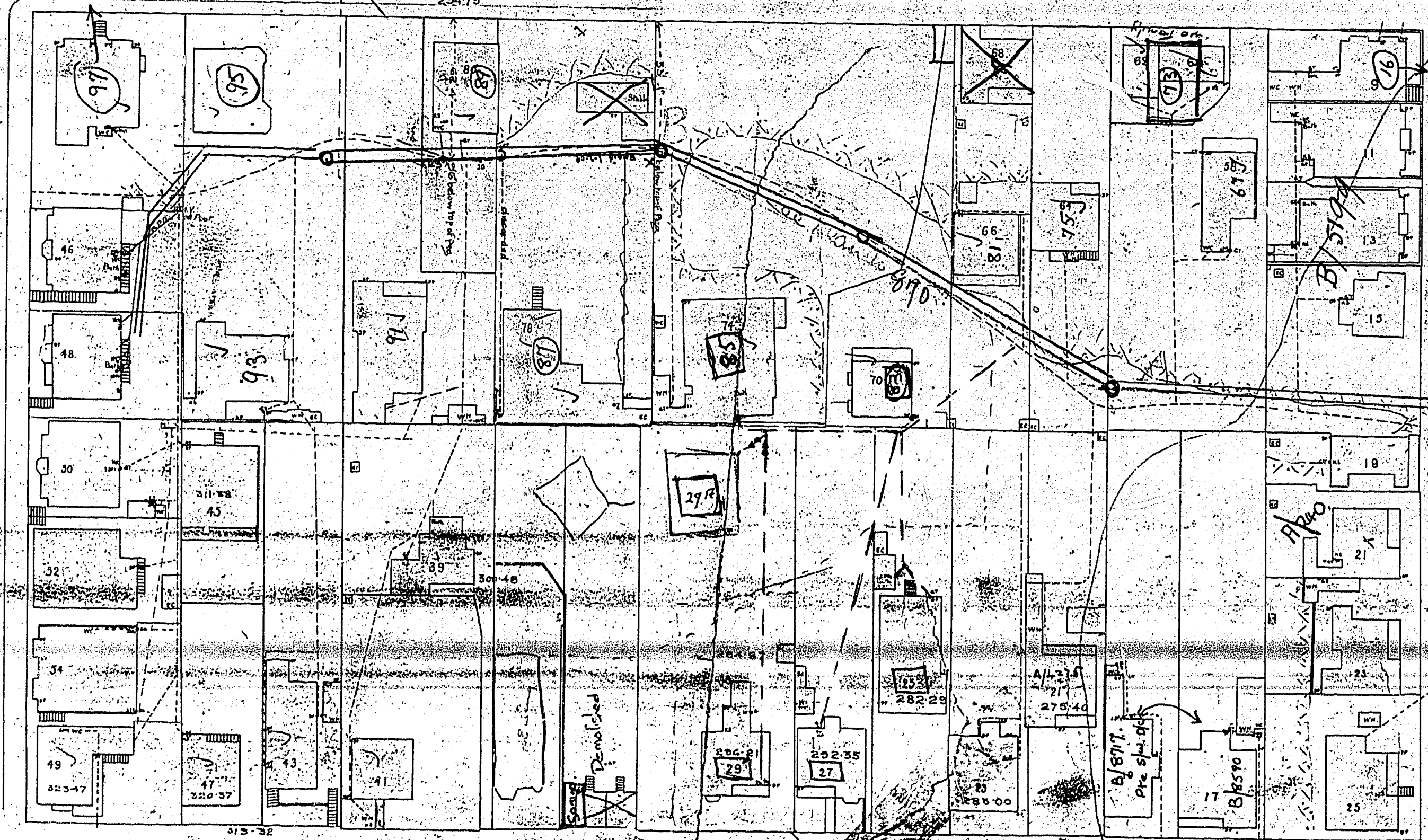
BROWN STREET

ELM ROW

H TO H 542

DUNCAN

STREET



323-25
307-24 IL
322-93 S

282-28

234-79

313-53

309-23
310-00

Demolished

B/5177
Pre slm. dck

B/5190

B/5199

A/40

323-13

308-31

288-01

286-42

275-86

263-75

DUNEDIN DRAINAGE AND SEWERAGE BOARD

HOUSE CONNECTION PLAN.

APPLICATION No. B/820

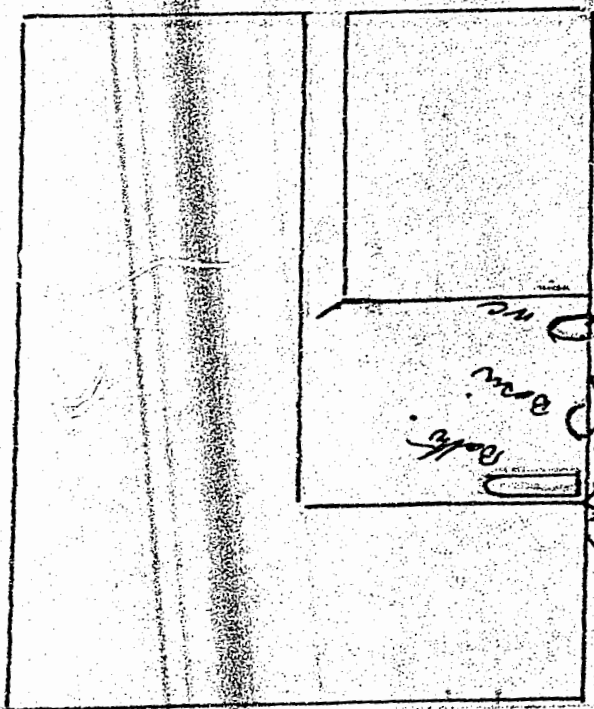
DATE 17.9.21

SCALE: $\frac{1}{8}$ in. to a Foot.

NEW SEWAGE DRAINS: RED
STORMWATER: DOTTED BLACK
OLD DRAINS: FULL BLACK

LEGEND

- Existing Drains
- New Foul Drains
- New Stormwater Drains



Owner A. Maynard
Street 29 Dunean
Locality city

Block 12
Section 23
Allotment

Signature of Drainer

C. J. Jenkins

UNICAT ST

27

29

12 YD 3 FT HIGH

HOUSE

20 YDS.
2 FT HIGH
4" wide

HOUSE

gar

SHED

HEDGE

to be plastered

16782

CODE COMPLIANCE CERTIFICATE No.: 94/3733

Section 43(3), Building Act 1991

ISSUED BY

DUNEDIN CITY COUNCIL

BUILDING CONSENT No.: 94/3733

(Insert a cross in each applicable box. Attach relevant documents.)

PROJECT		PROJECT LOCATION
All	☒	Street Number:
Stage No. of an intended stages		C M TREVETHAN 29 DUNCAN ST DUNEDIN
New or relocated building	☐	
Alteration	☐	
Intended use(s) (in detail): HOUSING ALTERATION HEATER		LEGAL DESCRIPTION
Intended Life:		Property Number: 5027182
Indefinite, but not less than 50 years	☐	Valuation Roll Number: 2716055400
Specified as 5 years	☐	Lot: 2 DP: 4257
Demolition	☐	Section: Block: 12
		Survey District:

This is:

- ☒ A final code compliance certificate issued in respect of all of the building work under the above building consent
- ☐ An interim code compliance certificate in respect of part only, as specified in the attached particulars, of the building work under the above building consent
- ☐ This certificate is issued subject to the conditions specified in the attached page(s) headed "Conditions of Code Compliance Certificate No." (being this certificate).

The Council charges payable on the uplifting of this code compliance certificate, in accordance with the attached details, are: \$ 0.00

Receipt No.:

Signed for and on behalf of the Council:

Name: J. A. Dewar

Position:

Date: 23.10.94

DING CONSENT No.:

94/3733

Project Information Memorandum No.:

Section 35, Building Act 1991

DUNEDIN CITY COUNCIL

(Insert a cross in each applicable box. Attach relevant documents)

APPLICANT

PROJECT

Name:

C. M. TREVETHAN

Mailing Address:

C/- PATERSON LANG
PO BOX 225
DUNEDIN

All ☐

Stage No. X of an intended stages

New Building ☐

Alteration ☐

PROJECT LOCATION

Street Address:

29 DUNCAN ST
DUNEDIN

Intended Use(s) (in detail):

HOUSING ALTERATION
HEATER

Intended Life:

Indefinite, but not less than 50 years ☐

Specified as 5 years

Demolition ☐

LEGAL DESCRIPTION

Property Number: 5027182

Valuation Roll Number: 2716055400

Lot: 2 DP: 4257

Section: Block: 12

Survey District:

Estimated Value: \$ 1,100.00

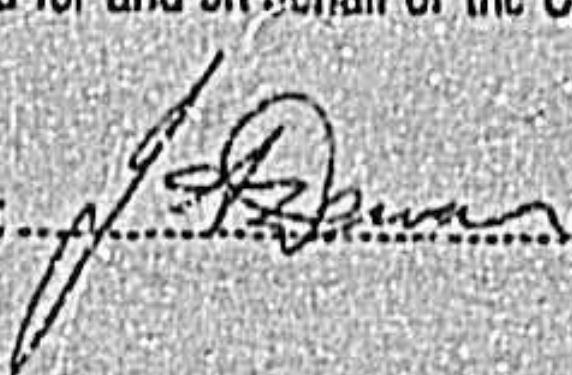
COUNCIL CHARGES

The balance of Council's charges payable on uplifting of this building consent, in accordance with the tax invoice are:

Total: \$ 0.00

ALL FEES ARE G.S.T. INCLUSIVE

Signed for and on behalf of the Council:

Name: 

Position:

Date: 12.10.94

This building consent is a consent under the Building Act 1991 to undertake building work in accordance with the attached plans and specifications so as to comply with the provisions of the building code. It does not affect any duty or responsibility under any other Act nor permit any breach of any other Act.

This building consent is issued subject to the conditions specified in the attached pages, headed "Conditions of Building Consent No. 1".

29 DUNCAN ST.

DUNEDIN CITY COUNCIL

Installation of Wetback Heater

All work involved in installing the wetback and water pipework must be carried out by a Craftsman plumber.

Work shall comply with the Building Regulations 1962

Officer: [Signature] Date: 8/9/94

ENVIRONMENTAL HEALTH CONDITIONS:-
SOLID FUEL BURNER TO BE OPERATED
IN A COMPLIANCE FREE MANNER
PLEASE CONTACT ENVIRONMENTAL HEALTH
SECTION Ph. 477-4000 FOR ADVICE ON
OWNER RESPONSIBILITIES

Base

X O
↑
POT BELLY

DUNEDIN CITY COUNCIL
Copy of Approved Plan
and/or Specification
TO BE RETAINED ON WORKS
AND PRODUCED ON REQUEST
OF BUILDING INSPECTOR.

DATE 8-9-94
[Signature] FOR CITY ENGINEER

KITCHEN

ENTRY
& LAUNDRY

CUPBOARDS

X POT BELLY IN ORIGINAL FIRE PLACE

91/3732

ENVIRONMENTAL HEALTH CONDITIONS:-
SOLID FUEL BURNER TO BE OPERATED
IN NUISANCE FREE MANNER
PLEASE CONTACT ENVIRONMENTAL HEALTH
SECTION Ph. 477-4000 FOR ADVICE ON
OWNER RESPONSIBILITIES

TABLE 1

MINIMUM STOVE TO WALL CLEARANCES

	PITTSBURGH mm	KLONDIKE mm	FATSO mm	YUKON mm	OREGON mm
a. Concrete or Concrete Block Walls	200	200	200	200	200
b. Brick Walls (see 1.2.4 for brick screens)					
(i) Cavity brick walls which do not enclose timber framing or other heat sensitive material	150	150	150	150	150
(ii) Brick walls erected in contact with heat sensitive materials (e.g. timber, gibraltar board, etc.)					
- bricks on edge	625	475	450	430	400
- bricks on flat	500	380	360	345	320
(iii) Brick walls which have the spacing and re-active screen requirements detailed under "Brick Screens" below	150	150	150	150	150
Heat sensitive walls or other objects, e.g. timber, asbestos cement board, plaster board, gypsum plaster, etc., including sheetmetal in contact with such materials (This distance can be reduced by screening in accordance with 1.2).	1,250	950	900	860	800

STOVE SCREENING REQUIREMENTS FOR HEAT SENSITIVE WALLS



FLUE TO WALL DISTANCE - mm

150 250

850

800 OREGON
860 YUKON
900 FATSO
950 KLONDIKE
1250 PITTSBURGH

Minimum distance with
no screening

Minimum distance with Single Heat
Screen but without Flue Heat Deflector
Note: 800 mm for Oregon

Minimum Distance with Single Metal Heat
Screen and Flue Heat Deflector

Minimum distance with Double Metal for Single
Heat Screen and Flue Heat Deflector

DUNEDIN CITY COUNCIL

Copy of Approved Plan
and/or Specification
TO BE RETAINED ON WORKS
AND PRODUCED ON REQUEST
OF BUILDING INSPECTOR.

DATE 8.2.94
FOR CITY ENGINEER

NOTE:

Appliance and hearth
to have approved
seismic fixing
to floor.
(NZS 7421:1990
305.4)

- NOTE:
1. All Heat Screens 1200 mm minimum
1200 mm minimum width.
 2. Flue Heat Deflector may be omitted if Screen
shields full height of wall.
 3. Minimum distance when combustible wall is
faced with Brick Screen as per Instructions -
150 mm measured to outer face of Brick Screen.
 4. See Text for constructional details.

1.2.2 Single Heat Screen

This must be fastened to the wall on non-combustible insulating spacers so that there is an air space of not less than 25 mm between the screen and the wall, Figure 5. There must be a 25 mm gap along the top and bottom of the screen and the spacers must be arranged to permit free vertical air flow between the screen and the wall. The screen should be wide enough to extend at least 600 mm along the wall each side of the stove centrelines. Where the stove is fitted in a corner, both walls need to be screened.

The screen must never be less than 1,200 mm high and such a screen is adequate on its own for wall distances not less than 850 mm. (Oregon 800 mm). If the distance is less than 850 mm (Oregon 800 mm) and the screen does not shield the full height of the wall, a flue heat deflector must be fitted, Figure 6.

NOTE: Minimum stove to wall distance when the heat screen is sheetmetal; 250 mm (All models). If the screen material is 12 mm Harditherm or 12 mm Supalux, the distance may be reduced to 150 mm (all models).

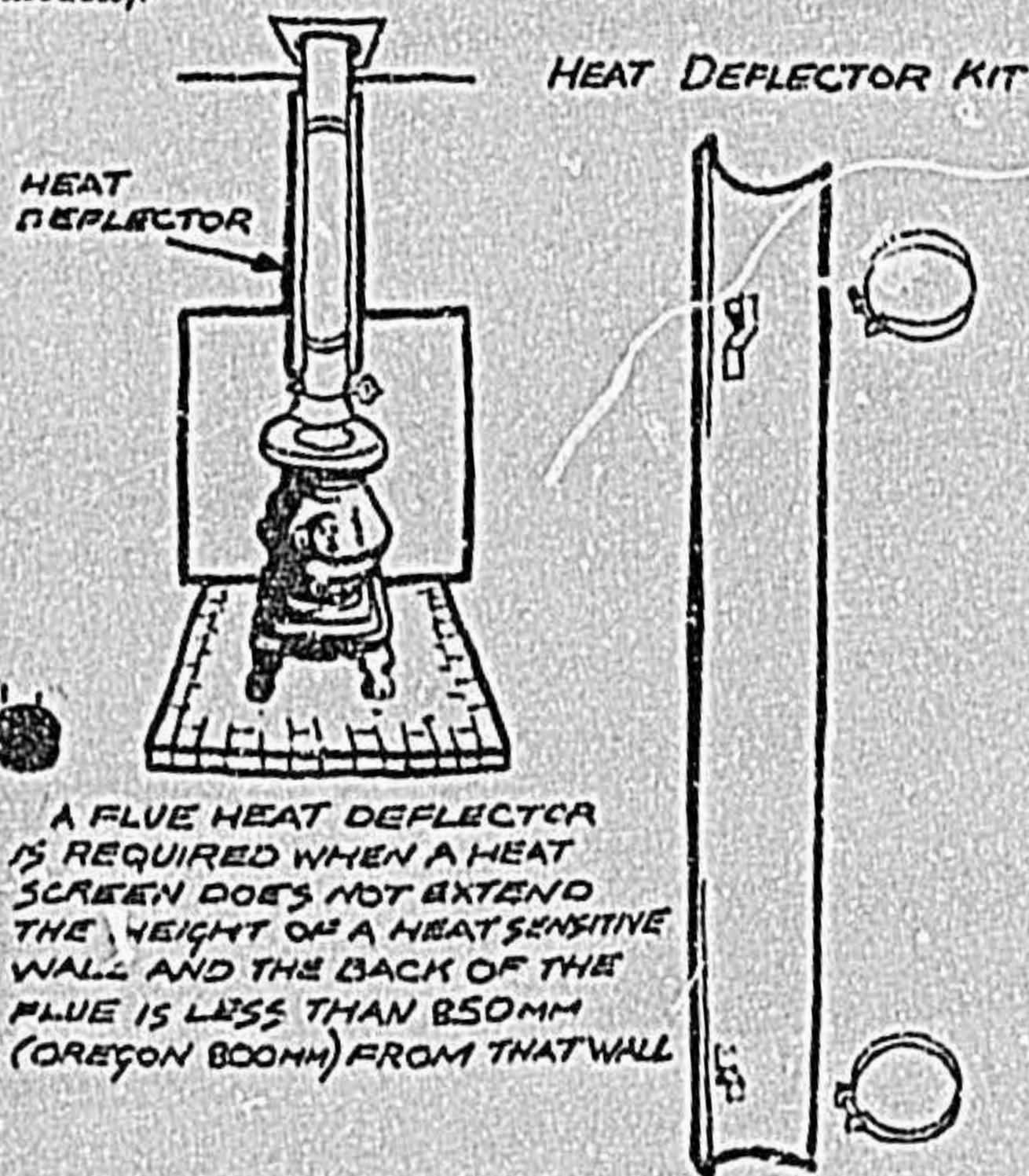


FIGURE 6

1.2.3 Double Heat Screen

The construction is similar to the single heat screen case (see 1.2.2) except that an extra sheetmetal screen is fixed mid-way in the air space, Figure 7. It must be the same size as the heat screen, and the two air spaces must each be not less than 12 mm. A suitable material for this air space divider is 0.5 mm galvanised steel. The spacers behind the double screen must be arranged to allow free air flow from the bottom intake slots to the outlet slots at the top. The width and height requirements for double screens are the same as for single screens (see Figure 5). Again, if the flue to wall distance is less

than 850 mm (Oregon 800 mm) and the screen does not shield the full height of the wall, a flue heat deflector must be fitted, refer Figure 6.

Minimum stove to wall distance when a double heat screen is fitted, 150 mm, all models.

ALL PANELS (SCREENS) MUST BE OPEN TOP AND BOTTOM TO ALLOW FREE AIR FLOW

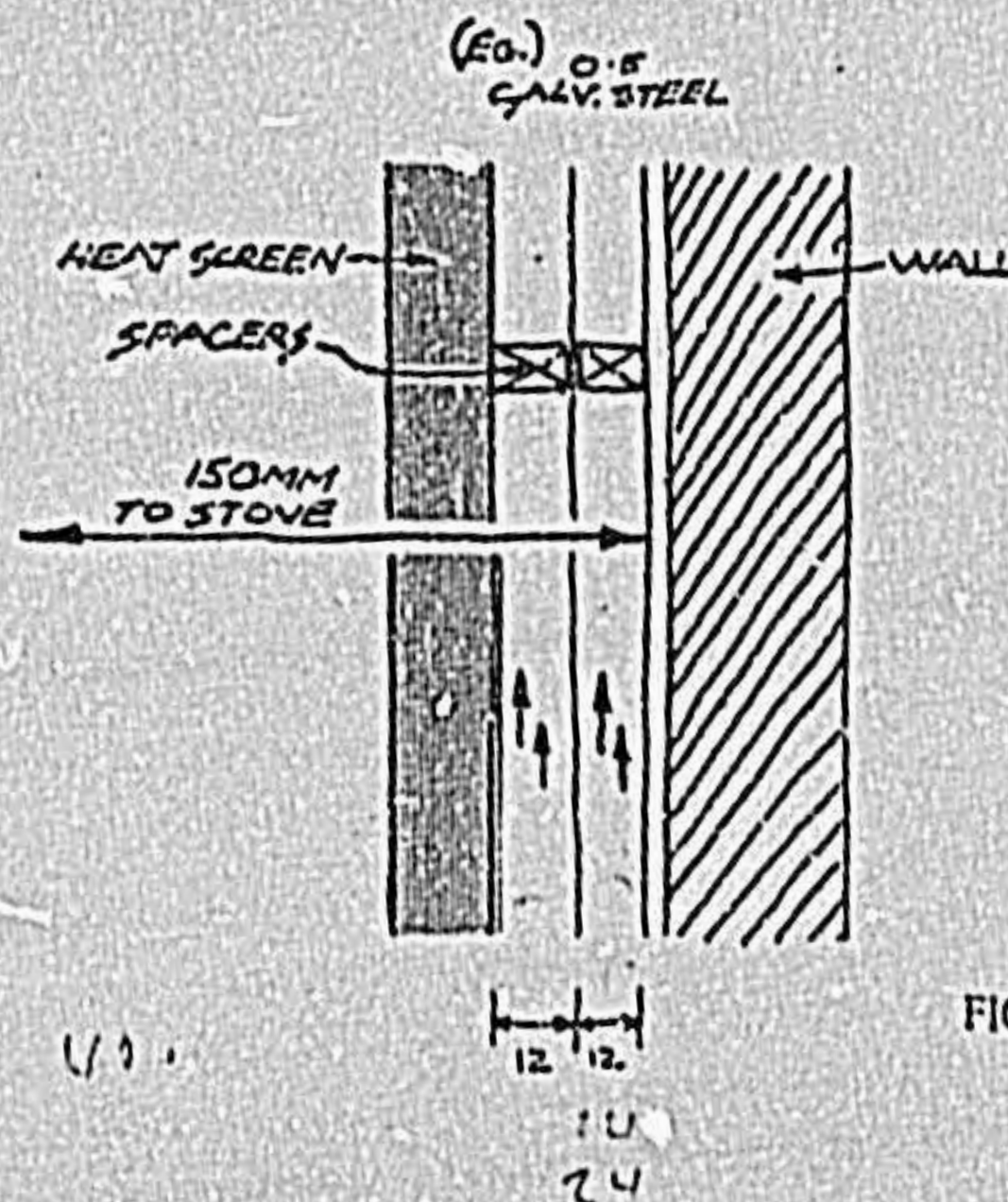


FIGURE 7

1.2.4 Brick Screens

Heat sensitive walls can be faced with brick provided that the bricks are laid flat and spaced not less than 25 mm from the wall, Figure 8. A layer of reflective building paper must be secured to the face of the wall (reflective side facing the bricks) in such a manner that it will not inhibit the air flow in the space. Alternatively, the building paper may be

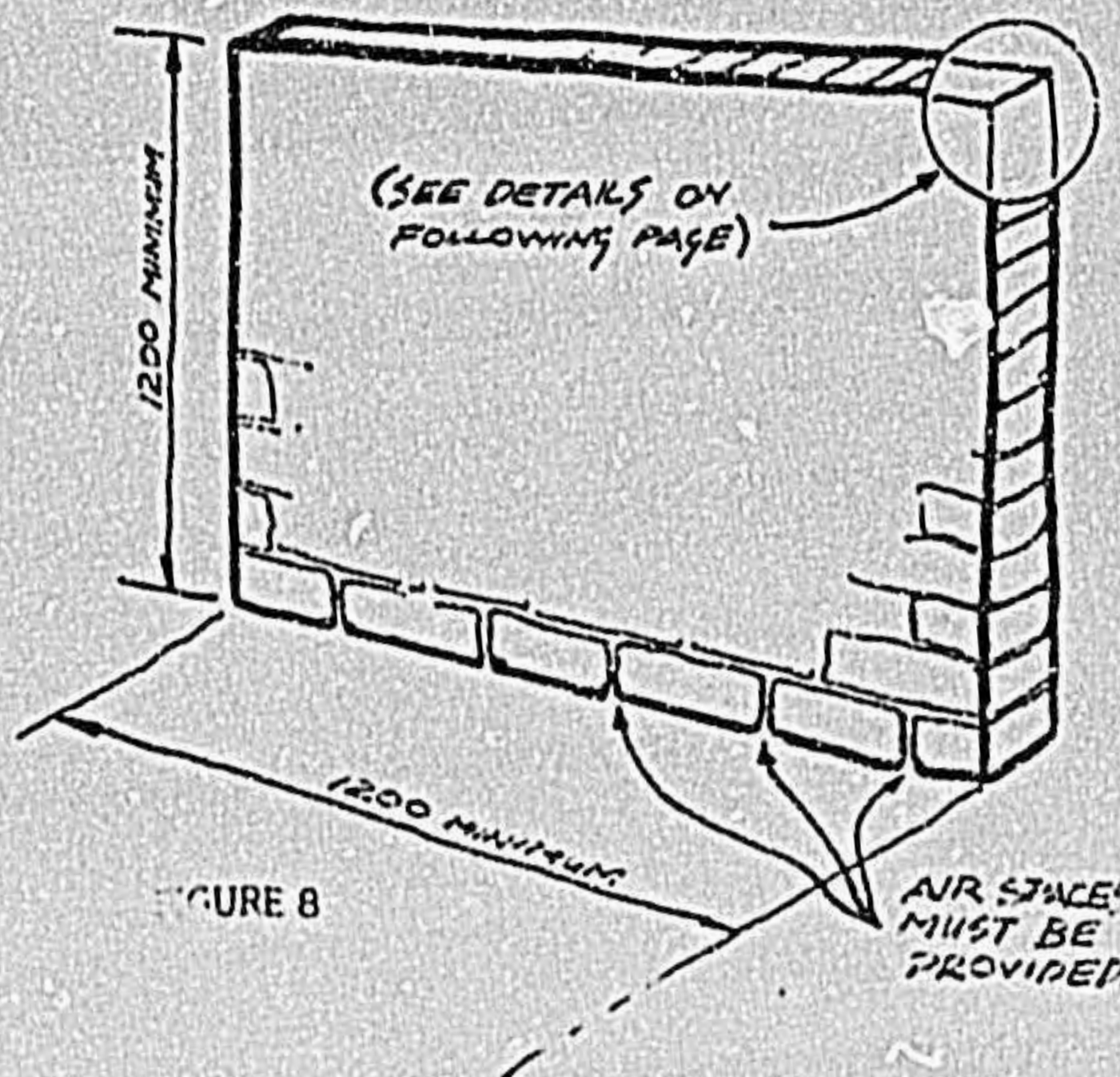


FIGURE 8

replaced by a sheetmetal air space divider as specified for a double heat screen, refer Figure 7. The top of the air space must be left open and gaps must be provided between the bricks in the bottom rows, to allow adequate air entry.

The brick facing must extend at least 600 mm each side of the stove centreline and should be at least 1200 mm high. If the flue to wall distance is less than 850 mm (Oregon 800 mm) and the brick screen does not shield the full height of the wall, a flue heat deflector must be fitted, refer Figure 8.

Minimum distance between stove and outer face of brick screen 150 mm, all Models. (This will give a minimum stove to wall distance of 285 mm.)

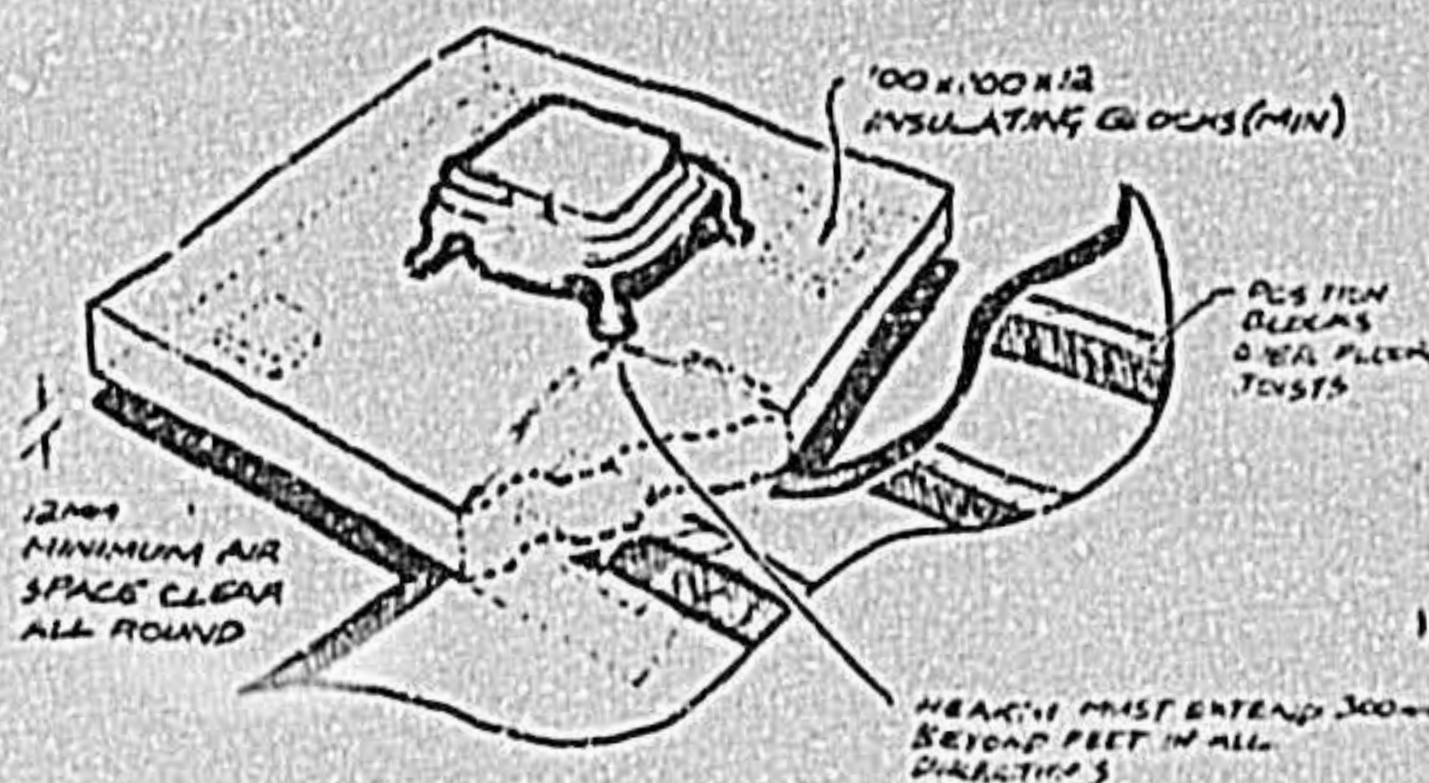


FIGURE 10

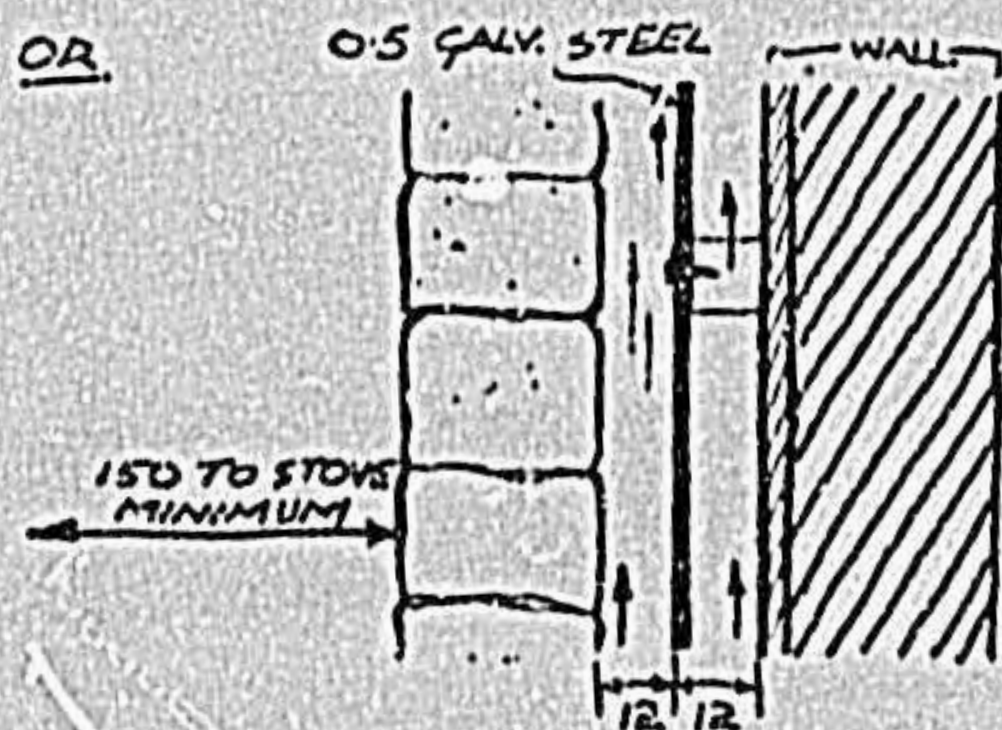
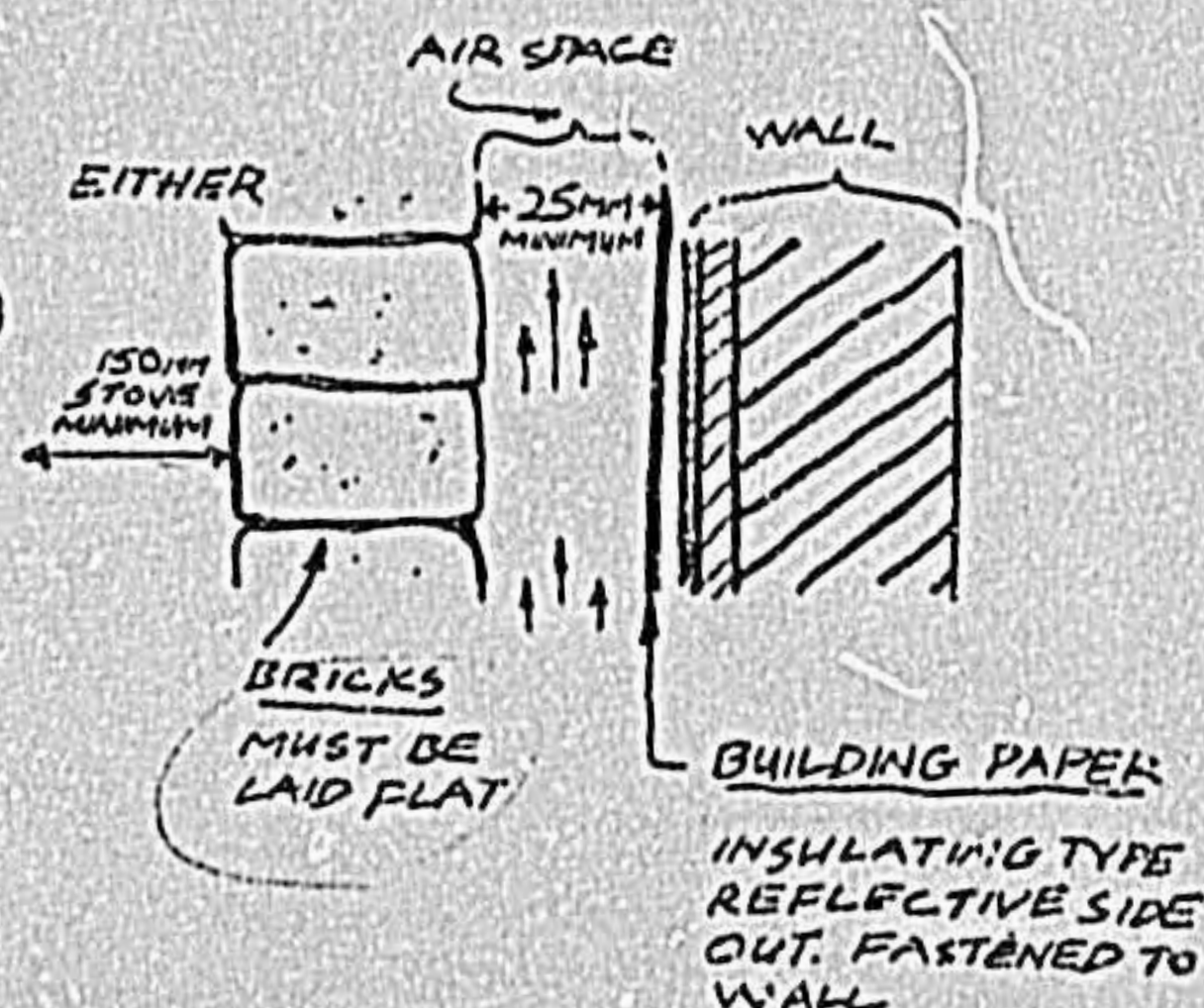


FIGURE 9

1.3 Protecting the floor

The Stove must stand on a fire-proof floor or hearth extending to the wall(s) or at least 300 mm beyond the feet in all directions, Figure 10. Hearths of solid material can conduct heat through to the floor and should be raised on insulating blocks to provide an air space beneath. This air space should be not less than 12 mm and the blocks (about 100 mm square) should be positioned directly over the floor joists. Access to the air space should be unobstructed to permit the free flow of air. As long as the air space is not impeded, the hearth may be installed as above directly onto existing carpet coverings.

