

## Dunedin City Council – Land Information Memorandum

#### Property Address: 3 Pearse Street Brighton

Prepared for: Eva Alison Carer Mulder and Phillip Mark Wilson Prepared on: 04-Nov-2025

#### **Property Details:**

Property ID 5051627

Address 3 Pearse Street Brighton
Parcels LOT 16 BLK II DEEDS 21

#### 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-Nov-2025

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.



### Contents

Dunedin City Council – Land Information Memorandum	1
Property Address: 3 Pearse Street Brighton	1
Prepared for: Eva Alison Carer Mulder and Phillip Mark Wilson	1
Prepared on: 04-Nov-2025	1
Property Details:	1
Disclaimer:	1
s44A(2)(a) Information identifying any special feature or characteristics of the land	4
District Plan Hazard Information	
Other Natural Hazard Information	4
Flood Hazards	4
Land Stability Hazards	4
Coastal Hazards	4
Seismic Hazards	4
Other Natural Hazards	4
Otago Regional Council Hazard Information	4
Contaminated Site, Hazardous Substances and Dangerous Goods	4
Contaminated Site Information	4
Historic Dangerous Goods Licence(s)	4
Hazardous Substances	4
HAIL Information	5
s44A(2)(b) Information on private and public stormwater and sewerage drains	6
Drainage	
Foul Sewer and Waste Water	6
Public Sewer Sheets	7
Dunedin City Council Private Drainage plans incomplete	7
s44A(2)(bb) Information Council holds regarding drinking water supply to the land	
Water Supply	
s44A(2)(c) Information relating to any rates owing in relation to the land	
Rates Details	
Rates Assessment Details	
s44A(2)(d) Consents, Certificates, Notices, Orders or Requisitions affecting the land or any buildings on the	e
land	
(da) the information required to be provided to a territorial authority under section 362T(2) of the Buildin	ıg
Act 2004:s44A and	8
(2)(e) Information concerning any Certificate issued by a Building Certifier pursuant to the Building Act 19	
or the Building Act 2004	
Building and Drainage Consents	
Building and Drainage Permits	
Building Notices	
Resource Consents	
Consent Notices	
Alcohol Licensing	
Health Licensing	
s44A(2)(ea) Information notified under Section 124 of the Weathertight Homes Resolution Services Act 20	
	. 10



:44A (2)(f) Information relating to the use to which the land may be put and any conditions attache	ed to that
use	10
District Plan	
District Plan Map	10
44A(2)(g) Information regarding the land which has been notified to Council by another statutory	
organisation	11
44A(2)(h) Information regarding the land which has been notified to Council by any network utility	y operator
oursuant to the Building Act 1991 or Building Act 2004	11
Section 44A(3) Information concerning the land as the authority considers, at its discretion, to be re	elevant.11
Building Information	11
Drainage	11
Minimum Floor Levels	
Planning	11
Resource Consents within 50m of 3 Pearse Street Brighton	11
3 Waters	
Information Regarding Watercourses	
Transport	14
Glossary of Terms and Abbreviations	
Consent, Permit, Licence & Complaint types	
Terms used in Permits & Consents	
General terms	
Appendices	18



# 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.

#### **HAIL Information**

HAIL Status of Subject Site:

- Part of this property (proposed LOT 1 A 2024-11300 of SUB-2024-113) is not currently listed by the Otago Regional Council as a HAIL site, but there is evidence in the DCC records of an activity that may constitute a HAIL activity.

The information uncovered HAIL search HAIL-2024-95 shows that a dwelling has been established on the site since at least 1945. The long-term use of leadbased paints on buildings will, in some cases, cause soil contamination. 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. Records of the original cladding for the existing dwelling are missing from Council's records although there is a high likelihood that the cladding material was painted timber.

-Part of this property (proposed LOT 2 A 2024-113 of SUB-2024-113) is listed by the Otago Regional Council as a Verified HAIL site (ORC Site Number: HAIL.02396.01; ORC Site Name: 3 Pearse Street Lot 2), with a contamination status of "At or Below Background Concentrations" and a Mitigation Status of "Completed - Remediation".

Site validation sampling results confirm that the remedial works were successful. Furthermore, additional sampling of the remainder of Lot 2 shows that all sampled soils meet background soil concentration levels.

Relevant information regarding the HAIL listings is attached to this LIM including:



- An extract from the Otago Regional Council's HAIL register dated 3 November 2025.
- A completed DCC HAIL Search HAIL-2024-95 issued on 5 July 2024.
- A Remedial Action Plan and Contaminated Soil Management Plan dated October 2024.
- A Contaminated Land Investigation assessment form from the ORC dated 7 November 2024.
- A Site Validation Report dated August 2025.
- A Site Validation Report from GHC Consulting dated August 2025.

HAIL Category or Categories:

The HAIL Categories that may apply to the above activities are:

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.

E1: Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition.

G3: Landfill sites.

# 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 show 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.

**Stormwater/Sewer Separation - Compliant** 



The Dunedin City Council requires the foul sewer and storm water being discharged from a property to be directed to the separate foul sewer and storm water networks, respectively. This property is in an area where inspections have been undertaken to ensure compliance with this requirement. This property was certified as complying with Council's requirements for storm water separation at the time of inspection on 21st April 1995.

No comment is made with regard to this property's compliance with the requirement for storm water separation after the date of inspection.

#### **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.

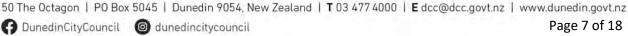
#### Water pressure

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** 2051627

Address 3 Pearse Street Brighton

Valuation Number 27880-55400

**Latest Valuation Details** 

Capital Value \$660,000 Land Value \$315,000 Value of Improvements \$345,000 Area (Hectares) 0.1012HA

Units of Use 1

**Current Rates** 

**Current Rating Year Starting** 01-Jul-2025 **Dunedin City Council Rates** \$4,174.50

**Rates Outstanding for Year** \$3,235.26

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 Kev: BC - Building Consent Issued

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 /CCC established and therefore the Code Compliance Certificate has been refused. Refused 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-1998-345421 Building Consent - Add Deck **Lodgement Date** 10-Dec-1998



Decision Granted
Decision Date 22-Dec-1998
Current Status Archived
Previous Number ABA983611

(Applications before 2007)

ABA-2025-400 Building Consent - Construct Foul Drainage (Proposed Lot 2)

Lodgement Date01-Apr-2025DecisionGrantedDecision Date27-May-2025Current StatusBC Issued

Previous Number (Applications before 2007)

#### **Building and Drainage Permits**

H-1951-38928 AAB19514738

1906 - Add to Dwelling (Wilson). The permit was lodged on 02-Jul-1951.

