

21 March 2025

Phillip Mark Wilson & Eva Alison Carer Mulder
3 Pearse Street,
Brighton,
DUNEDIN - 9035

Dear Philip and Eva,

APPROVAL FOR VEHICLE ENTRANCE – 3 PEARSE STREET, BRIGHTON (LOT 2)

In response to your enquiry and in relation with SUB-2024-113, I wish to advise that the installation of the vehicle entrance to the above property is approved.

Vehicle entrances and reinstatement of footpaths must be carried out by a DCC approved Contractor. Attached is the Council's list of approved contractors for this work. A quotation for the construction of your entrance can be obtained from any contractor on this list.

Any work on road reserve including the construction of a vehicle entrance requires a Corridor Access Request, through www.submitica.co.nz

Construction Requirements

- 1) The crossing shall be a 3 meters asphaltic dish type.
- 2) The crossing shall be located as per the submitted plan i.e. on the southern side of the property serving Lot 2.
- 3) The footpath and berm area shall be excavated and reconstructed in accordance with the Specification for the Construction of Vehicle Entrances.
- 4) The on street drive shall be a normal type crossing with an asphalt surface from the edge of the existing formed carriageway to the property boundary.
 - a) It is advised that the drive within the property be sealed or hard surfaced for at least the first five (5) metres to minimise the potential for damage to the road corridor. It is important to note that the property owner may be liable for any damage to the road corridor resulting from an unformed drive.
- 5) The finished levels of the drive at the boundary shall be greater than or equal to the existing level at the crown of the road.
- 6) Stormwater runoff from the drive shall 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 or sump, with a pipe connected to dish channel. Stormwater pipe should be placed at 10 mm between invert of drain and channel with a minimum of 50mm cover over the pipe.
- 7) The existing crossing at this property does not meet council standards and is non-compliant. To meet current Council standards the vehicle crossing be hard surfaced from the edge of the carriageway for first 5 metres towards the property.

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| 8) The work shall be carried out in accordance with the Council's Specifications for the Construction of Vehicle Entrances. |
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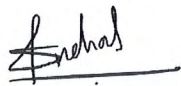
This approval is valid for one year from the above date or 3 months after Code of Compliance signoff, whichever of the two is longer.

Please contact the undersigned on 477 4000 for any clarifications regarding this letter.

Approval must be obtained from a DCC Transport Asset Supervisor, prior to any deviations from these construction requirements. Approved deviations will then be recorded on the property file.

Please note: This outlines DCC Transport requirements only. It is subject to the District Plan, Building Code and any other consent conditions. Please contact City Planning's Public Enquiries Counter and Dunedin City Council Development Services or telephone 477 4000 if you wish to discuss these aspects.

Yours faithfully



Snehal Auti
Network Asset Supervisor
Transport

Encl: Councils list of approved contractors for vehicle entrance construction.

cc: SOUTHSEASMARINE@GMAIL.COM;



30 August 2024

P M Wilson & E A C Mulder
C/- T L Survey Services Limited
2 Stafford Street
Dunedin 9016

Via email: lana@tlsurvey.co.nz

Dear Doug

RESOURCE CONSENT APPLICATIONS: **SUBDIVISION: SUB-2024-113**
LANDUSE: LUC-2024-329
3 PEARSE STREET
BRIGHTON

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 an Associate Senior Planner, under delegated authority, on 30 August 2024.

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)(a) and 37A(4)(b)(ii) of the Resource Management Act 1991.

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

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

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

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

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

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

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'M. Seeley', with a stylized flourish at the end.

Madeline Seeley
Planner

APPLICATION SUB-2024-113 & LUC-2024-329: 3 PEARSE STREET, BRIGHTON

Department: Resource Consents

DESCRIPTION OF ACTIVITY

Resource consent is sought for the subdivision of the land at 3 Pearse Street, Brighton. The subject site is a regular-shaped property with frontage to Pearse Street on its western side. The site is currently occupied by a three-bedroom dwelling and attached car port in the side yard, and a double shed in the backyard, which is to be removed. It is legally described as Lot 16, Block II Deeds Plan 21, held in Record of Title OT245/259 (Limited as to Parcels), and has an area of 1012m².



The proposed subdivision will create two lots. Proposed Lot 1 will be a front site, containing the existing dwelling, access and car port and will have an area of 450m². Proposed Lot 2 will have an area of 560m² with a leg-in to Pearse Street down the southern boundary of the property. The existing access will serve Lot 1, while a new access will be formed to Lot 2.

The site gradually slopes towards the rear of the site and much of the rear yard is in vegetation/grassed.

REASONS FOR APPLICATION

Dunedin currently has two district plans: the Operative Dunedin City District Plan 2006 (referred to in this report as the "2006 Plan", and the Proposed Second Generation Dunedin City District Plan (the "Proposed Plan").

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 the district plans in force at the time of the decision that must be had regard to when assessing the application.

From 19 August 2024, the Proposed Plan became partially operative and almost completely superseded the 2006 Plan except for specific provisions and a number of identified areas that are still subject to appeal. Where these provisions and appeals are relevant, the 2006 Plan must still be considered. Otherwise, the assessment of the application is to be undertaken fully under the Partially Operative Second Generation Dunedin City District Plan (referred to in this report as “the 2024 Plan”).

In this case, the application was lodged on 30 July 2024 when the Proposed Plan rules were in effect but not deemed operative. Nevertheless, the relevant zone and rules of the Proposed Plan were mostly beyond challenge, and the relevant rules of the 2006 Plan were considered to have been superseded. The application is assessed under the rules in effect at the time of issuing the decision. In this respect, the application has been lodged under the Proposed Plan, but the decision is assessed under the now Partially Operative 2024 Plan.

Proposed Plan

The subject site is zoned **Township and Settlement**. It is also within an **Archaeological Alert Layer Mapped Area**.

Subdivision

Rule 15.3.5.2 lists general subdivision in the residential zones as being a restricted discretionary activity subject to the performance standards. The proposed subdivision will comply with the performance standards applying to subdivision, and as such, Council’s discretion is limited to the following matters of discretion:

- *Effects on accessibility*
- *Effects on the safety and efficiency of the transport network*
- *Effects on surrounding sites' residential amenity*
- *Effects on streetscape amenity and character*
- *Risk from natural hazards*
- *Effects on efficiency and affordability of infrastructure*
- *Effects of stormwater from future development*

Land-Use

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

Land-Use Activity

Rule 15.3.3.3 of the Proposed Plan states that standard residential activity is a permitted activity provided that it complies with the relevant performance standards. On the basis of information currently available, the existing residential activity of Lot 1 and the future residential activity of 2 are expected to be **permitted** activities.

Development Activity

Rule 15.3.4.4 lists buildings as being a permitted activity for this zone subject to the performance standards. Based on the information currently available, the future development of Lot 2 is considered to be a **permitted** activity (no development is currently proposed)

Rule 15.3.4.24 lists parking, loading and access activities as being a permitted activity for this zone, subject to compliance with the performance standards. The existing driveway to proposed Lot 1 will not be hard

surfaced and is currently metalled. In accordance with Rule 6.6.3.6.a, driveways that adjoin a legal road that is hard surfaced must be constructed with a hard surface for a minimum distance of 5m from the edge of the road (See Appendix 6B, Figure 6B.19). Activities which contravene this rule are considered to be **restricted discretionary** activities pursuant to Rule 6.6.3.6.c. However, the driveway is existing and no changes are proposed to it. Parking, loading and access activities only include *new or additions and alterations* to vehicle tracks, driveways, parking areas, manoeuvring areas, and loading areas. Thus, the standards do not apply and the existing driveway can remain.

Operative District Plan

The relevant rules of the Proposed Plan for this zone and site have not been appealed and the equivalent rules of the Operative Plan have been superseded. There are no other rules of the Operative District Plan that remain applicable to the proposal. In accordance with Section 86F of the Resource Management Act 1991, they do not need to be considered as part of this subdivision and land use application.

National Environmental Standards

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

The subject site is not registered as a HAIL site on the Otago Regional Council hazards register.

The applicant's agent had a search of Council's records undertaken (HAIL-2024-95). The Search Report identified part of the property is a possible HAIL site, namely Category I, which cover:

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

This category was identified due to the dwelling on proposed Lot 1 was identified as having been established on the site since at least 1945. The HAIL Search Report notes the long-term use of lead-based paints on buildings will, in some cases, cause soil contamination and that the Ministry of Health have determined that pre-1945 dwellings' paintwork is almost certain to contain lead in a high concentration (Ministry of Health, 2021). Council's consultant environmental scientists from Stantec New Zealand have recently stated that it is 'most likely' that the soil immediately surrounding a pre-1945 painted building will have lead contamination above soil contaminant standards. The Report notes that while records of the original cladding for the existing dwelling are missing from Council's records, there is a high likelihood that the cladding material was painted timber. Therefore, the halo of the dwelling should be treated as possible HAIL under the above category.

Other HAIL uses were noted, but there was no other *possible* HAIL uses listed.

