

ONE AGENCY

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## Dunedin City Council – Land Information Memorandum

Property Address: 21 Serpentine Avenue Dunedin

Prepared for: Kayne William Hammington and Caitlin Jade Kerehoma  
Prepared on: 25-Nov-2025

### Property Details:

<b>Property ID</b>	5027475
<b>Address</b>	21 Serpentine Avenue Dunedin
<b>Parcels</b>	LOT 3 DP 353166

### 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 25-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.

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

### District Plan Hazard Information

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

### Other Natural Hazard Information

#### Flood Hazards

No information.

#### Land Stability Hazards

##### LAND MOVEMENT

##### Alluvial Fans - active floodwater-dominated 50000\_1998\_100m

Description: Active floodwater-dominated. Sheet floods and channel floods carrying sediment are considered possible within the next 100 years. Mapscale:50000. Map Accuracy:1998, accuracy +/-100m, NZMG1949

Reference Number: 10106

#### 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>

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

### Contaminated Site, Hazardous Substances and Dangerous Goods

#### Contaminated Site Information

No information.

#### Historic Dangerous Goods Licence(s)

No information.

#### Hazardous Substances

No information.

#### **WARNING – Change in legislation and management of hazardous substances**

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

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

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

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

### Drainage

Drainage plans on file are indicative only.

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

### Foul Sewer and Waste Water

#### Drainage Reticulation Plans

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

#### 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 **20<sup>th</sup> November 2001**.

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

#### Urban Stormwater Catchment

This property is located within an urban stormwater catchment that has been modelled in a study to determine the potential effects of land use and climate change that may occur over the next 50 years. This indicates that some areas of the catchment might be subject to a potential flooding risk or surface water ponding during particular rainfall events.

These effects are outlined in the Integrated Catchment Management Plans (ICMPs) that are available on the Council website. The ICMPs show the areas in the catchment that have been modelled which might be susceptible to a higher risk of flooding. The ICMPs contain maps that indicate a potential worst case scenario for a 1 in 100 year rainfall event. However, there are a series of maps also available that show modelling results from a range of other scenarios.

While the maps have been produced to help Council manage the reticulation networks, they are not sufficiently detailed to specifically account for individual properties which may be affected by local factors not included in the models.

For further information please contact 3 Waters Services at Dunedin City Council.

### 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](http://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](http://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](http://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

<b>Rate Account</b>	2027475
Address	21 Serpentine Avenue Dunedin
Valuation Number	27160-80900
<b>Latest Valuation Details</b>	
Capital Value	\$550,000
Land Value	\$220,000
Value of Improvements	\$330,000
Area (Hectares)	0.02HA
Units of Use	1
<b>Current Rates</b>	
Current Rating Year Starting	01-Jul-2025
Dunedin City Council Rates	\$3,836.03
<b>Rates Outstanding for Year</b>	<b>\$2,738.99</b>

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

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

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

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

### Building and Drainage Consents

The following consents are recorded for this property:

Status Key:	BC	-	Building Consent Issued
	CCC	-	Code Compliance Certificate Issued
	Archived	-	In accordance with section 93(2)(b) of the Building Act, the consent was reviewed for code compliance after two years. Compliance with the Building Code could not be established and therefore the Code Compliance Certificate has been refused.
	/CCC	-	
	Refused	-	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
	Lapsed	-	

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

[ABA-2004-306555](#) Building Consent - Add to Dwelling - Kitchen and Bathroom

Lodgement Date 21-Dec-2004  
 Decision Granted  
 Decision Date 21-Jan-2005  
 Current Status **CCC Issued**  
 Previous Number ABA43816  
*(Applications before 2007)*

[ABA-2005-308942](#) Building Consent - Inspection Chambers for Drain in Common Foul & Stormwater for 19 & 21 Serpentine Avenue.

Lodgement Date 19-Jul-2005  
 Decision Granted  
 Decision Date 21-Jul-2005  
 Current Status **CCC Issued**  
 Previous Number ABA52347  
*(Applications before 2007)*

[ABA-2016-1204](#) Building Consent - Replace Existing Retaining Wall with New Timber Pole Retaining Wall

Lodgement Date 28-Jun-2016  
 Decision Granted  
 Decision Date 01-Aug-2016  
 Current Status **CCC Issued**  
 Previous Number  
*(Applications before 2007)*

[ABA-2016-1204/A](#) Building Consent - Amendment - Change Timber Wall to Concrete Wall

Lodgement Date 16-Feb-2017  
 Decision Granted  
 Decision Date 23-Feb-2017  
 Current Status **CCC Issued**  
 Previous Number  
*(Applications before 2007)*

### Building and Drainage Permits

There are no Building or Drainage Permits recorded for this property. In some instances permits may have been recorded as building consents, please also check the consent section of the LIM.