H-1959-53833 AAB19593277

3249 - Erect Garage (Wilson). The permit was lodged on 10-Jun-1959.

H-1984-284307 AAS19840698

4600 and 4601 - Connect Water and Drainage to New Services in Street (Wright). The permit was lodged on 01-Aug-1984.

#### **Building Notices**

No Building Notices

#### **Resource Consents**

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

SUB-2024-113 - Subdivision Consent

Description Two lot subdivision and a subdivision of a piece of land under the NES-

CS.

Lodgement Date30-Jul-2024DecisionGrantedDecision Date30-Aug-2024

Current Status Awaiting Final fee Approval

<u>LUC-2024-329</u> - Land Use Consent

Description The disturbance of soil on a HAIL site

Lodgement Date30-Jul-2024DecisionGrantedDecision Date30-Aug-2024Current StatusConsent 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 <a href="https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan">https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan</a> as well as at all Dunedin City Council service centres and libraries.

#### SECOND GENERATION DISTRICT PLAN INFORMATION

#### Zoning

• Township and Settlement (refer Section 15, Residential)

#### **Scheduled Items**

Nil

#### **Overlay Zones**

Nil

#### **Mapped Areas**

- Archaeological Alert Layer
- Road Classification Hierarchy (main roads within 30m of site)
  - Brighton Rd is a Strategic road

#### 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 92050 – 20/09/2010 - Completed.

#### 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/buildingservices/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 consent, or to enquire about information referred to on this page, please contact Building Control 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 3 Pearse Street Brighton

5051621 1082 Brighton Road Brighton

<u>LUC-1987-354627</u> Land Use Consent dispensation for carport in front yard. The outcome was Granted on 04/03/1987.

RMA-1997-361590 Resource Management Act (Historical Data) Garage encroaching on yards and height plane (Non-Notified - Restricted Discretionary). The outcome was Granted on 23/01/1998.

5051624 1086 Brighton Road Brighton

BACT-2020-81 Boundary Activity Notice deemed permitted boundary activity to construct a shed in the rear yard. The outcome was Issued on 27/01/2021.

RMA-1998-361872 Resource Management Act (Historical Data) ALTER/ADD TO EXISTING DWG THAT INFRINGES HEIGHT PLANE CHQ L J CROOKS Hazards Comments: (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 15/04/1998.



#### 5051625 1 Pearse Street Brighton

<u>LUC-2018-272</u> Land Use Consent land use consent for the reconstruction of a dwelling that will breach the minimum yards and height plane angles permitted in Residential 1, with a vehicle access within the required setback distance from an intersection. The outcome was Granted on 21/06/2018.

RMA-1994-356474 Resource Management Act (Historical Data) BOUNDARY ADJUSTMENT SUBDIVISION Ownr:BRUCE HENDRY (Non-Notified - Non Complying). The outcome was Granted on 09/06/1994.

#### 5051642 2 Pearse Street Brighton

LUC-2020-448 Land Use Consent to authorise a garage that breaches the front boundary setback requirement and an existing over-width vehicle crossing at 2 Pearse Street, Brighton. The outcome was Granted on 15/01/2021.

#### 5068401 1001 Brighton Road Brighton

LUC-2011-301 Land Use Consent enable the temporary use during the Rugby World Cup of various sites listed to provide for their occupation and use by self-contained campervans. The outcome was Granted on 02/08/2011.

RMA-2005-369344 Resource Management Act (Historical Data) RECREATIONAL STRUCTURE TO GAIN ACCESS TO THE BEACH (Non-Notified - Restricted Discretionary). The outcome was Granted on 19/04/2006.

#### 5101908 1094 Brighton Road Brighton

RMA-1994-356474 Resource Management Act (Historical Data) BOUNDARY ADJUSTMENT SUBDIVISION Ownr:BRUCE HENDRY (Non-Notified - Non Complying). The outcome was Granted on 09/06/1994.

#### 5104915 1047 Brighton Road Brighton

LUC-2022-20 Land Use Consent the undertaking of a Temporary Event - Small Scale exceeding permitted duration and hours of operation. The outcome was Granted on 02/03/2022.

<u>LUC-2020-53</u> Land Use Consent the authorisation of six temporary activities per year; with no alcohol being provided, with up to 150 attendees, and a finishing time of 10pm on Friday and/or Saturday nights.. The outcome was Granted on 21/02/2020.

LUC-2019-1 Land Use Consent a temporary rural tourist activity/event and a temporary marguee structure being located within a natural coastal landscape. The outcome was Granted on 01/02/2019.

<u>LUC-2013-307</u> Land Use Consent replace existing clubrooms. The outcome was Granted on 20/08/2013.

<u>LUC-2011-301</u> Land Use Consent enable the temporary use during the Rugby World Cup of various sites listed to provide for their occupation and use by self-contained campervans. The outcome was Granted on 02/08/2011.

LUC-2007-804 Land Use Consent Addition to Brighton Surf Lifesaving clubroom facilities. The outcome was Granted on 15/01/2008.

RMA-2003-367072 Resource Management Act (Historical Data) Extension to toilet block for showers/changing rooms (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 28/10/2003.

#### 5107997 1088 Brighton Road Brighton

RMA-2000-364384 Resource Management Act (Historical Data) ART GALLERY, CAFE AND EXCESSIVE SIGNAGE IN RESIDENTIAL 1 ZONE (Non-Notified - Non Complying). The outcome was Granted on 22/11/2000.

#### 5139092 1092 Brighton Road Brighton

LUC-2023-50 Land Use Consent Existing residential activity on new undersized Lots 1 and 2 SUB-2023-1; earthworks over Council-owned infrastructure. The outcome was Granted on 06/03/2023.

SUB-2023-1 Subdivision Consent Two-lot Subdivision. The outcome was Granted on 06/03/2023.