Resource consent is therefore required for the subdivision of the 'piece of land' (in accordance with the definitions in Regulation 5) and the activity is a **discretionary activity** under Regulation 11 of the NES-CS.

Disturbance of soil on a 'piece of land' is a permitted activity under the NES-CS Regulation 8(3) where certain conditions are met, including the volume of the disturbance of the soil of the piece of land must be no more than 25m³ per 500m². Where testing the soil confirms some contamination, soil disturbance will be required to remediate the soils. As such, a land use consent is included for the disturbance of soil as a **discretionary activity** under Regulation 11 as any soil disturbance beyond the permitted level would require resource consent.

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

Overall Status

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

In this case, the proposal is a **discretionary** activity.

WRITTEN APPROVALS AND EFFECTS ASSESSMENT

Affected Persons

No affected persons forms were submitted with the application. No person or party is considered to be adversely affected by the activity for the reasons discussed below in the section on the Effects on the Environment.

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.

Neither the District Plan nor the Proposed Plan allows any subdivision to occur as of right. All subdivisions are either restricted discretionary activities where the proposal meets all District Plan requirements, or restricted discretionary or non-complying activities where the proposal does not. Council rarely declines consent for proposals that create new sites meeting the minimum lot size, access, servicing and other requirements of the District Plan. In such cases, the subdivision consent is a means of ensuring to Council's satisfaction that all necessary subdivision matters, e.g. infrastructure, are adequately addressed, and is not an indication that the proposal is deficient in some way.

Residential development at a density of at least 400m² of site area per residential unit, or a duplex on 500m², is a permitted activity for this zone, although a multi-unit development (regardless of density) is only permitted where the units do not contravene site coverage, height in relation to boundary setback or access requirements if subdivided onto their own lots. A multi-unit development is considered to be three or more residential units constructed within a two-year period.

New buildings smaller than 300m² are permitted in this zone. Accessory buildings and fencing are also part of the permitted baseline.

In addition, one ancillary residential unit is allowed per site in association with a primary residential unit in this zone, where certain criteria are met (including it not resulting in more than two residential units on the site).

A certain amount of earthworks is permitted under the Proposed Plan, largely determined by the slope of the ground, the site area, and the HAIL status of the land.

Permitted development for this subject site is two to four units (depending on the layout) although this level of development as a permitted activity can only be achieved in stages with no more than two new units within a two-year period (two duplexes could be built on the site if staggered).

Receiving Environment

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

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

For the subject site, the existing and reasonably foreseeable receiving environment comprises residential activity in the small coastal area of Brighton.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises a mixture of medium density residential development with mature gardens within a coastal settlement, with Brighton Beach to the south and undulating rural land further to the north.

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

1. Lot Size and Dimensions and Physical Limitations (2024 Plan 15.11.4.1)

The proposed subdivision will create two new lots. Proposed Lot 1 will be a front site of 450m² and contain the existing dwelling, access and car port.

Proposed Lot 2 will be a rear site having an area of 560m² including a 4.0m wide leg-in to Pearse Street. The land will be vacant once the large shed, which straddles the subdivision boundary, is removed. This is a requirement of consent.

Minimum site size for the Township and Settlement zone is 400m² (or 500m² for a duplex). Both new lots will comply with minimum site size and will have adequate legal and physical access.

The new vacant lot is considered to be of practicable size and shape to accommodate at least one residential unit. There are no known geotechnical issues affecting this land which are expected to compromise the building potential of the new vacant lot and the front lot has adequate space for the dwelling, access/ car park and well-established outdoor living space on the north-eastern side. There is potentially an open watercourse running through the property as the adjoining site has a piped water course running through it. This is something to be aware of when designing any future dwelling. Should an open watercourse exist within the site, and where it is problematic, the watercourse can be piped; it is not something that will prevent the development of the site. Accordingly, there is no expectation that the proposed subdivision will create any site having physical limitations rendering it unsuitable for future use.

An advice note is included in the decision certificate regarding the protocol to follow where any archaeological material may be found. The site lies within an archaeological alert layer mapped area and given its proximity to the coast, there is potentially some likelihood of archaeological material being found.

2. Easements

There are no easements registered on the title of the subject site,

No new easements are shown on the application plan as new service connections are shown to connect down the leg-in.

3. Infrastructure (2024 Plan 15.11.4.1.c)

The Development Support Officer, Three Waters, has considered the application. He notes that a review of the Council's GIS records shows a 100mm diameter water supply pipe and a 150mm diameter wastewater pipe in Pearse Street.

Infrastructure Requirements

Dunedin Code of Subdivision and Development 2010

All aspects of this development shall be undertaken in accordance with the requirements of the Dunedin Code of Subdivision and Development 2010.

Water services

The Dunedin City Council Water Bylaw 2011 sets out the requirements for connections to the water supply network.

Each lot must be serviced from an individual Point of Supply. There is an existing water connection to the property which can be retained proposed Lot 1, if suitable. A new water connection is required for the remaining lot. For a new water connection, or any change to an existing water connection, an "Application for Water Supply" is required. All water services must be installed at least 600mm into each lot.

Firefighting requirements

All aspects relating to the availability of water for firefighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies. There is a Fire Hydrant (WFH05375) 95m from the development and a second Fire Hydrant (WFH05377) 185m from the development. Based on SNZ PAS 4509:2008 a FW2 (25l/s) zone requires a Fire Hydrant within 135m and a second within 270m. The development will be compliant with these requirements.

Stormwater services

3 Waters advises that, in order to allow adequate pervious area for natural stormwater drainage, the maximum site coverage specified in the District Plan must be complied with when the sites are developed or redeveloped. Please note that there are new site coverage rules in the Proposed Plan for both building coverage and maximum site imperviousness, and any contravention of these rules will require additional resource consent.

A separate private stormwater connection is required for each residential lot. All stormwater services that extend beyond the boundary of the site must be installed at least 600mm into each lot. The existing private stormwater connection can be retained for proposed Lot 1, if suitable.

No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.

The proposal is for a subdivision that may result in new residential development, generates a predominantly green site, does not propose to discharge to DCC's reticulated stormwater network, and has secondary flow paths through private property, therefore a Stormwater Management Plan (SWMP) is required.

A Stormwater Management Plan (SWMP) must be prepared by a suitably qualified person and must be submitted to the Council for approval prior to s224(c) certification for the site. The SWMP must include the following:

- a. Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and
- b. An assessment of the current and proposed imperviousness of the site; and
- c. Secondary flow paths; and
- d. Any watercourses located within the property; and
- e. Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and
- f. An assessment of the current network and its ability to accept any additional flow from the proposed development.
- g. Measures to ensure acceptable level of stormwater quality being discharged from the site.

The SWMP must be submitted to and certified by 3 Waters prior to any earthworks or construction commencing.

The SWMP must be supplemented with detailed engineering plans when requested by Council.

The SWMP must either be designed to accommodate the maximum impervious surface area of the development, as per the permitted baseline of the Proposed Plan, or a consent notice shall be required on each new title limiting the maximum impervious area to the design of the SWMP. Any increase in impervious surface area in excess of the SWMP's design shall require a new SWMP.

Wastewater Services

A separate private wastewater connection is required for each residential lot. All wastewater services must be installed at least 600mm into each lot.

The existing private wastewater connection can be retained for proposed Lot 1, if suitable.

Any existing wastewater connections that will not be utilised as part of the new development must be cut and plugged at the DCC owned wastewater main.

No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.

Watercourses

3 Waters note the DCC's GIS records show a piped watercourse located adjacent to the development. The property owner is responsible for a watercourse from where it enters their property to where it exits. This includes keeping it and any associated grates clear so the water can flow unimpeded. Any discharge of stormwater to the watercourse or work within the watercourse (such as piping or filling) must comply with the requirements of the Regional Plan: Water, and with any building consent requirements for related structures. It is recommended that the applicant contacts the Otago Regional Council to discuss permitted rules for the watercourse, and whether Regional Council consent is required.

Erosion and Sediment Control

It is important that erosion and sediment control measures are utilised to control and contain sediment-laden stormwater run-off into neighbouring properties and the Council stormwater network from the site during any stages of site disturbance associated with this development. This

could include diversion drains, sediment fencing, erosion control blankets etc. This is provided for as a condition of consent.

Easements

Service easements will be required where any private water supply, wastewater or stormwater pipes cross property boundaries in favour of the property they service.

Private Drainage

Council's Senior Building Consent Processing Officer P & D, Building Services Processing, has considered the application. He advises that all private drainage matters will be dealt with at the time of building consent application for new development on the lots.

Lot 1 shall continue to discharge foul sewage to the 150mm diameter Council-owned wastewater sewer within Pearse Street.

Lot 2 shall discharge foul sewage to the 150mm diameter Council-owned wastewater sewer within Pearse Street.

The existing Stormwater Drains from proposed Lot 1 shall continue to discharge to the Roadside Channel in Pearse Street.

The Stormwater Drains from proposed Lot 2 shall discharge to the Roadside Channel in Pearse Street.

Collected or concentrated by Building or siteworks shall not cause nuisance to neighbouring property and must discharge to an appropriate outfall.