### Building Notices

No Building Notices

## Resource Consents

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

### [RMA-2004-367751](#) - Resource Management Act (Historical Data)

Description	SUBDIVISION OF SITE INTO 2 LOTS
Lodgement Date	21-Apr-2004
Decision	Granted
Decision Date	17-May-2004
Current Status	<b>s223 Monitoring Commenced</b>

### [RMA-2004-367753](#) - Resource Management Act (Historical Data)

Description	YARD ENCROACHMENT ON COMMON BOUNDARY BETWEEN EXISTING DWELLINGS (LOTS 5 & 6 OF RMA20040326)
Lodgement Date	21-Apr-2004
Decision	Granted
Decision Date	17-May-2004
Current Status	<b>Consent Issued</b>

### [RMA-2005-368875](#) - Resource Management Act (Historical Data)

Description	THREE LOT SUBDIVISION
Lodgement Date	18-Mar-2005
Decision	Granted
Decision Date	26-Apr-2005
Current Status	<b>Consent Issued</b>

#### Consent Stages

Type	s223 Certificate
Issued Date	27 May 2005
Further Details	

Type	s224 Certificate
Issued Date	07 September 2005
Further Details	

### [RMA-2005-368890](#) - Resource Management Act (Historical Data)

Description	SIDE YARD AND HEIGHT PLANE ENCROACHMENTS ARISING FROM SUBDIVISION RMA20050254
Lodgement Date	24-Mar-2005
Decision	Granted
Decision Date	26-Apr-2005
Current Status	<b>Consent Issued</b>

### [RMA-2005-369377](#) - Resource Management Act (Historical Data)

Description	SEC 127 CHANGE OF CONDITION RELATING TO RESERVES CONTRIBUTION
Lodgement Date	25-Aug-2005
Decision	Granted
Decision Date	06-Sep-2005
Current Status	<b>Consent Issued</b>

### Consent Notices

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

### Alcohol Licensing

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

### Health Licensing

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

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

No information.

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

### District Plan

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

### SECOND GENERATION DISTRICT PLAN INFORMATION

#### Zoning

- Inner City Residential (refer Section 15, Residential)

#### Scheduled Items

- Nil

#### Overlay Zones

- Nil

#### Mapped Areas

- Archaeological Alert Layer
- Road Classification Hierarchy (main roads within 30m of site)
  - Serpentine Ave is a Collector 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

Schedule 1 Exemption(s), Building Act 2004

### **Building Act 2004 - Part 1: Exempted Building Work**

Exempt building work documentation has been placed on the associated Council property file.

It is important to note:

1. The accuracy of the content of the documentation has not been validated by the Council.
2. The Council has not inspected the building works referred to in the documentation.
3. The Council has not considered the documentation in any way in regard to compliance with the New Zealand Building Code, the Building Act 2004 or to assess the quality of work.
4. The filing of the documentation does not in any way replace the fact that this work may have required a building consent.

Please refer to the Ministry of Business Innovation and Employment website for information about work exempt from a building consent: <https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/>

An exemption was submitted to Council on 07-Jun-2017

## Drainage

### **Form 5 (building consent) copy**

This property contains building consent application/s where a copy of the building consent (Form 5) is not able to be provided.

This may be due to the age of the consent and/or processes that were in place at the time.

### Minimum Floor Levels

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

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

For further explanation on the current status of any 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 21 Serpentine Avenue Dunedin

#### **5027473 4 Airedale Street Dunedin**

[LUC-2019-415](#) Land Use Consent land use consent for the authorisation of earthworks that breach boundary setback and change in ground level rules, as well as a deck to that breaches boundary setback and height in relation to boundary rules.. The outcome was Granted on 30/08/2019.

#### **5027476 17 Serpentine Avenue Dunedin**

[SUB-2007-87](#) Subdivision Consent Cross-lease subdivision. The outcome was Granted on 18/06/2007.

[RMA-2001-365288](#) Resource Management Act (Historical Data) LAND USE CONSENT ARISING FROM CROSS LEASE SUBDIVISION (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 17/12/2001.

[RMA-2001-365287](#) Resource Management Act (Historical Data) TO CREATE SEPARATE CROSS LEASE TITLES FOR FLATS A-G (Non-Notified - Non Complying). The outcome was Granted on 17/12/2001.

[RMA-1996-359862](#) Resource Management Act (Historical Data) FLATS PLAN SUBDIVISION FOR SIX EXISTING UNITS AND ONE FUTURE UNIT Hazard : CONSENT NOTICE (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 19/09/1996.

[RMA-1990-350847](#) Resource Management Act (Historical Data) Certificate 312 Ownr:DCC (Non-Notified - Non Complying).

#### **5027477 1 Serpentine Avenue Dunedin**

[LUC-2013-36](#) Land Use Consent land use consequential to a subdivision consent. The outcome was Granted on 22/02/2013.

[SUB-2013-6](#) Subdivision Consent cross lease subdivision. The outcome was Granted on 22/02/2013.

[RMA-2001-365288](#) Resource Management Act (Historical Data) LAND USE CONSENT ARISING FROM CROSS LEASE SUBDIVISION (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 17/12/2001.