#### 5139093 1090 Brighton Road Brighton

<u>LUC-2023-50</u> Land Use Consent Existing residential activity on new undersized Lots 1 and 2 SUB-2023-1; earthworks over Council-owned infrastructure. The outcome was Granted on 06/03/2023.

SUB-2023-1 Subdivision Consent Two-lot Subdivision. The outcome was Granted on 06/03/2023.



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.

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



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.

It appears there are no stormwater provisions in place for this vehicle crossing. To meet current Council standards 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 the maintenance is the responsibility of the property owner. This may be required to be upgraded in the future.

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

It appears that there is a gate that 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.

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



#### Non-compliant vehicle crossing - no legal vehicle crossing to access rear of property.

There is currently no legally constructed vehicle crossing to access the rear of this property. If the property owner wishes to access the rear of the property by vehicle, under the provisions of the Local Government Act 1974, section 335, and the DCC Roading Bylaw 2020, section 11, they are required to have a properly constructed vehicle crossing. The property owner is responsible for constructing one. Written approval must be given by DCC Transport for the construction of any vehicle crossing and before any physical work can start. Work must also be completed by a DCC approved vehicle crossing contractor.

The following Transport information is attached to this document:

3 Pearse Street, Brighton - Vehicle Crossing Approval Letter.docx, date: 21/03/2025.

#### 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



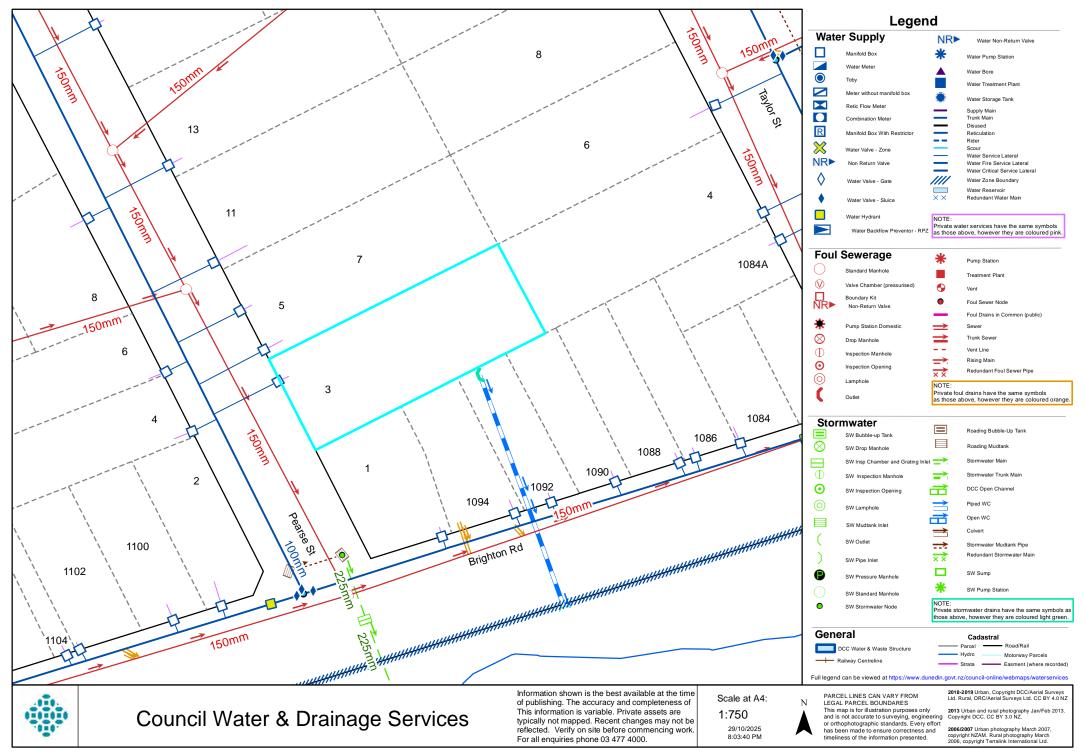


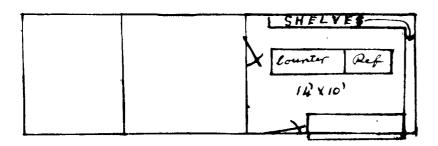
1:750 29/10/2025 8:03:34 PM

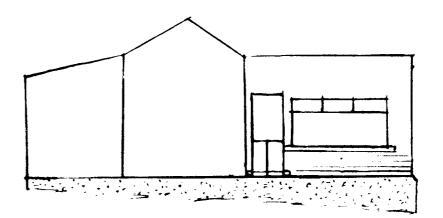
PARCEL LINES CAN VARY FROM LEGAL PARCEL BOUNDARES
This map is for illustration purposes only and is not accurate to surveying, engineering or orthophotographic standards. Every effort has been made to ensure correctness and timeliness of the information presented.

2013 Urban and rural photography Jan/Feb 2013. Copyright DCC. CC BY 3.0 NZ.

2006/2007 Urban photography March 2007, copyright NZAM. Rural photography March 2006, copyright Terralink International Ltd.







7248 1005-57601 276-57

Mr. H. Anning Wingstur. ALLOTMENT 16. BLOCK 11. SURVEY DISTRICT BRIGHTON.

AREA & ACRE

EXISTING BUILDING

Wash Ho.