Summary

3 Waters and Building Services have no issues with the proposed development and subdivision subject to conditions consistent with the above matters. This includes the preparation of a SWMP. 3 Waters state the requirement of the SWMP is included because the proposal is for a subdivision that may result in new residential development, generates a predominantly green site, does not propose to discharge to DCC's reticulated stormwater network, and has secondary flow paths through private property. It is for these reasons that the SWMP has been imposed. The area is quite coastal (it is unknown how well the soils/sand drains) and I note the site slopes down towards the rear slightly, so stormwater management should be addressed.

4. Transportation (2024 Plan 15.11.4.1.d)

The Planner – Transport has assessed the revised application. Pearse Street is classified as a Local Road in the 2024 Plan's roading classification hierarchy.

Access:

Proposed Lot 2 (560m²) will be a vacant rear site accessed via a new hard surfaced vehicle crossing serving the new leg-in into the new site.

The site currently accommodates an existing metalled vehicle crossing which serves as access to an existing concrete driveway associated with the existing dwelling and no changes to this existing access are proposed. It will continue to serve as access to the dwelling within Lot 1. In addition, the applicant proposes to construct a new hard surfaced vehicle crossing which will serve as leg-in access to the new vacant Lot 2.

Rule 6.6.3.6.a requires that driveways that adjoin a legal road that is hard surfaced must be constructed with a hard surface for a minimum distance of 5m from the edge of the road. It is noted



that the existing vehicle crossing to Lot 1 is not hard surfaced and therefore does not currently comply with this requirement. Notwithstanding this rule breach, on the basis that no changes to the usage or intensity of the existing metalled crossing are proposed, and the driveway has existed for some time and appears to be in reasonable condition, the effects of this rule breach are considered to be less than minor.

The vehicle access to Lot 2 must be formed to a minimum 3.0m wide, be hard surfaced from the edge of the Pearse Street carriageway toward the property boundary for a distance of not less than 5.0m and be adequately drained for its full duration.

In summary, the existing/proposed access provisions are considered acceptable to Transport, subject to a number of appropriate advice notices.

Parking and manoeuvring:

The site currently accommodates existing on-site carparking in the form of a carport and no changes are proposed for parking associated with the house on Lot 1. No development is proposed for Lot 2 as part of this proposal, although future residential development is likely anticipated. As Lot 2 will be accessed as a rear site via a leg-in driveway, compliant on-site manoeuvring space must be provided if the applicant seeks to provide on-site car parking space on Lot 2 as part of the future development of the site. Based on the size of the site, this can likely be provided for if required at the time of future development. It is therefore advised that in the event of any future development on the site, Transport will assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.

In summary, the existing/proposed parking and manoeuvring provisions are considered acceptable to transport, subject to the appropriate advice notices.

Bus Stop outside 3 Pearse Street

The applicant notes that the new proposed vehicle crossing to Lot 2 will be located in close proximity to an existing bus stop sign located within road reserve, albeit there are no clear road markings on the road to delineate the bus stop. Therefore, they seek clarification on whether or not the proposed crossing is acceptable. We note that the bus stop at this location no longer exists, and that the existing bus stop sign is now redundant and will be removed in due course. On that basis the location of the proposed vehicle crossing to Lot 2 is acceptable.

Generated Traffic:

It is considered that the effects of the proposal on the transportation network will be less than minor.

Conclusion

Transport considers the effects of the proposed development on the transportation network to no more than minor, subject to conditions and advice notices, which are included in the decision certificate below.

5. NES-CS

In accordance with the NES-CS, Regulation 5(5), Subdivision involves subdividing land:

- (a) that has boundaries that are identical with the boundaries of the piece of land; or
- (b) that has all the piece of land within its boundaries; or
- (c) that has part of the piece of land within its boundaries.

A 'piece of land' under the NES-CS is also defined in Regulation 5(7) as:



Land covered

The piece of land is a piece of land that is described by 1 of the following:

- (a) an activity or industry described in the HAIL is being undertaken on it:*
- (b) an activity or industry described in the HAIL has been undertaken on it:*
- (c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.*

Thus, as noted above, the proposal needs consent under the NES-CS, as part of the site is a 'piece of land' and as per Regulation 5(1), the regulations apply when a person wants to do any of the activities described (such as subdivision) on a piece of land. In this case, the subdivision of the land will require consent under the NES-CS, and it is anticipated that soil disturbance associated with the subdivision works might exceed 25m³ per 500m², or more than 5m³ per 500m² of material will be removed from the site.

The applicant provided the following response to the HAIL Search Report within the application:

We have received HAIL-2023-95 report from the DCC which has listed a possible HAIL activity soil contamination from lead-based paint due to the age of the existing house. The applicant will demolish the existing shed, which is a similar age to the house, as part of the subdivision thus we anticipate a site validation report will be required as a condition of consent as per the recently released Council documentation on lead paint contamination. There is no other intended physical works within 2m of the existing house so we consider that an advice note only for Lot 1 will be appropriate. The HAIL report has noted asbestos and contaminated landfill sites could be relevant to this site. We consider both notes to be speculative given there is no evidence of any asbestos or contaminated landfill within the Council records or visible on site.

We therefor conclude it is unlikely that this site is a HAIL site in those regards and no further action is required other than the advice note already received in the HAIL report. It is noted that the adjoining neighbour 1090 Brighton Road recently demolished a 1940s dwelling and is also subject to the same old natural depression as this site (that may have been filled at some point according to the letter highlighted by the archivist), but was not considered a HAIL site, so we consider this site should be treated no differently other than the recently introduced lead contamination guidelines.

The applicant has accepted the finding of the HAIL Search Report. I note that the shed appears to have been on-site since at least 1950 from the aerial images appended to the HAIL Search Report.

Regarding the existing dwelling, this is several metres from the proposed new internal boundary of the site (around 14m from the dwelling itself and around 7m from the attached shelter) and thus it is considered unlikely that any potential lead contamination would affect the land within proposed Lot 2, when it is only assumed that the halo of the dwelling (2m around dwelling) may have soil contamination. The glass house will also have to be demolished to make way for a new driveway to Proposed Lot 2. The applicant has stated the following with respect to new gardens potentially being established within the halo of the dwelling on proposed lot 1:

I would think if someone was looking to establish new gardens for growing they would be looking at the open space area that will be left once the shed is removed or the paved area near the current glasshouse, generally the north-eastern portion of proposed Lot 1 that will have good sun, as opposed to an area within 2m of the house. The applicant has made no plans to establish a new garden.

While I think any new garden on proposed Lot 1 will be established closer to the dwelling than currently, I agree with the applicant's agent and do not think it is necessary to place a consent notice



on Proposed Lot 1, rather an advice note is included alerting the applicant of the risk of establishing in ground gardens near the halo of the dwelling.

The shed to be removed is half within proposed Lot 1 and half within proposed Lot 2. Where the shed has previously been painted with paint containing high levels of lead is demolished, any soil contamination has the potential to affect both proposed lots. The future owners of proposed Lot 2 may wish to establish gardens within the former footprint of the shed or close by; this is an area with a north-westerly outlook, a good spot for the garden. To address any risk posed by the shed and its demolition, a site validation report is considered necessary showing that the soil within the halo on the subject site post demolition is at or below background levels of contamination with respect to lead. This will ensure any contamination on proposed Lot 2 is addressed prior to the subdivision taking effect and the creation of proposed Lot 2 will have less constraints at time of development. A Site Validation Report necessitates the testing of soils prior to demolition of the shed and this involves engaging a SQEP and following the advised procedure.

Conditions of consent are included to reflect any remediation of the soils that may be required. The applicant notes a Site Validation Report may be required within the application. Prior to demolition of the shed, testing of the soil for lead contamination within the halo of the shed (2m distance from the external surface of the shed) is required to be undertaken by a SQEP. If lead contamination is found, remediation earthworks are required and post demolition of the shed, a SVR must be submitted to Council showing the soil within the shed's footprint and within the 2m halo of the shed is at or below background levels for lead contamination. The safe standard for the site would be with respect to the Residential 10% produce, which is one of the standards of land-use scenarios for which soil contamination standards (SCSs) have been derived. The Residential 10% is based on a standard residential lot, for single dwelling sites with gardens, including home grown produce consumption (10 per cent) according to the *Users' Guide, National Environmental Standard, for Assessing and Managing Contaminants in Soil to Protect Human Health, April 2012*.

Overall, the conditions included will ensure that where contamination is found it will be removed safely and any risk to human health from potential soil contamination will be minimise and/or avoided.

6. *Hazards (Proposed Plan 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).*

Council's Consulting Engineer, Stantec, has reviewed the proposal to develop the subject site as residential land in relation to the Hazards Register, street files and available aerial photography. He notes that there are no hazards identified within the hazards register for the above lot.

Stantec notes that the underlying geology of this site consists of beach deposits and is relatively flat.



Stantec advises that the proposed subdivision is entirely within liquefaction domain B and earthquake amplification zones. These are hazards that can be addressed through detailed foundation design at the time of development. The proposed subdivision will not affect or frustrate the control of these natural hazards. They also note that while not listed in the DCC hazard register, there may be yet unidentified coastal hazards such as inundation from Tsunami and coastal erosion. There appears to be no current restrictions or specific requirements as a result of coastal hazards for small scale subdivisions.