[RMA-2001-365287](#) Resource Management Act (Historical Data) TO CREATE SEPARATE CROSS LEASE TITLES FOR FLATS A-G (Non-Notified - Non Complying). The outcome was Granted on 17/12/2001.

[RMA-1996-359862](#) Resource Management Act (Historical Data) FLATS PLAN SUBDIVISION FOR SIX EXISTING UNITS AND ONE FUTURE UNIT Hazard : CONSENT NOTICE (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 19/09/1996.

[RMA-1988-352364](#) Resource Management Act (Historical Data) ERECT 2 FLATS Ownr:ARMSTRONG (Non-Notified - Non Complying). The outcome was Granted on 19/09/1988.

### **5027478 19 Serpentine Avenue Dunedin**

[RMA-2005-368890](#) Resource Management Act (Historical Data) SIDE YARD AND HEIGHT PLANE ENCROACHMENTS ARISING FROM SUBDIVISION RMA20050254 (Non-Notified - Restricted Discretionary). The outcome was Granted on 26/04/2005.

[RMA-2005-368875](#) Resource Management Act (Historical Data) THREE LOT SUBDIVISION (Non-Notified - Restricted Discretionary). The outcome was Granted on 26/04/2005.

[RMA-2004-367753](#) Resource Management Act (Historical Data) YARD ENCROACHMENT ON COMMON BOUNDARY BETWEEN EXISTING DWELLINGS (LOTS 5 & 6 OF RMA20040326) (Non-Notified - Restricted Discretionary). The outcome was Granted on 17/05/2004.

[RMA-2004-367751](#) Resource Management Act (Historical Data) SUBDIVISION OF SITE INTO 2 LOTS (Non-Notified - Restricted Discretionary). The outcome was Granted on 17/05/2004.

[RMA-2005-369377](#) Resource Management Act (Historical Data) SEC 127 CHANGE OF CONDITION RELATING TO RESERVES CONTRIBUTION (Other). The outcome was Granted on 06/09/2005.

### **5027504 35 Sutherland Street Dunedin**

[LUC-2025-249](#) Land Use Consent Construct a duplex unit and create a three lot SUB.. There has been no outcome yet.

[SUB-2025-107](#) Subdivision Consent Construct a duplex unit and create a three lot SUB.. There has been no outcome yet.

[RMA-1991-353136](#) Resource Management Act (Historical Data) ADD 2ND STOREY TO EXISTING DWELLING (Non-Notified - Non Complying). The outcome was Granted on 28/05/1991.

### **5066512 113 Canongate Dunedin**

[LUC-2021-413](#) Land Use Consent establishment of a multi-unit development with performance standard breaches. The outcome was Granted on 05/11/2021.

[RMA-1994-358157](#) Resource Management Act (Historical Data) Subdivision Ownr:JANSEN M.M. / App: M.D. Body PO Box 235 (Non-Notified - Non Complying). The outcome was Granted on 30/06/1994.

[RMA-1994-356513](#) Resource Management Act (Historical Data) Ownr:MRS MM JANSEN / App: MRS MM JANSEN (Non-Notified - Non Complying). The outcome was Granted on 08/06/1994.

[RMA-1989-350547](#) Resource Management Act (Historical Data) SCHEME PLAN SP527 SUBDIVISION OF CERTIFICATES OF TITLE OT398/213 AND OT398/214 CREATING THREE LOTS AND BALANCE LAND (NOTE: APPLICATION AMENDED AFTER INITIAL LODGEMENT) (Non-Notified - Non Complying). The outcome was Granted on 31/10/1990.

### **5066513 121 Canongate Dunedin**

[RMA-1989-350547](#) Resource Management Act (Historical Data) SCHEME PLAN SP527 SUBDIVISION OF CERTIFICATES OF TITLE OT398/213 AND OT398/214 CREATING THREE LOTS AND BALANCE LAND (NOTE: APPLICATION AMENDED AFTER INITIAL LODGEMENT) (Non-Notified - Non Complying). The outcome was Granted on 31/10/1990.

### **5100158 115 Canongate Dunedin**

[RMA-1989-350547](#) Resource Management Act (Historical Data) SCHEME PLAN SP527 SUBDIVISION OF CERTIFICATES OF TITLE OT398/213 AND OT398/214 CREATING THREE LOTS AND BALANCE LAND (NOTE: APPLICATION AMENDED AFTER INITIAL LODGEMENT) (Non-Notified - Non Complying). The outcome was Granted on 31/10/1990.

### **5108153 6 Serpentine Avenue Dunedin**

[LUC-2018-467](#) Land Use Consent land use consent to establish and maintain a mural on the building at 6 Serpentine and on part of the existing boundary retaining wall/fence adjoining 4 Serpentine Avenue. The outcome was Granted on 10/09/2018.

[RMA-2005-369256](#) Resource Management Act (Historical Data) TO CONSTRUCT A BUILDING FOR INDUSTRIAL PURPOSES IN THE RESIDENTIAL 4 ZONE (Non-Notified - Non Complying). The outcome was Granted on 28/11/2005.