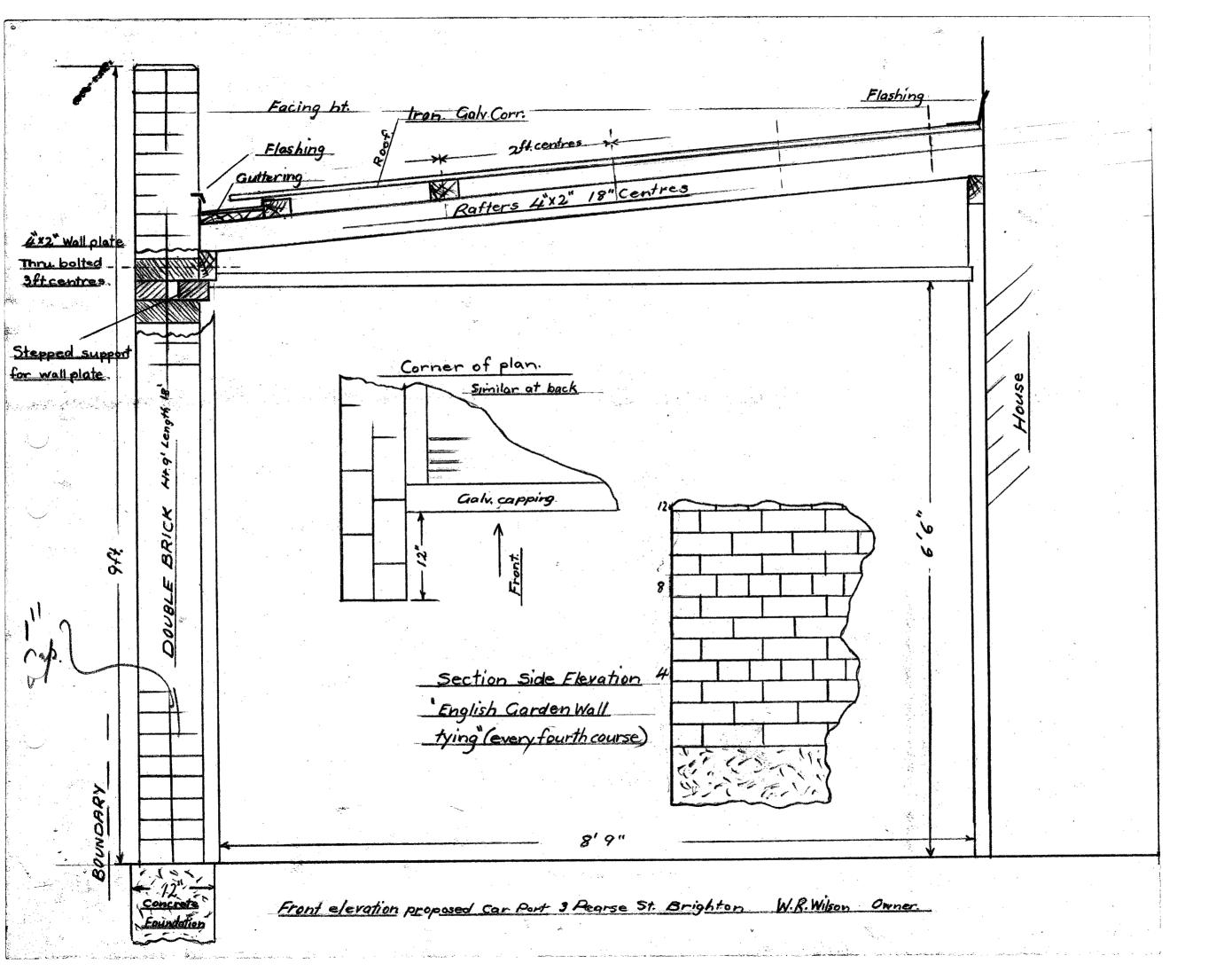
211

- PROPOSED FILTERATION -

Albertsen

BOUNDARY 2±ch. Existing Concrete Driveway Proposed Car Port House

W.R. Wilson.



BRIGHTON

C051Y 18 cm x 25 cm x 2 mm 27880 554

**\*\*** E3-2 15 ¥ €3-0∋ 3-0 = 2-3 > 1.1

F.Y. MACDONAND DRAIN LAYER

27880 /554 55# 565

## **BUILDING CONSENT**

Section 35, Building Act 1991

ISSUED BY:



50 THE OCTAGON. P.O. BOX 5045, DUNEDIN 9031, NEW ZEALAND. TELEPHONE: (03) 477-4000. FACSIMILE: (03) 474-3594

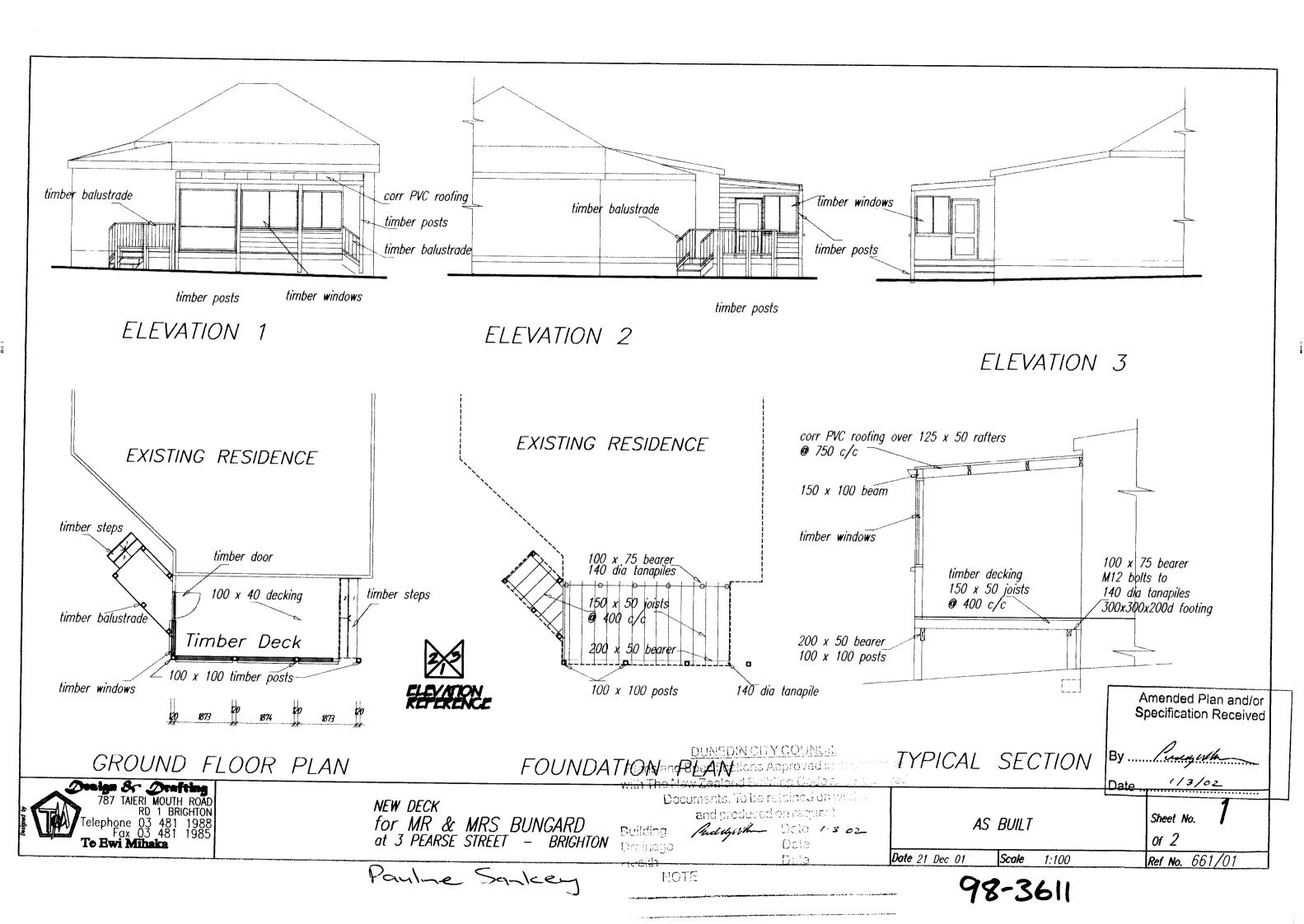
Telephone No: 477-4000 Consent No: ABA 983611 Reference No: 5051627