Stantec recommends that the application not be declined on the grounds of known natural hazards and that the proposal will not create or exacerbate instabilities on this or adjacent properties subject to advice notices. The conditions recommended are generic earthworks conditions unrelated to the formation of the access and are therefore better attached to the consent as advice notices.

7. *Amenity Values and Character (Proposed Plan 15.11.4.1.a)*

The proposed subdivision is for residential activity in a residential zone and, in this regard, the effects of the proposal are anticipated by the District Plan. One means by which the Plan seeks to maintain and enhance amenity values is through the density provisions. In this case, the Proposed Plan anticipates one residential unit per 400m² of site area or a duplex on 500m². The subject site has enough land for two to four dwellings, depending on the layout, to be constructed without subdivision (provided no more than two units are built within any one two-year period). The proposed subdivision is for two development lots, with a single house expected on each. As such, the subdivision will comfortably comply with density as expected for the Township and Settlement zone.

Proposed Lots 1 and 2 are considered to be large enough to be developed with a single residential unit while maintaining all setbacks and height in relation to boundary requirements. There is also sufficient land to provide the necessary outdoor living space. Accordingly, the proposed subdivision and site development of the new lots are considered to meet the amenity values and character of the zone and surrounding area. This level of infill development and subdivision is visible within the immediate block and broader neighbourhood/area.

NOTIFICATION ASSESSMENT

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 that is not a subdivision.

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

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

Step 4: Further notification in special circumstances

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

SUBSTANTIVE DECISION ASSESSMENT

Effects

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

Offsetting or Compensation Measures

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

Objectives and Policies

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

Operative District Plan

The Proposed Plan has been made partially operative from 19 August 2024. Therefore, no consideration of the objectives and policies of the 2006 Operative District Plan is required, unless the proposal relates to the

specific provisions of the Proposed Plan and identified areas that remain subject to an appeal. None of the appeals are relevant to this application.

Proposed Plan

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

- **Objective 6.2.3 and Policies 6.2.3.3, 6.2.3.4 and 6.2.3.9 (Transportation Section)**
These seek to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.
- **Objective 9.2.2 and Policy 9.2.2.14 (Public Health)**
These seek to ensure that activities on land that has a history of land use that may have resulted in contamination are managed in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
- **Objective 9.2.2 and Policy 9.2.2.7 (Public Health)**
These seek to have land use, development and subdivision activities maintain or enhance people's health and safety.
- **Objective 15.2.2 and Policy 15.2.2.1 (Residential Zones)**
These seek to ensure that residential activities, development, and subdivision activities provide high quality on-site amenity for residents.
- **Objective 15.2.3 and Policy 15.2.3.1 (Residential Zones)**
These seek to ensure that activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.
- **Objective 15.2.4 and Policy 15.2.4.2 (Residential Zones)**
These seek to ensure that subdivision activities and development maintain or enhance the amenity of the streetscape and reflect the current of intended future character of the neighbourhood.
- **Policy 11.2.1.13 (Hazards)**
This seeks to only allow subdivision where the risk from natural hazards, including any future development, will be avoided or no more than low.

Objectives and Policies Assessment

The objectives and policies of the 2024 Plan support the granting of consent.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

In accordance with section 104(1)(b) of the Resource Management Act 1991, the provisions of the National Environmental Standard were taken into account when assessing the application. The proposal is considered to be consistent with the policy objective of the National Environmental Standard.

Part 2

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

RECOMMENDATION

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

1. This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.
2. The Council grant consent to the proposed activity under delegated authority, in accordance with sections 104 and 104B of the Resource Management Act 1991.
3. The time limits for the processing of this consent be extended pursuant to sections 37A(2)(a) and 37A(4)(b)(ii) of the Resource Management Act 1991.



Madeline Seeley
Planner

Date: 30 August 2024.

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:

Subdivision SUB-2024-113

*That pursuant to section 34A(1), 104 and 104B of the Resource Management Act 1991, and after having regard to Part 2 matters and section 104 of the Act, and the provisions of the Proposed Plan, and the provisions of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, the Dunedin City Council **grants** consent to a **discretionary** activity being the subdivision of the property into two lots; and subdivision under the NESCS; of the land legally described as Lot 16, Block II Deeds 21, (Record of Title OT245/259 Ltd), at 3 Pearse Street, Brighton, subject to conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*

and

Land use Consent LUC-2024-329

*That Pursuant to Part 2 and sections 34A(1), 104 and 104B of the Resource Management Act 1991, and the provisions of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **discretionary** activity being the*



disturbance of soil on a possible HAIL site, at 3 Pearse Street, Brighton, subject to conditions imposed under sections 108 and 220 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)(a) and 37A(4)(b)(ii) 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.*

Lianne Darby
Associate Senior Planner

Date: 30 August 2024.



Consent Type: Subdivision Consent

Consent Number: SUB-2024-113

Purpose: Two lot subdivision and a subdivision of a piece of land under the NES-CS.

Location of Activity: 3 Pearse Street, Brighton.

Legal Description: Lot 16, Block II Deeds 21 (RT OT245/259 Ltd)

Lapse Date: 30 August 2029, unless the consent has been given effect to before this date.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plan prepared by TL Survey Services Limited entitled, 'Scheme Plan of Lot 16 Block II DEEDS 21 (RT OT245/259 Ltd.)', dated 26 June 2024, attached to this certificate as Appendix One, and the information provided with the resource consent application SUB-2024-113 received by the Council on 30 July 2024, and further information received by Council on 27 August 2024, except where modified by the following conditions:*
2. *Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:*
 - a) *If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.*
3. *Prior to works commencing, the subdivider must complete the following:*
 - a) *That, a Stormwater Management Plan ("SWMP") must be prepared by a suitably qualified person for the entire subdivision and be submitted to and certified by Three Waters at rcmonitoring@dcc.govt.nz for approval. The SWMP must include the following:*
 - i) *Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow;*
 - ii) *An assessment of the current and proposed imperviousness of the site;*
 - iii) *Secondary flow paths;*
 - iv) *Any watercourses located within the property;*
 - v) *Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces;*
 - vi) *An assessment of the current network and its ability to accept any additional flow from the proposed development;*
 - vii) *Measures to ensure acceptable level of stormwater quality being discharged from the site; and*

The SWMP must be supplemented with detailed engineering plans when requested by Council.

4. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*

Garage/shed

- a) *The existing shed/garage on-site must be removed so that it does not straddle the boundary between Lots 1 and 2.*
- b) *The Site Validation Report required under condition 6 of LUC-2024-329 must be received and approved by Council (where required).*

Transport

- c) *The vehicle access to Lot 2 must be formed to a minimum width of 3.0m, be hard surfaced from the edge of the Pearse Street carriageway toward the property boundary for a distance of not less than 5.0m and be adequately drained for its full duration.*
- d) *Any damage to any part of the footpath or road formation as a result of the demolition or construction works must be reinstated at the applicant's cost.*

Infrastructure

- e) *Stormwater management must be undertaken in accordance with approved SWMP of condition 3(a) above. If necessary, a consent notice must be prepared in consultation with Council's Subdivision Planner for registration on the titles of Lots 1 and/or 2 for any on-site retention required.*
- f) *Lots 1 and 2 must have separate water connections. An "Application for Water Supply" must be submitted to the Council's Water and Waste Services Business Unit for the new connections. Details of how each lot is to be served for water must be provided to the Three Water Group for approval. This detail can accompany the application for water supply.*
- g) *The water connections for each unserviced residential lot must be installed at least 600mm inside the boundary of the lot.*
- h) *Wastewater laterals for each unserviced lot must be installed at least 600mm inside the boundary of the lot. This work will require a building consent under Section 40 of the NZBC 2004.*
- i) *Stormwater laterals for each unserviced lot must be installed at least 600mm inside the boundary of each lot. This work will require a building consent under section 40 of the NZBC 2004.*

Advice Notes:

Transportation

1. It is advised that any works within legal road are required to be undertaken by a DCC approved contractor and will require an approved corridor access request.
2. The vehicle crossing, between the road carriageway and the property boundary, is within legal road and will therefore require a separate Vehicle Entrance Approval from DCC Transport to ensure that the vehicle crossing is constructed/upgraded in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).
3. It is advised that in the event of any future development on the sites, Transport will assess provisions for access, parking and manoeuvring at the time of resource consent/building consent application.
4. Compliant on-site manoeuvring space must be provided if the applicant seeks to provide on-site car parking space on Lot 2 as part of future development of the site.

NES-CS

5. In-ground vegetable garden beds should not be established within a 2m radius of the existing dwelling on Proposed Lot 1. This is due to the potential for lead contamination within the soils.