[RMA-1991-350979](#) Resource Management Act (Historical Data) Certificate 312 Ownr:DCC / App: N.J. Dunckley PO Box 5045 (Non-Notified - Non Complying). The outcome was Granted on 16/05/1991.

[RMA-1989-350547](#) Resource Management Act (Historical Data) SCHEME PLAN SP527 SUBDIVISION OF CERTIFICATES OF TITLE OT398/213 AND OT398/214 CREATING THREE LOTS AND BALANCE LAND (NOTE: APPLICATION AMENDED AFTER INITIAL LODGEMENT) (Non-Notified - Non Complying). The outcome was Granted on 31/10/1990.

### **5109591 17B Serpentine Avenue Dunedin**

[SUB-2007-87](#) Subdivision Consent Cross-lease subdivision. The outcome was Granted on 18/06/2007.

### **5114765 36 Sutherland Street Dunedin**

[LUC-2007-569/A](#) Land Use Consent Section 127 Variation of Conditions. The outcome was s127 Upheld on 10/10/2008.

[LUC-2007-569](#) Land Use Consent Construct two dwellings. The outcome was Granted on 21/05/2008.

[SUB-2007-19](#) Subdivision Consent RESIDENTIAL SUBDIVISION. The outcome was Granted on 11/05/2007.

[RMA-2005-368875](#) Resource Management Act (Historical Data) THREE LOT SUBDIVISION (Non-Notified - Restricted Discretionary). The outcome was Granted on 26/04/2005.

[RMA-2004-367751](#) Resource Management Act (Historical Data) SUBDIVISION OF SITE INTO 2 LOTS (Non-Notified - Restricted Discretionary). The outcome was Granted on 17/05/2004.

[RMA-2005-369377](#) Resource Management Act (Historical Data) SEC 127 CHANGE OF CONDITION RELATING TO RESERVES CONTRIBUTION (Other). The outcome was Granted on 06/09/2005.

### **5114766 34 Sutherland Street Dunedin**

[LUC-2007-569/A](#) Land Use Consent Section 127 Variation of Conditions. The outcome was s127 Upheld on 10/10/2008.

[LUC-2007-569](#) Land Use Consent Construct two dwellings. The outcome was Granted on 21/05/2008.

[SUB-2007-19](#) Subdivision Consent RESIDENTIAL SUBDIVISION. The outcome was Granted on 11/05/2007.

[RMA-2005-368875](#) Resource Management Act (Historical Data) THREE LOT SUBDIVISION (Non-Notified - Restricted Discretionary). The outcome was Granted on 26/04/2005.

[RMA-2004-367751](#) Resource Management Act (Historical Data) SUBDIVISION OF SITE INTO 2 LOTS (Non-Notified - Restricted Discretionary). The outcome was Granted on 17/05/2004.

[RMA-2005-369377](#) Resource Management Act (Historical Data) SEC 127 CHANGE OF CONDITION RELATING TO RESERVES CONTRIBUTION (Other). The outcome was Granted on 06/09/2005.

### **5115707 52 Sutherland Street Dunedin**

[LUC-2009-354](#) Land Use Consent retain existing house on lot in breach of Residential 4 zone rules (consequential to subdivision). The outcome was Granted on 22/09/2009.

[SUB-2009-83](#) Subdivision Consent two-lot Residential 4 subdivision. The outcome was Granted on 22/09/2009.

#### **5115849 17 Serpentine Avenue Dunedin**

[LUC-2013-36](#) Land Use Consent land use consequential to a subdivision consent. The outcome was Granted on 22/02/2013.

[SUB-2013-6](#) Subdivision Consent cross lease subdivision. The outcome was Granted on 22/02/2013.

[SUB-2007-87](#) Subdivision Consent Cross-lease subdivision. The outcome was Granted on 18/06/2007.

[RMA-1990-350847](#) Resource Management Act (Historical Data) Certificate 312 Ownr:DCC (Non-Notified - Non Complying).

#### **5115850 17A Serpentine Avenue Dunedin**

[SUB-2007-87](#) Subdivision Consent Cross-lease subdivision. The outcome was Granted on 18/06/2007.

[RMA-1990-350847](#) Resource Management Act (Historical Data) Certificate 312 Ownr:DCC (Non-Notified - Non Complying).

#### **5115851 17B Serpentine Avenue Dunedin**

[SUB-2007-87](#) Subdivision Consent Cross-lease subdivision. The outcome was Granted on 18/06/2007.

[RMA-1990-350847](#) Resource Management Act (Historical Data) Certificate 312 Ownr:DCC (Non-Notified - Non Complying).

#### **5116681 25 Serpentine Avenue Dunedin**

[LUC-2017-694](#) Land Use Consent land use consent to establish a retaining wall. The outcome was Granted on 07/02/2018.

[SUB-2014-117](#) Subdivision Consent subdivision creating 2 lots. The outcome was Granted on 20/10/2014.