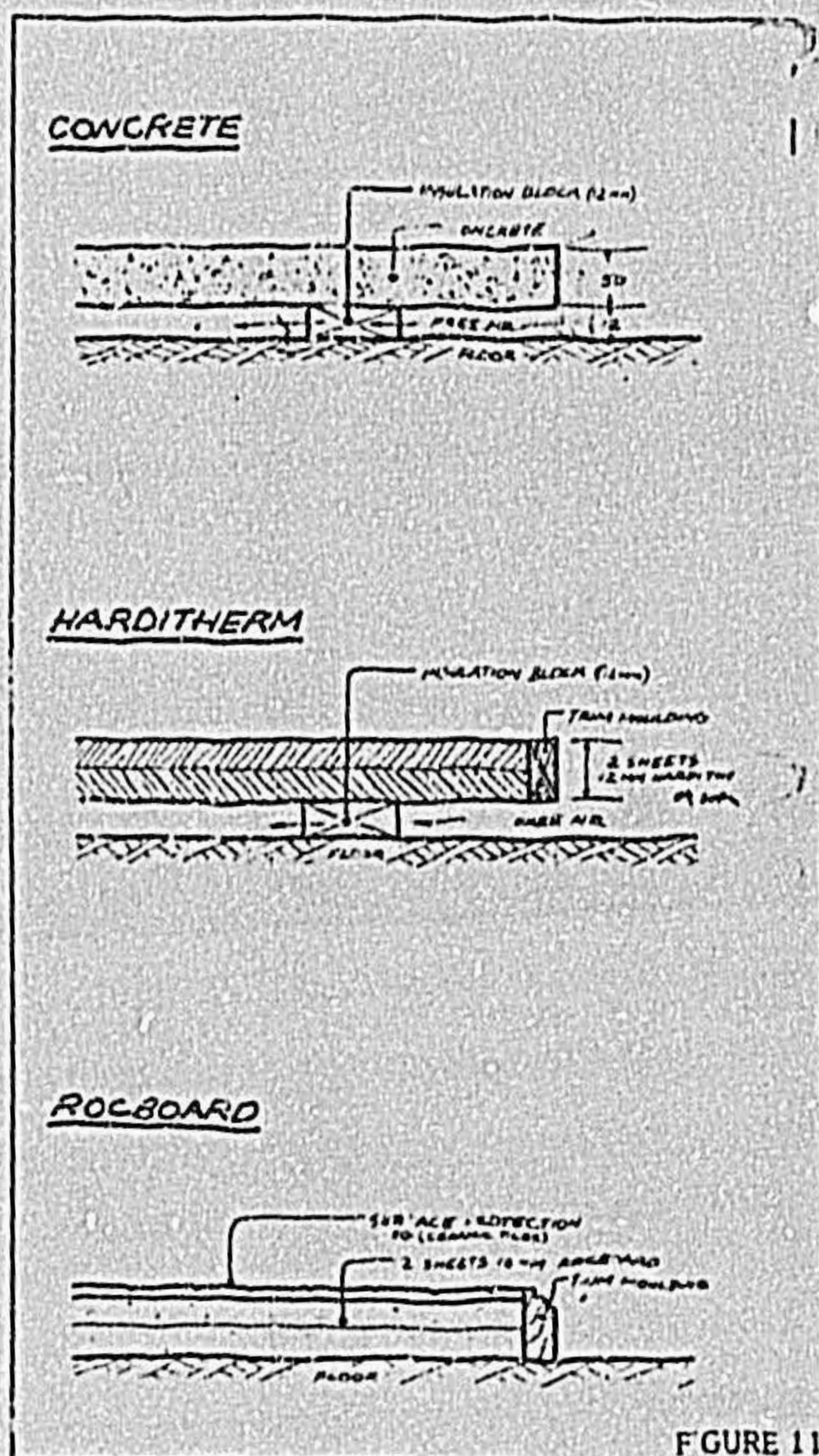


FIGURE 11

2. Installing the flue

Flue installations are covered in three sections: Section 2.1 covers installations where the stud height is 2400 mm and the roof pitch is low to normal. In these cases a standard Masport Flue Kit should be all that is required.

Section 2.2 deals with cases where extra components may be needed because:

- a) the stud height is greater than 2,400 mm;
- b) there is a high pitched roof and the standard flue would not project 600 mm above the ridge;
- c) the Heat Shield would not protrude 400 mm above the roof;
- d) the ceiling is sloping.

Section 3 explains the special requirements needed when fitting a Yukon stove into an existing fireplace.

NOTE: All galvanised flue components exposed above the roof should be painted in the normal way for exterior galvanised iron.

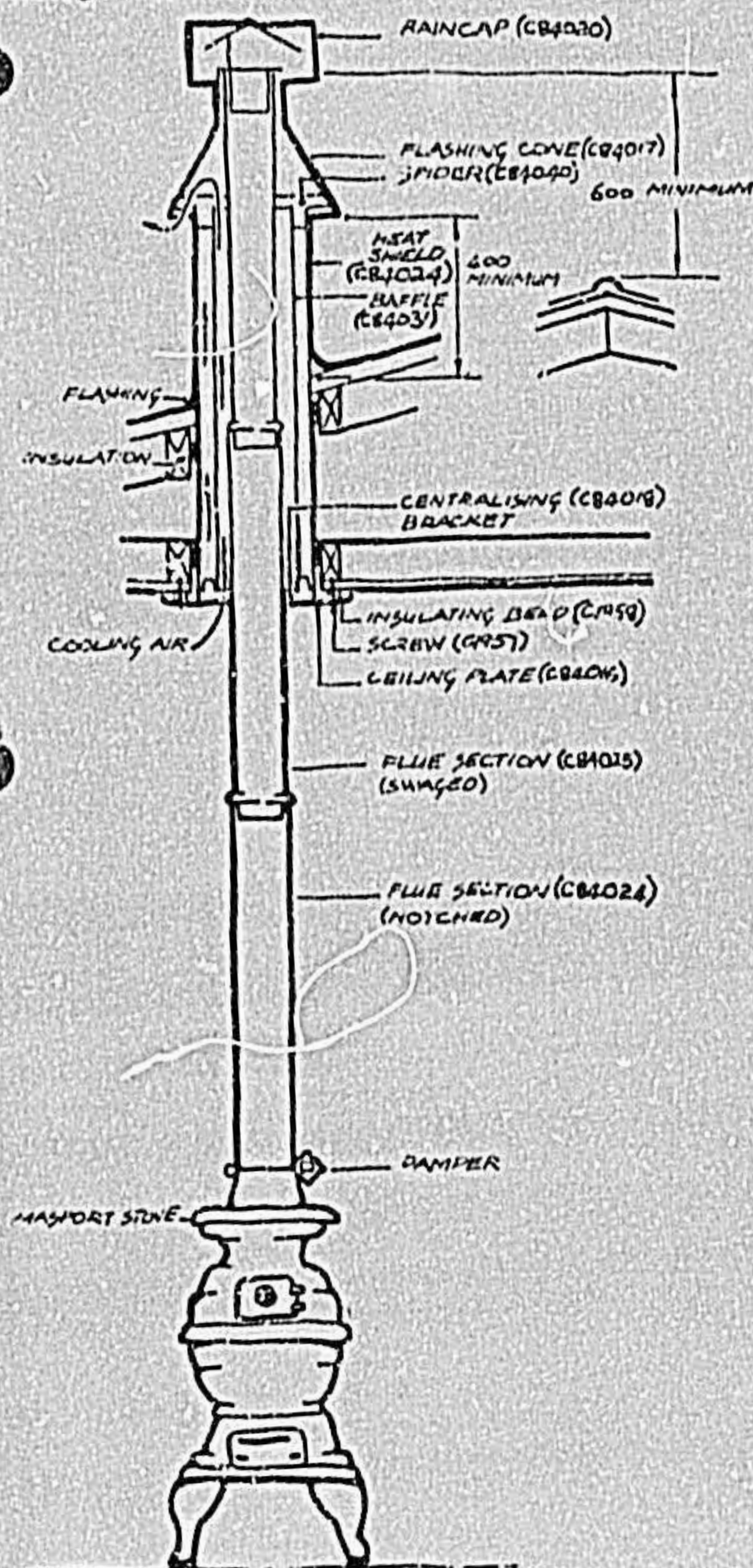


FIGURE 12

2.1 Installations with the standard flue kit

2.1.1 Place the stove in position, satisfying all clearances noted in Section 1. Take care that the flue will not pass through ceiling joists, rafters, valleys or ridges. Drop a plumb bob from the ceiling to the centre of the flue outlet flange of the stove to locate the position where the flue will pass through the ceiling.

Cut a 275 mm square hole through the ceiling on this centre-line. Secure suitable nogs to the ceiling timbers forming a 275 mm square opening to which the bottom of the Heat Shield will be secured. Figure 13. Care should be taken that the hole is square and is no greater than 275 mm so that the Ceiling Plate will cover the opening.

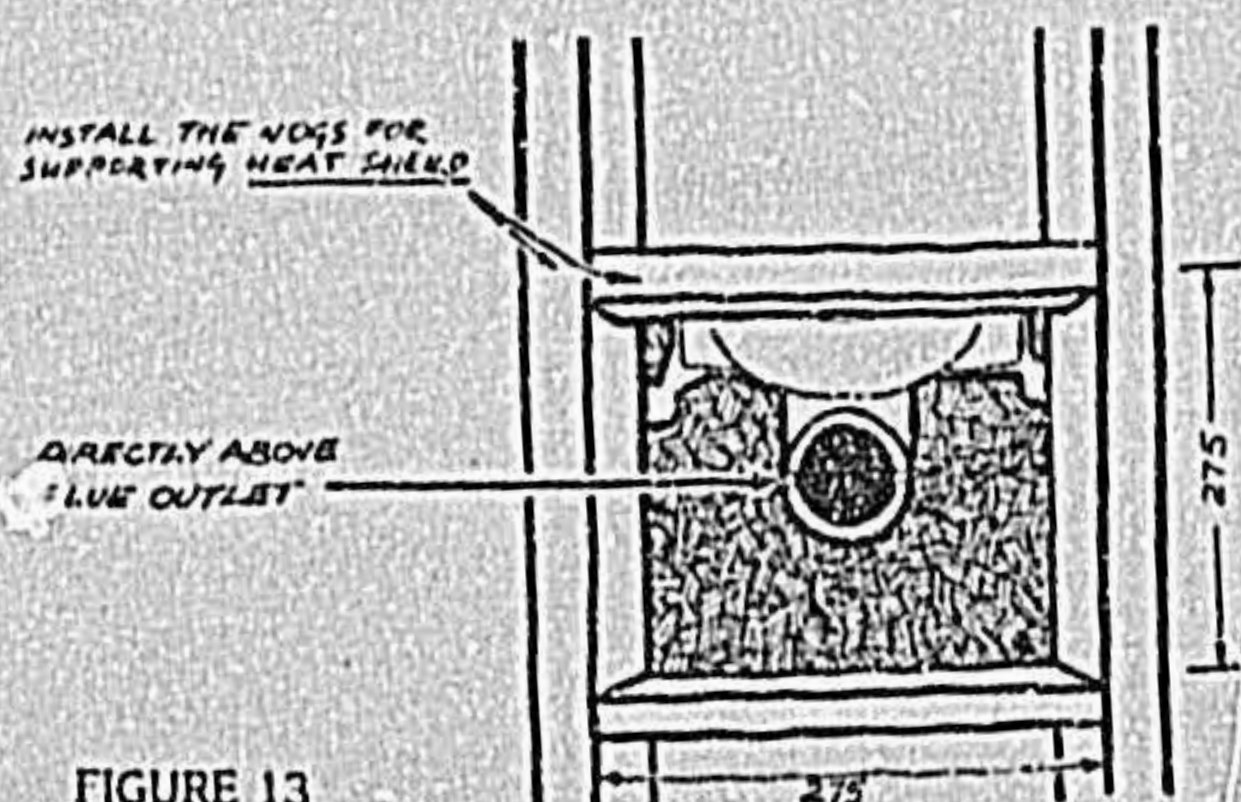


FIGURE 13

2.1.2 On the same centre-line cut a 250 mm diameter hole through the roof and secure suitable nogs to the roofing timbers forming a 275 mm square opening to which the top of Heat Shield may be secured. With the crinkled or swaged end uppermost and the lower end protruding 12 mm below the ceiling, nail or screw the Heat Shield in place using four 12 mm thick insulating spacers at each end, Figure 14.

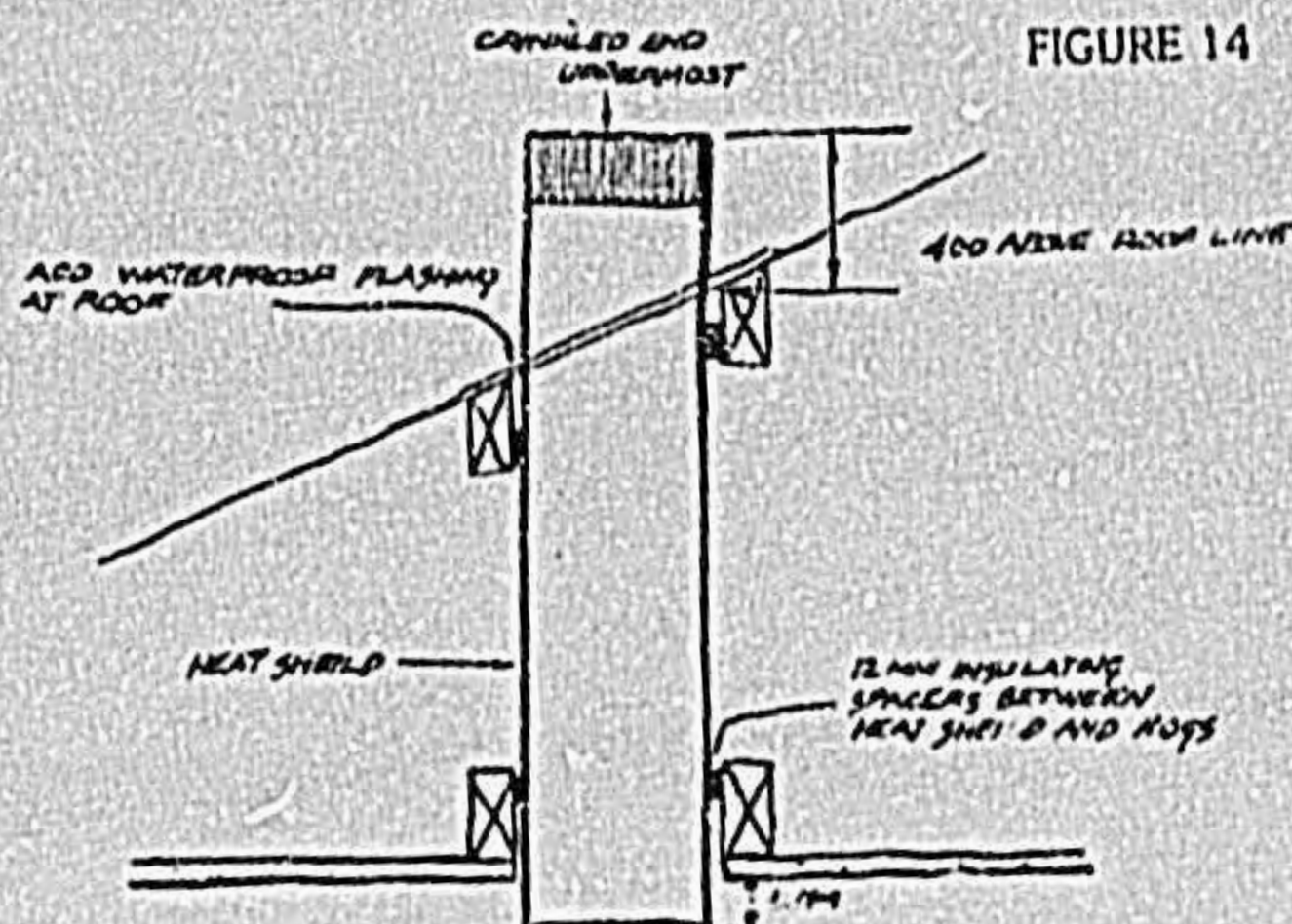


FIGURE 14

3. Installing a stove in a fireplace

Only the Yukon Stove is suitable for this type of installation and may be installed in most existing fireplaces.

3.1 Stove installation

Before installing the stove, the chimney should be swept and inspected for soundness, the joint of the fireplace with the chimney face should be examined for separation, and all timber work near the fireplace should be checked to ensure that it is at least 50 mm clear of the brickwork to prevent overheating.

A straight Flue Socket will usually be required and this is bolted to the back of the stove in place of the Elbow supplied as standard. Your stove stockist will supply you with a straight Socket in exchange for the standard Elbow at no charge. The Baffle Plate must be reinstalled when the straight Socket is fitted, Figure 2. With the straight Socket, the Damper is fully open when the Damper Handle is in line with the flue, not vertical as it is when used with the standard Elbow.

When installed in a fireplace opening, the following requirements must be met.

A) Exposed heat sensitive materials within 860 mm

of the stove should be screened in an approved manner, refer 1.2 Protecting the Walls. This includes mantelpieces and heat sensitive walls.

B) The hearth should extend at least 300 mm beyond the legs in all directions, refer 1.3 Protecting the Floor.

C) The stove should not discharge into a chimney common with another fireplace.

D) Provision should be made for sweeping the flue without requiring dismantling or reinstatement work by tradesmen other than the chimney sweep.

3.2 Flue installation

Two methods of installation are possible, Full Height Flue and, Short Flue Installations.

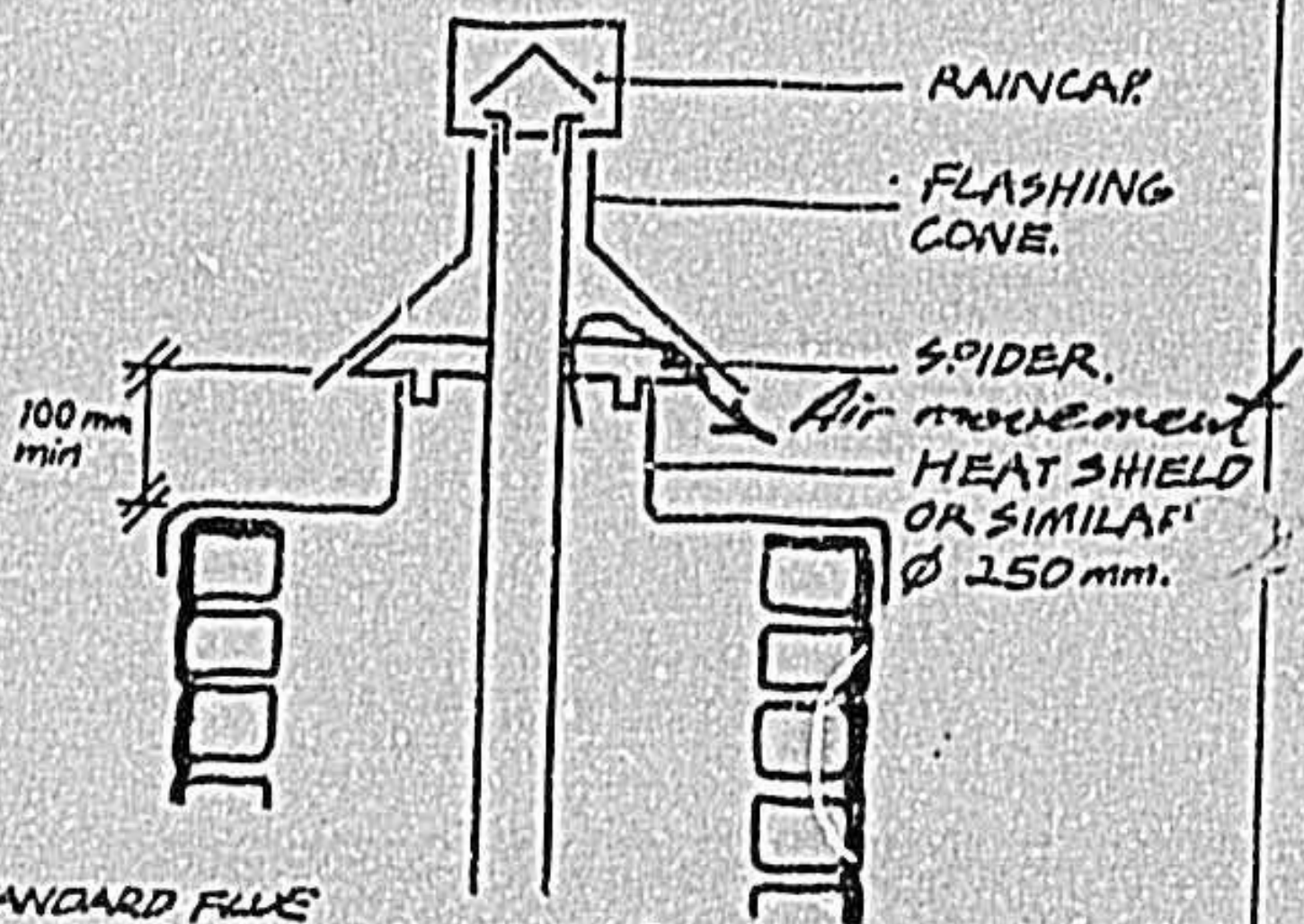
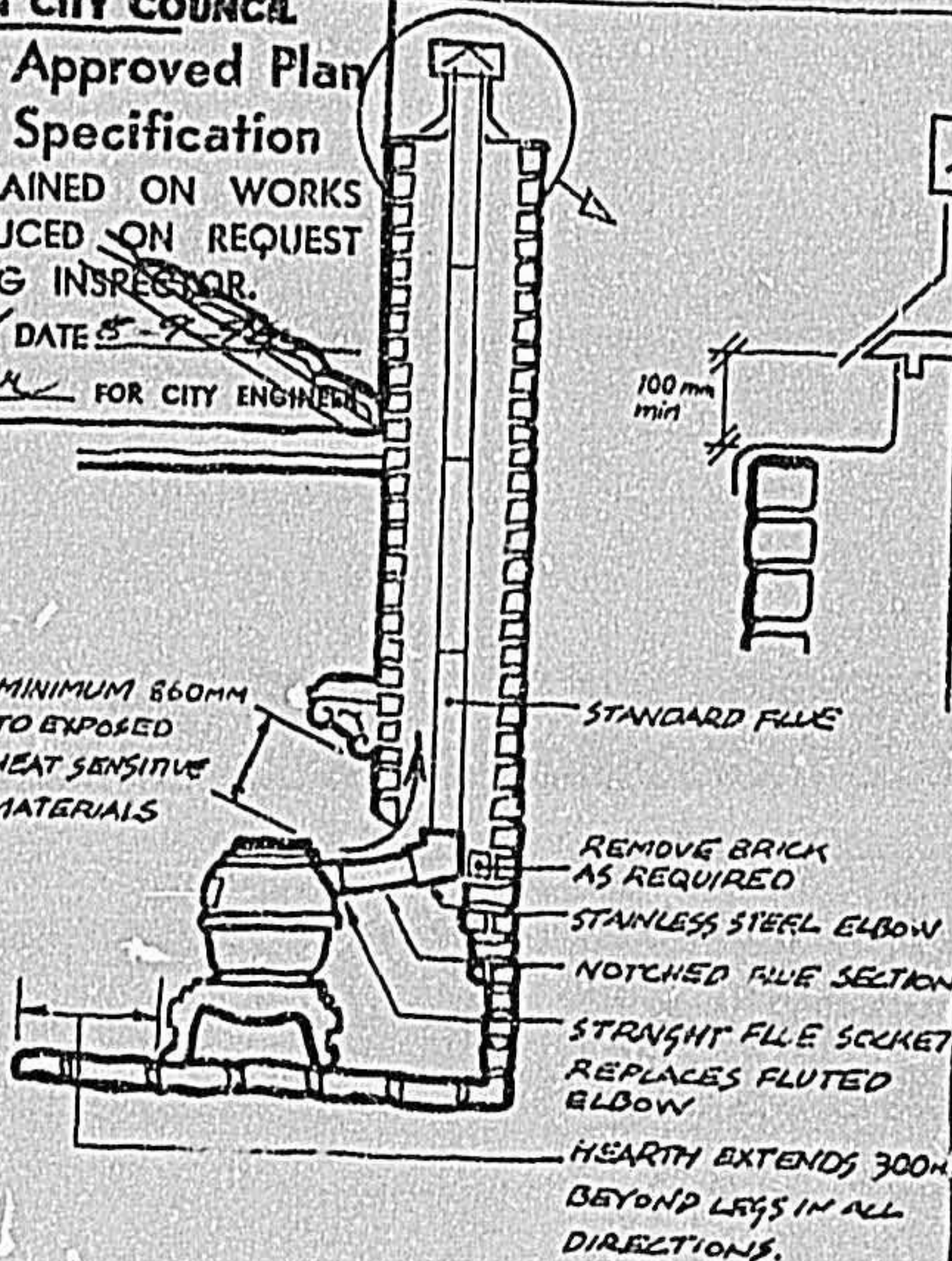
3.2.1 Full Height Flue Installation:

This method of installation is recommended as it gives a more positive draught which yields the best stove combustion efficiency, Figure 25. A full height flue should always be used if there is any doubt regarding the soundness of the mortared chimney joints and their ability to withstand the increased flue gas temperatures.

DUNEDIN CITY COUNCIL
Copy of Approved Plan
and/or Specification
TO BE RETAINED ON WORKS
AND PRODUCED ON REQUEST
OF BUILDING INSPECTOR.

DATE 5-7-78
FOR CITY ENGINEER

MINIMUM 860MM
TO EXPOSED
HEAT SENSITIVE
MATERIALS



NOTE: The NZBC requires that the existing brick chimney be swept and examined for soundness by re-installer. Also a NEW stainless steel ventilated flue system is FIGURE 25 to be installed.

Code Compliance Certificate Form 7

Section 95, Building Act 2004

R P S Ward
C/O Adams Plumbing, Drainage and Electrical Ltd
24 Townleys Road
RD1
Dunedin 9076

The building

Street address of building: 29 Duncan Street Dunedin

Legal description of land where building is located: LOT 2 DP 4257

Building Name: n/a

Location of building within site/block number:

Level/unit Number:

Current, lawfully established, use: Ancillary

Number of occupants:

Year first constructed: 1989

The owner

Name of owner: R P S Ward

Contact person: R P S Ward

Mailing address: C/O Adams Plumbing, Drainage and Electrical Ltd, 24 Townleys Road, RD1, Dunedin 9076

Street address/registered office:

Mobile: 027 423 4708

Landline:

Email address: reuben.k.ward@gmail.com

First point of contact for communications with the building consent authority: As above

Building work

Building Consent Number:

ABA-2021-2930 - Install Foul and Stormwater Drainage Connections

This CCC also applies to the following amended consents:

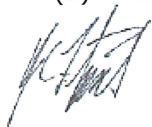
ABA-2022-676 - Amendment to ABA-2021-2930 - Construct Stormwater Drainage and Relocate Existing Foul Drainage

Issued by: Dunedin City Council

Code Compliance

The building consent authority named below is satisfied, on reasonable grounds, that-

(a) The building work complies with the building consent



Team Leader Inspections

On behalf of Dunedin City Council

Date: 22 July 2022

50 The Octagon | PO Box 5045 | Dunedin 9054, New Zealand | T 03 477 4000 | E dcc@dcc.govt.nz | www.dunedin.govt.nz



DunedinCityCouncil



@DnCityCouncil

The building

Street address of building: 29 Duncan Street Dunedin

Legal description of land where building is located: LOT 2 DP 4257

Building Name: N/A

Location of building within site/block number: N/A

Level/unit Number: N/A

The owner

Name of owner: R P S Ward

Contact person: R P S Ward

Mailing address: C/O Adams Plumbing, Drainage and Electrical Ltd, 24 Townleys Road, RD1, Dunedin 9076

Street address/registered office:

Mobile:

Landline:

Email address: reuben.k.ward@gmail.com

First point of contact for communications with the building consent authority: As above

Building work

The following building work is authorised by this building consent:

Install Foul and Stormwater Drainage Connections

This building consent is issued under Section 51 of the Building Act 2004. This building consent does not relieve the owner of the building (or proposed building) of any duty or responsibility under any other Act relating to or affecting the building (or proposed building).

This building consent also does not permit the construction, alteration, demolition, or removal of the building (or proposed building) if that construction, alteration, demolition, or removal would be in breach of any other Act.

This building consent is subject to the following conditions:

Agents authorised by the building consent authority for the purposes of the Building Act 2004 section 90(1) are entitled at all times during normal working hours or while building work is being done, to inspect land and buildings.

Compliance Schedule

A compliance schedule is not required for the building.

Attachments

Copies of the following documents are attached to this building consent:

Record of required site inspections - Building Act 2004 section 90(2)

Project Information Memorandum PIM-2021-691

Certificate attached to Project Information Memorandum



Grant Sutton

Authorised Officer

On behalf of Dunedin City Council

Date: 8 February 2022

**AS-BUILT
DRAINAGE PLAN**

Please nominate:

- ☐ Underslab
☒ Foul
☐ Stormwater
☐ Effluent Disposal System

Building Consent No: 2021-2930

Site Address: 29 DUNCAN ST

Plumber/Drainlayer: ADAMS

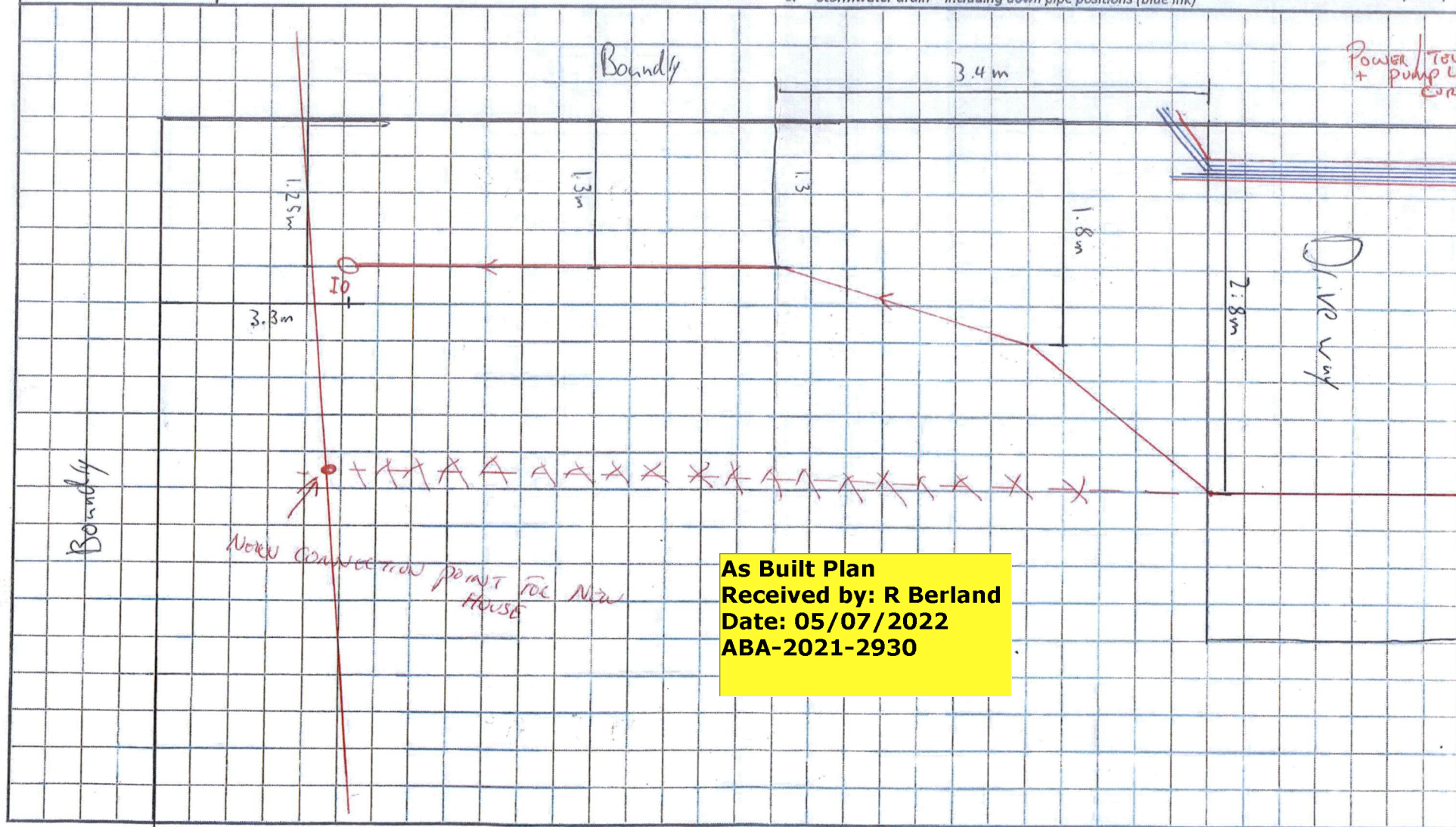
Registration No: 24179

Please show the following items:

1. Site plan of section
2. Must include street or road names & North point
3. Drain measurements
4. Foul water drains (red ink)
5. Septic tank and effluent lines (red ink)
6. Stormwater drain – including down pipe positions (blue ink)

7. GT – Gully trap positions
8. TV – Terminal vent positions
9. IP – Inspection points
10. Falls and invert levels

Scale drawn: _____
(Plans must not be drawn in pencil)