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

ADDLICANT		
APPLICANT	PROJECT	
Name: SANKEY, PAULINE MARGARET 3 PEARSE STREET BRIGHTON 9051	All Stage No of an intendedstages	X
PROJECT LOCATION	New Building	
Street Address:	Alteration	$\boxtimes$
3 PEARSE STREET, BRIGHTON 9051	Intended Use(s) in detail:	
	ALTER/ADD TO DWG	
LEGAL DESCRIPTION		
	Intended Life:	
Property Number: 5051627	Indefinite, not less than 50 years	×
Valuation Roll No: 27880 55400	Specified as years	
jal Description: LOT 16 BLK II DEEDS 21	Demolition	
	Estimated Value: \$10000	
COUNCIL CHARGES	Signed for and on behalf of the Council:	
The balance of Council's charges payable on uplifting of this building consent, in accordance with the tax invoice are:	Name: Name:	
Total: \$	Position: AUTHORISED OFFICER	
ALL FEES ARE GST INCLUSIVE	Date: 22/12/1998	
	<u> </u>	1

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......"



Site Boundary PEARSE STREET

Lot 16
BIK II
Plan of Township of Brighton
DP 21
Pt Sects 2 of 6
& 2 of 6
BIK II
Otokia Dist

Site Boundary

SITE PLAN

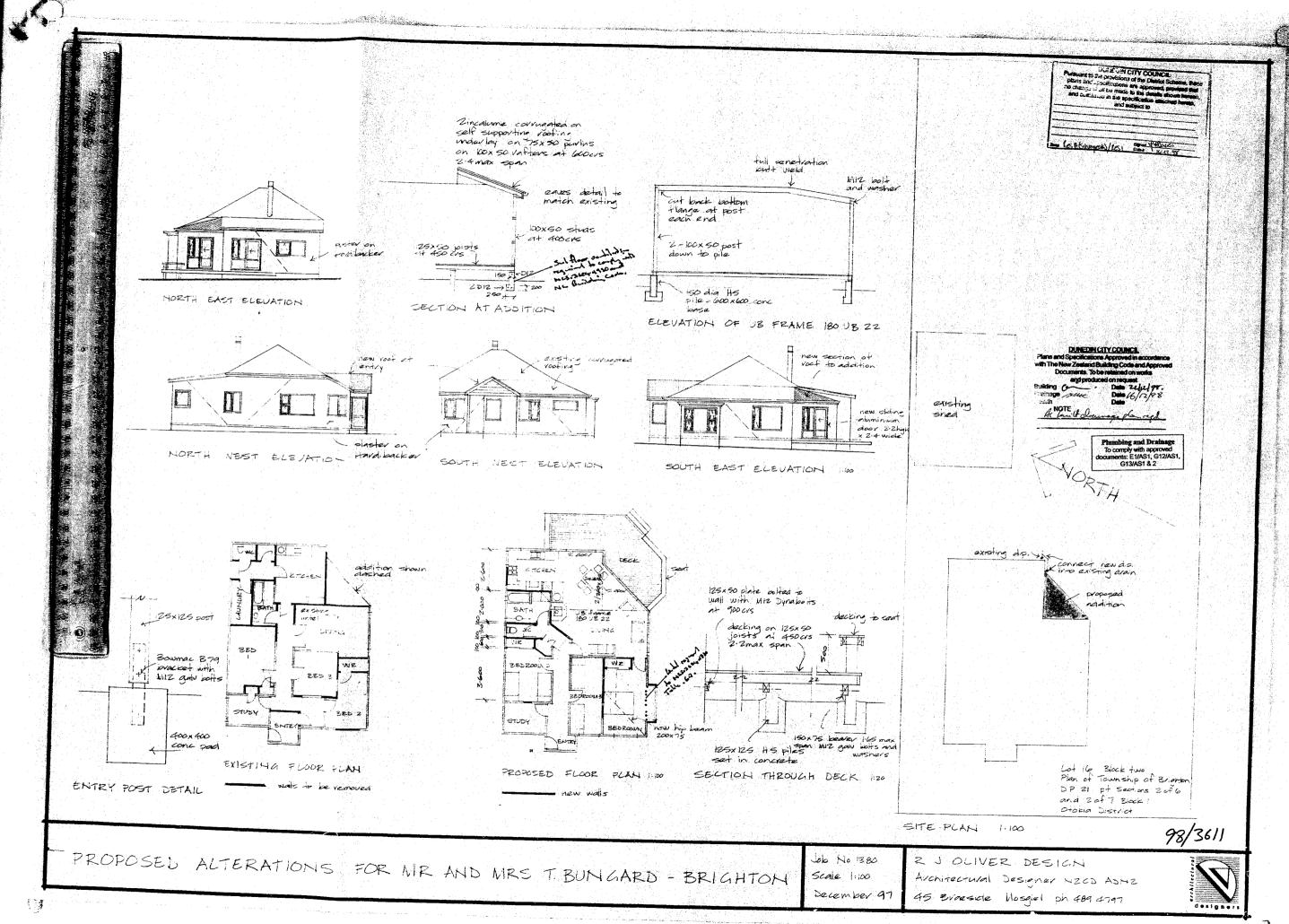
787 TAIERI MOUTH ROAD
RU 1 BRIGHTON
Tolephone 03 481 1988
Fax 03 481 1985
To Bwi Mihaka