[RMA-2006-369958](#) Resource Management Act (Historical Data) SUBDIVIDE INTO 2 ALLOTMENTS (Non-Notified - Restricted Discretionary). The outcome was Granted on 27/03/2006.

[RMA-1999-363625](#) Resource Management Act (Historical Data) TO SUBDIVIDE 23 SERPENTINE AVE INTO LOT 1 & 2 PROPOSED (Non-Notified Controlled). The outcome was Granted on 31/01/2000.

#### **5116682 2 Airedale Street Dunedin**

[SUB-2014-117](#) Subdivision Consent subdivision creating 2 lots. The outcome was Granted on 20/10/2014.

[RMA-2006-369958](#) Resource Management Act (Historical Data) SUBDIVIDE INTO 2 ALLOTMENTS (Non-Notified - Restricted Discretionary). The outcome was Granted on 27/03/2006.

[RMA-1999-363625](#) Resource Management Act (Historical Data) TO SUBDIVIDE 23 SERPENTINE AVE INTO LOT 1 & 2 PROPOSED (Non-Notified Controlled). The outcome was Granted on 31/01/2000.

[RMA-1995-358684](#) Resource Management Act (Historical Data) ERECT SIX UNITS/ (Non-Notified - Restricted Discretionary). The outcome was Granted on 01/12/1995.

#### **5120868 17 Serpentine Avenue Dunedin**

[LUC-2013-36](#) Land Use Consent land use consequential to a subdivision consent. The outcome was Granted on 22/02/2013.

[SUB-2013-6](#) Subdivision Consent cross lease subdivision. The outcome was Granted on 22/02/2013.

[SUB-2007-87](#) Subdivision Consent Cross-lease subdivision. The outcome was Granted on 18/06/2007.

[RMA-2001-365288](#) Resource Management Act (Historical Data) LAND USE CONSENT ARISING FROM CROSS LEASE SUBDIVISION (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 17/12/2001.

[RMA-2001-365287](#) Resource Management Act (Historical Data) TO CREATE SEPARATE CROSS LEASE TITLES FOR FLATS A-G (Non-Notified - Non Complying). The outcome was Granted on 17/12/2001.

[RMA-1996-359862](#) Resource Management Act (Historical Data) FLATS PLAN SUBDIVISION FOR SIX EXISTING UNITS AND ONE FUTURE UNIT Hazard : CONSENT NOTICE (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 19/09/1996.

[RMA-1990-350847](#) Resource Management Act (Historical Data) Certificate 312 Ownr:DCC (Non-Notified - Non Complying).

#### **[5120869 17A Serpentine Avenue Dunedin](#)**

[LUC-2013-36](#) Land Use Consent land use consequential to a subdivision consent. The outcome was Granted on 22/02/2013.

[SUB-2013-6](#) Subdivision Consent cross lease subdivision. The outcome was Granted on 22/02/2013.

[SUB-2007-87](#) Subdivision Consent Cross-lease subdivision. The outcome was Granted on 18/06/2007.

[RMA-2001-365288](#) Resource Management Act (Historical Data) LAND USE CONSENT ARISING FROM CROSS LEASE SUBDIVISION (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 17/12/2001.

[RMA-2001-365287](#) Resource Management Act (Historical Data) TO CREATE SEPARATE CROSS LEASE TITLES FOR FLATS A-G (Non-Notified - Non Complying). The outcome was Granted on 17/12/2001.

[RMA-1996-359862](#) Resource Management Act (Historical Data) FLATS PLAN SUBDIVISION FOR SIX EXISTING UNITS AND ONE FUTURE UNIT Hazard : CONSENT NOTICE (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 19/09/1996.

[RMA-1990-350847](#) Resource Management Act (Historical Data) Certificate 312 Ownr:DCC (Non-Notified - Non Complying).

#### **[5120870 17B Serpentine Avenue Dunedin](#)**

[LUC-2013-36](#) Land Use Consent land use consequential to a subdivision consent. The outcome was Granted on 22/02/2013.

[SUB-2013-6](#) Subdivision Consent cross lease subdivision. The outcome was Granted on 22/02/2013.

[SUB-2007-87](#) Subdivision Consent Cross-lease subdivision. The outcome was Granted on 18/06/2007.

[RMA-2001-365288](#) Resource Management Act (Historical Data) LAND USE CONSENT ARISING FROM CROSS LEASE SUBDIVISION (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 17/12/2001.

[RMA-2001-365287](#) Resource Management Act (Historical Data) TO CREATE SEPARATE CROSS LEASE TITLES FOR FLATS A-G (Non-Notified - Non Complying). The outcome was Granted on 17/12/2001.

[RMA-1996-359862](#) Resource Management Act (Historical Data) FLATS PLAN SUBDIVISION FOR SIX EXISTING UNITS AND ONE FUTURE UNIT Hazard : CONSENT NOTICE (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 19/09/1996.