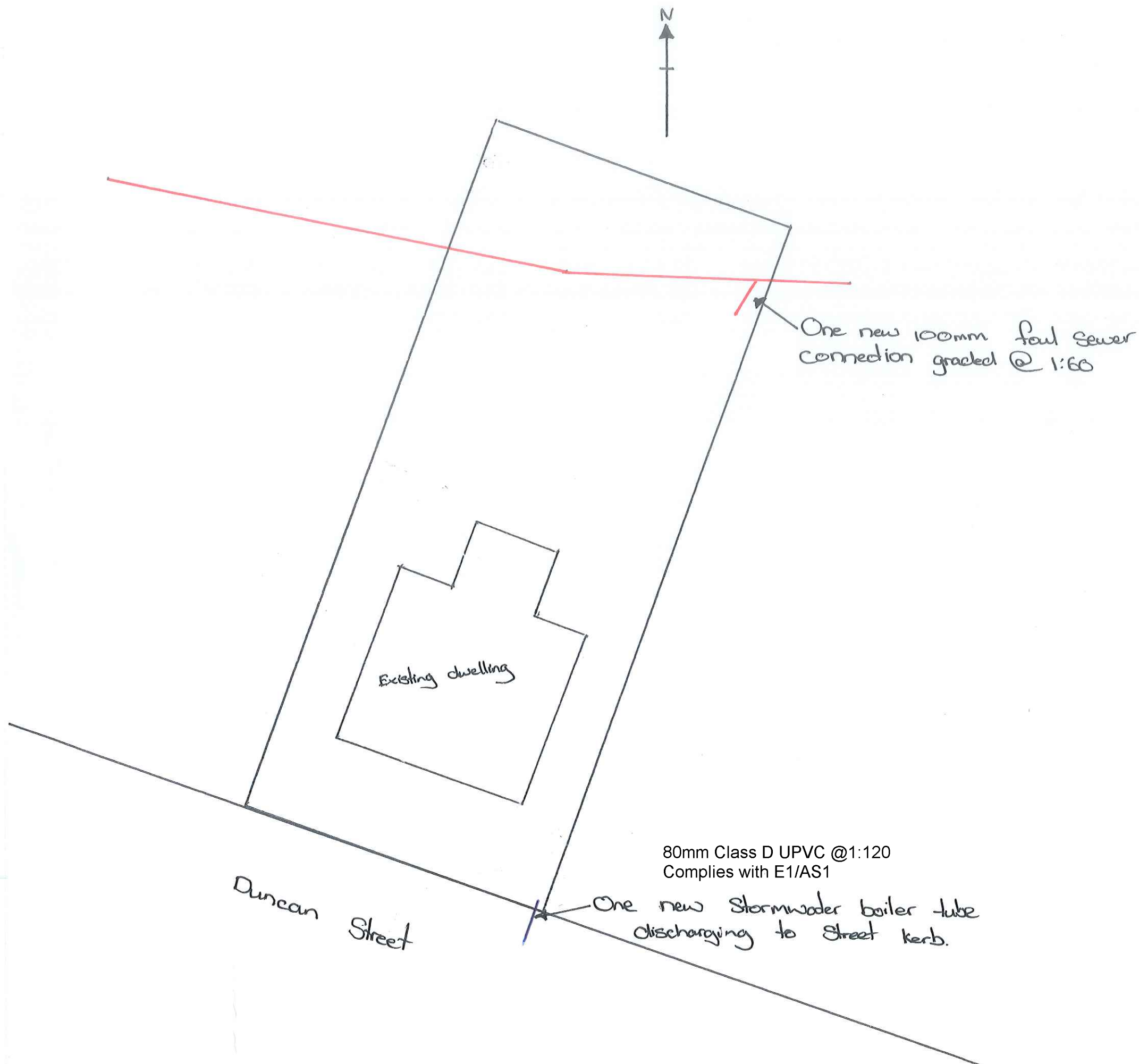
As Built Plan
Received by: R Berland
Date: 05/07/2022
ABA-2021-2930

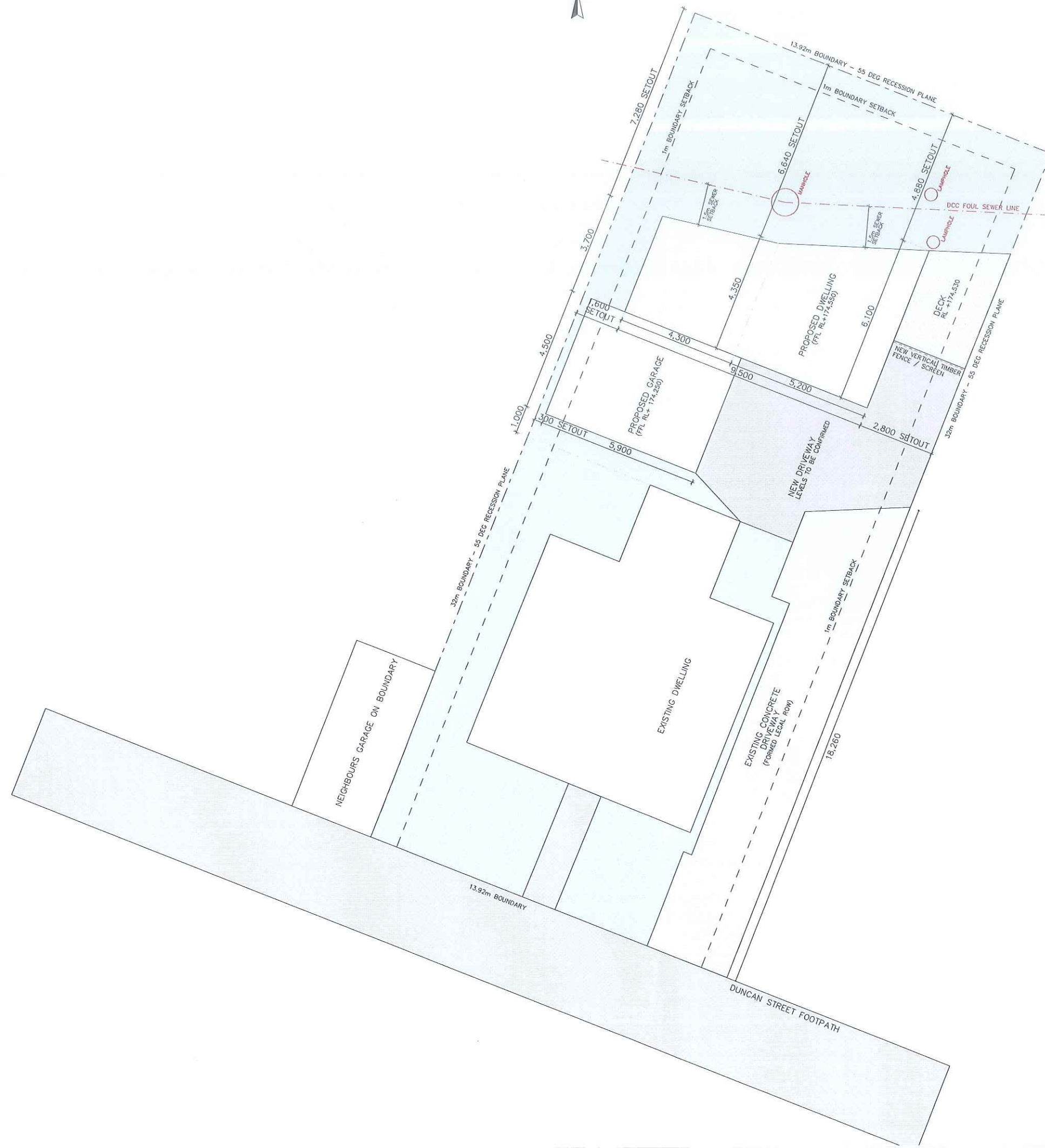
As Built Drainage

Valuation number 27160-SS400
Rate account ID 2027182
Property number 5027182
Certificate of title 256/192
Ratepayers name Reuben Peter Sidney
Ward
Legal description Lot 2 DP 4257
Area in hectares 0.0445
Note
All work to comply with
NZBC F5 Construction and Demolition
Hazards

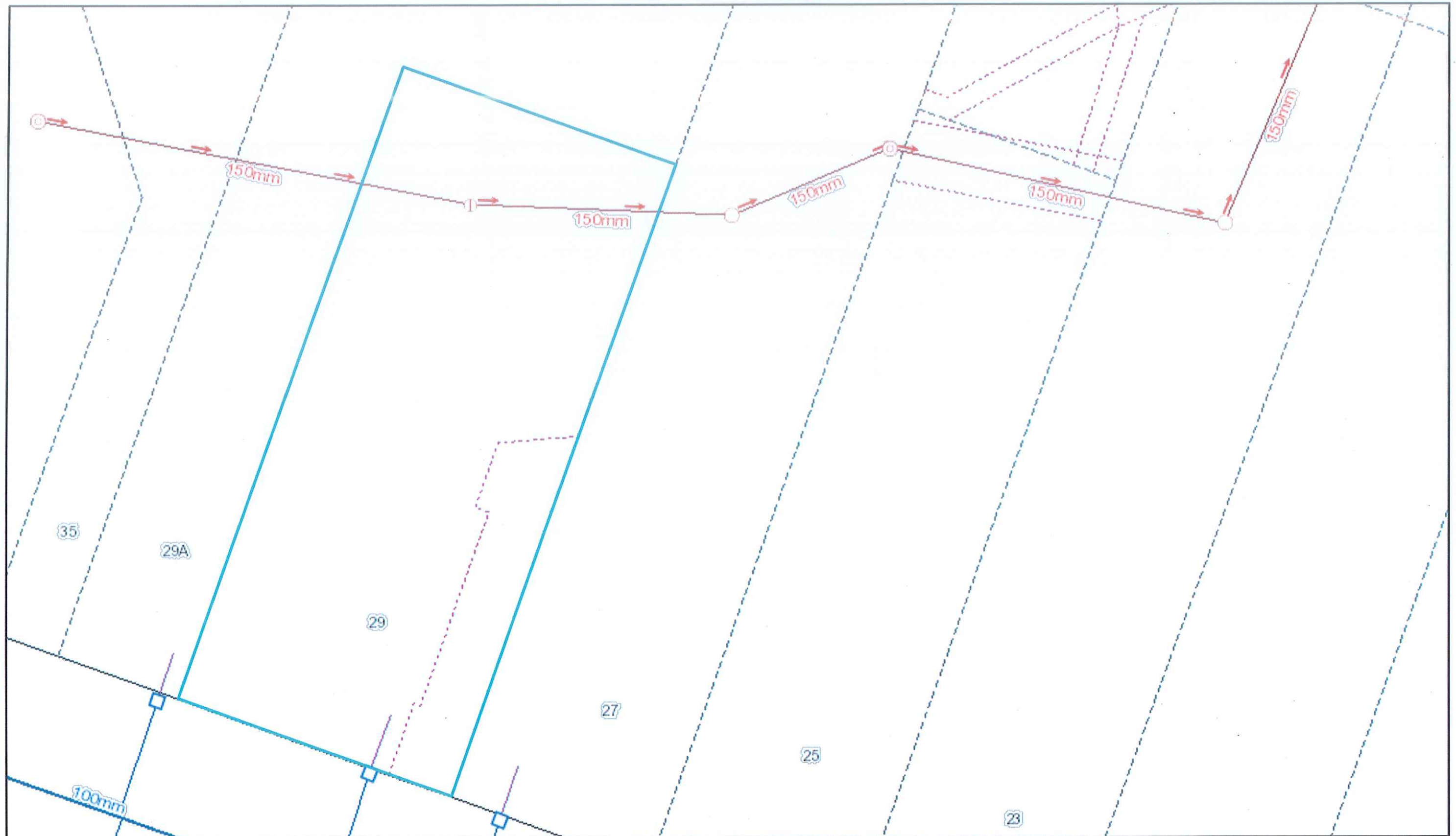
DUNEDIN CITY COUNCIL
Plans and Specifications approved in accordance
with the NZ Building Code.
To be retained on works and produced on request.

Date: 24/01/2022 Plumbing: A Roberts



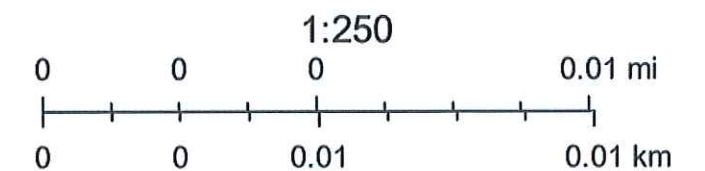


Services Map



12/4/2021, 11:58:46 AM

	Waste Water Scheme Boundary		Foul Drain Pipe		219 - Virtual Pipe		330 - Overflow Pipe
	Foul Sewer Misc Pipe		Foul Sewer Pipe		220 - Trunk Rising Main		Foul Sewer Pipe Label Simple
	204 - Redundant Foul Sewer Pipe		201- Sewer		222 - Vent Line		Foul Drain Node
	236 - Foul Sewer Pipe Renewals		209 - Trunk Sewer		224 - Rising Main		Standard Manhole (Private)



DUNEDIN DRAINAGE AND SEWERAGE BOARD

HOUSE CONNECTION PLAN.

COPY OF PRIVATE DRAINAGE PLAN

APPLICATION No.

A9067

DATE

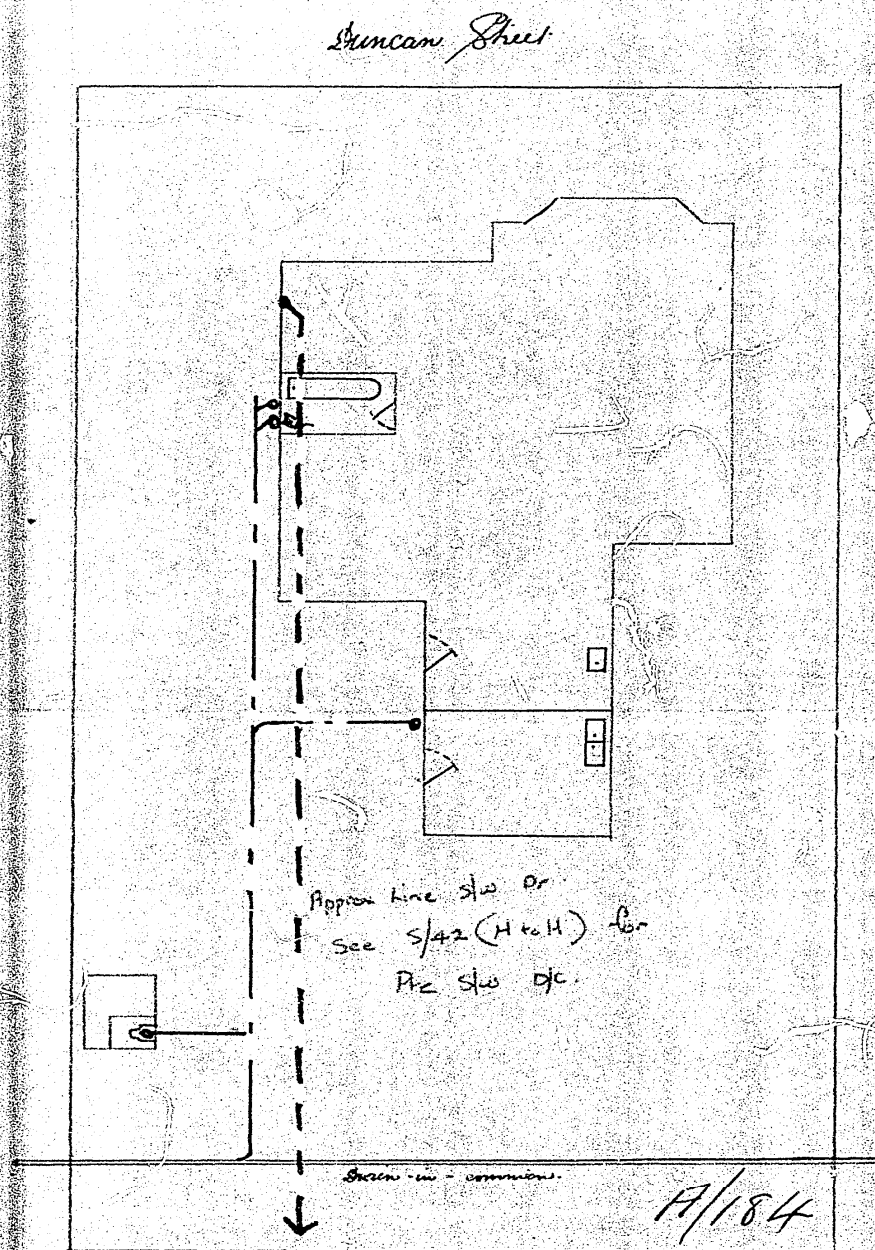
29. 7. 15

SCALE : $\frac{1}{2}$ in. to a Foot.

NEW SEWAGE DRAINS: RED

STORM WATER: DOTTED BLACK

OLD DRAINS: FULL BLACK



DRAIN LOCATION

Position, level (or existence) of public or private drains is subject to on site verification by the owner of the land or their agent.

LEGEND

- Existing Drains
- New Foul Drains
- New Stormwater Drains

Owner

Mr. H. Maxwell

Street

29 *Duncan Street*

Locality

En

Block 12

12

Section 23

Allotment

Signature of Drainer

C. E. Wright



Code Compliance Certificate Form 7

Section 95, Building Act 2004

R P S Ward
C/O Glen Van Der Vliet
24 Townleys Road
RD 1
Dunedin 9076

The building

Street address of building: 29 Duncan Street Dunedin

Legal description of land where building is located: LOT 2 DP 4257

Building Name: n/a

Location of building within site/block number:

Level/unit Number:

Current, lawfully established, use: Ancillary

Number of occupants:

Year first constructed: 2022

The owner

Name of owner: R P S Ward

Contact person: R P S Ward

Mailing address: C/O Glen Van Der Vliet, 24 Townleys Road, RD 1, Dunedin 9076

Street address/registered office:

Mobile: 027 423 4708

Landline:

Email address: reuben.k.ward@gmail.com

First point of contact for communications with the building consent authority: As above

Building work

Building Consent Number:

ABA-2022-391 - Construct Stormwater Drainage (Future Subdivision for Neighbouring Property 27 Duncan Street)

This CCC also applies to the following amended consents: n/a

Issued by: Dunedin City Council

Code Compliance

The building consent authority named below is satisfied, on reasonable grounds, that-

(a) The building work complies with the building consent

Team Leader Inspections
On behalf of Dunedin City Council

Date: 22 July 2022



The building

Street address of building: 29 Duncan Street Dunedin

Legal description of land where building is located: LOT 2 DP 4257

Building Name: N/A

Location of building within site/block number: N/A

Level/unit Number: N/A

The owner

Name of owner: R P S Ward

Contact person: R P S Ward

Mailing address: C/O Paterson Pitts Partners Limited, PO Box 5933, Dunedin 9054

Street address/registered office:

Mobile:

Landline:

Email address: reuben.k.ward@gmail.com

First point of contact for communications with the building consent authority: As above

Building work

The following building work is authorised by this building consent:

Construct Stormwater Drainage (Future Subdivision for Neighbouring Property (27 Duncan Street))

This building consent is issued under Section 51 of the Building Act 2004. This building consent does not relieve the owner of the building (or proposed building) of any duty or responsibility under any other Act relating to or affecting the building (or proposed building).

This building consent also does not permit the construction, alteration, demolition, or removal of the building (or proposed building) if that construction, alteration, demolition, or removal would be in breach of any other Act.

This building consent is subject to the following conditions:

Agents authorised by the building consent authority for the purposes of the Building Act 2004 section 90(1) are entitled at all times during normal working hours or while building work is being done, to inspect land and buildings.

Compliance Schedule

A compliance schedule is not required for the building.

Attachments

Copies of the following documents are attached to this building consent:

Record of required site inspections - Building Act 2004 section 90(2)

Project Consideration PCON-2022-157



Grant Sutton

Authorised Officer

On behalf of Dunedin City Council

Date: 4 April 2022

**AS-BUILT
DRAINAGE PLAN**

Please nominate:

- ☐ Underslab
☒ Foul
☐ Stormwater
☐ Effluent Disposal System

Building Consent No: 2022-391
Site Address: 29 DUNCAN ST

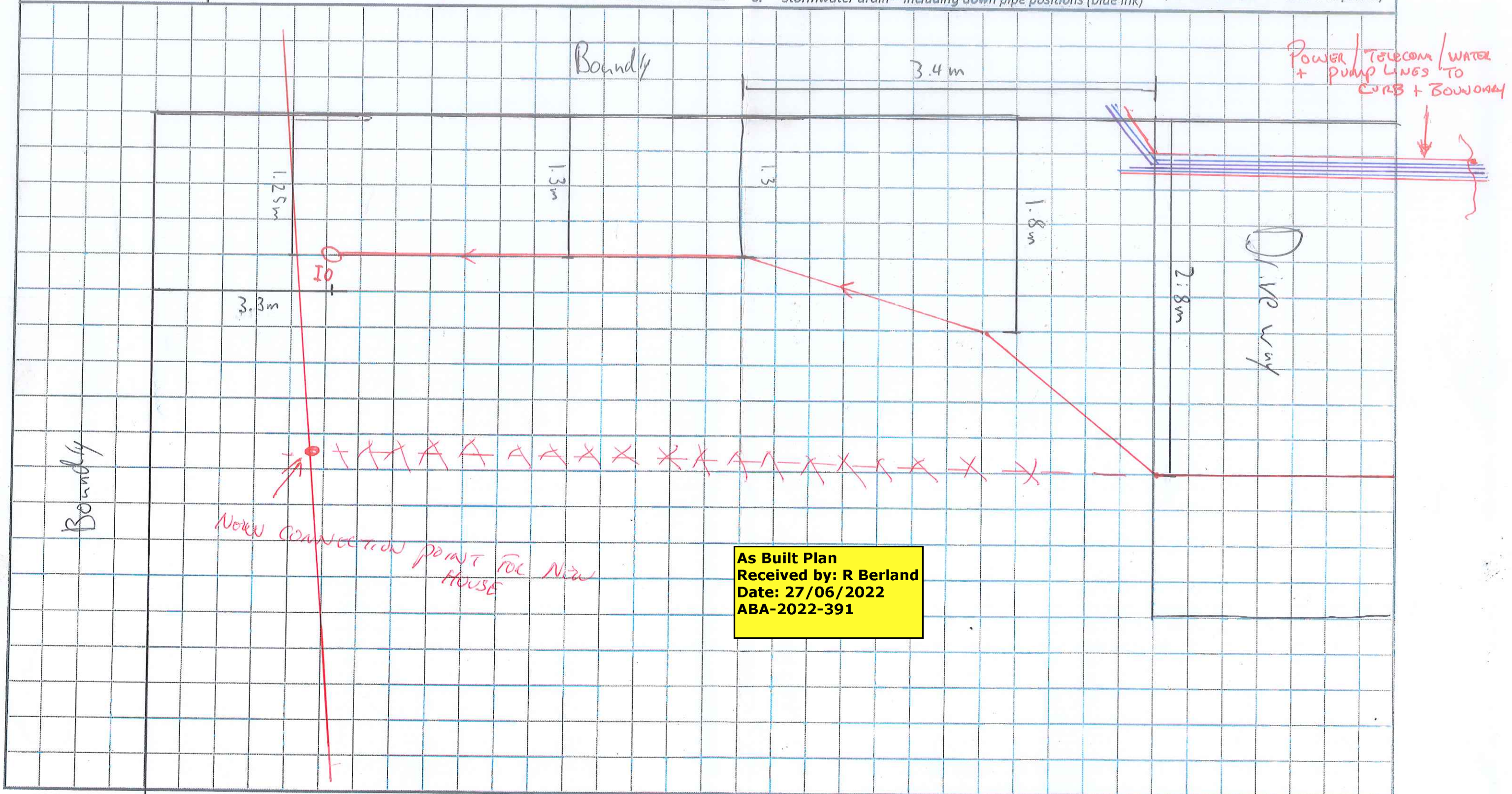
Plumber/Drainlayer: Adams
Registration No: 24179

Please show the following items:

1. Site plan of section
2. Must include street or road names & North point
3. Drain measurements
4. Foul water drains (red ink)
5. Septic tank and effluent lines (red ink)
6. Stormwater drain – including down pipe positions (blue ink)

7. GT – Gully trap positions
8. TV – Terminal vent positions
9. IP – Inspection points
10. Falls and invert levels

Scale drawn: _____
(Plans must not be drawn in pencil)



The building

Street address of building: 29 Duncan Street Dunedin

Legal description of land where building is located: LOT 2 DP 4257

Building Name: N/A

Location of building within site/block number: N/A

Level/unit Number: N/A

The owner

Name of owner: R P S Ward

Contact person: R P S Ward

Mailing address: C/O Adams Plumbing, Drainage and Electrical Ltd, 24 Townleys Road, RD1, Dunedin 9076

Street address/registered office:

Mobile: 027 423 4708

Landline:

Email address: reuben.k.ward@gmail.com

First point of contact for communications with the building consent authority: As above

Building work

The following building work is authorised by this building consent:

Amendment to ABA-2021-2930 - Construct Stormwater Drainage and Relocate Existing Foul Drainage

This building consent is issued under Section 51 of the Building Act 2004. This building consent does not relieve the owner of the building (or proposed building) of any duty or responsibility under any other Act relating to or affecting the building (or proposed building).

This building consent also does not permit the construction, alteration, demolition, or removal of the building (or proposed building) if that construction, alteration, demolition, or removal would be in breach of any other Act.

This building consent is subject to the following conditions:

Agents authorised by the building consent authority for the purposes of the Building Act 2004 section 90(1) are entitled at all times during normal working hours or while building work is being done, to inspect land and buildings.

Compliance Schedule

A compliance schedule is not required for the building.

Attachments

Copies of the following documents are attached to this building consent:

Project Consideration PCON-2022-250



Grant Sutton

Authorised Officer

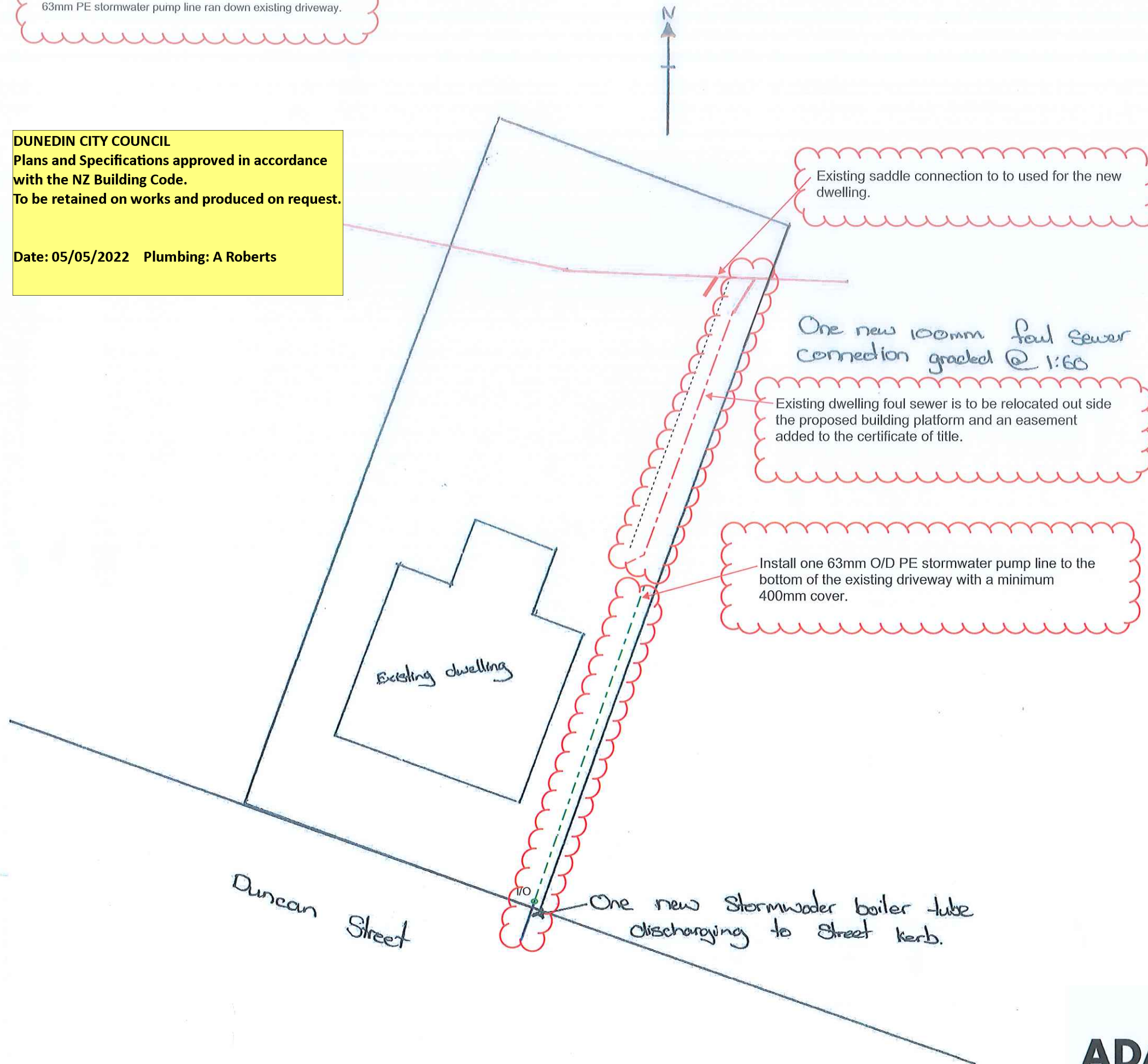
On behalf of Dunedin City Council

Date: 6 May 2022

63mm PE stormwater pump line ran down existing driveway.

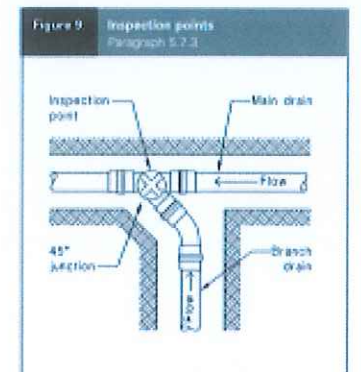
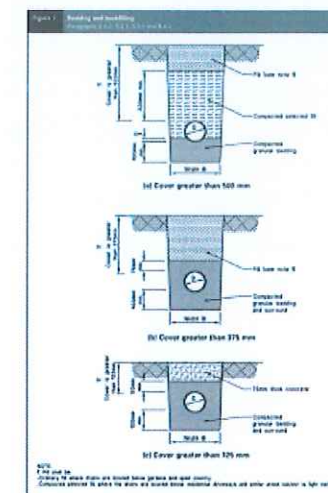
DUNEDIN CITY COUNCIL
Plans and Specifications approved in accordance
with the NZ Building Code.
To be retained on works and produced on request.

Date: 05/05/2022 Plumbing: A Roberts



Valuation number 27160-55400
Rate account ID 2027182
Property number 5027182
Certificate of title 256/192
Ratepayers name Reuben Peter Scholey
Nobel
Legal description Lot 2 DP 4257
Area in hectares 0.0445
Note

All work to comply with
NZBC F5 Construction and Demolition
Hazards



Sanitary Plumbing and Drainage

Installation to comply with G13/AS1, AS2 or AS 3500.2
uPVC pipe and fittings to comply with AS/NZS 1260, NZS 7649
Installation standard NZS 7643

Stormwater Drainage

Installation to comply with E1/AS1
uPVC pipe and fittings to comply with AS/NZS 1260, NZS 7649
Installation standard NZS 7643

ELM ROW

282-28

276-81

254-75

273-47

266-85

260-73

BROWN STREET

243-54

248-62

DUNCAN

308-81

258-01

STREET

285-42

275-86

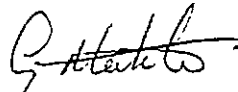
263-75

S.42.

Scale 40 Feet = 1 inch
C/8093

MINOR DRAIN REPAIRS / REPLACEMENTS

- A: Notification of intention to repair or replace an existing stormwater boiler tube in the same position, within the public footway, which discharges to the street channel.
☐ tick
- B: Notification of intention to repair or replace an existing private foul or stormwater drain within the owner's property in the same position where the developed length of such repair or replacement does not exceed two metres in length, and the diameter of such drain is not more than 150mm.
☐ tick
- C: Notification of intention to reconnect an existing foul or stormwater drain to a public sewer when the drain diameter does not exceed 150mm and the developed length of drain does not exceed 2.0m and the work is being undertaken as part of Council's Drainage works programme.
☒ tick

<u>APPLICANT</u> NAME: Te Mahoe Trust MAILING ADDRESS: 29 Duncan st CONTACT NAME: Merv Dickens POSITION: Contractor PHONE: 4776363 FAX: 474 5849	<u>REGISTERED DRAINLAYER</u> NAME: Graham Meikle ADDRESS: 36 Chapman st Dunedin. REGISTRATION NO.: 14882. SIGNATURE:  DATE: 19.12.00
<u>PROJECT LOCATION</u> STREET ADDRESS: 29 Duncan st PROPERTY NO.: VALUATION NO.: 27160 55400 LOT: 2 DP: 4257 SECTION: BLOCK: SURVEY DISTRICT:	<u>COUNCIL CHARGES</u> ADMINISTRATIVE CHARGES \$20.00 (GST INCLUSIVE) CR0426 22Jan01 14:53 CHEQ \$160.00 Citiworks Ltd \$160.00* TAX INVOICE GST 17.78 0.00

24 May 2016

JS Bellamy
C/- Andrew Robinson
Paterson Pitts Partners Ltd
PO Box 5933
Moray Place
Dunedin 9058

Dear Andrew

RESOURCE CONSENT APPLICATION: **RIGHT OF WAY: POL-2016-15**
LUC-2016-228
27 & 29 DUNCAN STREET
DUNEDIN

Thank you for your application to create a right of way easement over 29 Duncan Street, Dunedin, in favour of 27 Duncan Street, pursuant to section 348 of the Local Government Act 1974, and the related application for land use consent for an under-width right of way. I advise that the application for land use consent LUC-2016-228 was processed on a non-notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. In considering sections 95A to 95G, it was determined that any adverse effects would be no more than minor, there were no affected parties to the application, and that there were no special circumstances in relation to the proposal. Therefore, public notification of the application was not required. The application was considered by a Senior Planner under delegated authority on 24 May 2016.

I advise that the Council has **agreed** to the creation of the rights of way with conditions. A section 348 certificate for registration of the right of way will be issued on the provision of a survey standard easement plan at Council, and the completion of the formation and hard surfacing of the right of way. It is your responsibility to attend to the registration of the s348 certificate and to bear any associated costs. This must be completed within three years from the date of this decision.

I advise that the Council has **granted** consent to the land use application with one condition. The decision is outlined below, and the decision certificate is attached to this letter.

DESCRIPTION OF ACTIVITY

The proposal is to create a right of way over the driveway of 29 Duncan Street, Dunedin, in favour of 27 Duncan Street. The subject sites are:

- 27 Duncan Street, legally described as Part Section 24 Block XII Town of Dunedin, held in Computer Freehold Register OT83/113, and having an area of 508m². The site is a long narrow property approximately 10.1m wide. It has a dwelling at the road frontage which occupies almost the entire width of the subject site and prevents vehicular access to the rear of the property.

- 29 Duncan Street, legally described as Allotment 2 Deposited Plan 4257, held in Computer Freehold Register OT256/192, and has an area of 445m². The site is rectangular, and has a dwelling situated on the front portion. There is an existing driveway along the southeast side of the house, next to 27 Duncan Street.

The applicant seeks to create a right of way between the houses so as to provide vehicular access to the rear of 27 Duncan Street. The right of way will be 2.8m wide legally, and 20.0m long.

REASONS FOR APPLICATION

Dunedin currently has two district plans: The Dunedin City District Plan and the Proposed Section Generation Dunedin City District Plan (the Proposed Plan). The Proposed Plan was notified on 26 September 2015 and is currently proceeding through the public process of becoming the operative plan. Until the rules of the Proposed Plan become operative, the current District Plan remains the operative plan. Where the rules of the Proposed Plan have been given effect, the rules of both plans need to be considered.

Section 88A of the Resource Management Act 1991 states that the activity status of an application is determined at the time of lodging the consent. The activity status could, therefore, be determined by the current District Plan or the Proposed Plan, depending on which rules are operative at the time. Nevertheless, even if it is the current District Plan which determines the activity status of the application, the rules of a proposed plan must be considered during the assessment of the application pursuant to section 104(1)(b) of the Act.