Development

6. The site lies in an area where underlying soils have been identified as having potential for amplified movement and liquefaction during a significant seismic event.:
 - The cases for seismic loading are normally addressed at building control stage.
 - The Dunedin City Council Building Control Authority will ask for verification that the site is 'good ground' in accordance with NZS3604, Section 3.1.
 - Further to this, it is likely that specific engineering design will be required to address recognised potential liquefaction hazards.
 - Specific Engineering Design, or exclusion of liquefaction risk may require investigation testing to 10m depth to quantify the potential for liquefaction for each dwelling.

Earthworks

7. 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 2024 Plan, further consent will be required. Land use consent will also be required for any structures, such as retaining walls supporting fill or surcharge, near to boundaries.
8. 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.

9. It is important that erosion and sediment control measures are utilised to control and contain sediment-laden stormwater run-off into neighbouring properties and the Council stormwater network from the site during any stages of site disturbance associated with this development. This could include diversion drains, sediment fencing, erosion control blankets etc. This is provided for as a condition of consent.
10. When undertaking future earthworks, the developer is advised that:
 - Any earth fill over 0.6m thick supporting foundations will need to be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development.
 - Slopes may not be cut steeper than 1:1 (45°) or be more than 2.0m high without specific engineering design and construction.
 - Slopes may not be filled steeper than 2h:1v (27°) or be more than 2.0m high without specific engineering design and construction.
 - As-built records of the final extent and thickness of any un-engineered fill should be recorded.
 - 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.

Watercourses

11. Any work within a watercourse (including piping) or discharge of stormwater to the watercourse must comply with the requirements of the Regional Plan: Water, and with any building consent requirements for related structures. It is recommended that the applicant contacts the Otago Regional Council (ORC) to discuss permitted rules in regard to the watercourse, and whether regional council consent is required.
12. More information on watercourses can be found at:
http://www.dunedin.govt.nz/__data/assets/pdf_file/0008/338552/Watercourse-Information-2014v2.pdf
13. 2GP Rule 10.3.3.X states that a setback of 5m from a stormwater open watercourse mapped area is required.

Infrastructure

14. Detail of the water supply application process can be found at:
<http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
15. No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.
16. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
17. All aspects relating to the availability of water for firefighting 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 Fire and Emergency New Zealand (FENZ).
18. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
 - The Erosion & Sediment control Toolbox for Canterbury found on the ECan website link CRC Erosion & Sediment Control Toolbox <http://esc.canterbury.co.nz>
 - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).

General

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

22. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
23. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 30 August 2024.

A handwritten signature in dark ink, appearing to read 'M Seeley', with a stylized flourish at the end.

Madeline Seeley
Planner



Consent Type: Land Use Consent

Consent Number: LUC-2024-329

Purpose: The disturbance of soil on a HAIL site.

Location of Activity: 3 Pearse Street, Brighton.

Legal Description: Lots 1 and 2 of SUB-2024-113 (currently part of Lot 16 Block II Deeds Plan 21; RT OT245/259 Ltd).

Lapse Date: LUC-2024-329 shall lapse 5 years from the date that the s223 certificate for SUB-2024-113 is issued.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 30 July 2024, and further information received on 27, 28 and 29 August 2024, except where modified by the following conditions.*
2. *Soil testing from a 2m-wide corridor following the perimeter of the shed located on the proposed boundary between Lots 1 and 2 of SUB-2024-113 on the site must be undertaken, as specified by a suitably qualified and experienced practitioner (SQEP). The soil testing must confirm whether there is lead contamination in the soils within the curtilage of the shed exceeding the Standard Residential Soil Contaminant Standards (SCS). Current understanding is that it is not uncommon for lead contamination to extend throughout the vertical profile of the topsoil layer, and as such, sampling must occur of the topsoil layer, or to at least 0.3 mbgl if top soil is not present. The results of the soil testing must be provided to the Council at rcmonitoring@dcc.govt.nz for certification.*
3. *If the sampling under condition 2 above confirms lead contamination exceeding the Residential (SCS) then additional sampling and / or analysis to establish the extent (vertical and horizontal) of lead contaminated soil must be undertaken; and conditions 4-6 below must be complied with.*

Advice note to condition 3: Additional samples outside of the prescribed area may be collected during the completion of condition 2 to be placed on hold with the laboratory and subsequently analysed if required to delineate lead impacts. This is to avoid remobilisation to site.

4. *If required by condition 3 above, a Remedial Action Plan (RAP) and Contaminated Soils Management Plan (CSMP) must be prepared by a SQEP and submitted to rcmonitoring@dcc.govt.nz for certification. These documents must contain the information listed in clauses 4a) and 4b) below:*
 - a) *The RAP must be prepared in accordance with Contaminated Land Management Guideline No 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, 2011) and contain sufficient detail to address the following matters:*
 - i) *The remediation objectives, methodology and outcomes anticipated;*

- ii) *The protocols to be followed in managing the contaminated materials and replacement with other clean material;*
 - iii) *The validation testing, monitoring or inspection proposed to demonstrate that the remediation has met the specified objectives;*
 - iv) *The site validation criteria.*
 - b) *The CSMP must contain sufficient detail to address the following matters:*
 - i) *A brief summary of the works to be undertaken in accordance with the approved consent;*
 - ii) *Describe how the conditions of this consent will be implemented;*
 - iii) *A description of the known contamination present in the site (including a plan and cross section);*
 - iv) *Provide a site-specific layout, including working areas, site access, clean and contaminated areas, decontamination areas and vehicle routes;*
 - v) *Soil management procedures during the works, including siting and management of soil stockpiles, and erosion, sediment and dust control procedures;*
 - vi) *Contingency measures to address any unexpected or accidental discoveries of contamination or discharges identified at the site;*
 - vii) *Measures to monitor any discharges or sediment runoff during the activity;*
 - viii) *Handling and disposal procedures for any contaminated material encountered during the activity;*
 - ix) *Relevant contact information of those onsite and managing the construction or earthwork activities onsite; and*
 - x) *Allocation of responsibilities, including who is responsible for implementing and monitoring the controls detailed within the CSMP for the entirety of the works covered by the CSMP.*
5. *If required by condition 3 above, remediation of the contaminated soils must be undertaken in accordance with the RAP and CSMP required under condition 4 above.*
6. *If required by condition 3 above, within 20 working days of the completion of the works the Consent Holder must provide the Consent Authority with a Site Validation Report (SVR), prepared by a suitably qualified and experienced practitioner and in accordance with Contaminated Land Management Guideline No 1. The SVR should contain sufficient detail to address the following matters:*
- a) *Summary of the works undertaken;*
 - b) *A statement confirming whether the disturbance works have been completed in accordance with the Remedial Action Plan;*
 - c) *The location and dimensions of the excavations carried out, including a relevant site plan;*
 - d) *Records of any unexpected contamination encountered during the works, if applicable;*
 - e) *A summary of sampling and analysis undertaken for validation sampling, and for unexpected contamination (if applicable), tabulated analytical results including laboratory transcripts, and interpretation of the results in the context of the relevant soil guideline values;*
 - f) *Copies of disposal dockets for material removed from site, if any; and*
 - g) *Details regarding any complaints received by the Consent Holder and/or breaches of the procedures set out in the Remedial Action Plan.*

Advice Notes:

Asbestos Regulations

1. The consent holder is advised to comply with the relevant asbestos regulations to ensure that demolition does not impact soil with asbestos debris. In particular, asbestos containing material should be identified and removed prior to demolition of the building/s.

General

2. 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.
3. 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.
4. 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.
5. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
6. 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 30 August 2024



Madeline Seeley
Planner

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Title Plan - LT 610910

Survey Number LT 610910
Surveyor Reference 24061 3 Pearse Street
Surveyor Corey Aaron Donaldson
Survey Firm TL Survey Services Ltd
Surveyor Declaration

Survey Details

Dataset Description Lots 1 and 2 Being a Subdivision of Lot 16 Block II DEEDS 21
Status Initiated
Land District Otago
Submitted Date