NEW DECK for MR & MRS BUNGARD at 3 PEARSE STREET — BRIGHTON

AS BUILT Sheet No. 2

Of 2

Date 21 Dec 01 Scale 1:200 1:50 Ref No. 661/01





#### **Building Consent - ABA-2025-400**

(Section 51, Building Act 2004) Form 5

The building

Street address of building: 3 Pearse Street Brighton

Legal description of land where building is located: LOT 16 BLK II DEEDS 21

Building name: N/A

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

Level/unit number: N/A

Owner

Name of owner: P M Wilson and E A C Mulder

Contact person: P M Wilson and E A C Mulder

Mailing address: 3 Pearse Street, Brighton, Dunedin 9035

**Street address/registered office:** 

Mobile: 027 878 319 Landline:

Email address: pwilson259@rocketmail.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 Foul Drainage (Proposed Lot 2)

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)

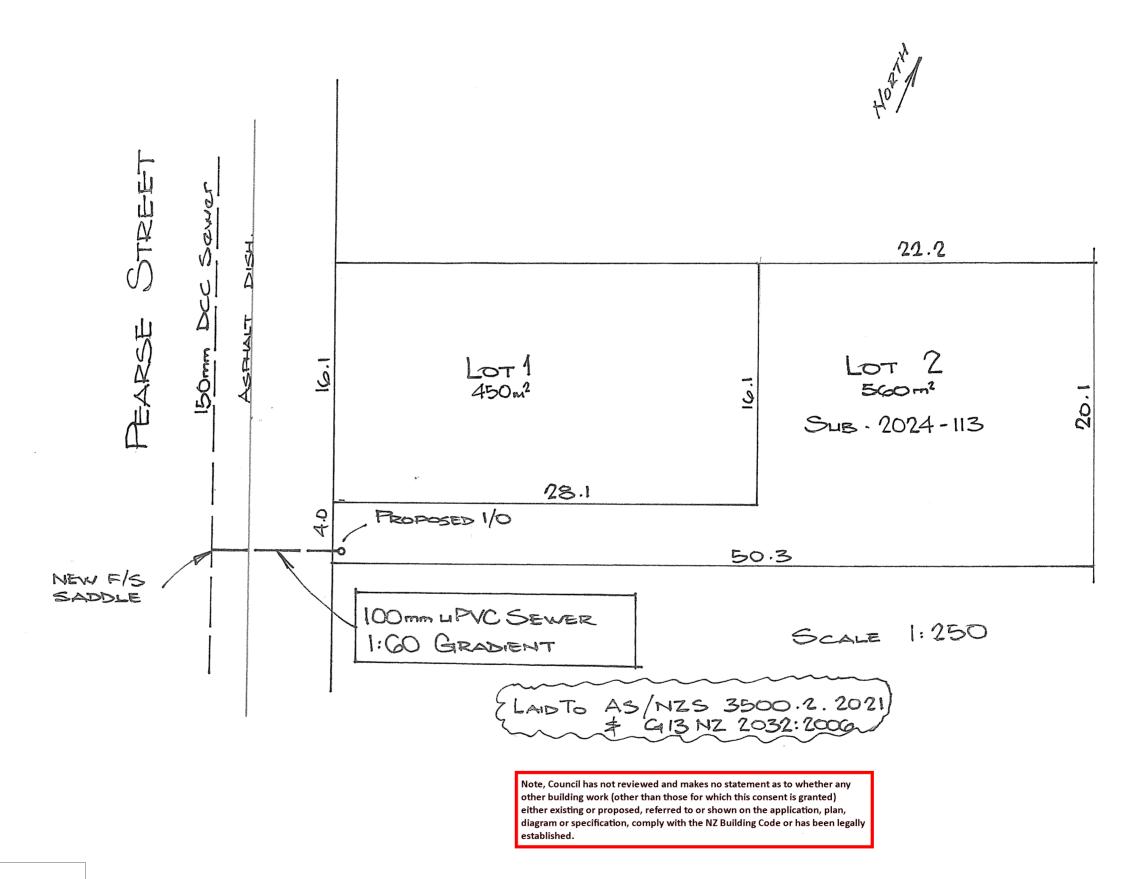
Project Consideration PCON-2025-119

Team Leader Processing (Building Consents)

On behalf of Dunedin City Council

Date of issue: 3 June 2025





## DRAIN LOCATION

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

#3 PEARSE STREET, BRIGHTON.
PROPOSED FOLL SEWER CONNECTION
FOR LOT 2, OF LOT 16 BLK II DEEDS 21

BRIGHTON

C051Y 18 cm x 25 cm x 2 mm 27880 554

**\*\*** E3-2 15 ¥ €3-0∋ 3-0 = 2-3 > 1.1

F.Y. MACDONAND DRAIN LAYER

27880 /554 55# 565



30 August 2024

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

Via email: <u>lena@tlsurvey.co.nz</u>

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

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 1012m<sup>2</sup>.



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 450m<sup>2</sup>. Proposed Lot 2 will have an area of 560m<sup>2</sup> 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.** 

## <u>Subdivision</u>

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  $25 \, \mathrm{m}^3$  per  $500 \, \mathrm{m}^2$ : 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 400m<sup>2</sup> of site area per residential unit, or a duplex on 500m<sup>2</sup>, 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 300m<sup>2</sup> 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 450m<sup>2</sup> and contain the existing dwelling, access and car port.

Proposed Lot 2 will be a rear site having an area of 560m<sup>2</sup> 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  $400m^2$  (or  $500m^2$  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. <u>Infrastructure (2024 Plan 15.11.4.1.c)</u>

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 (25I/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.

#### Frosion 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 (560m<sup>2</sup>) 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 appreciate 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  $400\text{m}^2$  of site area or a duplex on  $500\text{m}^2$ . 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.



Planner

Madeline Seeley

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.

LC Darly

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:
    - Stormwater calculations which state the difference between the predevelopment 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 with 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
  - 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.

## <u>Infrastructure</u>

- 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://esccanterbury.co.nz
  - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).

## <u>General</u>

- 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.

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).

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 remonitoring@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 workings 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.