The relevant rules of the two district plans for this application are as follows:

The Dunedin City District Plan.

The subject sites are zoned **Residential 4** in the Dunedin City District Plan 1999. There are no hazards for these sites shown on the Hazards Register, and no designations applicable to this land.

Rule 8.10.1(i) lists residential activity at a density not less than 200m² per residential unit as a permitted activity for this zone, subject to compliance with the performance criteria of Rule 8.10.2. The residential activity of 27 and 29 Duncan Street is a permitted activity, but the new right of way will fail to comply with the following:

- Rule 8.10.2(viii) requires access to comply with the Transportation Section of the District Plan.
- Rule 20.5.7(f) requires a distance of 1.0m between a dwelling and a formed access serving another residential dwelling where the house and access are in the same site. The right of way will abut the house of 29 Duncan Street. While it will also be within 1.0m of the house on 27 Duncan Street, the house and access are not in the same site.
- Rule 20.5.7(v)(b) specifies a minimum legal width of 3.5m and a formed width of 3.0m for an access serving three or fewer units. The right of way will have a legal and formed width of 2.8m, therefore being 0.7m too narrow legally, and 0.2m too narrow in formation.

The residential activity of 27 and 29 Duncan Street is considered to be a **restricted discretionary** activity pursuant to Rule 8.10.4(i).

The Proposed Plan

The land is zoned **Inner City Residential** in the Proposed 2GP and is subject to the **Archaeological Alert Layer**.

The Proposed Plan has both land use and development provisions. The relevant provisions are as follows:

Land Use Activity:

Rule 15.3.3.3 lists standard residential activity as a permitted activity for this zone, subject to the performance criteria. The existing residential activity of 27 and 29 Duncan Street is considered to be a permitted activity.

Development Activity:

Rule 15.3.4.31 lists parking, loading and access to be a permitted activity subject to the performance criteria. Rule 6.6.3.8 sets the minimum distance between a driveway and dwelling at 1.0m. The driveway will not be 1.0m from the houses of 27 and 29 Duncan Street. Rule 6.6.3.9 sets the minimum width of a vehicle driveway as 4.5m legally and 3.0m formed. The proposed right of way will be 2.8m wide. The development component of the proposal is considered to be a restricted discretionary activity pursuant to Rule 15.3.1.13.

Overall Proposed Plan Status:

Having regard to both the land use and development activity components under the Proposed Plan, the land use proposal is considered to be a restricted discretionary activity.

Summary

The application was lodged on 4 April 2016, after the close of submissions on the Proposed Plan. The Rural Residential zone rules are subject to submissions and are therefore not operative. The Dunedin City District Plan is therefore the operative plan, and the land use application is considered to be a **restricted discretionary** activity.

At the time of issuing this land use decision, none of the relevant Proposed Plan rules have been given effect or made operative. The relevant rules are subject to submissions and could change as a consequence of the submission process. Accordingly, the Council need not have regard to the rules of the Proposed Plan as part of the assessment of this application.

PLANNING ASSESSMENT

The application has been submitted without affected party approvals. No affected party approvals are required for an application pursuant to section 348 of the Local Government Act 1974. No persons are considered to be affected by the associated land use proposal for the reasons given below in the Section on the Effects on the Environment.

Effects on the Environment

The following assessment of effects on the environment has been carried out in accordance with section 104(1) of the Resource Management Act 1991. It addresses those assessment matters listed in Section 13.8 of the District Plan considered relevant to the proposed activity, and is carried out on the basis that the environment is a well-established residential area with mature gardens.

1. Transportation (8.13.7)

The Transportation Planner, Transport, has considered the application. He notes that the existing driveway is already concreted, and as such, does not require any conditions of consent. While the front section of the driveway is, indeed, hard surfaced, the rear portion is compromised by a clump of bamboo. It will be necessary to remove this bamboo prior to the s348 certificate being issued, and to have the driveway formed and hard surfaced for the entire length of the right of way.

The access is narrower than the District Plan anticipates, and is closer to the house of 29 Duncan Street than 1.0m. Although the driveway is also within 1.0m of the house

of 27 Duncan Street, the house is on a different site and therefore the rule is not triggered. The rule seeks to manage the possible effects of doors and windows opening out onto or over the driveway.

In this case, the space available for the right of way is limited by the positions of the houses. 27 Duncan Street is a narrow site with the house occupying almost all the width of the site. The parking area in front of the house is unlikely to be a compliant parking space as there is less than 4.0m between the house and front boundary. The proposed right of way will provide access to the rear of the site, thereby allowing cars to park behind the house. This is only possible by using a right of way over neighbouring land.

The driveway along the side wall of the house of 29 Duncan Street is an existing feature, and is currently utilised for 29 Duncan Street exclusively. The proposal merely allows 27 Duncan Street to use it also. The effects of vehicles passing close to the house are already established. The window on this wall is above head and car height, and is unlikely trucks will use the driveway on a regular basis. Given the lack of options for access to both sites, the proposed right of way and driveway width is considered acceptable. However, should any future development of either property occur intensify the use of the right of way, the adequacy of the access for the development should be reassessed at the time of any building consent or resource consent application.

2. Amenity Values (8.13.5)

The proposal involves existing residential activity on residential sites, and there will be no change to the physical layout of the sites, and no new entranceways off Duncan Street. The driveway is formed for some of its length, and has been in use for some time. Any adverse effects arising from the width of the driveway are well-established and not changing with this application. The proposed right of way and the use of the existing access are considered to maintain the amenity values of the Residential 4 zone and this area.

DECISION

LUC-2016-228

*That, pursuant to section 34A(1) and 104C and after having regard to section 104 of the Resource Management Act 1991, and the Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being the existing residential activity (one house for each subject site) of the land legally described as Part Section 24 Block XII Town of Dunedin (CFR OT83/113) and Lot 2 DP 4257 (CFR OT256/192) at 27 and 29 Duncan Street, Dunedin, utilising an existing under-width access (right of way), subject to one condition imposed under section 108 of the Act, as shown on the attached certificate.*

POL-2016-15

*That pursuant to section 348 of the Local Government Act 1974, the Dunedin City Council **grants** approval for the creation of Right of Way A shown on the plan prepared by Paterson Pitts Partners Ltd, entitled, "Easement 'A' being a Proposed Right of Way over Lots 2 DP 4257," at 29 Duncan Street, Dunedin, as detailed in the application POL-2016-15, received at Council on 4 April 2016, subject to the following conditions:*

1. *That a survey standard plan shall be submitted to Council showing the proposed Right of Way A;*
2. *That the entire length of the rights of way shall be formed to the maximum width possible between the boundary and the house, and to a minimum of 3.0m width beyond the house, and shall be hard surfaced and adequately drained for its duration.*

REASONS

Effects

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

District Plan – Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Dunedin City District Plan and the proposed 2GP were taken into account when assessing the application. The proposal is considered to be consistent with the following objectives and policies:

Dunedin City District Plan

- **Objective 4.2.1 and Policy 4.3.1 (Sustainability Section)** seek to promote enhancing and maintaining the amenity values of the Dunedin area.
- **Objective 8.2.1 and Policy 8.3.1 (Residential Section)** seek to ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied or mitigated.
- **Objective 20.2.2 and Policy 20.3.4 (Transportation Section)** seek to ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.

Proposed 2GP

The objectives and policies of the 2GP must be considered alongside the objectives and policies of the current district plan. The proposal is considered to be consistent with the following 2GP objectives and policies:

- **Objective 6.2.3** seeks to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.
- **Objective 6.2.4** seeks to ensure that parking areas, loading areas and vehicle accesses are designed and located to:
 - provide for the safe and efficient operation of both the parking or loading area and the transport network;
 - facilitate the safe and efficient functioning of the transport network and connectivity for all travel methods.

The proposal is consistent with the relevant policy provisions above. The proposal is legitimising an existing access, and is not creating any traffic safety issues.

RIGHTS OF OBJECTION

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

The Chief Executive
Dunedin City Council
P O Box 5045
Moray Place
Dunedin 9058

Attention: Senior Planner – Enquiries Plaza, Ground Floor

Yours faithfully

Lianne Darby
Planner

Consent Type: Land Use Consent

Consent Number: LUC-2016-228

Location of Activity: 27 & 29 Duncan Street, Dunedin

Legal Description: Part Section 24 Block XII Town of Dunedin (CFR OT83/113) & Lot 2 DP 4257 (CFR OT256/192)

Lapse Date: 24 May 2021, unless the consent has been given effect to before this date. This land use consent is not considered to be given effect until 27 Duncan Street has legal right of way over the driveway of 29 Duncan Street in accordance with POL-2016-15.

*That, pursuant to section 34A(1) and 104C and after having regard to section 104 of the Resource Management Act 1991, and the Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being the existing residential activity (one house for each subject site) of the land legally described as Part Section 24 Block XII Town of Dunedin (CFR OT83/113) and Lot 2 DP 4257 (CFR OT256/192) at 27 and 29 Duncan Street, Dunedin, utilising an existing under-width access (right of way), subject to one condition imposed under section 108 of the Act, as follows:*

1. *That the proposal shall be undertaken generally in accordance with the plan prepared by Paterson Pitts Group titled, "Easement 'A' being a Proposed Right of Way over Lots 2 DP 4257," as detailed in the application LUC-2016-228 received at Council on 4 April 2016.*

Advice Notes:

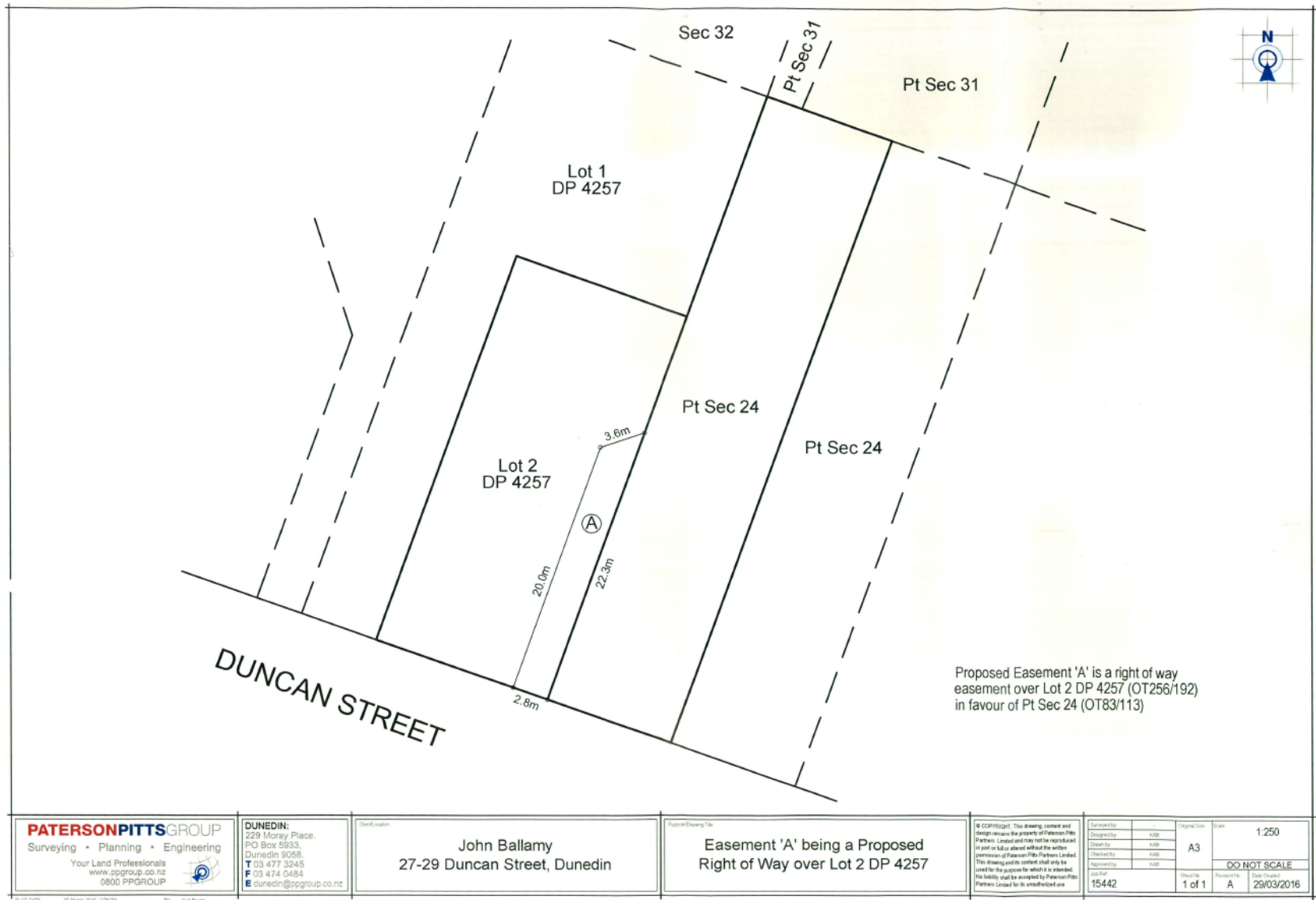
1. In addition to the conditions of a resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake. A similar responsibility exists under the Health Act 1956.
2. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
3. Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
4. It is the consent holder's responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
5. It is advised that the vehicle access from the carriageway to the property boundary is over legal road and is therefore required to be constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (available from Transportation).

6. It is recommended that the owners and users of the right of way enter into a formal agreement to clarify the responsibilities for maintenance of the driveway.
7. This land use consent does not provide 27 Duncan Street with the legal right to drive over the access of 29 Duncan Street. It is necessary for a right of way to be created for this purpose.

Issued at Dunedin 24 May 2016.

Lianne Darby
Planner

COPY OF PLAN: Not to Scale.



14 October 2021

Reuben Ward
C/- Terramark Limited
PO Box 235
Dunedin 9054
Attn: Maaike Duncan

Via email: maaike@terramark.co.nz

Dear Maaike

RESOURCE CONSENT APPLICATION:

**SUB-2021-181 & LUC-2021-397
29 DUNCAN STREET
DUNEDIN**

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 14 October 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.

Please note that the processing of this application could not be completed within the 20 working day time limit prescribed under section 115 of the Resource Management Act 1991. The time limits for the processing of this consent have been extended pursuant to sections 37A(2)(b) and 37A(5) of the Resource Management Act 1991 due to the need to confirm legal matters regarding access.

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 blue ink, appearing to read 'R. Buxton', followed by a horizontal line.

Robert Buxton, Buxton & Walker Limited
Consultant Planner

APPLICATION SUB-2021-181 & LUC-2021-397: 29 DUNCAN STREET, DUNEDIN

Department: Resource Consents

DESCRIPTION OF ACTIVITY

The subject site is rectangular front site that slopes down in a west to east direction. The subject site is Lot 2 Deposited Plan 4257 (RT OT256/192), which has an area of 445m². There is an existing Right of Way (ROW) Easement Instrument 10668748.1 in favour of 27 Duncan Street, which will carry over as Easement A on the subdivision plan.

The proposal is to demolish the shed and sleepout at the rear of the site and subdivide an additional lot at the rear of the existing dwelling. The subdivision being:

- Lot 1, being a 233m² front site, with a 13.92m frontage to Duncan Street will contain the existing 82m² single storey three bedroom dwelling.
- Lot 2, being a 212m² rear site with access via Right of Ways (ROWs) over Lot 1, will contain an approximately 71m² footprint two-storey three bedroom dwelling with internal garage, and a cantilevered deck over a proposed easement for the DCC Foul Sewer. The ROW is 2.8m wide at its narrowest point, 3.12m wide at the road frontage, and the existing formed driveway is approximately 0.4m from the existing dwelling.

REASONS FOR APPLICATION

Dunedin currently has two district plans: the Operative Dunedin City District Plan 2006 (the “2006 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.

2006 District Plan

The subject site is zoned **Residential 4**. Duncan Street is a Local road.

The zoning and rules of the Proposed 2GP relevant to this application are not appealed, except for Proposed 2GP Rule 6.6.3.9.a.i.2 Minimum legal width of driveways serving up to six residential units and Rule 15.6.6.1.a.ii Height in Relation to Boundary. Therefore the rules of the 2006 District Plan that apply to this activity are considered effectively inoperative, except for:

- Rule 20.5.7(v)(b) which requires a minimum legal width of 3.5m for access to 1-3 units. As the legal width of proposed access for Lot 2 will be 2.8m, the proposal contravenes this rule. In accordance with Rule 18.5.2, the proposed subdivision is a **non-complying** activity. In accordance with Rule 8.10.4(i) the proposed land use is a **restricted discretionary** activity.
- Rule 8.10.2(ii) which requires buildings to be within a Height Plane Angle of 72° (1 to 3 yard to height ratio) measured at ground level on the boundary. The application plans show the Height Plane Angle of 72° will be breached on the side boundaries and the internal boundary as follows:
 - The existing dwelling on Lot 1 infringes the height plane by approximately 2m on the internal boundary (based on the silhouette of the existing building shown on the East elevation).
 - The garage on Lot 2 infringes the height plane completely on the internal boundary.
 - The gable of the dwelling on Lot 2 infringes the height plane by approximately 0.6m on the internal boundary.

- The balustrade of the deck infringes the height plane by approximately 0.75m on the southeast side boundary.
- The dwelling on Lot 2 infringes the height plane by approximately 0.75m on the northwest side boundary.
- The garage on Lot 2 infringes the height plane by approximately 1.6m on the northwest side boundary.

Under Rule 8.10.4(i) infringing the Height Plane Angle is a **restricted discretionary** activity with discretion restricted to the condition or conditions with which the activity fails to comply.

Therefore under the 2006 District Plan the Subdivision is a **non-complying** activity and the land use is a **restricted discretionary** activity

Proposed 2GP

The subject site is zoned **Inner City Residential** in the 2GP Plan and it is within the City Rise Residential Heritage Precinct, the existing dwelling is Character Contributing building CC605 and there is an Archaeological Alert Layer. Duncan Street is a Local Road.

Note Variation 2 was publicly notified on 3 February 2021. The amended objectives and policies of that variation have immediate legal effect, but the changes to the rules do not.

Subdivision

Rule 15.3.5.2 lists general subdivision as a **restricted discretionary** activity. The minimum site size of 200m² is met. Therefore, the subdivision is considered to be a **restricted discretionary** activity pursuant to Rules 15.3.5.1 and 15.3.5.2. Under Rule 15.11.4 discretion is restricted to: Effects on neighbourhood residential character and amenity (Rule 15.11.4.1.a); Risk from natural hazards (Rule 15.11.4.1.b); Effects on efficiency and affordability of infrastructure (Rule 15.11.4.1.c); and Effects on the safety and efficiency of the transport network (Rule 15.11.4.1.d). These matters for discretion also cover the matters for discretion for subdivisions under Rules 6.11.2.7, 9.6.2.4 and 11.5.2.5.

Subdivision is required to meet Rule 15.7.6, which states that each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 7m x 10m that has a slope of 12° (1:4.7 or 21%) or less. The applicant states that Lot 2 contains building platforms that would meet this requirement, and although it is not mentioned in the Rule 15.7.6, I consider the building platform could also retain the 1.5m separation from the DCC sewer that runs through Lot 2.

Rule 15.7.1 refers to Rule 6.8.1, that states that where there is a minimum parking requirement a driveway is required. As there is no minimum parking requirement a driveway is not required.

Overall, the subdivision is considered to be a **restricted discretionary** activity.

Land Use

The proposal falls under the definition of *standard residential activity*. Under the Proposed 2GP, activities have both a land-use activity and a development activity component.

Land Use

Rule 15.3.3.3 lists standard residential activity as being a permitted activity subject to compliance with the performance standards. The minimum outdoor living space and service area performance standards can be met.

Rule 15.5.2.1.e specifies a maximum density of one habitable room per 45m² for an Inner City zone. For a site of 492m², this equates to a maximum of 9 habitable rooms which is met overall, and following

subdivision equates to a maximum 5 habitable rooms on Lot 1 and a maximum 4 habitable rooms on Lot 2, which is also met.

Rule 15.5.2.3 states that 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. Should development precede subdivision, the proposal will fail to comply with this performance standard due to development standard breaches listed below. Activities that contravene this performance standard are considered to be a **restricted discretionary** activity pursuant to Rule 15.5.2.4.c. Under Rule 15.10.3.1 discretion is restricted to effects on on-site amenity and assessment guidance is given in Rules 15.10.2.1 and 15.10.3.1.

Development

Under Rule 15.3.4.6, new buildings within a heritage precinct that are visible from an adjoining public place are a **restricted discretionary activity**. Under Rules 13.6.4.1 and 15.11.5.4, discretion is restricted to effects on heritage streetscape character, and assessment matters are listed in Rules 13.6.2.1, 13.6.4.1 and 15.11.5.4.

Rule 15.6.6.1.a.ii Height in relation to Boundary (HIRB) requires buildings on sites less than 16m wide to be within a HIRB of 3m vertical and 55°. The application plans show the HIRB will be breached on the northwest side boundary and the internal boundary. These breaches are:

- On the internal boundary, the existing dwelling on Lot 1 appears to exceed the HIRB by approximately 0.6m (based on the silhouette of the existing building shown on the East elevation).
- On the internal boundary, the gable of the dwelling on Lot 2 exceeds the permitted exemption of 2m by 2.2m along the horizontal portion of the infringement.
- On the northwest side boundary the dwelling on Lot 2 infringes the height plane by approximately 0.3m.

Under Rule 15.6.6.1.b activities that contravene this performance standard are **restricted discretionary** activities, with discretion restricted to the effects on: surrounding sites' residential amenity; and neighbourhood residential character and amenity (Rule 15.10.4.7) and assessment matters are listed in Rules 15.10.2.1 and 15.10.4.7. As noted above, this rule has been appealed so the relevant 2006 District Plan rule still applies.

Rule 15.6.10.1 requires the maximum building site coverage to be 60% and maximum impermeable area to be 80%. On page 10 of the application, the applicant has provided a table of coverage for each lot and the overall site. Although they refer to non-compliance with the impermeable area, this appears to arise from their consideration that impermeable area cannot exceed 20% (being the difference between the impermeable area and the building site coverage), whereas, it is the total impermeable area (which includes the buildings) that must not exceed 80%. None of the impermeable areas are shown in the table to exceed 80%.

Rule 15.6.13.1.a.iv Setbacks requires buildings to be setback 3m from the road boundary and 1m from side and rear boundaries. The proposed garage on Lot 2 will be completely within the setback of the internal boundary and will be approximately 0.3m from the northwest side boundary (with 29A Duncan Street). Under 15.6.13.1.b contravening this rule is a **restricted discretionary** activity and the matters that discretion is restricted to are effects on: surrounding sites' residential amenity (Rule 15.10.4.1.a); and neighbourhood residential character and amenity (Rule 15.10.4.1.b) and assessment guidance is listed in Rules 15.10.2.1 and 15.10.4.1.

Rule 6.6.3.9.a requires driveways to have a legal width of 4m and a formed width of 3m for 1-6 residential units. The legal width of the proposed ROW serving Lot 2 is 2.8m. Under Rule 6.6.3.9.b contravening this rule is a **restricted discretionary** activity and the matters that discretion is restricted to are effects on the safety and efficiency of the transport network (Rule 6.10.5.6) and assessment guidance is listed in Rules 6.10.2.1 and 6.10.5.6. As noted above, this rule has been appealed so the relevant 2006 District Plan rule

still applies. The adjoining property at 27 Duncan Street is closer than 1m from the boundary, and will be closer than 1m to the existing driveway, but I note that Rule 6.6.3.8 does not appear to apply to adjoining properties based on figures 6B.4 and 6B.5, and also this is an existing situation.

Summary

Overall, the land use proposal is considered to be a **restricted discretionary** activity.

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) came into effect on 1 January 2012. The NESCS 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 HAIL report has also been obtained for the current application (HAIL-2021-150). The applicant has advised *"A search of DCC records has been obtained to determine whether the site has any history of HAIL activity. The search found no record of HAIL activity. A search of the ORC Contaminated Site Database did not identify any known contaminated sites. It is therefore our view that the site is not subject to the NES"*. As such, I consider the National Environmental Standard is not applicable to the current application.

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.

The subdivision proposal is considered to be a **non-complying** activity. The land use proposal is considered to be a **restricted discretionary** activity.

WRITTEN APPROVALS AND EFFECTS ASSESSMENT

Affected Persons

The written approval of the persons detailed in the table below has been obtained. In accordance with sections 95D(e) and 104(3)(a)(ii) of the Resource Management Act 1991, the Council cannot have regard to the effects of the activity on these persons.

Person	Owner	Occupier	Address	Obtained
R F Caulton	✓	✓	29A Duncan Street	16/6/2021

Note written approval for infringements on the internal boundary are considered to be implicit as the applicant owns both lots.

No other persons are considered to be adversely affected by this proposal. This is because the environmental effects of the proposal are limited to effects on parties that are less than minor.

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.

There is no permitted baseline for subdivision. However, for land use activity, the Proposed 2GP would permit residential development of 9 habitable rooms over the original site.

It is considered that this is the appropriate baseline against which the land use activity should be considered. 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 and adjacent land, the existing and reasonably foreseeable receiving environment comprises residential development.

It is against these that the effects of the subdivision and land use activities, beyond the permitted baseline, must be measured.

Assessment Matters/Rules

Consideration is required of the relevant assessment matters in the 2006 District Plan and the relevant assessment rules in the Proposed 2GP, along with the matters in any relevant national environmental standard. No regard has been given to any trade competition or any effects of trade competition.

1. *Lot Size and Dimensions, Physical Limitations, Amenity and character, On-site amenity (Proposed 2GP 9.6.2.4, 11.5.2.5, 15.10.2.1, 15.10.3.10, 15.11.4.1a)*

The subdivision will meet the minimum lot size for the Inner City Residential zone. Although Lot 2 will be limited by the location of the DCC wastewater pipe cutting through this lot, it is considered that the lot can contain a building platform as required by the Proposed 2GP. It is also noted that the proposal will create 6 habitable rooms which is less than the 9 permitted for the site. There is also sufficient room for outdoor living spaces.

In terms of the infringement of the 2006 District Plan Height Plane and the Proposed 2GP Height in Relation to Boundary, most of these infringements are on the internal boundary where the written approval is considered implicit as the applicant owns both lots. In terms of infringement on the northwest side boundary, the written approval has been obtained, but I also note that the neighbouring site is to the north and that portion of the site is used for access, and therefore would be no shading or overlooking effects. In terms of the infringement of the 2006 District Plan Height Plane by the balustrade along the southeast side boundary, I note that the Proposed 2GP HIRB is shown as being met, and the balustrade is shown as being glass. While there may be some

overlooking of the neighbouring site, the difference between the proposed deck and a deck that complied with the 2006 District Plan is considered to be less than minor.

In terms of the infringement of the Proposed 2GP Setbacks, these infringements are either: on the internal boundary where the written approval is considered implicit as the applicant owns both lots; or on the northwest side boundary, where the written approval has been obtained. I also note that the neighbouring site to the northwest is used for access, and therefore there would be no shading or overlooking effects.

The infringement of the access width is discussed under Transportation below.

2. Infrastructure and Easements (Proposed 2GP 9.6.2.4, 15.11.4.1.c)

The Development Support Officer, 3 Waters and the Technical Support Officer, Seepage Control Unit have considered the application. They advise there are services available and that an easement in gross will be required for the DCC wastewater pipe located within lot 2. Also, given the proposed building is closer than 2.5m from the pipe, pre and post construction CCTV filming of the DCC wastewater pipe will be required. The Technical Support Officer notes:

New lot 1 has an existing dwelling with drainage plans on file indicating the existing foul drain connects to the Dunedin City Council sewer located in proposed lot 2. The location of this drain is to be identified as easements over proposed lot 2 may be required. There are no drainage plans on file for the existing stormwater. This is to be identified as to be discharging to an acceptable outfall.

New lot 2 foul drain can connect to the Dunedin City Council foul sewer within this proposed new lot or can be pumped to the Dunedin City Council foul sewer in Duncan. Stormwater can discharge to the Dunedin City Council stormwater sewer in Duncan Street, or to the Duncan Street kerb and channel, pumping may be required.

3. Transportation (Proposed 2GP 6.11.2.7, 15.11.4.1.d)

The application was forwarded to the Council's Transportation Operations department for comment. The Graduate Planner – Transport has considered the application. The Graduate Planner – Transport has advised:

ACCESS:

Access to the site is via an existing hard surfaced vehicle access located at the eastern property boundary. The applicant proposes to retain this access formation in favour of the rear site by creating Right of Way A. The formed and legal width of Right of Way A varies from approximately 3.12m wide then narrowing to 2.80m wide when passing the existing dwelling. I note that Rule 6.6.3.9.a.i. requires vehicle accesses to be formed to a minimum 3.0m wide. The proposal will breach this Rule by approximately 0.2m. From reviewing Google Street View imagery as well as the scheme plan provided, it appears as the proposed Right of Way can furthermore not meet the minimum setback requirement of 1.0m between the dwelling and the ROW pursuant to Rule 6.6.3.8.a.

I acknowledge that this is an existing situation and it appears as the vehicle access has been operating well in the past. The proposal will not intensify the usage of this vehicle access, as it will solely be serving the new residential unit at the rear. No on-site parking is proposed to be retained for the existing dwelling. The proposal will improve the existing situation, as on-site manoeuvring will be provided on Lot 2, and vehicles will be able to access and exit the site in a forward gear as opposed to reversing onto the road, which appears to currently be the case.

Altogether I have no objection to the access provisions as part of this proposal. That said, Transport recommends a consent condition be imposed that any windows/doors from the existing dwelling on Lot 1 facing the Right of Way must be stayed such that they are unable open onto the Right of Way in order to prevent interference between the activity on proposed Lot 1 and the vehicle access.

PARKING AND MANOEUVRING:

Proposed Lot 1 will not accommodate any on-site car parking space as a result of this development. Pursuant to Rule 15.5.8 as well as 6.6.1.2 and in regard of the land use activity as residential in the General Residential 1 Zone this is acceptable.

The proposed dwelling for Lot 2 will contain an attached garage. As proposed Lot 2 is in a rear location, sufficient manoeuvring space must be provided on site in accordance with Rule 6.6.1.2. The area must be large enough to ensure vehicles can exit the site in a forward direction by making no more than two reversing movements. The applicant has acknowledged this requirement and states, that on-site manoeuvring is available for the rear site. After further request, the applicant has provided a scheme plan that showed tracking lines for an 85th percentile design motor car, reversing out of the garage, manoeuvring in front of the proposed dwelling and exiting the site in a forward gear. Overall, the parking and manoeuvring provisions can be considered acceptable to Transport. For completeness, a condition of consent is recommended.

GENERATED TRAFFIC:

The proposed development will result in one additional lot with one three-bedroom residential dwelling proposed. I therefore consider that any traffic generated as a result of this proposal will have been anticipated within the zone and the effect of the proposal on the transportation network will be no more than minor.

Overall, the Graduate Planner – Transport is satisfied the adverse effects of the proposal on the transportation network will be less than minor, and suggests conditions and advice notes reflecting the above. I concur, but also consider there should be a condition that the front yard of the existing dwelling is not used as car parking, to ensure that the front yard of the Character Contributing building is not dominated by a vehicle. Regarding the conditions suggested by the Graduate Planner – Transport: that windows on the existing dwelling be stayed so that they do not encroach on the Right of Way, it is accepted that the ROW already exists for the neighbouring property; and the proposed condition regarding the parking and manoeuvring, it is accepted that the applicant has shown this can be met. Therefore these matters can be included as advice notes.

4. Hazards (Proposed 2GP 11.5.2.5, 15.11.4.1.b)

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 application was assessed by Councils' Consulting Engineer, Stantec, who provided the following comments:

Hazards

There are no hazards at the above lot within the hazards register.

Global Setting

The underlying geology consists of second main eruptive phase volcanics and is sloping by up to 12 degrees at the northern boundary.

Earthworks / Excavations / Retaining Structures

There are no significant proposed earthworks.

Discussion

The underlying geology is typically stable at the site slope angles. Standard foundations are likely to be suitable for any new dwelling on the site.

We recommend that the application not be declined on the ground of known natural hazards. There are no general potential instabilities of concern. The proposal will not create or exacerbate instabilities on this or adjacent properties.

The Engineer has suggested standard earthworks conditions. As the application does not include earthworks, and these are assumed to be within the permitted activity requirements of the Proposed 2GP, these conditions can be included as advice notes.

5. **Heritage streetscape character (Proposed 2GP 13.6.2.1, 13.6.4.1, 15.11.5.4)**

The application has been assessed by the Council's Consultant Heritage Advisor, who has advised the following:

The designer of the proposed new dwelling has followed district plan recommendations for the features and characteristics to be incorporated into new buildings within the heritage precinct. The sympathetic form, cladding, and colours of the proposed dwelling will allow it to effectively integrate into the existing historic built environment.

When constructed, the proposed dwelling will only be partially visible down a small viewshaft along the eastern elevation of the existing building. Existing buildings, topography, and vegetation will obscure it from views across the block from Arthur and Brown Streets or Elm Row.

In summary, the existing streetscape character will not be affected by this development. Accordingly, it is assessed that the construction of the proposed dwelling at 29 Duncan Street will have a less than minor effect on the heritage streetscape character of the City Rise Residential Heritage Precinct.

Conditions recommended:

- *Information on material colours to be provided before construction commences.*

The planner should include an advice note informing the applicant that the development may affect archaeological material and the proposed work will almost certainly require an Archaeological Authority under the HNZPT Act 2014 given that the site has been occupied prior to 1900. The applicant should consult with the HNZPT Otago-Southland Archaeologist about this.

I concur with this assessment noting that, while the development will be visible from the street, it will be more from angled views where the existing dwelling and the garage on 29A Duncan Street do screen or partially screen the development.

Overall, the subdivision, and development of a 3-bedroom unit on Lot 2 is considered to maintain that amenity values and character of the zone and area.

NOTIFICATION ASSESSMENT

Public Notification

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

Step 1: Mandatory public notification in certain circumstances

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

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

- There are no rules or national environmental standards precluding public notification.
- The application does not involve: a restricted discretionary or discretionary residential activity; a boundary activity; nor, an activity prescribed in regulations as being precluded from public notification. As a result, public notification is not precluded under Step 2

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

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

Step 4: Public notification in special circumstances

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

Limited Notification

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

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

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

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

- There are no rules or national environmental standards precluding limited notification.
- The application does not involve: a controlled activity that is not a subdivision; nor an activity prescribed in regulations as being precluded from limited notification.

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

- The application does not involve: a boundary activity (except along the internal boundary); nor, an activity prescribed in regulations that prescribe who is an affected person.
- Apart from persons who have given written approval, 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) as discussed above.

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 any adverse effects on the environment arising from the proposal are less 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 2006 District Plan and Proposed 2GP were taken into account when assessing the application.

2006 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 4.2.3 and Policy 4.3.2 (Sustainability Section)**
These seek to sustainably manage infrastructure.
- **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.
- **Objective 20.2.4 and Policy 20.3.6 (Transportation Section)**
These seek to maintain and enhance a safe, efficient and effective transportation network.