Survey Class Class A
Survey Approval Date
Deposit Date

Territorial Authorities

Dunedin City

Comprised In

RT OT245/259 Ltd

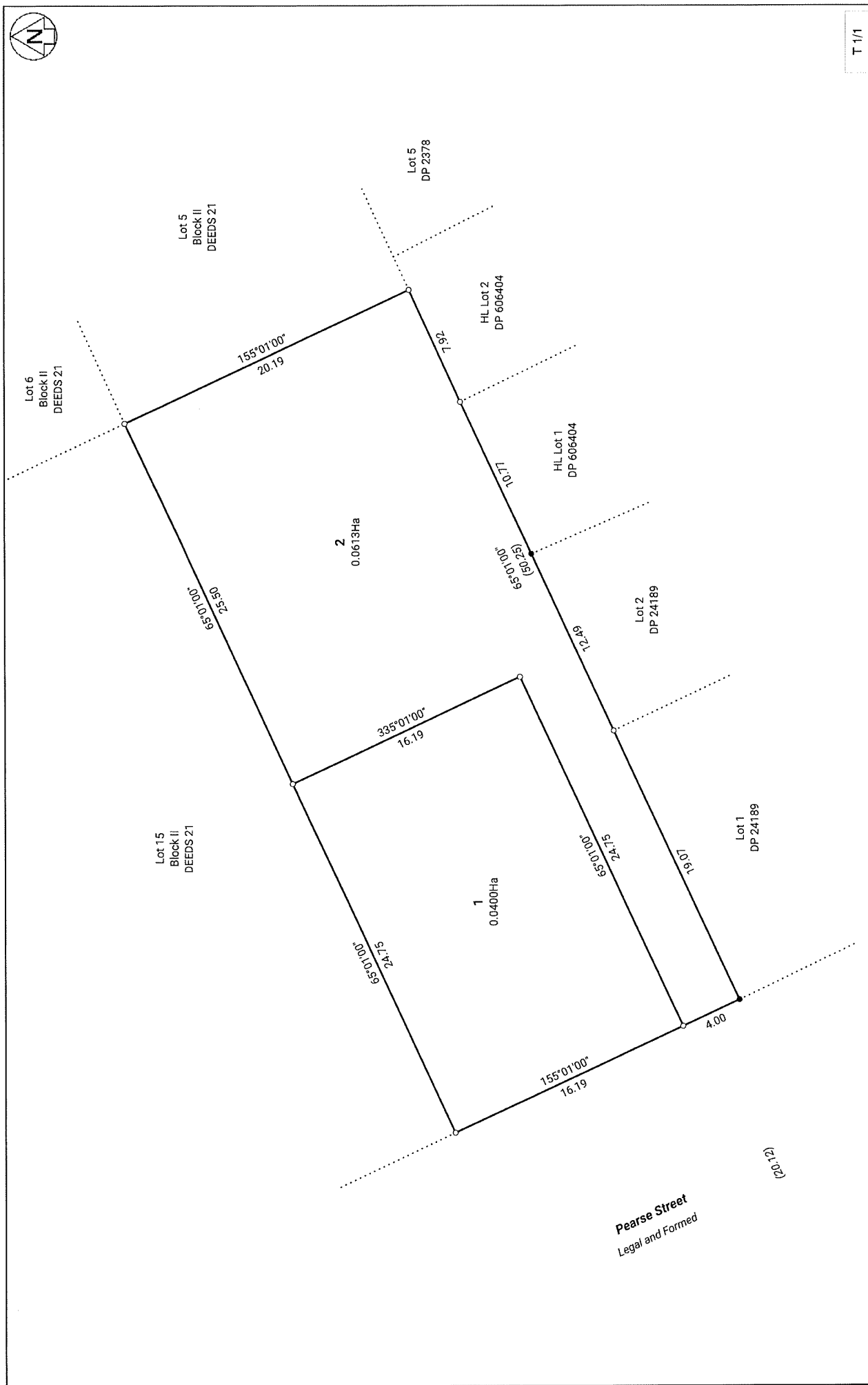
Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Lot 1 Deposited Plan 610910	Fee Simple Title	0.0400 Ha	1245126
Lot 2 Deposited Plan 610910	Fee Simple Title	0.0613 Ha	1245127
Total Area		0.1013 Ha	

DP 610910



Schedule of Easements to be Surrendered			
Purpose	Shown	Servient Tenement (Burdened Land)	Created by
Right of Way	Roads and streets shown on Deeds Plan 21	Private Township of Brighton	CVY 30302 (37/698)



T 1/1

Land District: Otago	Lots 1 and 2 Being a Subdivision of Lot 16 Block II DEEDS 21		Surveyor: Corey Aaron Donaldson Firm: TL Survey Services Ltd	Title Plan LT 610910 DRAFT
Digitally Generated Plan Generated on: 22/09/2025 10:55am Page 3 of 3				



Record of Survey - LT 610910

Survey Number	LT 610910		
Surveyor Reference	24061 3 Pearse Street		
Surveyor	Corey Aaron Donaldson		
Survey Firm	TL Survey Services Ltd		
Surveyor Declaration			
Survey Details			
Dataset Description	Lots 1 and 2 Being a Subdivision of Lot 16 Block II DEEDS 21		
Purpose	LT Subdivision		
Status	Initiated	Type	Survey
Land District	Otago	Survey Class	Class A
Meridional Circuit	North Taieri 2000	Vertical Datum	None
Survey Dates			
Surveyed Date	11/06/2025	Certified Date	
Submitted Date		Survey Approval Date	
Deposit Date			
Referenced Surveys			
Survey Number	Land District	Bearing Correction	
DP 21405	Otago	0°01'00"	
DP 540	Otago	0°01'00"	
DP 7770	Otago	0°03'20"	
DP 24189	Otago	0°01'00"	
DP 404286	Otago	0°00'00"	
DP 606404	Otago	0°00'00"	
FB 1535/40	Otago	0°00'00"	
DEED 367	Otago	0°00'00"	
Territorial Authorities			
Dunedin City			
Comprised In			
RT OT245/259 Ltd			
Created Parcels			
Parcels	Parcel Intent	Area	RT Reference
Lot 1 Deposited Plan 610910	Fee Simple Title	0.0400 Ha	1245126
Lot 2 Deposited Plan 610910	Fee Simple Title	0.0613 Ha	1245127
Total Area		0.1013 Ha	



Mark and Vector

Survey Number DP 610910
Meridional Circuit North Taieri 2000

From	To	Code	Bearing	Adpt Surv	Bearing Distance	Adpt Surv	Class
IT I DP 24189	IT I DP 610910	ob40	310°32'00" M		20.11 M		
IT I DP 24189	IT V DP 24189	ob41	17°32'00" M		181.04 M		
IT I DP 610910	IS IA DP 468710	ob45	337°55'30" M		92.53 M		
IS IA DP 468710	IT V DP 24189	ob41	54°47'30" M		128.02 M		
IT V DP 24189	IS I DP 404286	ob40	155°58'40" M		54.87 M		
IS I DP 404286	IT IV DP 24189	ob42	155°58'40" M		42.80 M		
IT IV DP 24189	IT I DP 24189	ob43	228°30'30" M		125.90 M		
IT I DP 24189	IS V DP 7770	ob42	332°36'00" A DP 404286	0°00'00"	104.90 A DP 404286		
IS V DP 7770	IT I DP 21405	ob45	36°02'00" A DP 24189	0°01'00"	68.29 A DP 24189		
IT I DP 21405	IT V DP 24189	ob47	68°49'30" A DP 24189	0°01'00"	67.18 A DP 24189		
IS V DP 7770	IT II DP 21405	ob46	155°03'20" A DP 21405	0°01'00"	21.47 A DP 21405		
IT II DP 21405	IT I DP 610910	ob48	158°26'30" M		65.15 M		
IT I DP 610910	NAIL V DP 610910	ob46	125°47'00" M		23.46 M		
NAIL V DP 610910	IS III DP 610910	ob49	125°47'00" M		42.77 M		
IS III DP 610910	PIN II DP 610910	ob44	342°52'00" M		57.61 M		
PIN II DP 610910	IT I DP 610910	ob48	246°03'00" M		40.22 M		
IS III DP 610910	IT I DP 24189	ob45	303°43'00" M		46.22 M		
IT I DP 610910	IT II DP 24189	ob47	144°07'50" M		51.26 M		
IT II DP 24189	IS III DP 610910	ob45	83°13'00" M		23.85 M		
IS III DP 610910	IT IV DP 610910	ob46	72°58'20" M		319.32 M		
IT IV DP 610910	IT I DP 24189	ob47	258°50'10" M		350.38 M		
IT IV DP 610910	IT V DP 24189	ob48	289°54'50" M		307.60 M		
IT II DP 21405	IS III DP 21405	ob49	57°36'30" A DP 21405	0°01'00"	59.54 A DP 21405		
IS III DP 21405	IT I DP 21405	ob40	335°52'20" A DP 21405	0°01'00"	46.89 A DP 21405		
IT I DP 21405	IS IX DP 7770	ob43	324°52'00" A DP 24189	0°01'00"	25.41 A DP 24189		
IS IX DP 7770	IT II DP 21405	ob42	335°03'20" A DP 21405	0°01'00"	58.32 A DP 21405		
IS III DP 21405	PEG DP 21405	ob41	99°19'00" A DP 21405	0°01'00"	17.41 A DP 21405		
PEG DP 21405	PEG I DP 404286	ob42	65°01'00" A DP 404286	0°00'00"	40.29 A DP 404286		
PEG I DP 404286	IS I DP 404286	ob49	77°14'00" A DP 404286	0°00'00"	12.42 A DP 404286		
IT II DP 24189	IS I FB 1535/40	ob46	70°51'10" A DP 24189	0°01'00"	118.63 A DP 24189		
IS I FB 1535/40	IS XI DEED 367	ob44	335°00'00" A DP 24189	0°01'00"	45.14 A DP 24189		
IS XI DEED 367	IT IV DP 24189	ob44	337°14'00" A DP 24189	0°01'00"	34.76 A DP 24189		
IT IV DP 24189	PEG (3) DP 24189	ob44	62°13'00" A DP 24189	0°01'00"	8.80 A DP 24189		
PEG (3) DP 24189	PEG (1) DP 24189	ob41	155°01'00" A DP 24189	0°01'00"	24.14 A DP 24189		
PEG (1) DP 24189	IT I DP 24189	ob43	314°41'00" A DP 24189	0°01'00"	25.29 A DP 24189		