[RMA-1990-350847](#) Resource Management Act (Historical Data) Certificate 312 Ownr:DCC (Non-Notified - Non Complying).

#### **[5120871 1 Serpentine Avenue Dunedin](#)**

[LUC-2013-36](#) Land Use Consent land use consequential to a subdivision consent. The outcome was Granted on 22/02/2013.

[SUB-2013-6](#) Subdivision Consent cross lease subdivision. The outcome was Granted on 22/02/2013.

[RMA-2001-365288](#) Resource Management Act (Historical Data) LAND USE CONSENT ARISING FROM CROSS LEASE SUBDIVISION (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 17/12/2001.

[RMA-2001-365287](#) Resource Management Act (Historical Data) TO CREATE SEPARATE CROSS LEASE TITLES FOR FLATS A-G (Non-Notified - Non Complying). The outcome was Granted on 17/12/2001.

[RMA-1996-359862](#) Resource Management Act (Historical Data) FLATS PLAN SUBDIVISION FOR SIX EXISTING UNITS AND ONE FUTURE UNIT Hazard : CONSENT NOTICE (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 19/09/1996.

[RMA-1988-352364](#) Resource Management Act (Historical Data) ERECT 2 FLATS Ownr:ARMSTRONG (Non-Notified - Non Complying). The outcome was Granted on 19/09/1988.

### **5120872 3 Serpentine Avenue Dunedin**

[LUC-2013-36](#) Land Use Consent land use consequential to a subdivision consent. The outcome was Granted on 22/02/2013.

[SUB-2013-6](#) Subdivision Consent cross lease subdivision. The outcome was Granted on 22/02/2013.

[RMA-2001-365288](#) Resource Management Act (Historical Data) LAND USE CONSENT ARISING FROM CROSS LEASE SUBDIVISION (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 17/12/2001.

[RMA-2001-365287](#) Resource Management Act (Historical Data) TO CREATE SEPARATE CROSS LEASE TITLES FOR FLATS A-G (Non-Notified - Non Complying). The outcome was Granted on 17/12/2001.

[RMA-1996-359862](#) Resource Management Act (Historical Data) FLATS PLAN SUBDIVISION FOR SIX EXISTING UNITS AND ONE FUTURE UNIT Hazard : CONSENT NOTICE (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 19/09/1996.

[RMA-1988-352364](#) Resource Management Act (Historical Data) ERECT 2 FLATS Ownr:ARMSTRONG (Non-Notified - Non Complying). The outcome was Granted on 19/09/1988.

### **5120873 5 Serpentine Avenue Dunedin**

[LUC-2013-36](#) Land Use Consent land use consequential to a subdivision consent. The outcome was Granted on 22/02/2013.

[SUB-2013-6](#) Subdivision Consent cross lease subdivision. The outcome was Granted on 22/02/2013.

[RMA-2001-365288](#) Resource Management Act (Historical Data) LAND USE CONSENT ARISING FROM CROSS LEASE SUBDIVISION (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 17/12/2001.

[RMA-2001-365287](#) Resource Management Act (Historical Data) TO CREATE SEPARATE CROSS LEASE TITLES FOR FLATS A-G (Non-Notified - Non Complying). The outcome was Granted on 17/12/2001.

[RMA-1996-359862](#) Resource Management Act (Historical Data) FLATS PLAN SUBDIVISION FOR SIX EXISTING UNITS AND ONE FUTURE UNIT Hazard : CONSENT NOTICE (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 19/09/1996.

[RMA-1988-352364](#) Resource Management Act (Historical Data) ERECT 2 FLATS Ownr:ARMSTRONG (Non-Notified - Non Complying). The outcome was Granted on 19/09/1988.

### **5120874 7 Serpentine Avenue Dunedin**

[LUC-2013-36](#) Land Use Consent land use consequential to a subdivision consent. The outcome was Granted on 22/02/2013.

[SUB-2013-6](#) Subdivision Consent cross lease subdivision. The outcome was Granted on 22/02/2013.

[RMA-2001-365288](#) Resource Management Act (Historical Data) LAND USE CONSENT ARISING FROM CROSS LEASE SUBDIVISION (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 17/12/2001.

[RMA-2001-365287](#) Resource Management Act (Historical Data) TO CREATE SEPARATE CROSS LEASE TITLES FOR FLATS A-G (Non-Notified - Non Complying). The outcome was Granted on 17/12/2001.

[RMA-1996-359862](#) Resource Management Act (Historical Data) FLATS PLAN SUBDIVISION FOR SIX EXISTING UNITS AND ONE FUTURE UNIT Hazard : CONSENT NOTICE (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 19/09/1996.

[RMA-1988-352364](#) Resource Management Act (Historical Data) ERECT 2 FLATS Ownr:ARMSTRONG (Non-Notified - Non Complying). The outcome was Granted on 19/09/1988.

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](mailto: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](http://www.mfe.govt.nz).) Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent. (The Otago Regional Council should also be consulted for any rules in might have in regards to the use or development of contaminated sites.)