Proposed 2GP

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

- **Objective 2.4.1 and Policy 2.4.1.5 (Strategic Directions Section)**
 These seek to ensure that the elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. Specifically these seek to maintain or enhance the attractiveness of streetscapes, public open spaces and residential amenity by using rules that manage building bulk and location, site development and overall development density. (Note Variation 2 deletes the reference to overall development density.)
- **Objective 2.7.1 and Policy 2.7.1.1 (Strategic Directions Section)**
 These seek to ensure that public infrastructure networks operate efficiently and effectively and have the least possible long term cost burden on the public.
- **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 9.2.1 and Policy 9.2.1.1 (Public Health and Safety Section).**
 These seek to ensure that land use and subdivision development do not exceed the capacity of public infrastructure to manage effects. (Note in Variation 2, Policy 9.2.1.1 becomes 9.2.1.1A.)
- **Objective 11.2.1 (Hazards)**
 This seeks that in areas where there may be a risk from natural hazards, to only allow subdivision where there is reasonable certainty the risks for future land use or development is no more than low, in the short to long term.
- **Objective 13.2.3 and Policy 13.2.3.2, 13.2.3.6 and 13.2.3.7 (Heritage Section)**
 These seek to ensure that the heritage streetscape character of heritage precincts is maintained or enhanced.
- **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 or intended future character of the neighbourhood.

Objectives and Policies Assessment

Although consideration should be given to the weight each Plan has, it is noted that the proposed development is considered to be consistent with the relevant objectives and policies of both Plans, and these support the granting of consent.

Other Matters

Section 104(1)(c) of the Resource Management Act 1991 requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matters of precedent and Plan integrity are considered relevant here. These issues have been addressed by the Environment Court (starting with *Russell v Dunedin City Council* C092/03) and case law now directs the Council to consider whether approval of a non-complying activity will create an undesirable precedent. Where a plan's integrity is at risk by virtue of such a precedent, the Council is required to apply the 'true exception test'. This is particularly relevant where the proposed activity is contrary to the objectives and policies of the district plan and/or the proposed district plan.

In this case, the proposal is non-complying because the access will not meet the minimum legal width of the 2006 District Plan. Given that infringement of the minimum legal width of the Proposed 2 GP is a restricted discretionary activity, it is considered that the infringement will not undermine the integrity of the district plans.

Section 104D

Section 104D of the Resource Management Act 1991 specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the district plan and the proposed district plan. It is considered that the proposal meets both limbs as any adverse effects arising from this proposed activity will be no more than minor, and the activity will not be contrary to the objectives and policies of both the 2006 District Plan and the Proposed 2GP. Therefore, the Council can exercise its discretion under section 104D to grant consent.

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, 104B and 104D of the Resource Management Act 1991 for the subdivision consent, and in accordance with section 104C of the Resource Management Act 1991 for the land use consent.
3. The time limits for the processing of this consent be extended pursuant to sections 37A(2)(b) and 37A(5) of the Resource Management Act 1991.



Robert Buxton, Buxton & Walker Limited
Consultant Planner

Date: 14 October 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:

SUB-2021-181

*Pursuant to Part 2 and sections 34A(1), 104, 104B and 104D 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 **non-complying activity** being a two lot subdivision at 29 Duncan Street, Dunedin, legally described as Lot 2 Deposited Plan 4257 (RT OT256/192), subject to conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*

LUC-2021-397

*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: the land use consent for residential development within a heritage precinct consisting of an additional three-bedroom residential unit with performance standard breaches both prior to and following creation of lots under SUB-2021-181 at 29 Duncan Street, Dunedin, legally described as Lot 2 Deposited Plan 4257 (RT OT256/192), subject to conditions imposed under section 108 of the Act, as shown on the attached certificate.*

and

That, having taken into account:

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

the Council has, pursuant to sections 37A(2)(b) and 37A(5) of the Resource Management Act 1991, extended the requirement outlined in section 115 regarding the time in which notification of a decision must be given after the date the application was first lodged with the Council.



Phil Marshall
Senior Planner

Date: 14 October 2021

Consent Type: Subdivision Consent

Consent Number: SUB-2021-181

Purpose: A two lot subdivision.

Location of Activity: 29 Duncan Street, Dunedin.

Legal Description: Lot 2 Deposited Plan 4257 (RT OT256/192).

Lapse Date: 14 October 2026, unless the consent has been given effect to before this date.

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 18 December 2020, 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) *Service easements are required where any existing or proposed private services including water supply pipes, wastewater/stormwater laterals or telecommunication and power supply cross property boundaries in favour of the property they service. All easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset. These easements include:*
 - b) *Right of Way A over Lot 1 in favour of Lot 2 must be duly granted or reserved and shown in a Memorandum of Easements on the cadastral dataset.*
 - c) *An easement in gross in favour of the Dunedin City Council is required over the Council owned wastewater pipe located within lot 2. The easement must be made in accordance with Section 5.3.4 of the Dunedin Code of Subdivision and Development 2010.*
3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*
 - a) *The existing building that spans the boundary of Lots 1 and 2 must be removed from the site.*

Infrastructure

- b) *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 lot 2. Details of how this lot is to be serviced for water shall accompany the "Application for Water Supply". The water supply pipe from the newly installed water connection must be laid at least 600mm into new lot 2.*
- c) *Foul and stormwater laterals must be installed at least 600mm inside the boundaries of the new lots.*

Advice Notes:

DCC owned infrastructure within this property

1. Any earthworks or construction on this lot must meet the requirements of the Dunedin Code of Subdivision and Development (2010) in relation to building in close proximity to Council infrastructure, unless otherwise approved by 3 Waters. The Code prohibits any building within 1.5 metres of a pipeline. If any building is proposed within 2.5 metres of a pipe or manhole, 3 Waters must be notified to discuss options and whether an encumbrance on the title is required. 'Building' includes decks, fences, garages, sheds, retaining walls and so on.

Infrastructure

2. To reduce demand on the stormwater system, all hard surfacing is encouraged to be permeable where possible. See note 6.6.1.5A of the Proposed 2GP.
3. To reduce water consumption and therefore the volume of wastewater generated, the consent holder should consider installing water saving devices, including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers.
4. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
5. Detail of the water supply application process can be found at <http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
6. All aspects relating to the availability of water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.
7. 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).

Transport

8. It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.
9. Any windows/doors from the existing residential unit on Lot 1 facing the Right of Way should be stayed such that they are unable to open onto the Right of Way.
10. Sufficient manoeuvring space must be provided on Lot 2 to prevent vehicles reversing directly onto or off Duncan Street. The area must be large enough so that an 85th percentile design motor car is required to make no more than two reversing movements when manoeuvring.

Site development

11. This consent does not address any earthworks for this subdivision. Should future earthworks within the new lots breach the performance standards of Rule 8A of the Proposed 2GP, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.
12. When undertaking future earthworks, the developer is advised that:
 - a) 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.
13. 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 any development or earthworks proposal with Heritage New Zealand.
14. If you are demolishing any building that may have asbestos containing materials (ACM) in it:
 - a) You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.
 - b) Work may have to be carried out under the control of a person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.
 - c) If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016 and the New Zealand Approved Code of Practice: Management and Removal of Asbestos (September 2016);
 - d) Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.
 - e) If ACM is found on site during or following the soil disturbance activities you may be required to remediate the site and carry out validation sampling.
15. The development may affect archaeological material and the proposed work will almost certainly require an Archaeological Authority under the HNZPT Act 2014 given that the site has been occupied prior to 1900. The applicant should consult with the HNZPT Otago-Southland Archaeologist about this.
16. If the consent holder:
 - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:
 - i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.

- ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
 - iii) stop work within the immediate vicinity of the discovery or disturbance; and
 - iv) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and
 - v) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may recommence following consultation with the Consent Authority.

General

- 17. 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.
- 18. 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.
- 19. 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.
- 20. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
- 21. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the existing buildings.

Issued at Dunedin on 14 October 2021

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line.

Robert Buxton, Buxton & Walker Limited
Consultant Planner

Consent Type: Land Use Consent

Consent Number: LUC-2021-397

Purpose: A land use consent for residential development within a heritage precinct consisting of an additional three-bedroom residential unit with performance standard breaches both prior to and following creation of lots under SUB-2021-181.

Location of Activity: 29 Duncan Street, Dunedin.

Legal Description: Lot 2 Deposited Plan 4257 (RT OT256/192).

Lapse Date: LUC-2021-397 shall lapse three years from the date that the s223 certificate for SUB-2021-181 is issued.

Condition:

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 29 June 2021, except where modified by the following conditions.*
2. *Pre-construction CCTV filming of the DCC wastewater pipe within the property is required by 3 waters. The CCTV report shall be submitted to the 3 Waters Subdivision Engineer as soon as it is received.*
3. *Post-construction CCTV filming of the DCC wastewater pipe within the property is required by 3 waters. The CCTV report shall be submitted to the 3 Waters Subdivision Engineer as soon as it is received.*
4. *The proposed cladding colours and materials for the proposed unit must be submitted to rcmonitoring@dcc.govt.nz for certification by the Consents Manager.*
5. *The front yard of the front residential unit must not be used for parking or manoeuvring of vehicles.*

Advice Notes:

DCC owned infrastructure within this property

1. Any earthworks or construction on this lot must meet the requirements of the Dunedin Code of Subdivision and Development (2010) in relation to building in close proximity to Council infrastructure, unless otherwise approved by 3 Waters. The Code prohibits any building within 1.5 metres of a pipeline. If any building is proposed within 2.5 metres of a pipe or manhole, 3 Waters must be notified to discuss options and whether an encumbrance on the title is required. 'Building' includes decks, fences, garages, sheds, retaining walls and so on.

Infrastructure

2. All units will be required to have separate water supply, wastewater and stormwater connections.
3. Detail of the water supply application process can be found at <http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
4. Installation of wastewater and stormwater connections will require a Building Consent under Section 40 of the NZBC 2004. These services may require pumping.
5. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
6. All aspects relating to the availability of water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.
7. To reduce water consumption and therefore the volume of wastewater generated, the consent holder will be required to install in new dwellings water saving devices, including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers.
8. To reduce demand on the stormwater system, hard surfacing is encouraged to be permeable where possible. See note 6.6.1.5A of the Proposed 2GP.
9. Storm water from driveways, sealed areas and drain coils is not to cause nuisance on and adjoining properties.
10. 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).

Transport

11. It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.
12. Any windows/doors from the existing residential unit on Lot 1 facing the Right of Way should be stayed such that they are unable to open onto the Right of Way.
13. Sufficient manoeuvring space must be provided on Lot 2 to prevent vehicles reversing directly onto or off Duncan Street. The area must be large enough so that an 85th percentile design motor car is required to make no more than two reversing movements when manoeuvring.

Earthworks and site development

14. Within 1m of the side boundary with 27 Duncan St, the deck is to be no higher than 0.5m and the screen is no higher than 2m.

15. This consent does not address any earthworks. Should future earthworks breach the performance standards of Rule 8A of the Proposed 2GP, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.
16. When undertaking future earthworks, the developer is advised that:
- a) All walls retaining over 1.5m, or supporting a surcharge / slope, including terracing, require design, specification and supervision by appropriately qualified person/s
 - b) 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. 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.
 - c) Slopes may not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and construction.
 - d) As-built records of the final extent and thickness of any un-engineered fill should be recorded.
 - e) 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.
17. For floor levels it is advised that:
- a) For sites level with or above the road, the finished floor level of any building is to be a minimum of 150mm above the crown of the road.
 - b) For sites below the road, the finished floor level is to be no less than 150mm above the lowest point on the site boundary. Surface water is not to create a nuisance on any adjoining properties.
 - c) For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
 - d) As required by the New Zealand Building Code E1.3.2 surface water resulting from an event having a 2% probability of occurring annually, shall not enter dwellings. The finished floor level shall be set accordingly.
18. If you are demolishing any building that may have asbestos containing materials (ACM) in it:
- a) You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.
 - b) Work may have to be carried out under the control of a person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.
 - c) If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016 and the New Zealand Approved Code of Practice: Management and Removal of Asbestos (September 2016);

- d) Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.
 - e) If ACM is found on site during or following the soil disturbance activities you may be required to remediate the site and carry out validation sampling.
19. The development may affect archaeological material and the proposed work will almost certainly require an Archaeological Authority under the HNZPT Act 2014 given that the site has been occupied prior to 1900. The applicant should consult with the HNZPT Otago-Southland Archaeologist about this.
20. If the consent holder:
- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:
 - i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
 - ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
 - b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
 - i) stop work within the immediate vicinity of the discovery or disturbance; and
 - ii) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and
 - iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may recommence following consultation with the Consent Authority.

General

- 21. 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.
- 22. 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.

23. 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.
24. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
25. 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 14 October 2021

A handwritten signature in blue ink, appearing to read 'R. Buxton', followed by a horizontal line.

Robert Buxton, Buxton & Walker Limited
Consultant Planner

[illegible]

RL

29 DUNCAN STREET DUNEDIN CENTRAL DUNEDIN

INDEX OF DRAWINGS

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CONCEPT FOR RESOURCE CONSENT APPLICATION

DESIGNED BY: MAKOKHA HOMES
JUNE 2021



29 Duncan Street, Dunedin	Concept Phase	Notes:	DATE: 04/06/21 SAM RICKARD LICENSED BUILDING PRACTITIONER	M: 022 300 3545 E: sam@makokha.co.nz www.makokha.co.nz	A0.0	mākoha Smart Homes
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HERITAGE VALUES

SCOPE:

The purpose of this section is to demonstrate how we have made our best attempt to respect the heritage values as outlined in the ZGP District Plan Appendices A2.1 Residential Heritage Precinct Values. Despite being set back from the street, we have still made every effort to ensure that the building is visible from the street and that the building is a positive contribution to the street based in Canterbury but held telephone discussions with Senior Planner John Sule and Heritage Advisor Andrea Finnerher which contributed to our understanding of and approach to Heritage Values. We've been fortunate that various site consultants and client requests coincide with Heritage Values.

SUMMARY:

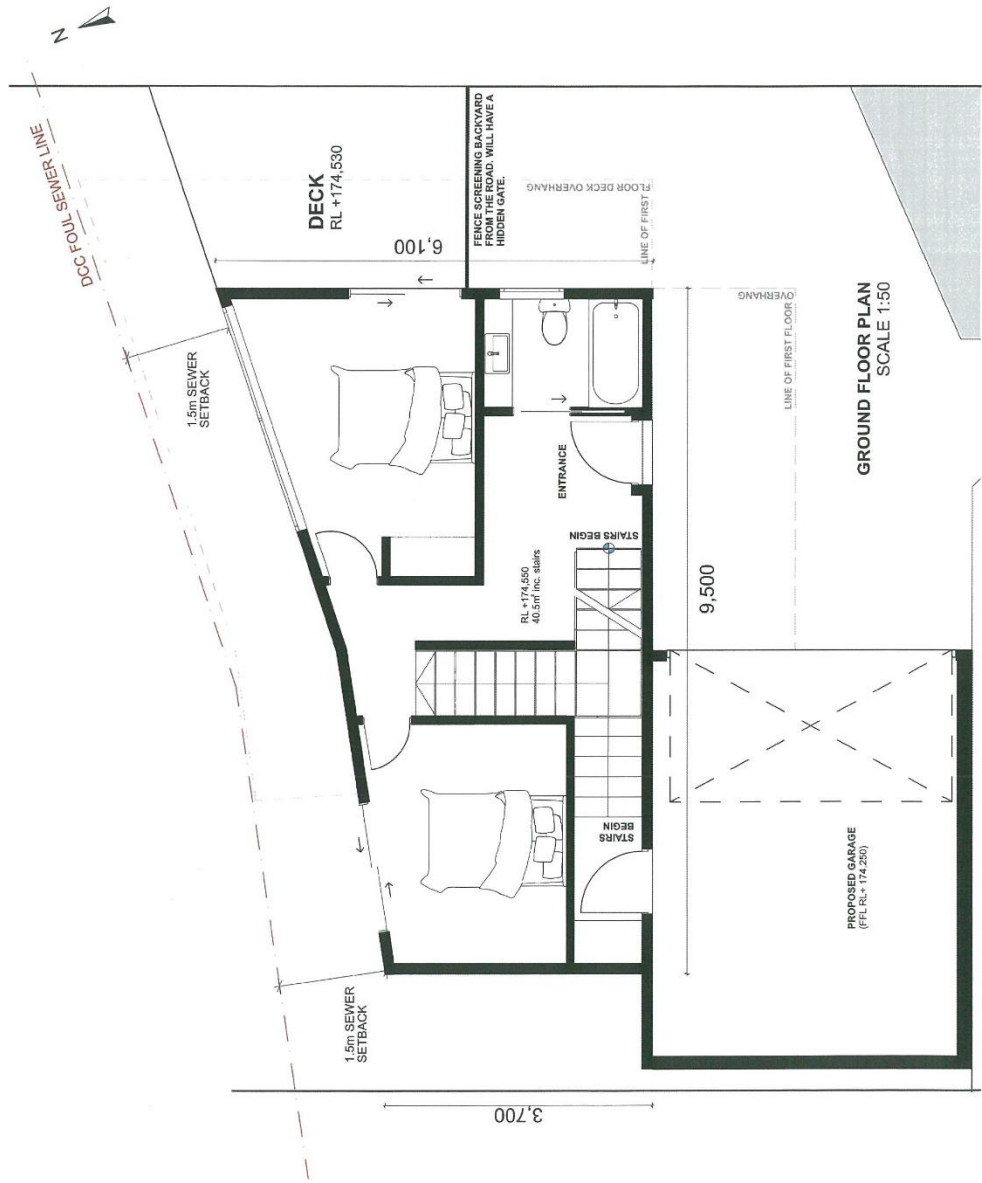
As a simple summary, design moves we've made which align with our interpretation of the Heritage Values are as follows:

- Garage is fully shielded from street by existing heritage house
- Entrance is clearly defined by surrounding timber cladding and almost visible from the street. Entrance door is hinged and timber (NOT a ranch slider)
- Use of a large portion of timber on the visible South Elevation as viewed from street.
- Steel Roof (appears to be in keeping with many surrounding heritage houses)
- Scale and orientation could be considered in keeping with heritage houses up and down the street.
- Centrifuges arguably give depth, shadow and character
- Use of single cladding materials avoided. Colorsteel is mixed in with timber on South Elevation and the North Gable End walls and soffit are clad in timber (As shown on perspective views)
- Avoided use of bright colours. Colour palette will consist of dark, neutral and natural colours.
- Road facing facade has character and clearly looks like the front of a building.
- Gable Roof Pitch is between the suggested 30 - 45° (ft is 40°)
- Other low pitch roofline is cancelled behind parapet walls
- We have not included them in design yet but utilities will certainly be shielded from view

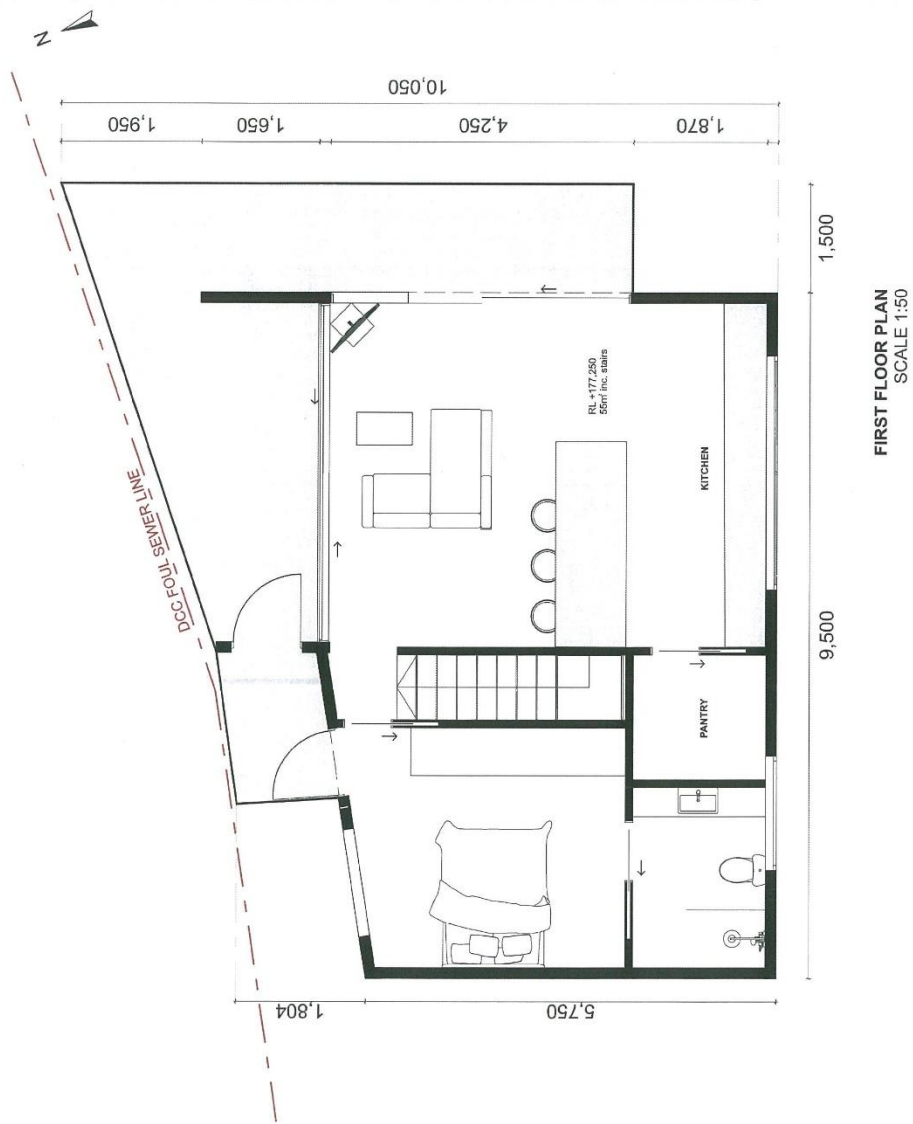


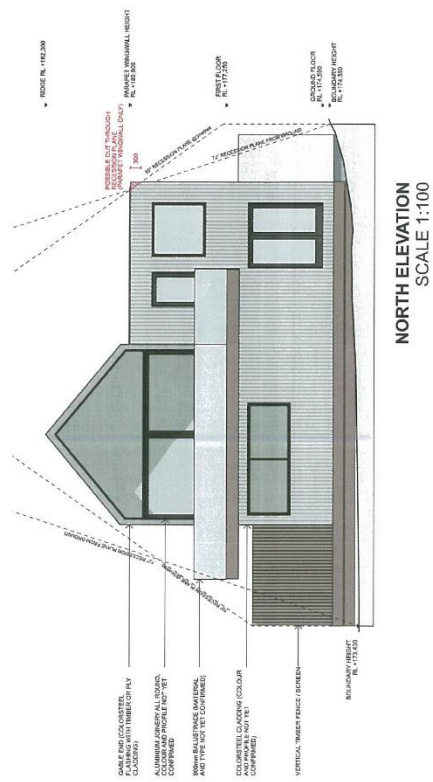
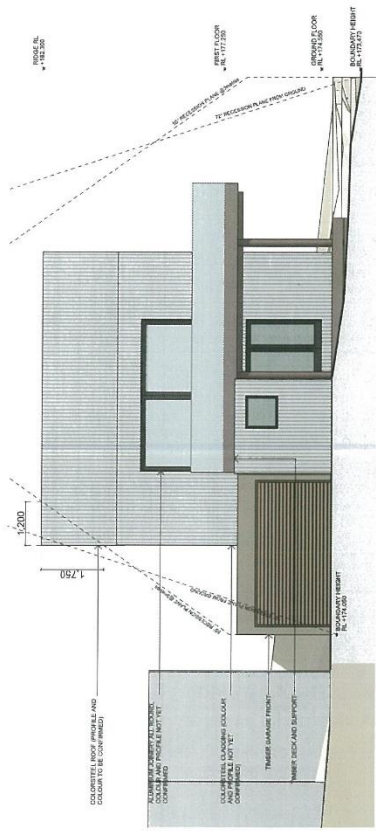
29 Duncan Street, Dunedin	Concept Phase	Notes:	DATE: 04/06/21	SAM RICKARD LICENSED BUILDING PRACTITIONER	M: 022 368 3545 E: sam@samrickard.co.nz www.samrickard.co.nz	A0.1	mākoha small houses
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29 Duncan Street, Dunedin	Concept Phase	Notes:	DATE: 04/06/21 SAMI RICKARD LICENSED BUILDING PRACTITIONER Nº 022 366 3345 sam@makohadunedin.co.nz www.makohadunedin.co.nz	A1.2	mākoha DESIGN LTD
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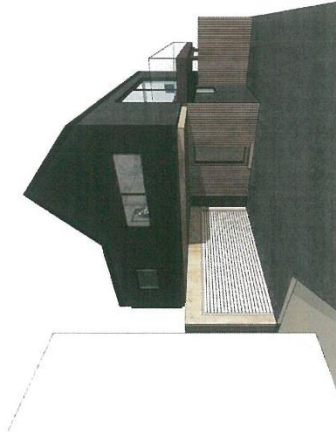
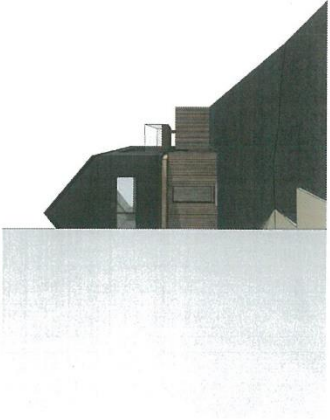
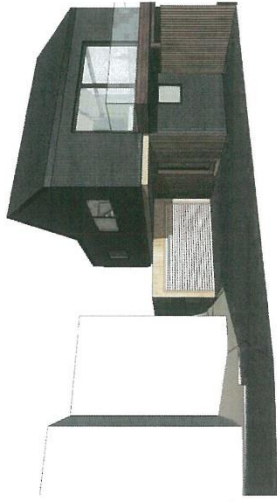
29 Duncan Street, Dunedin	Concept Phase	Notes:	DATE: 04/06/21 SAM RICKARD LICENSED BUILDING PRACTITIONER	M: 022 265 3545 E: sam@makoha.co.nz WWW.MAKOHA.CO.NZ	A1.3	mākoha smart homes
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29 Duncan Street, Dunedin	Concept Phase	Notes:
DATE: 06/05/21	SAM RICKARD LICENSED BUILDING PRACTITIONER	B1 032 368 3349 sam@samrickard.co.nz www.samrickard.co.nz
A2.1		

29 Duncan Street, Dunedin	Concept Phase	Notes:	DATE 04/08/21 SAM RICKARD LICENSED BUILDING PRACTITIONER M 022 306 3545 E sam@makohahomes.co.nz www.makohahomes.co.nz	A3.1	mākoha Small Homes
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29 Duncan Street,
Dunedin

Concept Phase

Notes:

DATE: 04/08/21

SAM RICKARD
LICENSED BUILDING PRACTITIONER

M: 022 308 3545
E: sam@makoha.co.nz
W: www.makoha.co.nz

A3.2

mākoha
SMART HOMES



14 October 2021

Reuben Ward
C/- Terramark Limited
PO Box 235
Dunedin 9054
Attn: Maaike Duncan

Via email: maaike@terramark.co.nz

Dear Maaike

RESOURCE CONSENT APPLICATION:

**SUB-2021-181 & LUC-2021-397
29 DUNCAN STREET
DUNEDIN**

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 14 October 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.

Please note that the processing of this application could not be completed within the 20 working day time limit prescribed under section 115 of the Resource Management Act 1991. The time limits for the processing of this consent have been extended pursuant to sections 37A(2)(b) and 37A(5) of the Resource Management Act 1991 due to the need to confirm legal matters regarding access.

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 blue ink, appearing to read 'R. Buxton', followed by a horizontal line.

Robert Buxton, Buxton & Walker Limited
Consultant Planner

APPLICATION SUB-2021-181 & LUC-2021-397: 29 DUNCAN STREET, DUNEDIN

Department: Resource Consents

DESCRIPTION OF ACTIVITY

The subject site is rectangular front site that slopes down in a west to east direction. The subject site is Lot 2 Deposited Plan 4257 (RT OT256/192), which has an area of 445m². There is an existing Right of Way (ROW) Easement Instrument 10668748.1 in favour of 27 Duncan Street, which will carry over as Easement A on the subdivision plan.

The proposal is to demolish the shed and sleepout at the rear of the site and subdivide an additional lot at the rear of the existing dwelling. The subdivision being:

- Lot 1, being a 233m² front site, with a 13.92m frontage to Duncan Street will contain the existing 82m² single storey three bedroom dwelling.
- Lot 2, being a 212m² rear site with access via Right of Ways (ROWs) over Lot 1, will contain an approximately 71m² footprint two-storey three bedroom dwelling with internal garage, and a cantilevered deck over a proposed easement for the DCC Foul Sewer. The ROW is 2.8m wide at its narrowest point, 3.12m wide at the road frontage, and the existing formed driveway is approximately 0.4m from the existing dwelling.

REASONS FOR APPLICATION

Dunedin currently has two district plans: the Operative Dunedin City District Plan 2006 (the “2006 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.

2006 District Plan

The subject site is zoned **Residential 4**. Duncan Street is a Local road.

The zoning and rules of the Proposed 2GP relevant to this application are not appealed, except for Proposed 2GP Rule 6.6.3.9.a.i.2 Minimum legal width of driveways serving up to six residential units and Rule 15.6.6.1.a.ii Height in Relation to Boundary. Therefore the rules of the 2006 District Plan that apply to this activity are considered effectively inoperative, except for:

- Rule 20.5.7(v)(b) which requires a minimum legal width of 3.5m for access to 1-3 units. As the legal width of proposed access for Lot 2 will be 2.8m, the proposal contravenes this rule. In accordance with Rule 18.5.2, the proposed subdivision is a **non-complying** activity. In accordance with Rule 8.10.4(i) the proposed land use is a **restricted discretionary** activity.
- Rule 8.10.2(ii) which requires buildings to be within a Height Plane Angle of 72° (1 to 3 yard to height ratio) measured at ground level on the boundary. The application plans show the Height Plane Angle of 72° will be breached on the side boundaries and the internal boundary as follows:
 - The existing dwelling on Lot 1 infringes the height plane by approximately 2m on the internal boundary (based on the silhouette of the existing building shown on the East elevation).
 - The garage on Lot 2 infringes the height plane completely on the internal boundary.
 - The gable of the dwelling on Lot 2 infringes the height plane by approximately 0.6m on the internal boundary.

- The balustrade of the deck infringes the height plane by approximately 0.75m on the southeast side boundary.
- The dwelling on Lot 2 infringes the height plane by approximately 0.75m on the northwest side boundary.
- The garage on Lot 2 infringes the height plane by approximately 1.6m on the northwest side boundary.

Under Rule 8.10.4(i) infringing the Height Plane Angle is a **restricted discretionary** activity with discretion restricted to the condition or conditions with which the activity fails to comply.

Therefore under the 2006 District Plan the Subdivision is a **non-complying** activity and the land use is a **restricted discretionary** activity

Proposed 2GP

The subject site is zoned **Inner City Residential** in the 2GP Plan and it is within the City Rise Residential Heritage Precinct, the existing dwelling is Character Contributing building CC605 and there is an Archaeological Alert Layer. Duncan Street is a Local Road.

Note Variation 2 was publicly notified on 3 February 2021. The amended objectives and policies of that variation have immediate legal effect, but the changes to the rules do not.

Subdivision

Rule 15.3.5.2 lists general subdivision as a **restricted discretionary** activity. The minimum site size of 200m² is met. Therefore, the subdivision is considered to be a **restricted discretionary** activity pursuant to Rules 15.3.5.1 and 15.3.5.2. Under Rule 15.11.4 discretion is restricted to: Effects on neighbourhood residential character and amenity (Rule 15.11.4.1.a); Risk from natural hazards (Rule 15.11.4.1.b); Effects on efficiency and affordability of infrastructure (Rule 15.11.4.1.c); and Effects on the safety and efficiency of the transport network (Rule 15.11.4.1.d). These matters for discretion also cover the matters for discretion for subdivisions under Rules 6.11.2.7, 9.6.2.4 and 11.5.2.5.

Subdivision is required to meet Rule 15.7.6, which states that each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 7m x 10m that has a slope of 12° (1:4.7 or 21%) or less. The applicant states that Lot 2 contains building platforms that would meet this requirement, and although it is not mentioned in the Rule 15.7.6, I consider the building platform could also retain the 1.5m separation from the DCC sewer that runs through Lot 2.

Rule 15.7.1 refers to Rule 6.8.1, that states that where there is a minimum parking requirement a driveway is required. As there is no minimum parking requirement a driveway is not required.

Overall, the subdivision is considered to be a **restricted discretionary** activity.

Land Use

The proposal falls under the definition of *standard residential activity*. Under the Proposed 2GP, activities have both a land-use activity and a development activity component.

Land Use

Rule 15.3.3.3 lists standard residential activity as being a permitted activity subject to compliance with the performance standards. The minimum outdoor living space and service area performance standards can be met.

Rule 15.5.2.1.e specifies a maximum density of one habitable room per 45m² for an Inner City zone. For a site of 492m², this equates to a maximum of 9 habitable rooms which is met overall, and following

subdivision equates to a maximum 5 habitable rooms on Lot 1 and a maximum 4 habitable rooms on Lot 2, which is also met.

Rule 15.5.2.3 states that 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. Should development precede subdivision, the proposal will fail to comply with this performance standard due to development standard breaches listed below. Activities that contravene this performance standard are considered to be a **restricted discretionary** activity pursuant to Rule 15.5.2.4.c. Under Rule 15.10.3.1 discretion is restricted to effects on on-site amenity and assessment guidance is given in Rules 15.10.2.1 and 15.10.3.1.

Development

Under Rule 15.3.4.6, new buildings within a heritage precinct that are visible from an adjoining public place are a **restricted discretionary activity**. Under Rules 13.6.4.1 and 15.11.5.4, discretion is restricted to effects on heritage streetscape character, and assessment matters are listed in Rules 13.6.2.1, 13.6.4.1 and 15.11.5.4.

Rule 15.6.6.1.a.ii Height in relation to Boundary (HIRB) requires buildings on sites less than 16m wide to be within a HIRB of 3m vertical and 55°. The application plans show the HIRB will be breached on the northwest side boundary and the internal boundary. These breaches are:

- On the internal boundary, the existing dwelling on Lot 1 appears to exceed the HIRB by approximately 0.6m (based on the silhouette of the existing building shown on the East elevation).
- On the internal boundary, the gable of the dwelling on Lot 2 exceeds the permitted exemption of 2m by 2.2m along the horizontal portion of the infringement.
- On the northwest side boundary the dwelling on Lot 2 infringes the height plane by approximately 0.3m.

Under Rule 15.6.6.1.b activities that contravene this performance standard are **restricted discretionary** activities, with discretion restricted to the effects on: surrounding sites' residential amenity; and neighbourhood residential character and amenity (Rule 15.10.4.7) and assessment matters are listed in Rules 15.10.2.1 and 15.10.4.7. As noted above, this rule has been appealed so the relevant 2006 District Plan rule still applies.

Rule 15.6.10.1 requires the maximum building site coverage to be 60% and maximum impermeable area to be 80%. On page 10 of the application, the applicant has provided a table of coverage for each lot and the overall site. Although they refer to non-compliance with the impermeable area, this appears to arise from their consideration that impermeable area cannot exceed 20% (being the difference between the impermeable area and the building site coverage), whereas, it is the total impermeable area (which includes the buildings) that must not exceed 80%. None of the impermeable areas are shown in the table to exceed 80%.

Rule 15.6.13.1.a.iv Setbacks requires buildings to be setback 3m from the road boundary and 1m from side and rear boundaries. The proposed garage on Lot 2 will be completely within the setback of the internal boundary and will be approximately 0.3m from the northwest side boundary (with 29A Duncan Street). Under 15.6.13.1.b contravening this rule is a **restricted discretionary** activity and the matters that discretion is restricted to are effects on: surrounding sites' residential amenity (Rule 15.10.4.1.a); and neighbourhood residential character and amenity (Rule 15.10.4.1.b) and assessment guidance is listed in Rules 15.10.2.1 and 15.10.4.1.