Mark and Vector

Survey Number DP 610910
Meridional Circuit North Taieri 2000

From	To	Code	Bearing	Adpt Surv	Bearing Distance	Adpt Surv	Class
PEG (3) DP 24189	PEG (2) DP 24189	ob32	65°01'00" A DP 24189	0°01'00"	19.07 A DP 24189	Class A	
PEG (2) DP 24189	DISK 12 DP 24189	ob44	65°01'00" A DP 24189	0°01'00"	12.49 A DP 24189	Class A	
DISK 12 DP 24189	PEG 21 DP 606404	ob40	65°01'00" A DP 606404	0°00'00"	10.77 A DP 606404	Class A	
PEG 21 DP 606404	PEG IIc DP 610910	ob43	65°01'00" A DP 24189	0°01'00"	7.92 C	Class A	
PEG IIc DP 610910	UNMK (1) DP 24189	ob36	65°01'00" A DP 24189	0°01'00"	50.25 C		
UNMK (1) DP 24189	UNMK (2) DP 24189	ob35	335°01'00" A DP 24189	0°01'00"	0.63 A DP 24189		
UNMK (2) DP 24189	IS XI DEED 367	ob41	65°01'00" A DP 24189	0°01'00"	10.06 A DP 24189		
IS XI DP 610910	IS I DP 606404	ob47	78°49'30" M		11.49 M		
IS I DP 606404	DISK 12 DP 606404	ob37	341°57'00" A DP 606404	0°00'00"	42.98 A DP 606404		
PEG I DP 404286	PEG (2) DP 540	ob30	155°01'00" A DP 540	0°01'00"	20.12 A DP 540		
PEG (2) DP 540	UNMK (2) DP 24189	ob39	155°01'00" C		60.04 C		
IS IX DP 7770	PEG DP 3397	ob43	311°55'20" A DP 7770	0°03'20"	17.43 A DP 7770		
PEG DP 3397	UNMK (3) DP 24189	ob42	65°01'00" A DP 24189	0°01'00"	20.12 A DP 24189		
UNMK (3) DP 24189	PEG Va DP 610910	ob43	155°01'00" A DP 24189	0°01'00"	20.42 C		
PEG Va DP 610910	PEG Vb DP 610910	ob44	155°01'00" A DP 24189	0°01'00"	16.19 C	Class A	
PEG Vb DP 610910	PEG (3) DP 24189	ob40	155°01'00" A DP 24189	0°01'00"	4.00 C	Class A	
PEG DP 21405	PEG (1) DP 540	ob45	245°01'00" A DP 540	0°01'00"	10.00 C		
PEG (1) DP 540	UNMK 1 DP 610910	ob46	245°01'00" C		50.20 C		
UNMK 1 DP 610910	UNMK (3) DP 24189	ob48	155°01'00" C		40.16 C		
PEG (1) DP 540	PEG (3) DP 540	ob47	155°01'00" A DP 540	0°01'00"	20.12 A DP 540		
PEG (3) DP 540	UNMK 2 DP 610910	ob46	65°01'00" A DP 540	0°01'00"	0.05 C		
UNMK 2 DP 610910	PEG (2) DP 540	ob47	65°01'00" A DP 540	0°01'00"	50.25 A DP 540		
UNMK 2 DP 610910	PEG IIb DP 610910	ob48	155°01'00" C		47.47 C		
PEG IIb DP 610910	PEG IIc DP 610910	ob49	155°01'00" C		20.15 C	Class A	
PEG Va DP 610910	PEG IIa DP 610910	ob45	65°01'00" C		24.75 C	Class A	



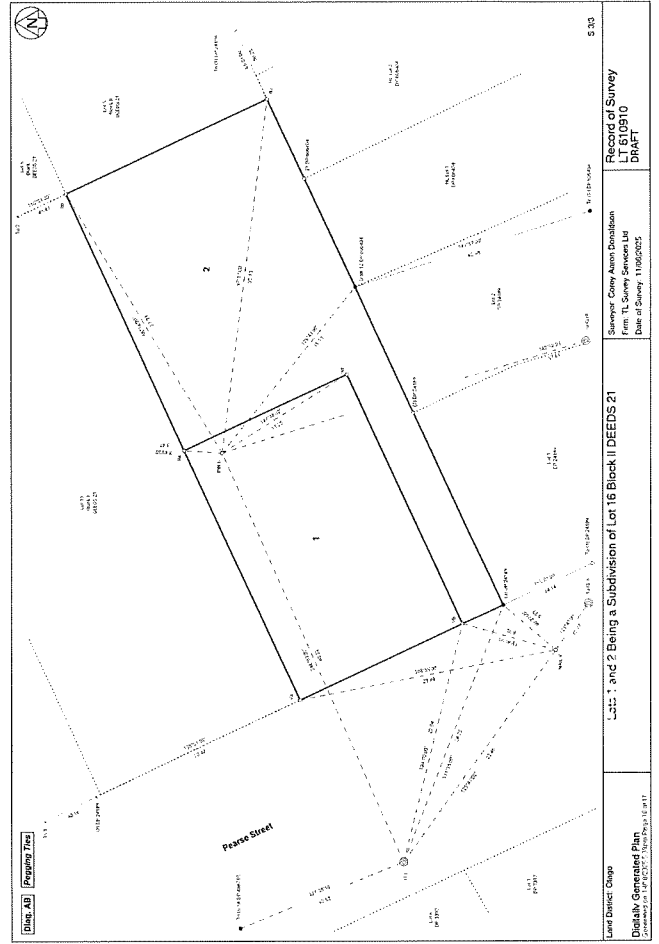
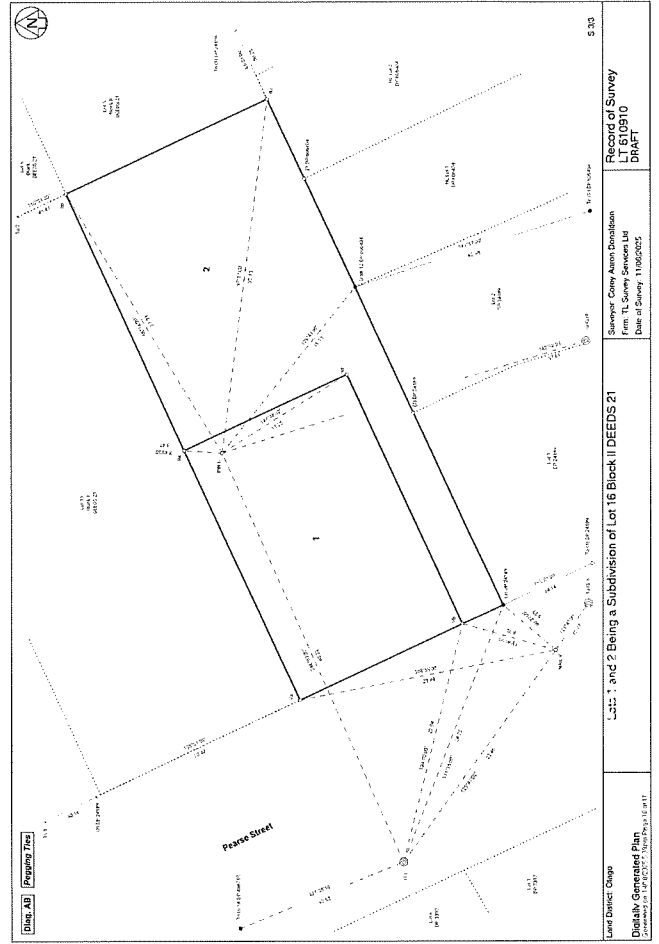
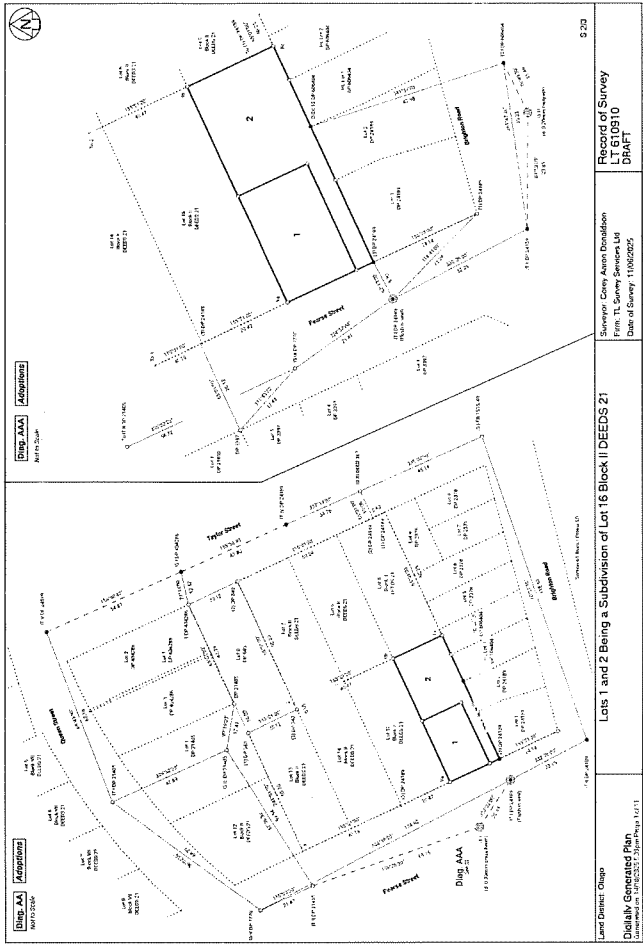
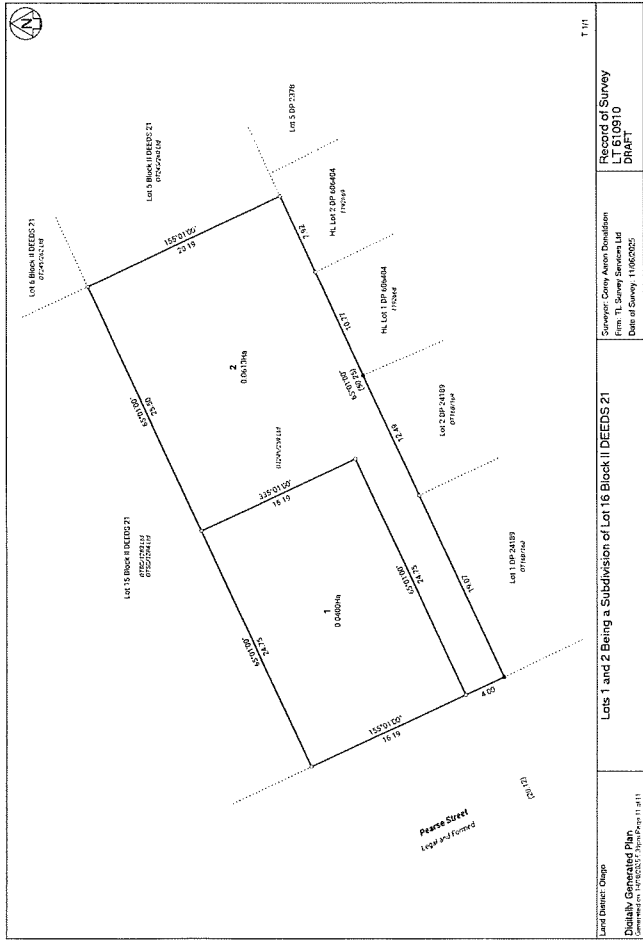
Mark and Vector