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

If you would like a copy of any Resource Consent decision or advice on the current status and relevance of any planning matter referred to in the LIM, enquiries may be made at the Planning Enquiries desk on the Ground Floor of the Civic Centre, 50 The Octagon, or by phoning 477 4000 and asking for the Duty Planner.

Planners are available at the Planning Enquiries desk to answer your enquiries between 8:30am and 5:00pm weekdays.

### 3 Waters

#### Information Regarding Watercourses

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

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

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

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

### Transport

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

#### **Vehicle crossing - no vehicle access**

This property appears to have no vehicle access, pedestrian access only.

#### **Encroachment on road reserve – privately owned vegetation over footpath.**

It appears that the vegetation at this property's frontage is encroaching on the footpath. Private vegetation is required to be maintained so that it does not interfere with footpath users or extend over your property boundary. Council accepts this situation but accepts no liability. Maintenance is the responsibility of the property owner. The Council may require this to be addressed in the future.

#### **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 pipes rests solely with the property owner. As the landowner you must maintain your stormwater lateral to ensure that it doesn't become a safety hazard for pedestrians or other road users.

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

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

## Glossary of Terms and Abbreviations

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

### Consent, Permit, Licence & Complaint types

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

### Terms used in Permits & Consents

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

HEA	Heater
ICC	Interim Code Compliance
MH	Manhole
PL	Plumbing
PLB	Plumbing
PTE	Private
SIS	Sewer in section
WC	Water course
WT	Water table
SW	Stormwater

### General terms

RDMS Records and Document Management System

## Appendices



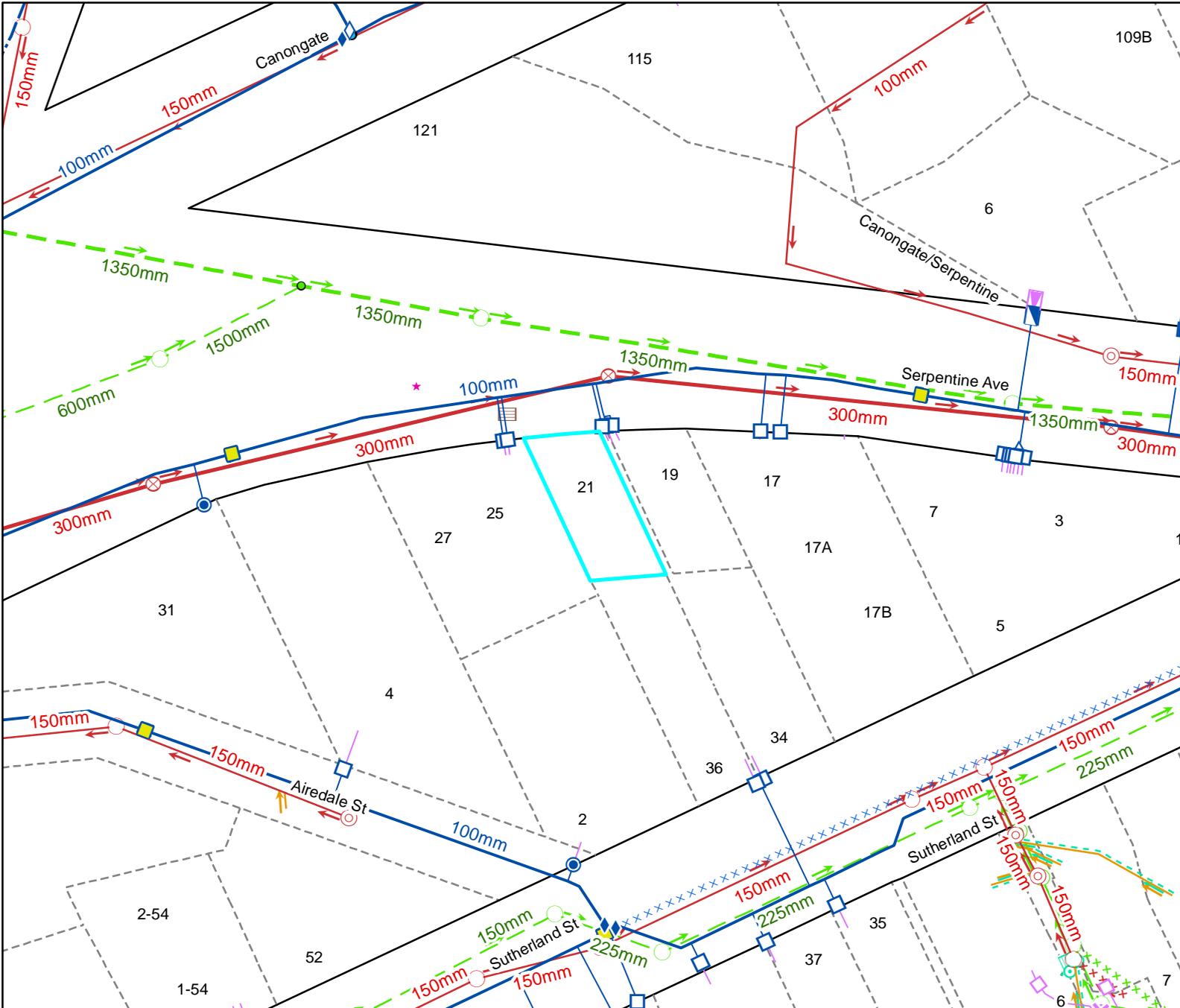
# Photographic Map

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19/11/2025  
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PARCEL LINES CAN VARY FROM LEGAL PARCEL BOUNDARIES  
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.