Rule 6.6.3.9.a requires driveways to have a legal width of 4m and a formed width of 3m for 1-6 residential units. The legal width of the proposed ROW serving Lot 2 is 2.8m. Under Rule 6.6.3.9.b contravening this rule is a **restricted discretionary** activity and the matters that discretion is restricted to are effects on the safety and efficiency of the transport network (Rule 6.10.5.6) and assessment guidance is listed in Rules 6.10.2.1 and 6.10.5.6. As noted above, this rule has been appealed so the relevant 2006 District Plan rule

still applies. The adjoining property at 27 Duncan Street is closer than 1m from the boundary, and will be closer than 1m to the existing driveway, but I note that Rule 6.6.3.8 does not appear to apply to adjoining properties based on figures 6B.4 and 6B.5, and also this is an existing situation.

Summary

Overall, the land use proposal is considered to be a **restricted discretionary** activity.

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC) came into effect on 1 January 2012. The NESC 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 HAIL report has also been obtained for the current application (HAIL-2021-150). The applicant has advised *"A search of DCC records has been obtained to determine whether the site has any history of HAIL activity. The search found no record of HAIL activity. A search of the ORC Contaminated Site Database did not identify any known contaminated sites. It is therefore our view that the site is not subject to the NES"*. As such, I consider the National Environmental Standard is not applicable to the current application.

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.

The subdivision proposal is considered to be a **non-complying** activity. The land use proposal is considered to be a **restricted discretionary** activity.

WRITTEN APPROVALS AND EFFECTS ASSESSMENT

Affected Persons

The written approval of the persons detailed in the table below has been obtained. In accordance with sections 95D(e) and 104(3)(a)(ii) of the Resource Management Act 1991, the Council cannot have regard to the effects of the activity on these persons.

Person	Owner	Occupier	Address	Obtained
R F Caulton	✓	✓	29A Duncan Street	16/6/2021

Note written approval for infringements on the internal boundary are considered to be implicit as the applicant owns both lots.

No other persons are considered to be adversely affected by this proposal. This is because the environmental effects of the proposal are limited to effects on parties that are less than minor.

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.

There is no permitted baseline for subdivision. However, for land use activity, the Proposed 2GP would permit residential development of 9 habitable rooms over the original site.

It is considered that this is the appropriate baseline against which the land use activity should be considered. 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 and adjacent land, the existing and reasonably foreseeable receiving environment comprises residential development.

It is against these that the effects of the subdivision and land use activities, beyond the permitted baseline, must be measured.

Assessment Matters/Rules

Consideration is required of the relevant assessment matters in the 2006 District Plan and the relevant assessment rules in the Proposed 2GP, along with the matters in any relevant national environmental standard. No regard has been given to any trade competition or any effects of trade competition.

1. *Lot Size and Dimensions, Physical Limitations, Amenity and character, On-site amenity (Proposed 2GP 9.6.2.4, 11.5.2.5, 15.10.2.1, 15.10.3.10, 15.11.4.1a)*

The subdivision will meet the minimum lot size for the Inner City Residential zone. Although Lot 2 will be limited by the location of the DCC wastewater pipe cutting through this lot, it is considered that the lot can contain a building platform as required by the Proposed 2GP. It is also noted that the proposal will create 6 habitable rooms which is less than the 9 permitted for the site. There is also sufficient room for outdoor living spaces.

In terms of the infringement of the 2006 District Plan Height Plane and the Proposed 2GP Height in Relation to Boundary, most of these infringements are on the internal boundary where the written approval is considered implicit as the applicant owns both lots. In terms of infringement on the northwest side boundary, the written approval has been obtained, but I also note that the neighbouring site is to the north and that portion of the site is used for access, and therefore would be no shading or overlooking effects. In terms of the infringement of the 2006 District Plan Height Plane by the balustrade along the southeast side boundary, I note that the Proposed 2GP HIRB is shown as being met, and the balustrade is shown as being glass. While there may be some

overlooking of the neighbouring site, the difference between the proposed deck and a deck that complied with the 2006 District Plan is considered to be less than minor.

In terms of the infringement of the Proposed 2GP Setbacks, these infringements are either: on the internal boundary where the written approval is considered implicit as the applicant owns both lots; or on the northwest side boundary, where the written approval has been obtained. I also note that the neighbouring site to the northwest is used for access, and therefore there would be no shading or overlooking effects.

The infringement of the access width is discussed under Transportation below.

2. Infrastructure and Easements (Proposed 2GP 9.6.2.4, 15.11.4.1.c)

The Development Support Officer, 3 Waters and the Technical Support Officer, Seepage Control Unit have considered the application. They advise there are services available and that an easement in gross will be required for the DCC wastewater pipe located within lot 2. Also, given the proposed building is closer than 2.5m from the pipe, pre and post construction CCTV filming of the DCC wastewater pipe will be required. The Technical Support Officer notes:

New lot 1 has an existing dwelling with drainage plans on file indicating the existing foul drain connects to the Dunedin City Council sewer located in proposed lot 2. The location of this drain is to be identified as easements over proposed lot 2 may be required. There are no drainage plans on file for the existing stormwater. This is to be identified as to be discharging to an acceptable outfall.

New lot 2 foul drain can connect to the Dunedin City Council foul sewer within this proposed new lot or can be pumped to the Dunedin City Council foul sewer in Duncan. Stormwater can discharge to the Dunedin City Council stormwater sewer in Duncan Street, or to the Duncan Street kerb and channel, pumping may be required.

3. Transportation (Proposed 2GP 6.11.2.7, 15.11.4.1.d)

The application was forwarded to the Council's Transportation Operations department for comment. The Graduate Planner – Transport has considered the application. The Graduate Planner – Transport has advised:

ACCESS:

Access to the site is via an existing hard surfaced vehicle access located at the eastern property boundary. The applicant proposes to retain this access formation in favour of the rear site by creating Right of Way A. The formed and legal width of Right of Way A varies from approximately 3.12m wide then narrowing to 2.80m wide when passing the existing dwelling. I note that Rule 6.6.3.9.a.i. requires vehicle accesses to be formed to a minimum 3.0m wide. The proposal will breach this Rule by approximately 0.2m. From reviewing Google Street View imagery as well as the scheme plan provided, it appears as the proposed Right of Way can furthermore not meet the minimum setback requirement of 1.0m between the dwelling and the ROW pursuant to Rule 6.6.3.8.a.

I acknowledge that this is an existing situation and it appears as the vehicle access has been operating well in the past. The proposal will not intensify the usage of this vehicle access, as it will solely be serving the new residential unit at the rear. No on-site parking is proposed to be retained for the existing dwelling. The proposal will improve the existing situation, as on-site manoeuvring will be provided on Lot 2, and vehicles will be able to access and exit the site in a forward gear as opposed to reversing onto the road, which appears to currently be the case.

Altogether I have no objection to the access provisions as part of this proposal. That said, Transport recommends a consent condition be imposed that any windows/doors from the existing dwelling on Lot 1 facing the Right of Way must be stayed such that they are unable open onto the Right of Way in order to prevent interference between the activity on proposed Lot 1 and the vehicle access.

PARKING AND MANOEUVRING:

Proposed Lot 1 will not accommodate any on-site car parking space as a result of this development. Pursuant to Rule 15.5.8 as well as 6.6.1.2 and in regard of the land use activity as residential in the General Residential 1 Zone this is acceptable.

The proposed dwelling for Lot 2 will contain an attached garage. As proposed Lot 2 is in a rear location, sufficient manoeuvring space must be provided on site in accordance with Rule 6.6.1.2. The area must be large enough to ensure vehicles can exit the site in a forward direction by making no more than two reversing movements. The applicant has acknowledged this requirement and states, that on-site manoeuvring is available for the rear site. After further request, the applicant has provided a scheme plan that showed tracking lines for an 85th percentile design motor car, reversing out of the garage, manoeuvring in front of the proposed dwelling and exiting the site in a forward gear. Overall, the parking and manoeuvring provisions can be considered acceptable to Transport. For completeness, a condition of consent is recommended.

GENERATED TRAFFIC:

The proposed development will result in one additional lot with one three-bedroom residential dwelling proposed. I therefore consider that any traffic generated as a result of this proposal will have been anticipated within the zone and the effect of the proposal on the transportation network will be no more than minor.

Overall, the Graduate Planner – Transport is satisfied the adverse effects of the proposal on the transportation network will be less than minor, and suggests conditions and advice notes reflecting the above. I concur, but also consider there should be a condition that the front yard of the existing dwelling is not used as car parking, to ensure that the front yard of the Character Contributing building is not dominated by a vehicle. Regarding the conditions suggested by the Graduate Planner – Transport: that windows on the existing dwelling be stayed so that they do not encroach on the Right of Way, it is accepted that the ROW already exists for the neighbouring property; and the proposed condition regarding the parking and manoeuvring, it is accepted that the applicant has shown this can be met. Therefore these matters can be included as advice notes.

4. **Hazards (Proposed 2GP 11.5.2.5, 15.11.4.1.b)**

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 application was assessed by Councils' Consulting Engineer, Stantec, who provided the following comments:

Hazards

There are no hazards at the above lot within the hazards register.

Global Setting

The underlying geology consists of second main eruptive phase volcanics and is sloping by up to 12 degrees at the northern boundary.

Earthworks / Excavations / Retaining Structures

There are no significant proposed earthworks.

Discussion

The underlying geology is typically stable at the site slope angles. Standard foundations are likely to be suitable for any new dwelling on the site.

We recommend that the application not be declined on the ground of known natural hazards. There are no general potential instabilities of concern. The proposal will not create or exacerbate instabilities on this or adjacent properties.

The Engineer has suggested standard earthworks conditions. As the application does not include earthworks, and these are assumed to be within the permitted activity requirements of the Proposed 2GP, these conditions can be included as advice notes.

5. *Heritage streetscape character (Proposed 2GP 13.6.2.1, 13.6.4.1, 15.11.5.4)*

The application has been assessed by the Council's Consultant Heritage Advisor, who has advised the following:

The designer of the proposed new dwelling has followed district plan recommendations for the features and characteristics to be incorporated into new buildings within the heritage precinct. The sympathetic form, cladding, and colours of the proposed dwelling will allow it to effectively integrate into the existing historic built environment.

When constructed, the proposed dwelling will only be partially visible down a small viewshaft along the eastern elevation of the existing building. Existing buildings, topography, and vegetation will obscure it from views across the block from Arthur and Brown Streets or Elm Row.

In summary, the existing streetscape character will not be affected by this development. Accordingly, it is assessed that the construction of the proposed dwelling at 29 Duncan Street will have a less than minor effect on the heritage streetscape character of the City Rise Residential Heritage Precinct.

Conditions recommended:

- *Information on material colours to be provided before construction commences.*

The planner should include an advice note informing the applicant that the development may affect archaeological material and the proposed work will almost certainly require an Archaeological Authority under the HNZPT Act 2014 given that the site has been occupied prior to 1900. The applicant should consult with the HNZPT Otago-Southland Archaeologist about this.

I concur with this assessment noting that, while the development will be visible from the street, it will be more from angled views where the existing dwelling and the garage on 29A Duncan Street do screen or partially screen the development.

Overall, the subdivision, and development of a 3-bedroom unit on Lot 2 is considered to maintain that amenity values and character of the zone and area.

NOTIFICATION ASSESSMENT

Public Notification

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

Step 1: Mandatory public notification in certain circumstances

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

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

- There are no rules or national environmental standards precluding public notification.
- The application does not involve: a restricted discretionary or discretionary residential activity; a boundary activity; nor, an activity prescribed in regulations as being precluded from public notification. As a result, public notification is not precluded under Step 2

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

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

Step 4: Public notification in special circumstances

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

Limited Notification

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

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

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

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

- There are no rules or national environmental standards precluding limited notification.
- The application does not involve: a controlled activity that is not a subdivision; nor an activity prescribed in regulations as being precluded from limited notification.

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

- The application does not involve: a boundary activity (except along the internal boundary); nor, an activity prescribed in regulations that prescribe who is an affected person.
- Apart from persons who have given written approval, 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) as discussed above.

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 any adverse effects on the environment arising from the proposal are less 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 2006 District Plan and Proposed 2GP were taken into account when assessing the application.

2006 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 4.2.3 and Policy 4.3.2 (Sustainability Section)**
These seek to sustainably manage infrastructure.
- **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.
- **Objective 20.2.4 and Policy 20.3.6 (Transportation Section)**
These seek to maintain and enhance a safe, efficient and effective transportation network.

Proposed 2GP

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

- **Objective 2.4.1 and Policy 2.4.1.5 (Strategic Directions Section)**
 These seek to ensure that the elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. Specifically these seek to maintain or enhance the attractiveness of streetscapes, public open spaces and residential amenity by using rules that manage building bulk and location, site development and overall development density. (Note Variation 2 deletes the reference to overall development density.)
- **Objective 2.7.1 and Policy 2.7.1.1 (Strategic Directions Section)**
 These seek to ensure that public infrastructure networks operate efficiently and effectively and have the least possible long term cost burden on the public.
- **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 9.2.1 and Policy 9.2.1.1 (Public Health and Safety Section).**
 These seek to ensure that land use and subdivision development do not exceed the capacity of public infrastructure to manage effects. (Note in Variation 2, Policy 9.2.1.1 becomes 9.2.1.1A.)
- **Objective 11.2.1 (Hazards)**
 This seeks that in areas where there may be a risk from natural hazards, to only allow subdivision where there is reasonable certainty the risks for future land use or development is no more than low, in the short to long term.
- **Objective 13.2.3 and Policy 13.2.3.2, 13.2.3.6 and 13.2.3.7 (Heritage Section)**
 These seek to ensure that the heritage streetscape character of heritage precincts is maintained or enhanced.
- **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 or intended future character of the neighbourhood.

Objectives and Policies Assessment

Although consideration should be given to the weight each Plan has, it is noted that the proposed development is considered to be consistent with the relevant objectives and policies of both Plans, and these support the granting of consent.

Other Matters

Section 104(1)(c) of the Resource Management Act 1991 requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matters of precedent and Plan integrity are considered relevant here. These issues have been addressed by the Environment Court (starting with *Russell v Dunedin City Council* C092/03) and case law now directs the Council to consider whether approval of a non-complying activity will create an undesirable precedent. Where a plan's integrity is at risk by virtue of such a precedent, the Council is required to apply the 'true exception test'. This is particularly relevant where the proposed activity is contrary to the objectives and policies of the district plan and/or the proposed district plan.

In this case, the proposal is non-complying because the access will not meet the minimum legal width of the 2006 District Plan. Given that infringement of the minimum legal width of the Proposed 2 GP is a restricted discretionary activity, it is considered that the infringement will not undermine the integrity of the district plans.

Section 104D

Section 104D of the Resource Management Act 1991 specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the district plan and the proposed district plan. It is considered that the proposal meets both limbs as any adverse effects arising from this proposed activity will be no more than minor, and the activity will not be contrary to the objectives and policies of both the 2006 District Plan and the Proposed 2GP. Therefore, the Council can exercise its discretion under section 104D to grant consent.

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, 104B and 104D of the Resource Management Act 1991 for the subdivision consent, and in accordance with section 104C of the Resource Management Act 1991 for the land use consent.
3. The time limits for the processing of this consent be extended pursuant to sections 37A(2)(b) and 37A(5) of the Resource Management Act 1991.



Robert Buxton, Buxton & Walker Limited
Consultant Planner

Date: 14 October 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:

SUB-2021-181

*Pursuant to Part 2 and sections 34A(1), 104, 104B and 104D 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 **non-complying activity** being a two lot subdivision at 29 Duncan Street, Dunedin, legally described as Lot 2 Deposited Plan 4257 (RT OT256/192), subject to conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*

LUC-2021-397

*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: the land use consent for residential development within a heritage precinct consisting of an additional three-bedroom residential unit with performance standard breaches both prior to and following creation of lots under SUB-2021-181 at 29 Duncan Street, Dunedin, legally described as Lot 2 Deposited Plan 4257 (RT OT256/192), subject to conditions imposed under section 108 of the Act, as shown on the attached certificate.*

and

That, having taken into account:

- *The interests of any person who may be adversely affected by the time extension,*
 - *The interests of the community in achieving an adequate assessment of effects of a proposal, policy statement or plan, and*
 - *Its duty under section 21 to avoid reasonable delay,*
- the Council has, pursuant to sections 37A(2)(b) and 37A(5) of the Resource Management Act 1991, extended the requirement outlined in section 115 regarding the time in which notification of a decision must be given after the date the application was first lodged with the Council.*



Phil Marshall
Senior Planner

Date: 14 October 2021

Consent Type: Subdivision Consent

Consent Number: SUB-2021-181

Purpose: A two lot subdivision.

Location of Activity: 29 Duncan Street, Dunedin.

Legal Description: Lot 2 Deposited Plan 4257 (RT OT256/192).

Lapse Date: 14 October 2026, unless the consent has been given effect to before this date.

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 18 December 2020, 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) *Service easements are required where any existing or proposed private services including water supply pipes, wastewater/stormwater laterals or telecommunication and power supply cross property boundaries in favour of the property they service. All easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset. These easements include:*
 - b) *Right of Way A over Lot 1 in favour of Lot 2 must be duly granted or reserved and shown in a Memorandum of Easements on the cadastral dataset.*
 - c) *An easement in gross in favour of the Dunedin City Council is required over the Council owned wastewater pipe located within lot 2. The easement must be made in accordance with Section 5.3.4 of the Dunedin Code of Subdivision and Development 2010.*
3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*
 - a) *The existing building that spans the boundary of Lots 1 and 2 must be removed from the site.*

Infrastructure

- b) *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 lot 2. Details of how this lot is to be serviced for water shall accompany the "Application for Water Supply". The water supply pipe from the newly installed water connection must be laid at least 600mm into new lot 2.*
- c) *Foul and stormwater laterals must be installed at least 600mm inside the boundaries of the new lots.*

Advice Notes:

DCC owned infrastructure within this property

1. Any earthworks or construction on this lot must meet the requirements of the Dunedin Code of Subdivision and Development (2010) in relation to building in close proximity to Council infrastructure, unless otherwise approved by 3 Waters. The Code prohibits any building within 1.5 metres of a pipeline. If any building is proposed within 2.5 metres of a pipe or manhole, 3 Waters must be notified to discuss options and whether an encumbrance on the title is required. 'Building' includes decks, fences, garages, sheds, retaining walls and so on.

Infrastructure

2. To reduce demand on the stormwater system, all hard surfacing is encouraged to be permeable where possible. See note 6.6.1.5A of the Proposed 2GP.
3. To reduce water consumption and therefore the volume of wastewater generated, the consent holder should consider installing water saving devices, including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers.
4. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
5. Detail of the water supply application process can be found at <http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
6. All aspects relating to the availability of water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.
7. 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).

Transport

8. It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.
9. Any windows/doors from the existing residential unit on Lot 1 facing the Right of Way should be stayed such that they are unable to open onto the Right of Way.
10. Sufficient manoeuvring space must be provided on Lot 2 to prevent vehicles reversing directly onto or off Duncan Street. The area must be large enough so that an 85th percentile design motor car is required to make no more than two reversing movements when manoeuvring.

Site development

11. This consent does not address any earthworks for this subdivision. Should future earthworks within the new lots breach the performance standards of Rule 8A of the Proposed 2GP, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.
12. When undertaking future earthworks, the developer is advised that:
 - a) 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.
13. 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 any development or earthworks proposal with Heritage New Zealand.
14. If you are demolishing any building that may have asbestos containing materials (ACM) in it:
 - a) You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.
 - b) Work may have to be carried out under the control of a person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.
 - c) If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016 and the New Zealand Approved Code of Practice: Management and Removal of Asbestos (September 2016);
 - d) Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.
 - e) If ACM is found on site during or following the soil disturbance activities you may be required to remediate the site and carry out validation sampling.
15. The development may affect archaeological material and the proposed work will almost certainly require an Archaeological Authority under the HNZPT Act 2014 given that the site has been occupied prior to 1900. The applicant should consult with the HNZPT Otago-Southland Archaeologist about this.
16. If the consent holder:
 - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:
 - i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.

- ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:

- iii) stop work within the immediate vicinity of the discovery or disturbance; and
- iv) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and
- v) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may recommence following consultation with the Consent Authority.

General

- 17. 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.
- 18. 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.
- 19. 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.
- 20. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
- 21. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the existing buildings.

Issued at Dunedin on 14 October 2021

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line.

Robert Buxton, Buxton & Walker Limited
Consultant Planner

Consent Type: Land Use Consent

Consent Number: LUC-2021-397

Purpose: A land use consent for residential development within a heritage precinct consisting of an additional three-bedroom residential unit with performance standard breaches both prior to and following creation of lots under SUB-2021-181.

Location of Activity: 29 Duncan Street, Dunedin.

Legal Description: Lot 2 Deposited Plan 4257 (RT OT256/192).

Lapse Date: LUC-2021-397 shall lapse three years from the date that the s223 certificate for SUB-2021-181 is issued.

Condition:

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 29 June 2021, except where modified by the following conditions.*
2. *Pre-construction CCTV filming of the DCC wastewater pipe within the property is required by 3 waters. The CCTV report shall be submitted to the 3 Waters Subdivision Engineer as soon as it is received.*
3. *Post-construction CCTV filming of the DCC wastewater pipe within the property is required by 3 waters. The CCTV report shall be submitted to the 3 Waters Subdivision Engineer as soon as it is received.*
4. *The proposed cladding colours and materials for the proposed unit must be submitted to rcmonitoring@dcc.govt.nz for certification by the Consents Manager.*
5. *The front yard of the front residential unit must not be used for parking or manoeuvring of vehicles.*

Advice Notes:

DCC owned infrastructure within this property

1. Any earthworks or construction on this lot must meet the requirements of the Dunedin Code of Subdivision and Development (2010) in relation to building in close proximity to Council infrastructure, unless otherwise approved by 3 Waters. The Code prohibits any building within 1.5 metres of a pipeline. If any building is proposed within 2.5 metres of a pipe or manhole, 3 Waters must be notified to discuss options and whether an encumbrance on the title is required. 'Building' includes decks, fences, garages, sheds, retaining walls and so on.

Infrastructure

2. All units will be required to have separate water supply, wastewater and stormwater connections.
3. Detail of the water supply application process can be found at <http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
4. Installation of wastewater and stormwater connections will require a Building Consent under Section 40 of the NZBC 2004. These services may require pumping.
5. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
6. All aspects relating to the availability of water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.
7. To reduce water consumption and therefore the volume of wastewater generated, the consent holder will be required to install in new dwellings water saving devices, including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers.
8. To reduce demand on the stormwater system, hard surfacing is encouraged to be permeable where possible. See note 6.6.1.5A of the Proposed 2GP.
9. Storm water from driveways, sealed areas and drain coils is not to cause nuisance on and adjoining properties.
10. 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).

Transport

11. It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.
12. Any windows/doors from the existing residential unit on Lot 1 facing the Right of Way should be stayed such that they are unable to open onto the Right of Way.
13. Sufficient manoeuvring space must be provided on Lot 2 to prevent vehicles reversing directly onto or off Duncan Street. The area must be large enough so that an 85th percentile design motor car is required to make no more than two reversing movements when manoeuvring.

Earthworks and site development

14. Within 1m of the side boundary with 27 Duncan St, the deck is to be no higher than 0.5m and the screen is no higher than 2m.

15. This consent does not address any earthworks. Should future earthworks breach the performance standards of Rule 8A of the Proposed 2GP, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.
16. When undertaking future earthworks, the developer is advised that:
- a) All walls retaining over 1.5m, or supporting a surcharge / slope, including terracing, require design, specification and supervision by appropriately qualified person/s
 - b) 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. 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.
 - c) Slopes may not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and construction.
 - d) As-built records of the final extent and thickness of any un-engineered fill should be recorded.
 - e) 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.
17. For floor levels it is advised that:
- a) For sites level with or above the road, the finished floor level of any building is to be a minimum of 150mm above the crown of the road.
 - b) For sites below the road, the finished floor level is to be no less than 150mm above the lowest point on the site boundary. Surface water is not to create a nuisance on any adjoining properties.
 - c) For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
 - d) As required by the New Zealand Building Code E1.3.2 surface water resulting from an event having a 2% probability of occurring annually, shall not enter dwellings. The finished floor level shall be set accordingly.
18. If you are demolishing any building that may have asbestos containing materials (ACM) in it:
- a) You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.
 - b) Work may have to be carried out under the control of a person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.
 - c) If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016 and the New Zealand Approved Code of Practice: Management and Removal of Asbestos (September 2016);

- d) Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.
 - e) If ACM is found on site during or following the soil disturbance activities you may be required to remediate the site and carry out validation sampling.
19. The development may affect archaeological material and the proposed work will almost certainly require an Archaeological Authority under the HNZPT Act 2014 given that the site has been occupied prior to 1900. The applicant should consult with the HNZPT Otago-Southland Archaeologist about this.
20. If the consent holder:
- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:
 - i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
 - ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
 - b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
 - i) stop work within the immediate vicinity of the discovery or disturbance; and
 - ii) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and
 - iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may recommence following consultation with the Consent Authority.

General

- 21. 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.
- 22. 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.

23. 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.
24. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
25. 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 14 October 2021

A handwritten signature in blue ink, appearing to read 'R. Buxton', followed by a horizontal line.

Robert Buxton, Buxton & Walker Limited
Consultant Planner

Lot 1 DP 4257
(#29A Duncan St)

Lot 2 DP 11119
(#35 Duncan St)

Lot 3 DP 11119
(#37 Duncan St)

Lot 1
233m²
Existing Dwelling

Lot 2
212m²
Proposed Dwelling & Garage

Lot 3
212m²
Proposed Dwelling & Garage

Duncan Street
Ex 100mm Water Main
Ex 300mm Stormwater

Notes:

- 1) Critical Points are to be confirmed by Survey
- 2) Boundary Location to be confirmed upon the final Land Transfer Survey
- 3) Services shown have been adopted from DCC approval of Terramark Ltd
- 4) The plan may not be copied without the approval of Terramark Ltd
- 5) These notes are an integral part of this plan.
- 6) This plan is intended to be used for an architectural design purpose and has been prepared specifically for the purpose of this application.

Disclaimers:

- 1) The contents of this drawing are the property of Terramark Ltd.
- 2) Use or copying of this drawing in whole or part without the written consent of Terramark Ltd constitutes an infringement of copyright.
- 3) No responsibility is accepted by Terramark Ltd for, or in respect of, any use of, or reliance upon this drawing by any third party.
- 4) The drawing is not to be used for any other purpose, reproduction and therefore any copying should be carried out by the client.
- 5) This drawing shall be used for the purposes agreed by Terramark Ltd and its client.

Scale: 1:150

Date: 13/06/2021

Drawn by: D12472

Checked by: 2

Project: A



NOTES:
1) HORIZONTAL DATUM IS NORTH-TIER 2000
2) VERTICAL DATUM IS NEW ZEALAND MEAN SEA LEVEL
3) FROM SWM358 DUNEDIN DRAINAGE RECORDS
4) WITH A REDUCED LEVEL OF 173.8m
5) MAJOR - 1.00m
6) MINOR - 0.25m
7) AREAS AND DIMENSIONS ARE SUBJECT TO
8) VERIFICATION UPON SURVEY
9) ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE
10) INSTRUMENTS RELATING TO THIS SITE MAY NOT
11) BE REPRESENTED ON THIS PLAN. A FULL
12) SURVEY OF THE SITE SHOULD BE UNDERTAKEN TO CONFIRM
13) THE POSITION AND ALIGNMENT OF SERVICES
14) INFORMATION HAS BEEN SHOWN ON THE PLAN
15) FROM COUNCIL RECORDS AND ARE SUBJECT TO THE
16) ERRORS OR OMISSION OF THAT DATA. THEY SHOULD
17) BE LOCATED ON SITE BEFORE ANY DESIGN
18) WORK IS UNDERTAKEN. THESE NOTES ARE AN INTEGRAL PART OF THE
19) PLAN.

Part Section 24
Block XII
(#27 Duncan Street)

Part Section 24
Block XII
(#25 Duncan Street)

Lot 2
DP 11119
(#35 Duncan Street)

Lot 1
DP 11119
(#37 Duncan Street)

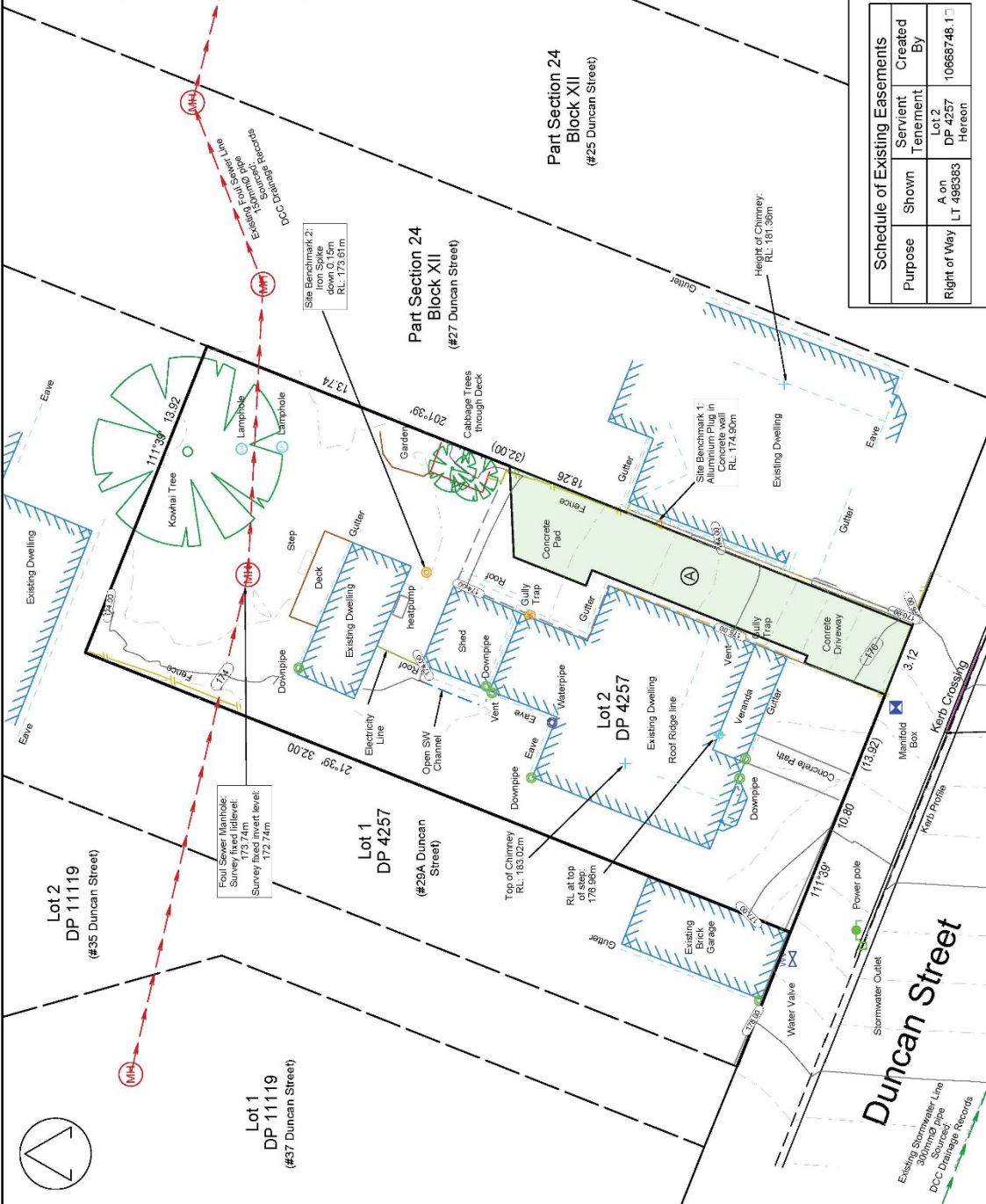
Lot 1
DP 4257
(#29A Duncan Street)

Lot 2
DP 4257

Reuben Ward
29 Duncan Street,
Dunedin

Lot 2
DP 4257
445m² OT256/192
Topographical Survey
13/05/2021
1:150
12472

Schedule of Existing Easements			
Purpose	Shown	Servient Tenement	Created By
Right of Way	A on LT 498383	Lot 2 DP 4257	10668748.1



RL

29 DUNCAN STREET
DUNEDIN CENTRAL
DUNEDIN

INDEX OF DRAWINGS

A0.0 INDEX	NTS
A0.1 HERITAGE VALUES	NTS
A1.1 SITE PLAN	1:100
A1.2 GROUND FLOOR PLAN	1:50
A1.3 FIRST FLOOR PLAN	1:50
A2.1 S & W ELEVATIONS	1:100
A2.1 N & E ELEVATIONS	1:100
A3.1 PERSPECTIVES 1	NTS
A3.2 PERSPECTIVES 2	NTS

**CONCEPT FOR RESOURCE
CONSENT APPLICATION**

DESIGNED BY: MAKOKHA HOMES
JUNE 2021



29 Duncan Street, Dunedin	Concept Phase	Notes:	DATE: 04/06/21 SAM RICKARD LICENSED BUILDING PRACTITIONER	M: 022 300 3545 E: sam@makokha.co.nz www.makokha.co.nz	A0.0	mākoha small homes
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HERITAGE VALUES

SCOPE:

The purpose of this section is to demonstrate how we have made our best attempt to respect the heritage values as outlined in the ZGP District Plan Appendices A2.1 Residential Heritage Precinct Values. Despite being set back from the street, we have still made every effort to ensure that the building is visible from the street and that it contributes to the heritage values based in Canterbury but held telephone discussions with Senior Planner John Sule and Heritage Advisor Andrea Finnerher which contributed to our understanding of and approach to Heritage Values. We've been fortunate that various site constraints and client requests coincide with Heritage Values.