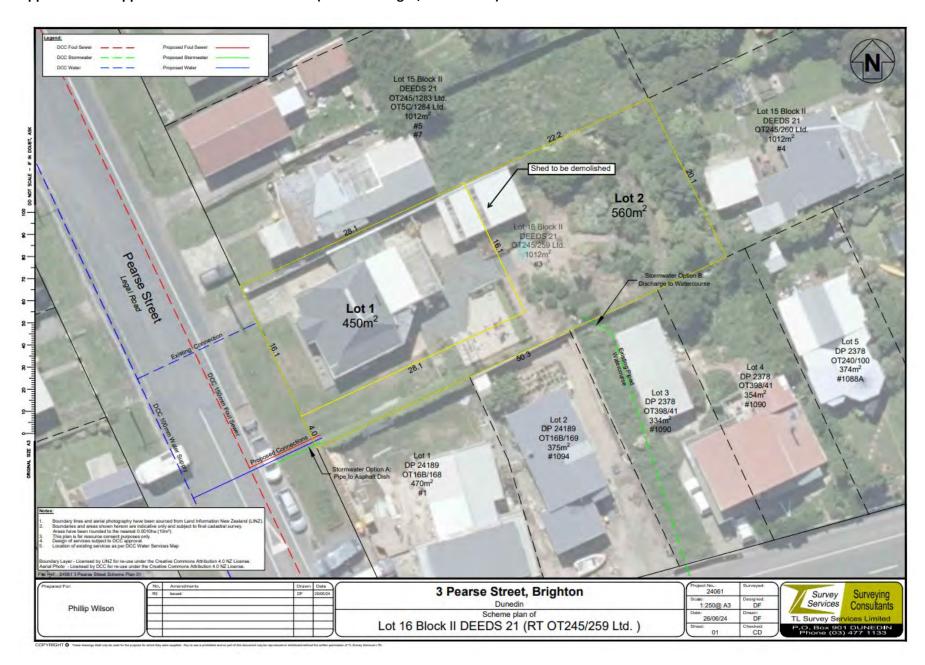
### General

- 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

## Appendix One: Approved Plan for SUB-2024-113 (scanned images, not to scale)





5 July 2024

Phillip Wilson C/O Corey Donaldson T L Survey Services 2 Stafford Street Dunedin 9016

Via email: corey@tlsurvey.co.nz

Dear Phillip Wilson,

**HAIL PROPERTY SEARCH** 

HAIL-2024-95 3 Pearse Street Brighton

Please find attached the results of your Hazardous Activities and Industries List (HAIL) information search lodged on 1 July 2024.

## Please note:

- 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

Elisabeth Boyle

**Planner** 

## **HAIL Search Summary**

Collated by: Elisabeth Boyle, Dunedin City Council

Date Collated: 5/07/2024

## 1 PROPERTY INFORMATION

Current Owner: Eva Alison Carer Mulder Phillip Mark Wilson

Address: 3 Pearse Street, Brighton

Legal Description(s): LOT 16 BLK II DEEDS 21

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.

- Archival information
  - Email from Council's Archivist, outlining results of archival search
- Historical maps and plans
  - Extract from W T Neill's Military Topographical Maps dated 1901, shown at 1:4,000 scale, with the approximate location of the search area annotated in light blue colour (from <a href="https://collections.archives.govt.nz/web/arena/search#/item/aims-archive/R23188977/sheet-no.-27---military-topographical-plan---dunedin-and-suburbs---w-t-neill%2C-surveyor">https://collections.archives.govt.nz/web/arena/search#/item/aims-archive/R23188977/sheet-no.-27---military-topographical-plan---dunedin-and-suburbs----w-t-neill%2C-surveyor</a>)
- · Aerial images (search area is located in the centre of each image)

Shown at 1:1,000 scale (some are pixilated due to the resolution of the original):

- 1942 (from <a href="https://files.interpret.co.nz/Retrolens/Imagery/SN223/Crown\_223\_516\_19/High.jpg">https://files.interpret.co.nz/Retrolens/Imagery/SN223/Crown\_223\_516\_19/High.jpg</a>), showing a dwelling with outbuilding situated on the search area site
- 1946 (from https://files.interpret.co.nz/Retrolens/Imagery/SN293/Crown\_293\_1004\_55/High.jpg)
- 1950 (from https://files.interpret.co.nz/Retrolens/Imagery/SN566A/Crown\_566A\_H\_6/High.jpg)
- 1958 (from <a href="https://files.interpret.co.nz/Retrolens/Imagery/SN895/Crown\_895\_2556\_17/High.ipg">https://files.interpret.co.nz/Retrolens/Imagery/SN895/Crown\_895\_2556\_17/High.ipg</a>)

- 1962 (from https://files.interpret.co.nz/Retrolens/Imagery/SN1435/Crown\_1435\_3507\_41/High.jpg)
- 1970 (from https://files.interpret.co.nz/Retrolens/Imagery/SN3236/Crown\_3236\_4349\_13/High.jpg)
- 1979 (from https://files.interpret.co.nz/Retrolens/Imagery/SN5359/Crown\_5359\_A\_44/High.ipg)
- 1980
- 1982 (from https://files.interpret.co.nz/Retrolens/Imagery/SN8040/Crown\_8040\_I\_2/High.jpg)
- 1983 (from <a href="https://files.interpret.co.nz/Retrolens/lmagery/SN8216/Crown\_8216\_A\_9/High.jpg">https://files.interpret.co.nz/Retrolens/lmagery/SN8216/Crown\_8216\_A\_9/High.jpg</a>)
- 1985 (from <a href="https://files.interpret.co.nz/Retrolens/lmagery/SN8479/Crown\_8479\_G\_7/High.jpg">https://files.interpret.co.nz/Retrolens/lmagery/SN8479/Crown\_8479\_G\_7/High.jpg</a>)

### Shown at 1:400 scale:

- 1990
- 2000
- 2007
- 2013
- 2018/19, showing mature shrubs/trees established on the north-eastern half of the search area site
- 2024
- · Consents record
- · Building and Planning consent documents (Council consent records appear to be incomplete for this property)
  - 1951 Building permit application to undertake alterations to an existing building, specifying walls to be clad with wood
  - 1959 Building permit application to erect a car port
  - 1972 Correspondence pertaining to a natural watercourse and historic filling of land
  - 1985 Drainage application
  - 1998 Building consent application to undertake building alterations (including alterations to cladding as highlighted in yellow) and as-built plans of the same

#### OTHER INFORMATION

- 2020 site images, showing the established buildings and vegetation (from <u>3 Pearse St, Brighton, Otago House Sold on 16 12 2020 | RateMyAgent</u>)
- 2023 Google Street View image of the search area viewed from Pearse Street, showing the existing dwelling situated on the site

#### 3.2 HAIL land uses

## Possible HAIL activity:

- The information uncovered during this HAIL search shows that a dwelling has been established on the site since at least 1945. The long-term use of lead-based paints on buildings will, in some cases, cause soil contamination. 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. Records of the original cladding for the existing dwelling are missing from Council's records although there is a high likelihood that the cladding material was painted timber. Therefore, the relevant parts of this property should be treated as possible HAIL under the following category:
  - 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.