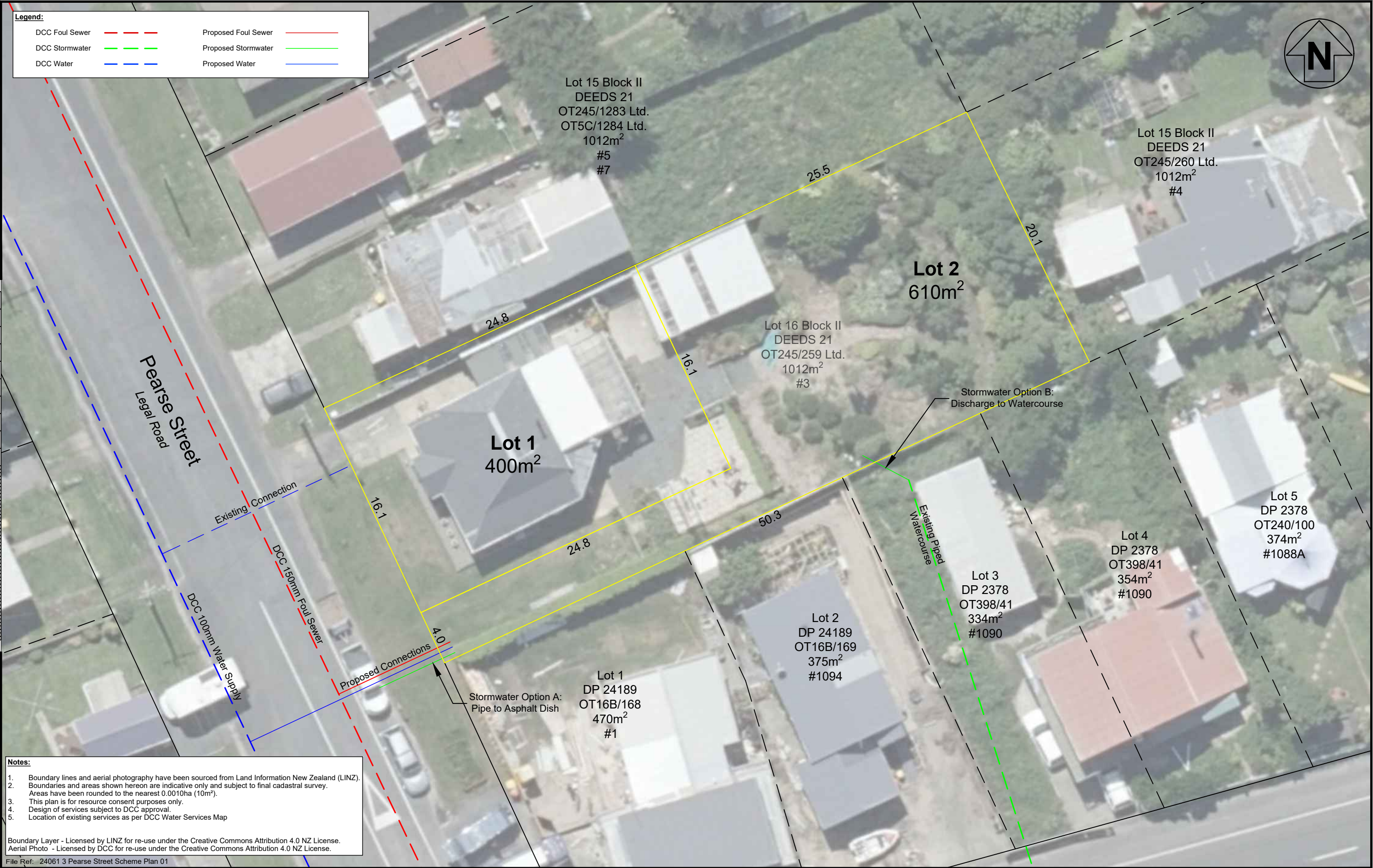
Survey Number DP 610910
Meridional Circuit North Taieri 2000


From	To	Code	Bearing	Adpt Surv	Bearing Distance	Adpt Surv	Class
PEG IIa DP 610910	PEG IIb DP 610910	ob52	65°01'00" C		25.50 C	Class A	
PEG Vb DP 610910	PEG IIa DP 610910	ob51	65°01'00" C		24.75 C	Class A	
PEG IIa DP 610910	PEG IIa DP 610910	ob53	335°01'00" C		16.19 C	Class A	
IS I DP 606404	IT II DP 24189	ob38	261°47'30" A DP 606404	0°00'00"	35.33 A DP 606404		
IT I DP 610910	PEG (3) DP 24189	ob48	111°15'00" M		24.75 M		
IT I DP 610910	PEG Vb DP 610910	ob49	104°02'00" M		22.04 M		
NAIL V DP 610910	PEG Va DP 610910	ob70	348°59'00" M		23.49 M		
NAIL V DP 610910	PEG Vb DP 610910	ob71	15°40'00" M		8.70 M		
NAIL V DP 610910	PEG (3) DP 24189	ob72	40°22'00" M		6.23 M		
PIN II DP 610910	PEG IIa DP 610910	ob59	3°43'00" M		3.47 M		
PIN II DP 610910	PEG IIb DP 610910	ob60	147°48'00" M		13.25 M		
PIN II DP 610910	DISK 12 DP 606404	ob61	128°43'00" M		19.13 M		
PIN II DP 610910	PEG IIb DP 610910	ob62	58°38'00" M		27.33 M		
PIN II DP 610910	PEG IIc DP 610910	ob63	97°17'00" M		32.13 M		
IT II DP 24189	IT I DP 24189	ob64	332°36'00" A DP 24189	0°01'00"	32.05 A DP 24189		

Mark Name	Mark Condition	Description
IS III DP 610910		d. 0.20m in footpath
IT I DP 24189		Flush in seal
IT I DP 610910		d. 0.30m in grass berm

*** End of Report ***





Prepared For: Phillip Wilson	No.	Amendments	Drawn	Date	3 Pearse Street, Brighton Dunedin Scheme plan of Lot 16 Block II DEEDS 21 (RT OT245/259 Ltd.)	Project No.:	24061	Surveyed:		 Surveying Consultants TL Survey Services Limited P.O. Box 901 DUNEDIN Phone (03) 477 1133
	R0	Issued	DF	26/06/24		Scale:	1:250@ A3	Designed:	DF	
	R1	Reduced Lot 1 size to 400m ²	DF	01/07/24		Date:	26/06/24	Drawn:	DF	
						Sheet:	01	Checked:	CD	