SUMMARY:

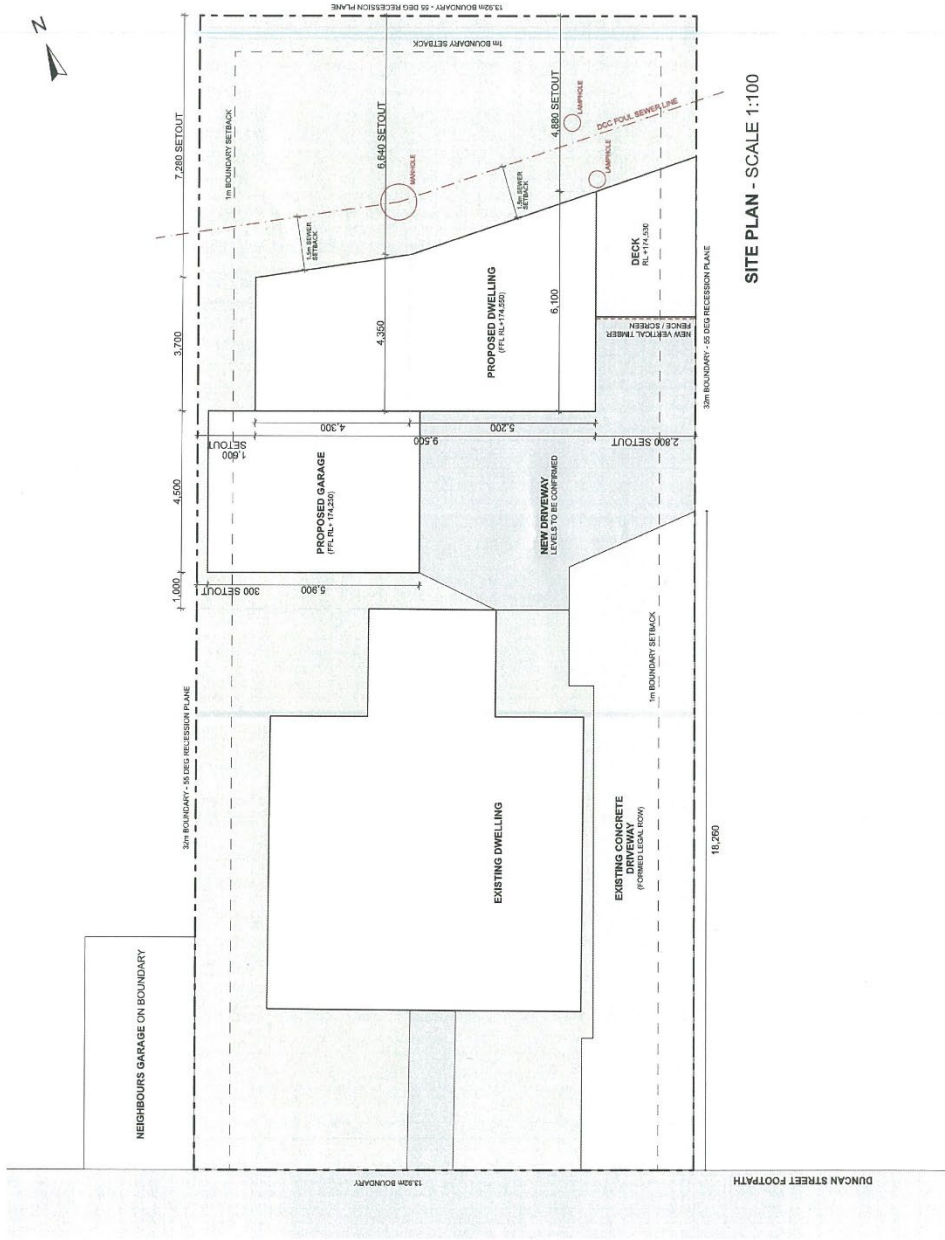
As a simple summary, design moves we've made which align with our interpretation of the Heritage Values are as follows:

- Garage is fully shielded from street by existing heritage house
- Entrance is clearly defined by surrounding timber cladding and almost visible from the street. Entrance door is hinged and timber (NOT a ranch slider)
- Use of a large portion of timber on the visible South Elevation as viewed from street.
- Steel Roof (appears to be in keeping with many surrounding heritage houses)
- Scale and orientation could be considered in keeping with heritage houses up and down the street.
- Centrifuges arguably give depth, shadow and character
- Use of single cladding materials avoided. Colorsteel is mixed in with timber on South Elevation and the North Gable End walls and soffit are clad in timber (As shown on perspective views)
- Avoided use of bright colours. Colour palette will consist of dark, neutral and natural colours.
- Road facing facade has character and clearly looks like the front of a building.
- Gable Roof Pitch is between the suggested 30 - 45° (ft is 40°)
- Other low pitch roofline is concealed behind parapet walls
- We have not included them in design yet but utilities will certainly be shielded from view

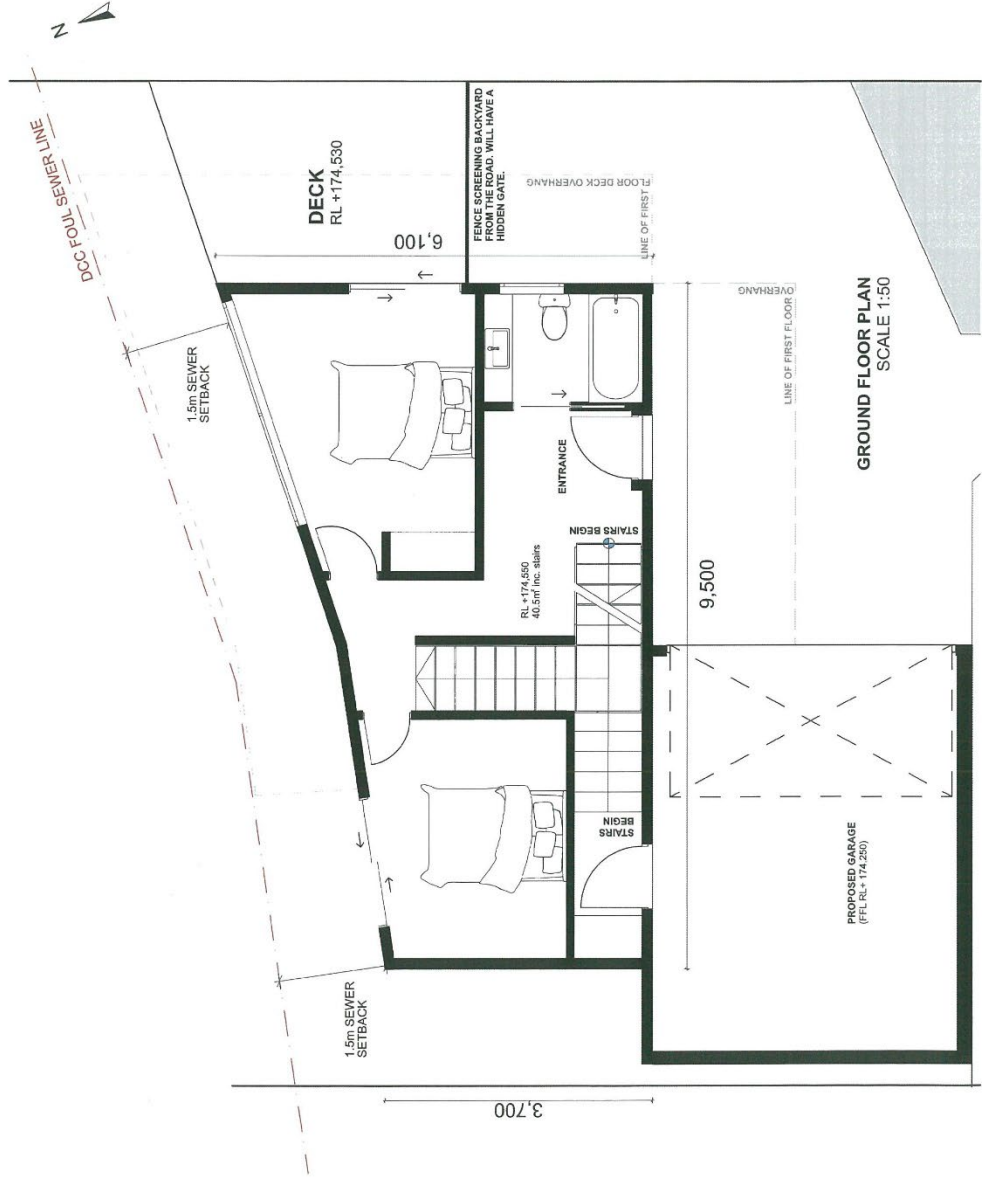


29 Duncan Street, Dunedin	Concept Phase	Notes:	DATE: 04/06/21	SAM RICKARD LICENSED BUILDING PRACTITIONER	M: 022 368 3545 E: sam@samrickard.co.nz www.samrickard.co.nz	A0.1	mākoha small houses
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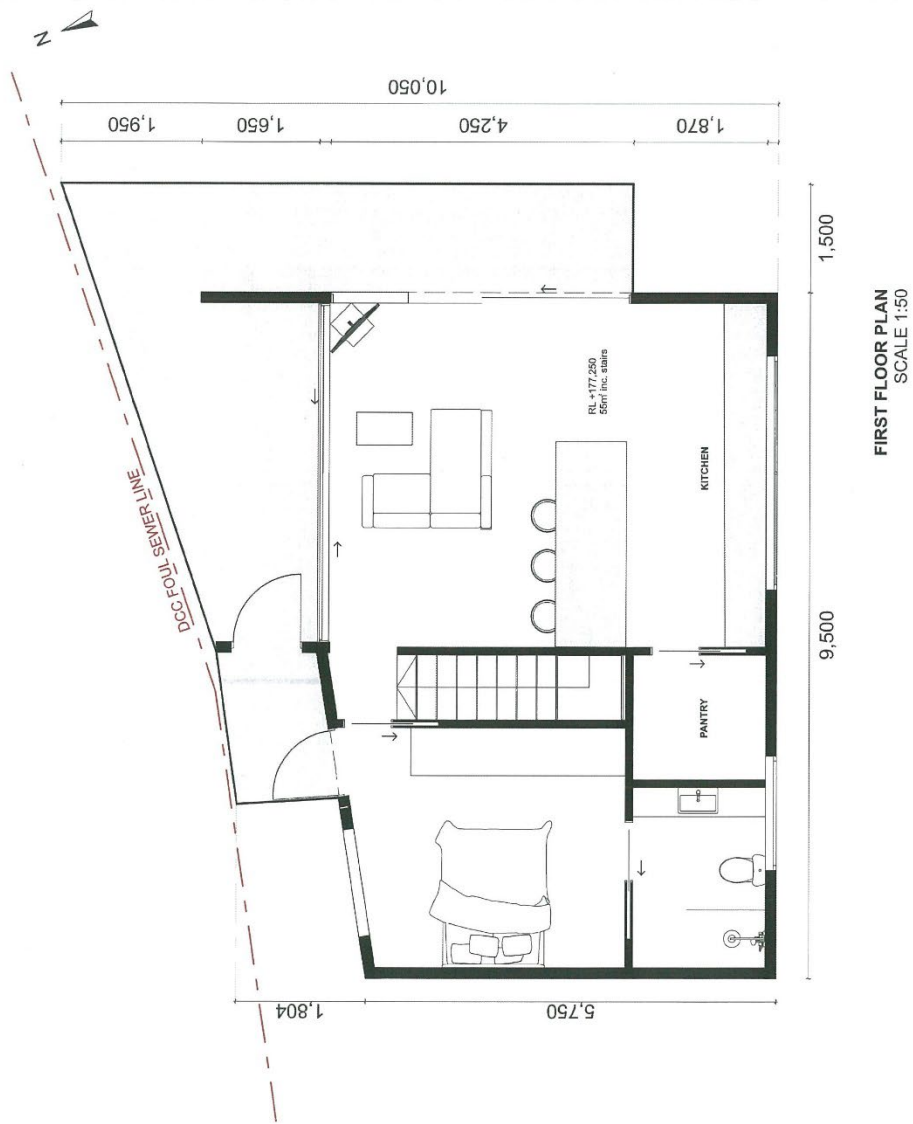
29 Duncan Street, Dunedin	Concept Phase	Notes: THE STRUCTURES SHOWN ON TERRAMARK SURVEY PLANS AS: EXISTING DWELLING, PROPOSED DWELLING (SLEEPOUT) AND ITS DECK AND 'CABBAGE TREES THROUGH DECK' ALL TO BE REMOVED. SITE COVERAGE ETC TO BE DETERMINED ONCE POSITION OF NEW BOUNDARY IS CONFIRMED	DATE: 04/06/21 SAM RICKARD LICENSED BUILDING PRACTITIONER W 022 305 5345 E sam@makohadunedin.co.nz WWW.MAKOHADUNEDIN.CO.NZ A1.1 mākoha Smart Homes
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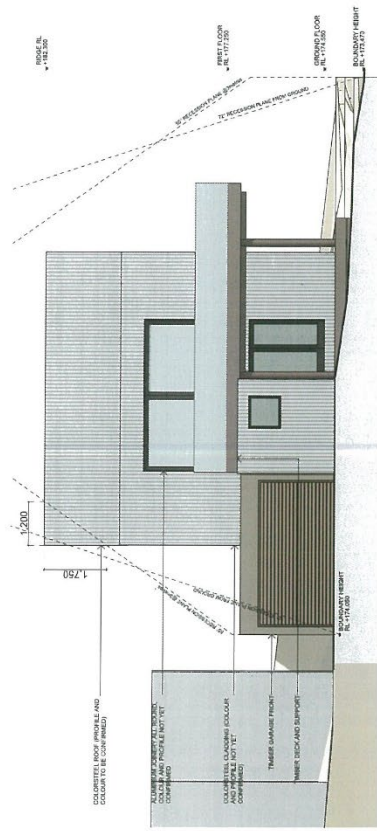


29 Duncan Street, Dunedin	Concept Phase	Notes:	DATE: 04/06/21 SAMI BICKARD LICENSED BUILDING PRACTITIONER	Nº 022 366 3345 021 763 4000 www.makohabuild.co.nz	A1.2	mākoha BUILD LTD
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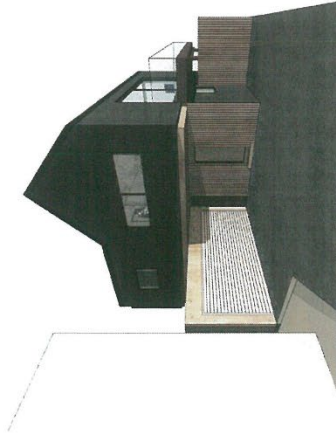
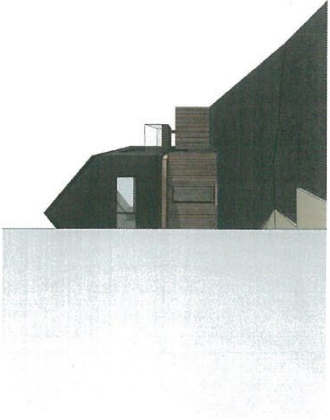
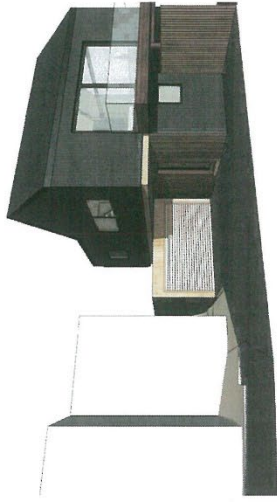
29 Duncan Street, Dunedin	Concept Phase	Notes:	DATE: 04/06/21 SAM RICKARD LICENSED BUILDING PRACTITIONER M: 022 308 3345 E: sam@rickard.co.nz www.rickard.co.nz	A1.3	mākoha smart homes
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29 Duncan Street, Dunedin	Concept Phase	Notes:	DATE: 04/06/21 SAM RICKARD LICENSED BUILDING PRACTITIONER	M 021 306 3345 E: sam@makohabusiness.co.nz www.makohabusiness.co.nz	A2.1	
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29 Duncan Street, Dunedin	Concept Phase	Notes:	DATE 04/05/21 SAM RICKARD LICENSED BUILDING PRACTITIONER M 022 306 3545 E sam@makohahomes.co.nz www.makohahomes.co.nz	A3.1	mākoha Small Homes
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29 Duncan Street,
Dunedin

Concept Phase

Notes:

DATE: 04/08/21

SAM RICKARD
LICENSED BUILDING PRACTITIONER

M: 022 308 3545
E: sam@makoha.co.nz
W: www.makoha.co.nz

A3.2

mākoha
SMART HOMES



11 April 2023

RPS Ward
C/- George Gould
19 Brittan Terrace
Lyttelton 8082

Via email: georgegould243@gmail.com

Dear George

**SECTION 127 APPLICATION: LUC-2021-397/A
(BEING A VARIATION TO LUC-2021-397)
27B & 29 DUNCAN STREET
DUNEDIN**

Your application for a variation of a resource consent, lodged pursuant to section 127 of the Resource Management Act 1991, 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 11 April 2023.

The Council has granted consent to the variation of the resource consent. The assessment of the application, including the reasons for the decision, is set out in the report attached to this letter. The consent certificate showing the varied conditions is attached to the rear of this letter.

The consent certificate outlines 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 'LC Darby'.

Lianne Darby
Planner

APPLICATION LUC-2021-397/A TO VARY LUC-2021-397: 27B & 29 DUNCAN STREET, DUNEDIN

Department: Resource Consents

BACKGROUND

Resource consent SUB-2021-181 was issued on 14 October 2021 for the subdivision of the former 29 Duncan Street, Dunedin, into two lots. The subdivision has been completed as DP 579142.

Land use consent LUC-2021-397 was issued coincidentally with the subdivision consent for the development on the new rear lot. The consent addressed more than one unit on a site (pre-subdivision), and a new building in a heritage precinct. It also consented:

- height in relation to boundary contraventions in respect of the new boundary between Lots 1 and 2, and the northwest side boundary (0.3m);
- the setback requirements in respect of the new boundary (1.0m) and for the garage in respect of the northwest side boundary with 29A Duncan Street (0.7m); and
- the legal and formed width of the driveway (1.2m under-width at a time when the legal width was required to be 4.0m, and 0.2m shortfall for the formed width).
- The legal width of the driveway under the Operative District Plan rules (0.7m shortfall) which were relevant at the time of consent.

DESCRIPTION OF ACTIVITY

The subject site of this consent is now 27B Duncan Street, being the land legally described as Lot 2 Deposited Plan 579142, held in Record of Title 1077892, and has an area of 211m². Access is via right of way over the new 29 Duncan Street, now legally described as Lot 1 DP 579142.

The applicant seeks to change the design of the proposed house for Lot 2 DP 579142. The revised design will have much the same footprint as the consented design except that the northwest wall of the house (next to 29A Duncan Street) is 0.6m closer to the boundary (but still maintains the 1.0m setback requirement), and the balcony is to be extended further northwest along the northeast wall of the house (again, still maintaining the setback requirement).

Internal changes to the building have resulted in the gable roof being rotated 90° to face southeast so as to accommodate an attic/loft space. The proposed garage is in the same position, but will be higher. The unit will have three bedrooms (c.f. three within the consented unit) and a second kitchen/living area, resulting in a second residential unit or family flat within the primary unit (four habitable rooms in total c.f. three within the consented unit).

REASONS FOR APPLICATION

Section 127 of the Resource Management Act 1991 states:

- (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent subject to the following:*
 - (a) *The holder of a subdivision consent must apply under this Section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under Section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*

- (b) *No holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (2) *Repealed.*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if –*
 - (a) *The application were an application for a resource consent for a discretionary activity; and*
 - (b) *The references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who-*
 - (a) *Made a submission on the original consent application; and*
 - (b) *May be affected by the change or cancellation.*

In accordance with the provisions of section 127(3)(a) of the Resource Management Act 1991, the application to vary resource consent LUC-2021-397 is a **discretionary** activity.

PLANNING ASSESSMENT

Affected Persons

Section 127(4)(b) of the Resource Management Act 1991 means that the Council can only consider the adverse effects of the variation itself, being those effects over and above the effects of the existing resource consent, when determining affected parties. The neighbour at 29A Duncan Street provided affected party approval at the time of LUC-2021-397.

The reorientation of the gable roof and the inclusion of a loft will introduce new height in relation to boundary contraventions in respect of the property of 27A Duncan Street. Accordingly, the application has been submitted with the following affected party approval. In accordance with sections 95D(e) and 104(3)(a)(ii) of the Resource Management Act 1991, the Council cannot have regard to the effects of the activity on this person.

Person	Owner	Occupier	Address	Obtained
Rosemary Freda Caulton	✓	✓	29A Duncan Street	20 March 2023
Pauline Anne Bellamy and John Stuart Bellamy	✓		27A Duncan Street	17 January 2023

27A Duncan Street is a vacant site; accordingly, there are no tenants to consider.

The revised proposal will also have increased height in relation to boundary and/or setback contraventions in respect of 29 Duncan Street, this property is held in common ownership with the subject site and was part of the same site at the time of issuing LUC-2021-397 (i.e. the subdivision SUB-2021-181 of the same consent decision created the present 29 and 29A Duncan Street). Accordingly, it accepted that the owner of 29 Duncan Street has no issues with the proposal.

Section 127(4)(a) of the Resource Management Act 1991 also directs the Council to consider whether any submitters on the original application could be adversely affected by the variation. The original application was processed non-notified, and accordingly there are no submitters who could be adversely affected by the variation.

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 the permitted baseline. In this situation it comprises residential activity at a density of one habitable room per 45m² of site area. Ancillary units are permitted provided the habitable room density overall is compliant. On-site car parking can be provided, although vehicles must not reverse onto or off the site.

A building up to 300m² in footprint and up to 12.0m high which maintains setbacks and height in relation to boundary requirements is a permitted structure. No construction which is visible from a public viewpoint is permitted without resource consent within the heritage precinct.

A certain amount of earthworks is permitted, based in part on the slope of the ground.

It is considered that this is the appropriate baseline against which the activity should be considered. 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 a residential site suitable for residential development. There is a consent LUC-2021-397 for the establishment of a residential unit on this land.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises medium density residential activity with mature gardens.

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 Plan, along with the matters in any relevant national environmental standard. This assessment is limited to the adverse effects of the variation itself, being those effects over and above the effects of the existing resource consent. No regard has been given to any trade competition or any effects of trade competition.

1. Height in Relation to Boundary (Proposed Plan 15.10.4.7)

The revised design of the building, including the rotation of the gable roof, will introduce additional height in relation to boundary contraventions. These are in respect of the southeast boundary (27A Duncan Street), southwest boundary (29 Duncan Street), and northwest boundary (29A Duncan Street). The contravention is most significant on the southeast side; however, the neighbouring

property owner has provided affected party approval and accordingly, pursuant to Section 104(3)(a)(ii) of the Resource Management Act 1991, Council must not have regard to any effects on this party.

The southwest boundary is that shared with 29 Duncan Street which is held in common ownership with the subject site. As such, any effects are acceptable on this neighbouring property.

The northwest boundary is shared with 29A Duncan Street. While this neighbour had previously provided affected party approval for setback and height in relation to boundary contraventions, the revised design has introduced a more significant degree of non-compliance. Accordingly, the affected party approval of this neighbour has also been provided.

No other parties are considered to be adversely affected by the proposed development.

2. Heritage (Proposed Plan 15.11.5.4)

The construction of a new building in a heritage precinct is considered to be a restricted discretionary activity, with Council's discretion restricted to the effects on heritage streetscape character. The subject site is within the City Rise Residential Heritage Precinct.

Council's Heritage Advisor has considered the application. He notes that the building in front on 29 Duncan Street (formerly part of the same site at the time of LUC-2021-397) is a character contributing building (CC605). This building is being retained, and is now on a different site to the subject building. The proposed building will be to the north, or rear, of this character contributing building.

The Heritage Advisor notes that the proposed revisions will:

- Reorient the gable so that it is parallel with, rather than perpendicular to, the street;
- Add an additional level within the roof form of the gable;
- Change cladding colours and materials; and
- Make a number of other minor changes to the overall design.

These revisions are considered to be generally consistent with the contemporary aesthetic and gable form that was approved by the previous consent, and the form and aesthetic are supported from a heritage perspective. (A2.1.9.4.d.ii)

The Heritage Advisor notes that the height of the ridgeline is not given in the application. It appears to be higher than the previously consented design, but still below the 12.0m limit. The overall height of the three-storey building is considered to be acceptable within the wider context of older one and two-storey dwellings that typically have a tall floor to ceiling height. The site slopes away from Duncan Street, and the upper level is contained within the roof form. The height of the proposed residential unit does not raise any concerns from a heritage perspective (A2.1.9.4.a.i).

The unit will use a mixture of cladding materials to reduce the visual scale of the proposed building (A2.1.9.4.d.iii). This aspect is supported by a heritage perspective.

Traditional materials (sheetmetal roofing, timber weatherboards) are to be used in a contemporary way to reflect traditional buildings. The Heritage Advisor comments that this is an appropriate response to infill design in a historic context (A2.1.9.4.e.i).

Colour is not controlled in a residential heritage precinct. Assuming that bright paint colours are avoided (A2.1.9.4.g.i), the proposed materials (if being prefinished in appropriately neutral colours, or painted or stained, or left unfinished) are considered to be appropriate for use in an historic context. The Heritage Advisor considers that condition 4 of the consent should be retained.

While the proposed building will be visible from Duncan Street, it will be behind the existing character contributing building. Views of the proposed dwelling will be down the driveways in front, and to the side, of the subject building. It is not considered critical that the gable presents to the street in this instance as it will be legible when viewed from the street. The gabled roof form makes use of an appropriate pitch as suggested by the precinct guidelines (A2.1.9.4.d.viii).

The south façade does not present as a road facing façade (A2.1.9.4.d.iv), however, the proposed design approach is considered acceptable given that the building is on a rear site.

The garaging is concealed from view for the street as is suggested in the precinct guidelines (A2.1.9.4.c.iii).

The Heritage Advisor notes that the location of the proposed building, behind the character contributing building, reduces the potential for the development to have an adverse effect on the heritage streetscape character. He also advises that the subject site is associated with pre-1900 human occupation. The development is therefore likely to require an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 2014. It is accepted that the revised design is considered to be acceptable.

NOTIFICATION ASSESSMENT

Public Notification

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

Step 1: Mandatory public notification in certain circumstances

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

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

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

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

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

Step 4: Public notification in special circumstances

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

Limited Notification

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

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

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

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

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

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

- The application does not involve: a boundary activity.
- Written approval has been obtained from all persons where the activity's adverse effects on the person are minor or more 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 proposal have been assessed and outlined above. The variation will not result in a fundamentally different activity or one having materially different adverse effects. 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 Plan were taken into account when assessing the original application.

The variation raises no new issues in terms of the objectives and policies of the Dunedin City District Plan and the Proposed Plan or any other relevant planning documents.

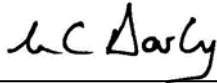
Part 2

Based on the findings above, it is evident that the proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of the variation 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 the variation to the resource consent under delegated authority, in accordance with sections 104 and 127(1) of the Resource Management Act 1991.



Lianne Darby
Planner

Date: 11 April 2023

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 the variation to the resource consent:

LUC-2021-397/A

*Pursuant to Part 2 and sections 34A(1), 104 and 127(1) of the Resource Management Act 1991, and the provisions of the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to the **discretionary** activity of varying resource consent LUC-2021-397 by revising the design of the proposed unit, and is amended as shown on the attached certificate.*



Campbell Thomson
Senior Planner

Date: 11 April 2023.

Consent Type: S127 Variation

Consent Number: LUC-2021-397 as varied by LUC-2021-397/A

Purpose: A land use consent for residential development within a heritage precinct consisting of an additional three-bedroom residential unit with performance standard breaches both prior to and following the creation of lots under SUB-2021-181.

Location of Activity: ~~29 Duncan Street~~ 27B Duncan Street, Dunedin.

Legal Description: ~~Lot 2 Deposited Plan 4257 (RT OT256/192)~~ Lot 2 DP 579142 (RT 1077892).

Lapse Date: LUC-2021-397/A shall lapse three years from the date that the s223 certificate for SUB-2021-181 is issued [i.e. lapsing 10 October 2025].

Condition:

1. *The proposed activity must be undertaken in general accordance with the approved revised plans received at Council on 23 January 2023, attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 29 June 2021, and the variation LUC-2021-397/A received at Council on 23 January 2023, except where modified by the following conditions.*
2. *Pre-construction CCTV filming of the DCC wastewater pipe within the property is required by 3 waters. The CCTV report shall be submitted to the 3 Waters Subdivision Engineer as soon as it is received.*
3. *Post-construction CCTV filming of the DCC wastewater pipe within the property is required by 3 waters. The CCTV report shall be submitted to the 3 Waters Subdivision Engineer as soon as it is received.*
4. *The proposed cladding colours and materials for the proposed unit must be submitted to rcmonitoring@dcc.govt.nz for certification by the Consents Manager.*
5. *The front yard of the front residential unit must not be used for parking or manoeuvring of vehicles.*

Advice Notes:

DCC owned infrastructure within this property

1. Any earthworks or construction on this lot must meet the requirements of the Dunedin Code of Subdivision and Development (2010) in relation to building in close proximity to Council infrastructure, unless otherwise approved by 3 Waters. The Code prohibits any building within 1.5 metres of a pipeline. If any building is proposed within 2.5 metres of a pipe or manhole, 3 Waters must be notified to discuss options and whether an encumbrance on the title is required. 'Building' includes decks, fences, garages, sheds, retaining walls and so on.

Infrastructure

2. All units will be required to have separate water supply, wastewater and stormwater connections.
3. Detail of the water supply application process can be found at <http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
4. Installation of wastewater and stormwater connections will require a Building Consent under Section 40 of the NZBC 2004. These services may require pumping.
5. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
6. All aspects relating to the availability of water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.
7. To reduce water consumption and therefore the volume of wastewater generated, the consent holder will be required to install in new dwellings water saving devices, including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers.
8. To reduce demand on the stormwater system, hard surfacing is encouraged to be permeable where possible. See note 6.6.1.5A of the Proposed 2GP.
9. Storm water from driveways, sealed areas and drain coils is not to cause nuisance on and adjoining properties.
10. 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).

Transport

11. It is advised that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.
12. Any windows/doors from the existing residential unit on Lot 1 facing the Right of Way should be stayed such that they are unable to open onto the Right of Way.
13. Sufficient manoeuvring space must be provided on Lot 2 to prevent vehicles reversing directly onto or off Duncan Street. The area must be large enough so that an 85th percentile design motor car is required to make no more than two reversing movements when manoeuvring.

Earthworks and site development

14. Within 1m of the side boundary with 27 Duncan St, the deck is to be no higher than 0.5m and the screen is no higher than 2m.

15. This consent does not address any earthworks. Should future earthworks breach the performance standards of Rule 8A of the Proposed 2GP, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.
16. When undertaking future earthworks, the developer is advised that:
- a) All walls retaining over 1.5m, or supporting a surcharge / slope, including terracing, require design, specification and supervision by appropriately qualified person/s
 - b) 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. 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.
 - c) Slopes may not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and construction.
 - d) As-built records of the final extent and thickness of any un-engineered fill should be recorded.
 - e) 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.
17. For floor levels it is advised that:
- a) For sites level with or above the road, the finished floor level of any building is to be a minimum of 150mm above the crown of the road.
 - b) For sites below the road, the finished floor level is to be no less than 150mm above the lowest point on the site boundary. Surface water is not to create a nuisance on any adjoining properties.
 - c) For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
 - d) As required by the New Zealand Building Code E1.3.2 surface water resulting from an event having a 2% probability of occurring annually, shall not enter dwellings. The finished floor level shall be set accordingly.
18. If you are demolishing any building that may have asbestos containing materials (ACM) in it:
- a) You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.
 - b) Work may have to be carried out under the control of a person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.

- c) If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016 and the New Zealand Approved Code of Practice: Management and Removal of Asbestos (September 2016);
 - d) Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.
 - e) If ACM is found on site during or following the soil disturbance activities you may be required to remediate the site and carry out validation sampling.
19. The development may affect archaeological material and the proposed work will almost certainly require an Archaeological Authority under the HNZPT Act 2014 given that the site has been occupied prior to 1900. The applicant should consult with the HNZPT Otago-Southland Archaeologist about this.
20. If the consent holder:
- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:
 - i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
 - ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
 - b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
 - i) stop work within the immediate vicinity of the discovery or disturbance; and
 - ii) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and
 - iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may recommence following consultation with the Consent Authority.

General

21. 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.

22. 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.
23. 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.
24. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
25. 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 October 2021.~~

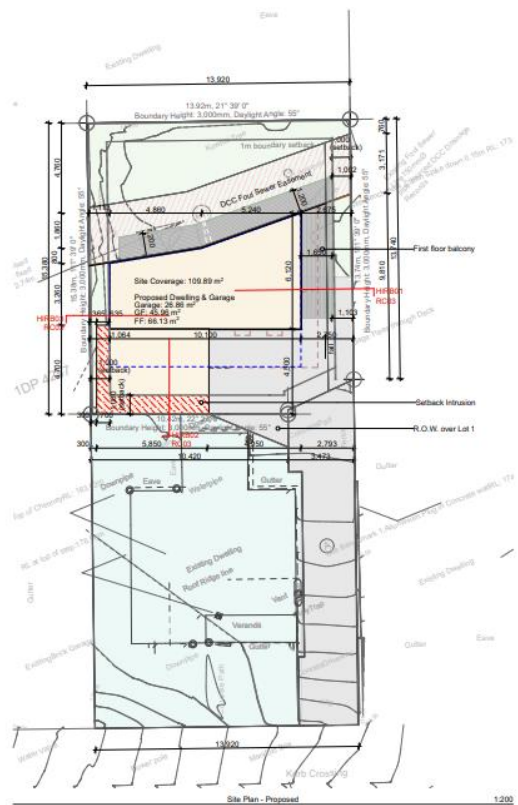
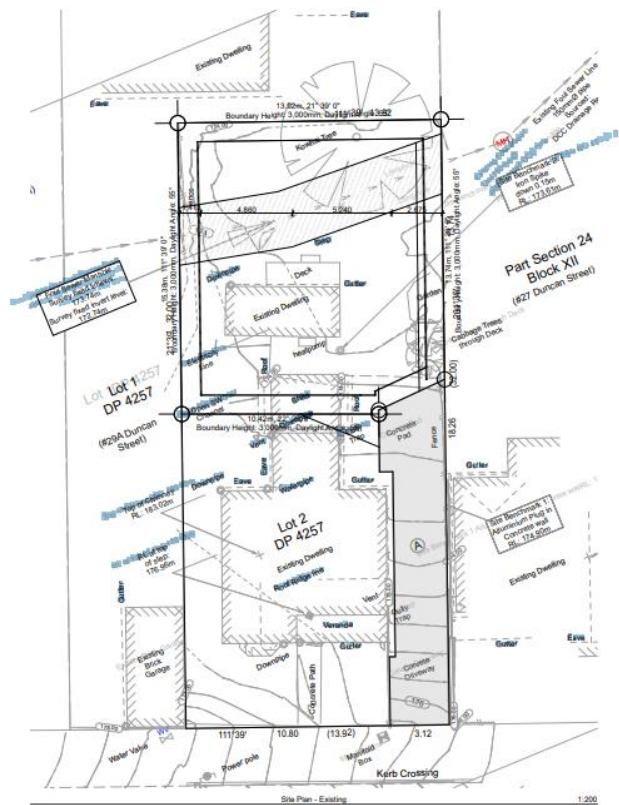
Reissued at Dunedin on 11 April 2023 pursuant to section 127 of the Resource Management Act 1991.

A handwritten signature in black ink, appearing to read 'LC Darby'.

Lianne Darby
Planner

Appendix One: Approved Plans for LUC-2021-397/A (scanned image, not to scale)

(Additional plans available within the application).



Territorial Authority:	Dunedin City Council
Planning Zone:	Inner City Residential Zone Archaeological Alert Layer Mapped Area City Rose Heritage Precinct Overlay
SITE CONTROLS:	
Wind Zone:	LOW
Earthquake Zone:	ZONE 1
Exposure / Durability Zone:	ZONE C
Snow Loading:	N4
Climate Zone:	3
SITE AREAS:	
Site Area (Total):	212m ²
Site Coverage:	108.89m ² (51.32%) (including all overhangs)
Site Impervious Area - refer Impervious Plan	

Drawn by: George Gould 0277853118 georgegould43@gmail.com	Notes:	Client: Rauben Ward		Lot 2 29 Duncan St Central Dunedin Dunedin	23/01/23	Resource Consent 04.06.21 - RC Issue - Rev.A 23.01.23 - RC Variation - Rev.B	Site Plan Scale: 1:200 @ A3	Rev: B	RC01
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Figure 15.6.6.1F: Gable ends and dormers protruding through height plane



Effects on 27a Duncan St:
The drawing HIRB01 below shows the full extent of the gable intrusion at the gable ridge. The District Plan diagram to the right shows a permitted gable intrusion (not requiring neighbour's permission). Shading effects created by the intrusion over and above the 2m x 2m x 2m permitted are mitigated by the fact that the roof has a relatively steep 45° pitch. The drawings HIRB02 & HIRB03 are not relevant to and do not affect 27a Duncan St.