## It should also be noted that:

- Building products containing asbestos were widely used in New Zealand. If asbestos products in a deteriorated condition have been present on the site, and/or if any asbestos-containing materials were removed without compliance with the relevant asbestos removal regulations, then Category E1 or I on the HAIL may be a consideration:
  - E1: Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition.
  - 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.
- The 1972 correspondence documents that fill may have been place on the search area in the past. If any of the fill is not clean fill, then category on the HAIL may be relevant:

G3: Landfill sites.

## 3.3 Spatial extent of HAIL activity

□ Not Applicable
☑ Part of Property (approximately 2m area surrounding buildings established prior to 1945)
☐ Whole Property

## 4 CONCLUSION

☐ No explicit information	found	regarding	HAII	activity

oxtimes Possible HAIL site

☐ Confirmed HAIL site

## **ARCHIVAL INFORMATION**

## **Elisabeth Boyle**

**Digital Services - Archives** From:

Sent: Wednesday, 3 July 2024 02:54 p.m. To: Peter Webb; Elisabeth Boyle

Subject: HAIL Archives Search - 3 Pearse Street Brighton, 2024-95 **Attachments:** 3 Pearse Street Brighton 1980.png; 3 Pearse Street 1962.png

HAIL 2024-95

Property Address: 3 Pearse Street Brighton, Lot 16 Blk II Deeds 21

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

Records searched: Taieri County Council (TCC) Valuations rolls 1953-1978, Silverpeaks County Council (SPCC) Ratesbooks 1978-89, TCC Building Permits, TCC Dangerous Goods lists 1970-1974, SPCC Dangerous Goods Licences, Landfills listings, DCC City Engineers correspondence 1990-1996, Inward Correspondence Series 1989-2002.

Nothing was found for the property in these lists.

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

The Taieri County Council Valuation rolls do not hold any information about what was on the property.

The available aerial photos for this locality are attached.

Thanks,

#### Prue Milbank

## **ARCHIVIST**

## **Business Information Services**

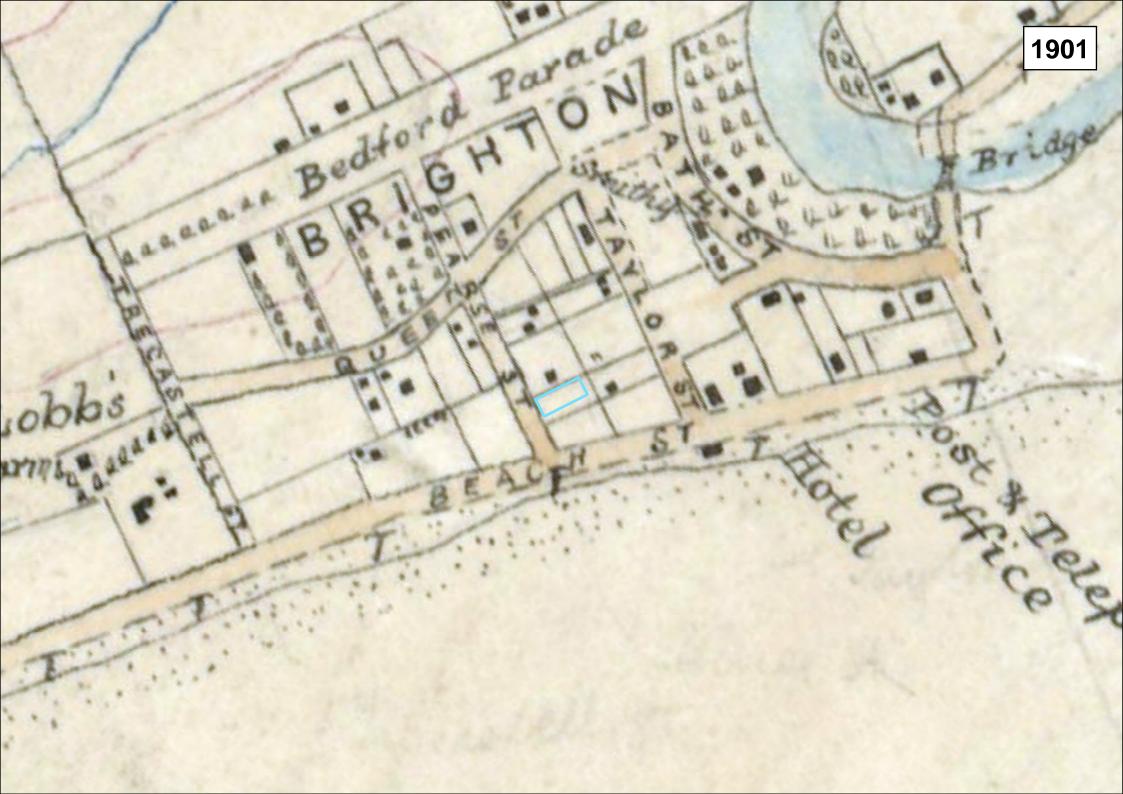
Visit DCC Archives photo collection at www.flickr.com/photos/dccarchives DCC GIS Aerial photo collection <a href="https://www.flickr.com/photos/dccgis">https://www.flickr.com/photos/dccgis</a> DCC Archives <a href="http://www.dunedin.govt.nz/services/archives">http://www.dunedin.govt.nz/services/archives</a>

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

# **HISTORICAL MAPS AND PLANS**



## **AERIALS**