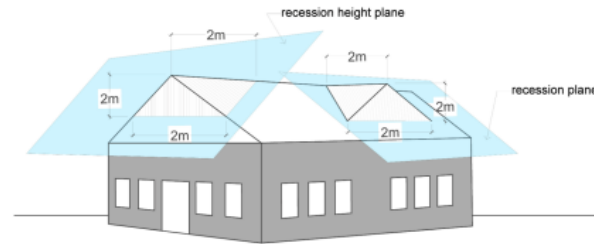
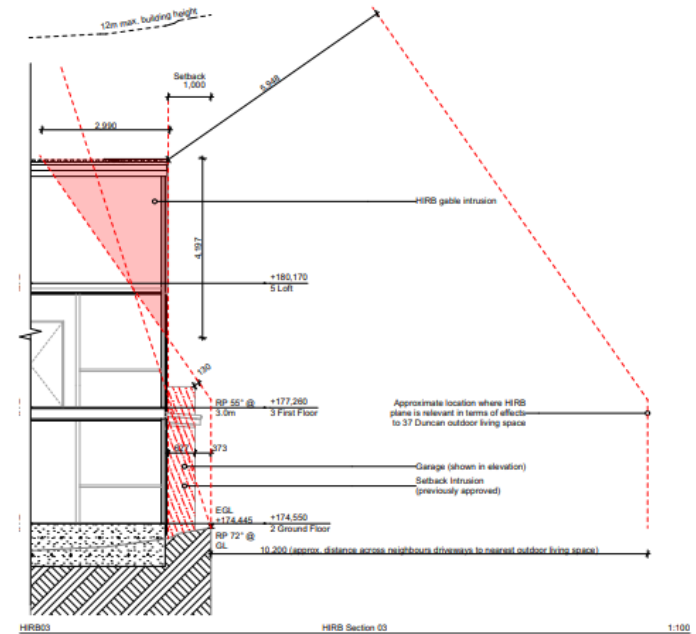
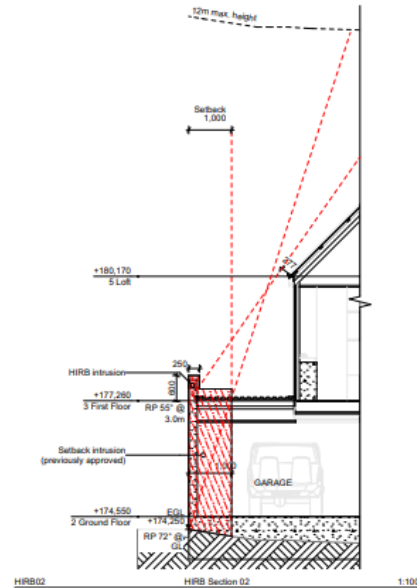
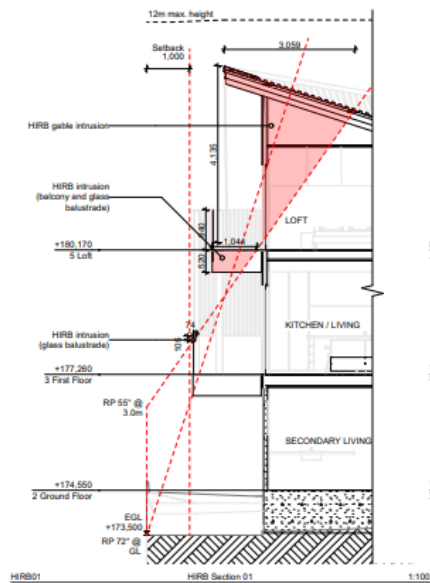


Diagram from 2GP District Plan showing Permitted Gable Intrusion



Drawn by: George Gould 0273693118 georgougout43@gmail.com	Notes:	Client: Reuben Ward		Lot 2 29 Duncan St Central Dunedin Dunedin	23/01/23	Resource Consent 04.06.21 - RC Issue - Rev.A 23.01.23 - RC Variation - Rev.B	HIRB / Sections Scale: 1:100 @ A3	Rev: B	RC03
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31 May 2021

Reuben Ward
C/O Doug Barton
Terramark Limited
PO Box 235
Dunedin 9054

Via email: doug@terramark.co.nz

Dear Doug

HAIL PROPERTY SEARCH

HAIL-2021-150
29 Duncan Street Dunedin

Please find attached the results of your Hazardous Activities and Industries List (HAIL) search lodged on 25 May 2021.

Please note:

- The attached documentation only includes information that is available on the Council's records and the Council does not necessarily hold comprehensive records of the historic land use of this site.
- Additional HAIL activities beyond any identified in the results may have occurred on the site or may be occurring without the Council's knowledge.
- It is recommended that further investigation of the historic land use be undertaken through other means, including consulting with any former land owners and checking with the Otago Regional Council.
- This information does not constitute a Preliminary Site Investigation in terms of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Yours sincerely



Peter Webb
Planner

HAIL Search Summary

Collated by: Peter Webb, Dunedin City Council

Date Collated: 31/05/2021

1 PROPERTY INFORMATION

Current Owner:	Reuben Peter Sidney Ward
Address:	29 Duncan Street Dunedin
Legal Description(s):	Allotment 2 Deposited Plan 4257
Territorial Authority:	Dunedin City Council

2 SEARCH EXTENT

Site plan showing search area:



3 HAIL INFORMATION

3.1 Supporting documents regarding land use history

List of supporting documents about land use history. e.g. historic aerial photographs, resource or building consent documents, street-view photographs etc. Any documents showing possible or actual HAIL activity are specifically noted.

- Email from Council's Archivist, outlining results of archival search
- Aerial photo dated 1942 (from https://files.interpret.co.nz/Retrolens/Imagery/SN223/Crown_223_512_33/High.jpg)
- Aerial photo dated 1947
- Aerial photo dated 1957
- Aerial photo dated 1962 (from https://files.interpret.co.nz/Retrolens/Imagery/SN1425/Crown_1425_B_7/High.jpg)
- Aerial photo dated 1967
- Aerial photo dated 1970 (from https://files.interpret.co.nz/Retrolens/Imagery/SN3273/Crown_3273_A_1/High.jpg)
- Aerial photo dated 1975 (from https://files.interpret.co.nz/Retrolens/Imagery/SN2818/Crown_2818_D_1/High.jpg)
- Aerial photo dated 1978
- Aerial photo dated 1979 (from https://files.interpret.co.nz/Retrolens/Imagery/SN5392/Crown_5392_B_5/High.jpg)
- Aerial photo dated 1990
- Aerial photo dated 2000
- Aerial photo dated 2007
- Aerial photo dated 2009
- Aerial photo dated 2013
- Aerial photo dated 2018/19
- Consents record
- Drainage permit H-1914-129083 plan
- Drainage permit H-1915-130634 application and plans
- Drainage permit H-1921-137175 application and plan
- Building consent H-1954-43693 plan to erect fence
- Building consent ABA-1994-328149 plan to install heater

3.2 HAIL land uses

Land uses (from HAIL):

- Nil identified

3.3 Spatial extent of HAIL activity

☒ Not Applicable

☐ Part of Property

☐ Whole Property

4 CONCLUSION

☒ No explicit information found regarding HAIL activity

☐ Possible HAIL site

☐ Confirmed HAIL site

Peter Webb

From: Prue Milbank <Prue.Milbank@dcc.govt.nz>
Sent: Wednesday, 26 May 2021 09:48 a.m.
To: Peter Webb; Campbell Thomson
Subject: HAIL Archives Search - 29 Duncan Street, 2021-150
Attachments: 29 Duncan Street 1978.jpg; 29 Duncan Street 1967.jpg; 29 Duncan Street 1947.jpg; 29 Duncan Street 1990.jpg

HAIL 2021-150

Property Address: 29 Duncan Street, Lot 2 DP 4257 (Section 23 Block XII High Ward)

We have examined the relevant archival records relating to this site.

Records searched: DCC Valuations rolls, Building permits, Dangerous Good lists 1891-1907, 1920-1950s, Landfills listings, City Engineers correspondence 1944-1996, DCC Inwards Correspondence Series 1989-2002

Nothing was found for the property in these records.

For the subject site, the land use history according to the information in archives can be summarised as:

There has been a house onsite since at least 1875 (earliest we can check).

The available aerial photos for this locality are attached.

Thank you,

Prue Milbank

ARCHIVIST

Business Information Services

Visit DCC Archives photo collection at www.flickr.com/photos/dccarchives

DCC Archives <http://www.dunedin.govt.nz/services/archives>

P 03 477 4000 | **DD** 03 474 3553 | **E** prue.milbank@dcc.govt.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz



Please consider the environment before printing this e-mail

1942



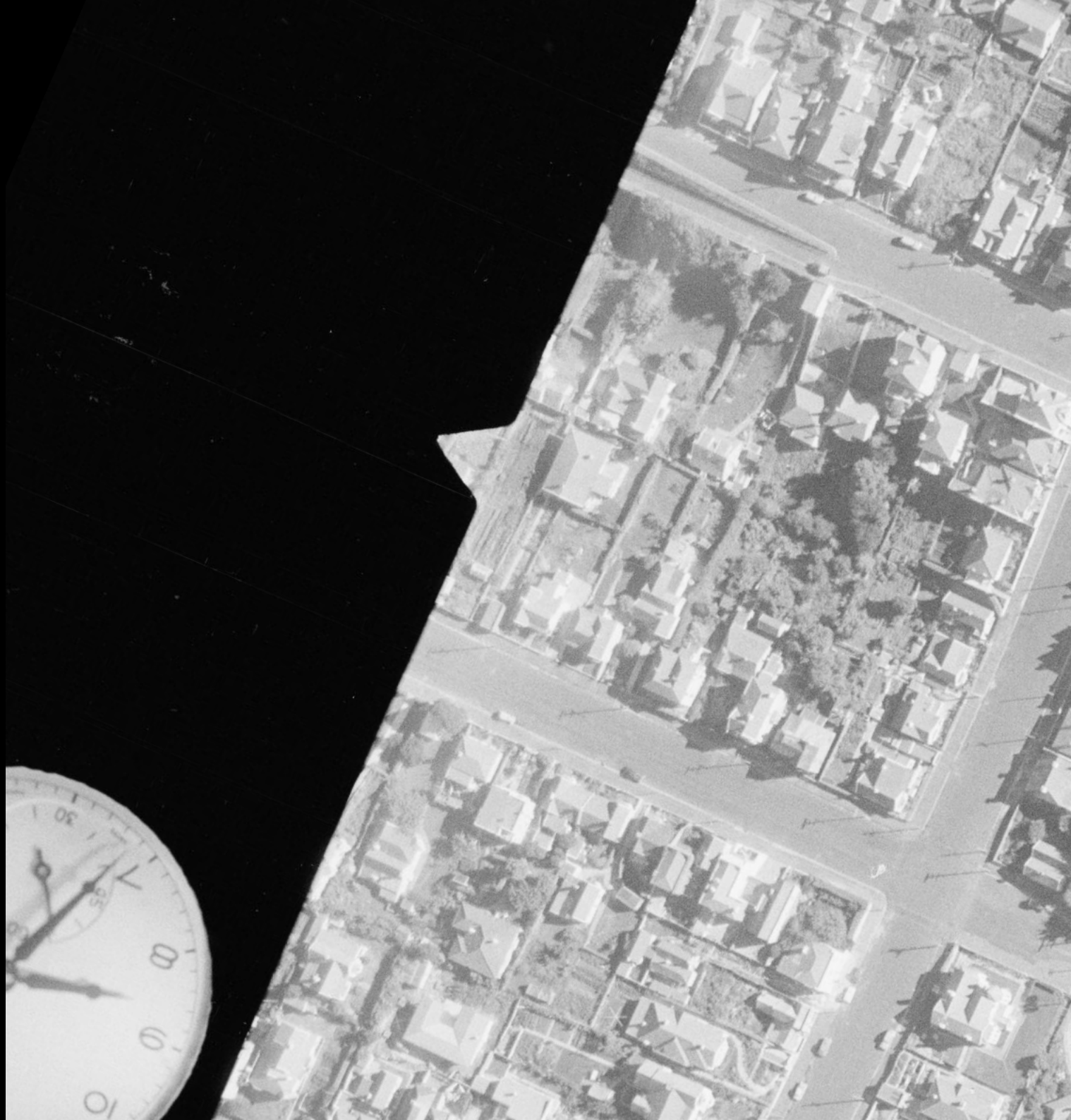
1947



1957



1962



1967



1970



1975



1978



1979



1990



2000

DUNCAN STREET



2007

DUNCAN STREET



2009

DUNCAN STREET



2013

DUNCAN STREET



2018/19

DUNCAN STREET



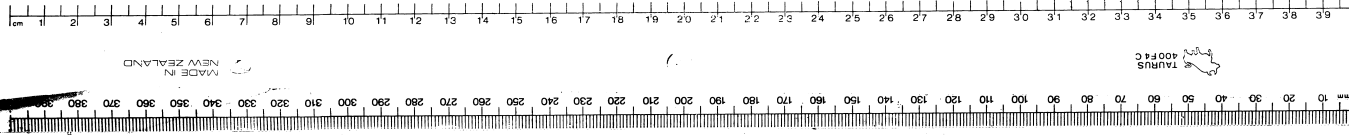
**Consent Record for 29 Duncan Street Dunedin
(Property Number: 5027182)**

Building Applications:

Building Application	Status	Description	Lodge Date	Applicant
<u>PS-2021-194</u>	Property Search Completed	Property Searches	23/02/2021	<u>172632</u> J G Smail Limited
<u>ABA-1994-328149</u> GEMS ID ABA943733	CCC Issued	Heater, (M C Trevethan) C/- Paterson Lang, PO Box 225 Dunedin	06/09/1994	
<u>H-1954-43693</u> GEMS ID AAB19540792	Historical Record	AAB19540792 16282 - Erect Fence, (McLennon)	06/09/1954	
<u>H-1952-169631</u> GEMS ID AAD19520948	Historical Record	AAD19520948 F803 - Plumbing, No Plan (McLennon)	10/08/1952	
<u>H-1921-137175</u> GEMS ID AAD19210865	Historical Record	AAD19210865 B820 - Plumbing and Drainage, (Maxwell)	17/09/1921	<u>189736</u> Historic Person - Old Consents (Bldg, Land Use, Sub)
<u>H-1915-130634</u> GEMS ID AAD19150445	Historical Record	AAD19150445 A9069 - Plumbing and Drainage, (Maxwell)	29/07/1915	
<u>H-1914-129083</u> GEMS ID AAD19141171	Historical Record	AAD19141171 A7460 - Lay Board Drain in Common A184, (Dunedin Drainage and Sewerage Board)	02/12/1914	

Planning Applications:

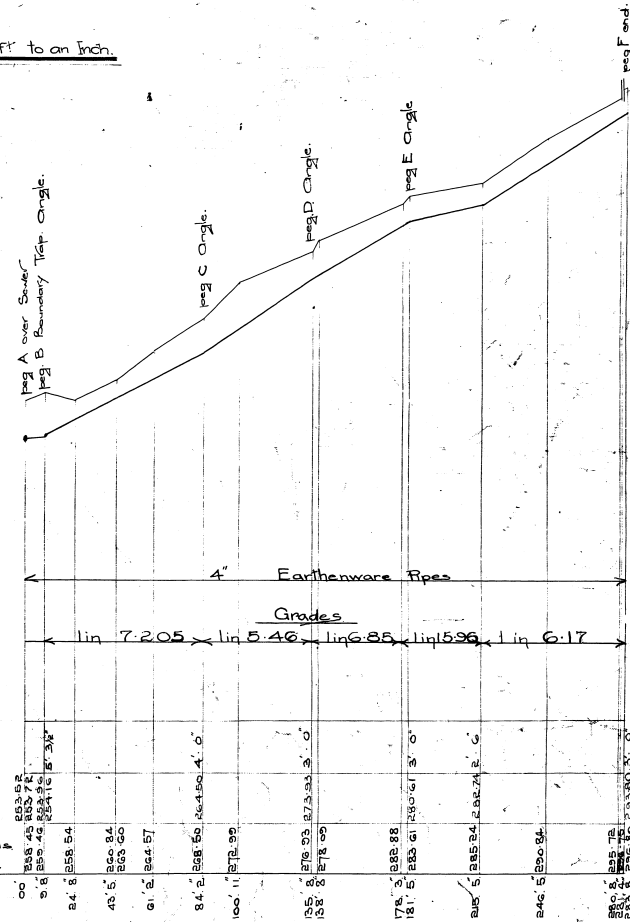
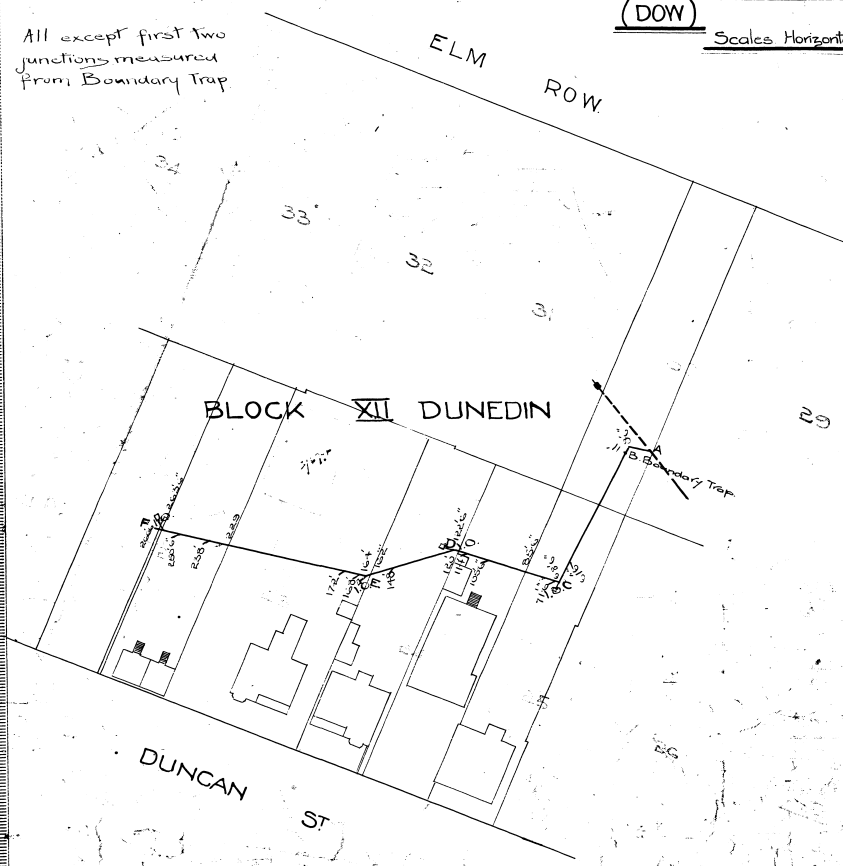
Planning Application	Status	Description	Lodge Date	Applicant
<u>HAIL-2021-150</u> GEMS ID	HAIL request lodged	29 Duncan Street, Dunedin Central	25/05/2021	<u>697529</u> R P S Ward
<u>POL-2016-15/A</u> GEMS ID	Application Withdrawn	objection to condition	20/06/2016	<u>153656</u> J S Bellamy
<u>POL-2016-15</u> GEMS ID	Consent Issued	s348 right of way over 29 Duncan Street in favour of 27 Duncan Street	04/04/2016	<u>153656</u> J S Bellamy
<u>LUC-2016-228</u> GEMS ID	Completed	land use consent for an under-width right of way	04/04/2016	<u>153656</u> J S Bellamy



DRAIN IN COMMON DUNCAN STREET
(DOW)

Scales Horizontal 40 Ft Vertical 10 Ft to an Inch.

All except first two junctions measured from Boundary Trap



A. Plinger
Drainage Engineer
11/1/1914

Location

A184

Permit Issued

Date JUL 30 1915

No. A/9069

Dunedin Drainage and Sewerage Board.

APPLICATION FOR PERMIT.

To the Dunedin Drainage and Sewerage Board.

I HEREBY APPLY for a permit under the By-law of The Dunedin Drainage and Sewerage Board known as By-law No. 3, 1910, authorising

(Here state shortly the nature of the works, with a statement of the materials, methods, and dimensions thereof)

Connect 8" 4" sewage drain to
drain in common

18.

1 W.L.

Sink bath with water

1
3

Raising drain to and from water.

A. Deposit

10-0-0
July 28th

FEES PAID.

£ 5.8

Date 29. 7. 15

Receipt No. 2322

Cashier R

on the premises owned by A.H. Macmillan

Section 23.

Block 12.

(Here state name of City, Township, or Suburb.)

No. 29 Dunedin Street, as per block plan herewith
(where block plan deposited).The full name of the person employed by the owner to execute the said works
is George E. Wright

Address 456 Yorking St.

I enclose herewith the fees for inspection and for connection to sewer payable
under the said By-law.

Dated this

29th

day of

July

1915.

Signature of Contractor G.E. Wright per.

DUNEDIN DRAINAGE AND SEWERAGE BOARD

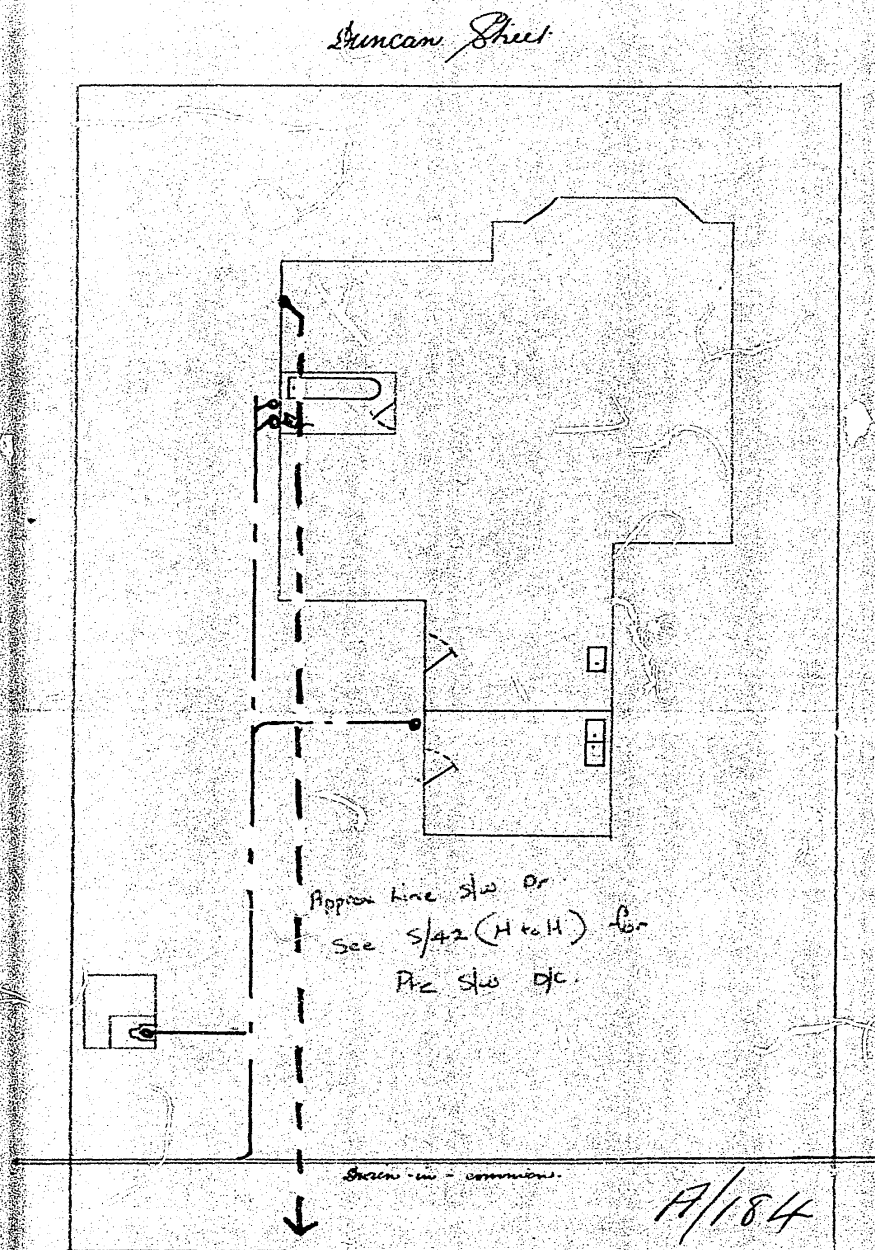
HOUSE CONNECTION PLAN.

APPLICATION No. A9067

DATE 29. 7. 15

SCALE : $\frac{1}{2}$ in. to a Foot.

NEW SEWAGE DRAINS: RED
STORM WATER: DOTTED BLACK
OLD DRAINS: FULL BLACK



LEGEND

- Existing Drains
- New Foul Drains
- New Stormwater Drains

Owner Mr. H. Maxwell
Street 29 Duncan Street
Locality En

Block 12
Section 23
Allotment

Signature of Drainer C. E. Wright

ARTHUR STREET

ELM ROW

BROWN STREET

DUNCAN STREET

STREET

H TO H 542

282-28

254-79

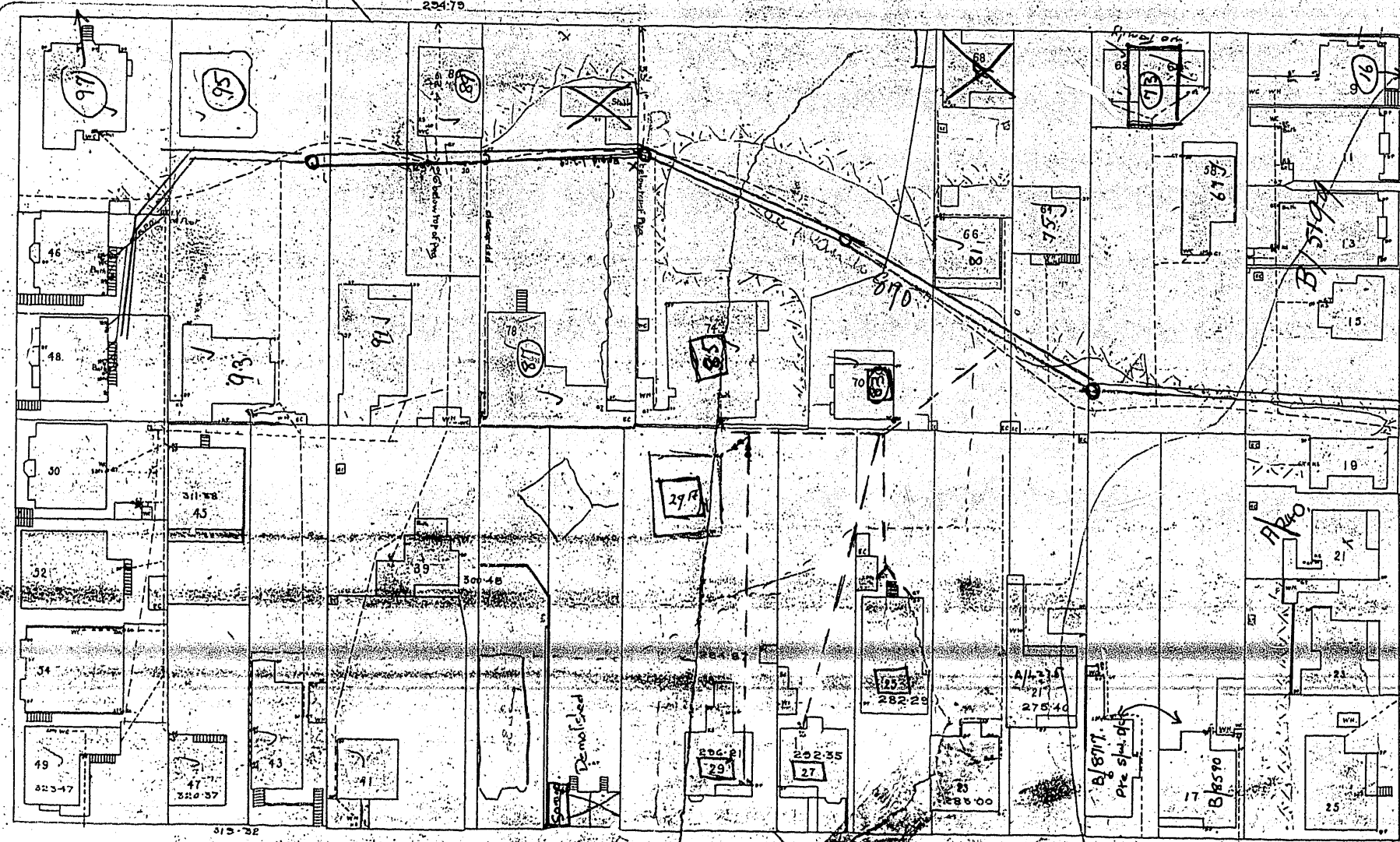
870

B/5194

A/200

B/8117
pre slw. d/c

Demolished



REPORT—

Permit issued 20/9/21 by AB No. A/B 820

20/9/21
fit drain in
12/9067
RR
Chief Inspector

Dunedin Drainage & Sewerage Board
Dunedin Drainage & Sewerage Board
PARTICULARS OF FINISHED WORK PERMIT

To the Dunedin Drainage & Sewerage Board,

I HEREBY APPLY for a Permit under the By-Law of the Dunedin Drainage and Sewerage Board known as By-Law No. 2, 1910, authorising

(Here state shortly the nature of the works, with a statement of the materials, length, and dimensions thereof)

Fit closet bath and basin
4 ft drain

1701

FEES PAID
£ : 4 :
Date 17.9.21
Receipt No. 460
Cashier

I Certify that I have obtained Permit No. _____ to open the street from City Corporation

I Certify that street will not be opened except for

on the premises owned by M. Maywell

Section 23

Block 12

No. 29

Dunedin

(Here state the name of City, Township, or Suburb)

Street, as per block plan herewith

(where block plan deposited).

The full name of the person employed by the owner to execute the said works is Chas. Jenkins

Address 37 Duncraig Dr

I enclose herewith the fees for inspection and for connection to sewer payable under the said By-Law.

Dated this 17 day of Sept 19 21
Signature of Contractor Chas. Jenkins

DUNEDIN DRAINAGE AND SEWERAGE BOARD

HOUSE CONNECTION PLAN.

APPLICATION No. B/820

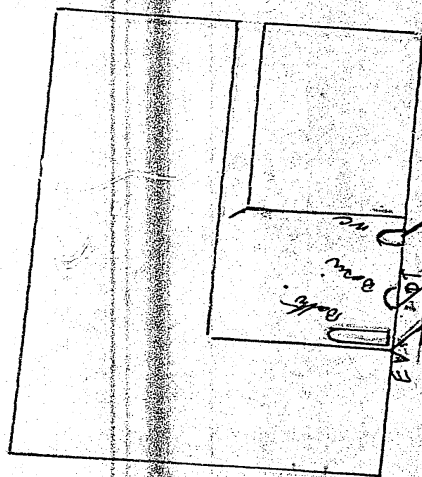
DATE 17. 9. 21

SCALE: $\frac{1}{8}$ in. to a Foot.

NEW SEWAGE DRAINS: RED
STORMWATER: DOTTED BLACK
OLD DRAINS: FULL BLACK

LEGEND

— Existing Drains
— New Foul Drains
- - - New Stormwater Drains



A/9067

Owner A. Maynard

Street 29 Dunean

Locality City

Block 12

Section 23

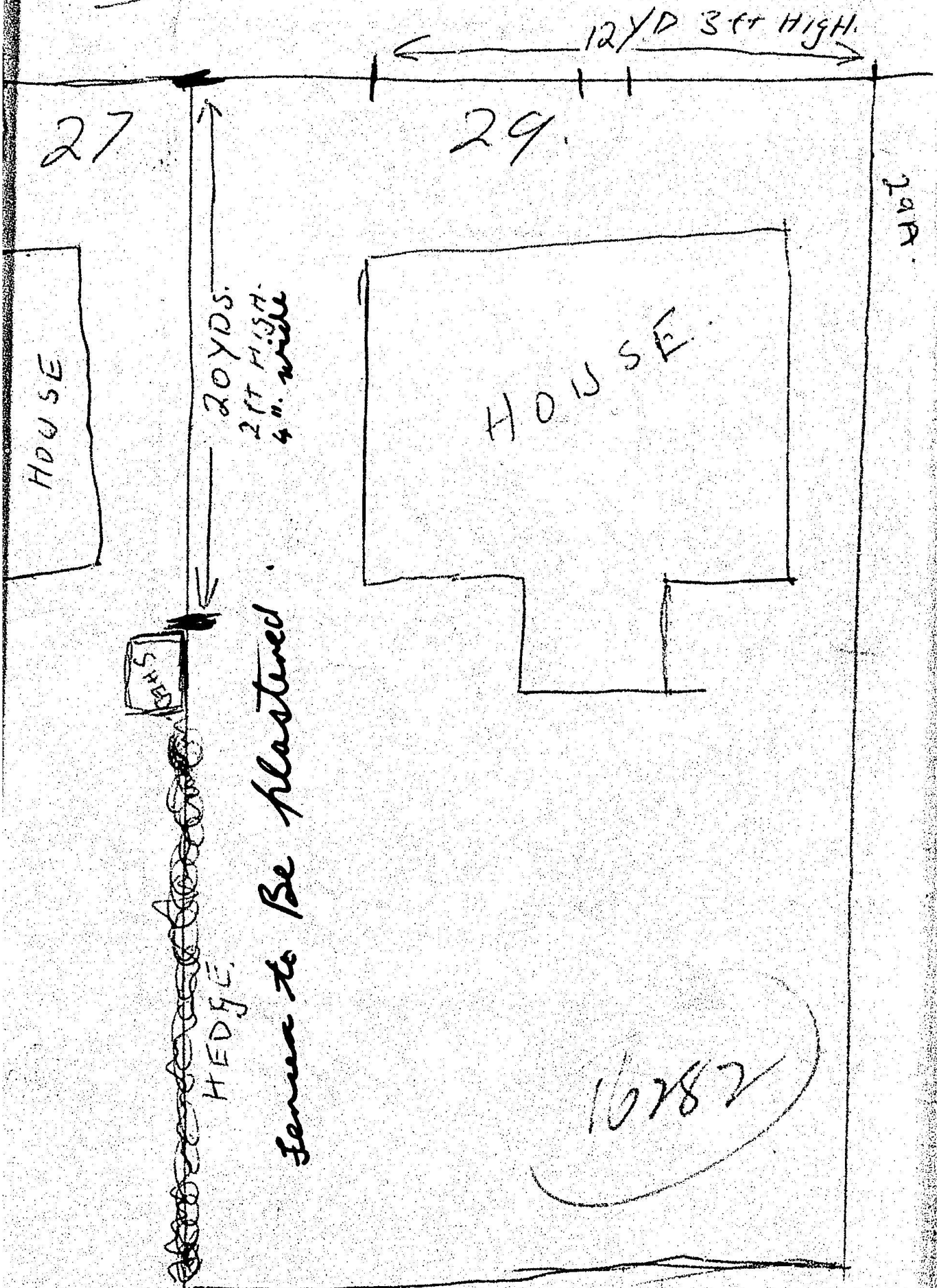
Allotment

Signature of Drainer

C. J. Jenkins

UNCA ST

H-1954-43693



29 DUNCAN ST. 1

DUNEDIN CITY COUNCIL

Installation of Solid Fuel Heater

All work involved in installing the
 wetback and water pipework
 must be carried out by a Craftsman
 plumber.

Work shall comply with the Building
 Reg. 1991 Clause 11.2

DATE 8-9-94

ENVIRONMENTAL HEALTH CONDITIONS:-
 SOLID FUEL BURNER TO BE OPERATED
 IN UNBURNED FREE MAN / R
 PLEASE CONTACT ENVIRONMENTAL HEALTH
 SECTION: PH. 477-4000 FOR ADVICE ON
 OWNER RESPONSIBILITIES

DUNEDIN CITY COUNCIL
 Copy of Approved Plan
 and/or Specification
 TO BE RETAINED ON WORKS
 AND PRODUCED ON REQUEST
 OF BUILDING INSPECTOR.

DATE 8-9-94
 [Signature] FOR CITY ENGINEER

KITCHEN

ENTRY
LAUNDRY

CUPBOARDS

X POT BELLY IN ORIGINAL FIRE PLACE

94/3733

Not
 App
 to
 ser
 to
 NZ