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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.



### Legend

- #### Water Supply
- Manifold Box
  - Water Meter
  - Toby
  - Meter without manifold box
  - Retic Flow Meter
  - Combination Meter
  - Manifold Box With Restrictor
  - Water Valve - Zone
  - NR Non Return Valve
  - Water Valve - Gate
  - Water Valve - Sluice
  - Water Hydrant
  - Water Backflow Preventor - RPZ
  - NR Water Non-Return Valve
  - Water Pump Station
  - Water Bore
  - Water Treatment Plant
  - Water Storage Tank
  - Supply Main
  - Trunk Main
  - Disused
  - Reticulation
  - Rider
  - Scour
  - Water Service Lateral
  - Water Fire Service Lateral
  - Water Critical Service Lateral
  - Water Zone Boundary
  - Water Reservoir
  - Redundant Water Main
- NOTE:** Private water services have the same symbols as those above, however they are coloured pink.

- #### Foul Sewerage
- Standard Manhole
  - Valve Chamber (pressurised)
  - Boundary Kit
  - NR Non-Return Valve
  - Pump Station Domestic
  - Drop Manhole
  - Inspection Manhole
  - Inspection Opening
  - Lamphole
  - Outlet
  - Pump Station
  - Treatment Plant
  - Vent
  - Foul Sewer Node
  - Foul Drains in Common (public)
  - Sewer
  - Trunk Sewer
  - Vent Line
  - Rising Main
  - Redundant Foul Sewer Pipe
- NOTE:** Private foul drains have the same symbols as those above, however they are coloured orange.

- #### Stormwater
- SW Bubble-up Tank
  - SW Drop Manhole
  - SW Insp Chamber and Grating Inlet
  - SW Inspection Manhole
  - SW Inspection Opening
  - SW Lamphole
  - SW Mudtank Inlet
  - SW Outlet
  - SW Pipe Inlet
  - SW Pressure Manhole
  - SW Standard Manhole
  - SW Stormwater Node
  - Roading Bubble-Up Tank
  - Roading Mudtank
  - Stormwater Main
  - Stormwater Trunk Main
  - DCC Open Channel
  - Piped WC
  - Open WC
  - Culvert
  - Stormwater Mudtank Pipe
  - Redundant Stormwater Main
  - SW Sump
  - SW Pump Station
- NOTE:** Private stormwater drains have the same symbols as those above, however they are coloured light green.

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

Full legend can be viewed at <https://www.dunedin.govt.nz/council-online/webmaps/waterservices>



# Council Water & Drainage Services

Information shown is the best available at the time of publishing. The accuracy and completeness of This information is variable. Private assets are typically not mapped. Recent changes may not be reflected. Verify on site before commencing work. For all enquiries phone 03 477 4000.

Scale at A4:  
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19/11/2025  
8:04:21 PM



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

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

# CODE COMPLIANCE CERTIFICATE

Section 95, Building Act 2004

ISSUED BY:



**DUNEDIN CITY COUNCIL**

Telephone No:	477-4000	CCC No:	ABA 43816	Reference No:	5027475
---------------	----------	---------	-----------	---------------	---------

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

APPLICANT	PROJECT
Owner: LENG, JOHN ROBERT P O BOX 5704 DUNEDIN 9031	All <input checked="" type="checkbox"/>
	Stage No .....of an intended .....stages
	New Building <input type="checkbox"/>
	Alteration <input checked="" type="checkbox"/>
<b>PROJECT LOCATION</b>	<b>Intended Use(s) in detail:</b> ADD TO DWG-KITCHEN/BATHROOM
Street Address: 21 SERPENTINE AVENUE, DUNEDIN 9001	<b>Intended Life:</b>
<b>LEGAL DESCRIPTION</b>	Indefinite, not less than 50 years <input checked="" type="checkbox"/>
Building Name: Property Number: 5027475 Valuation Roll No: 27160 80900 Building Use: Year Constructed: Legal Description: PT LOT 3 DP 76	Specified as ..... years
	Demolition <input type="checkbox"/>

The building consent authority named above is satisfied, on reasonable grounds, that:

- (a) The building work complies with the Building Consent, and
- (b) The specified systems in the building are capable of performing to the performance standards set out in the Building Consent.

Compliance Schedule attached.

The Council charges payable on the uplifting of this code compliance, in accordance with the attached details are: \$  
Receipt No:

Signed for and on behalf of the Council:

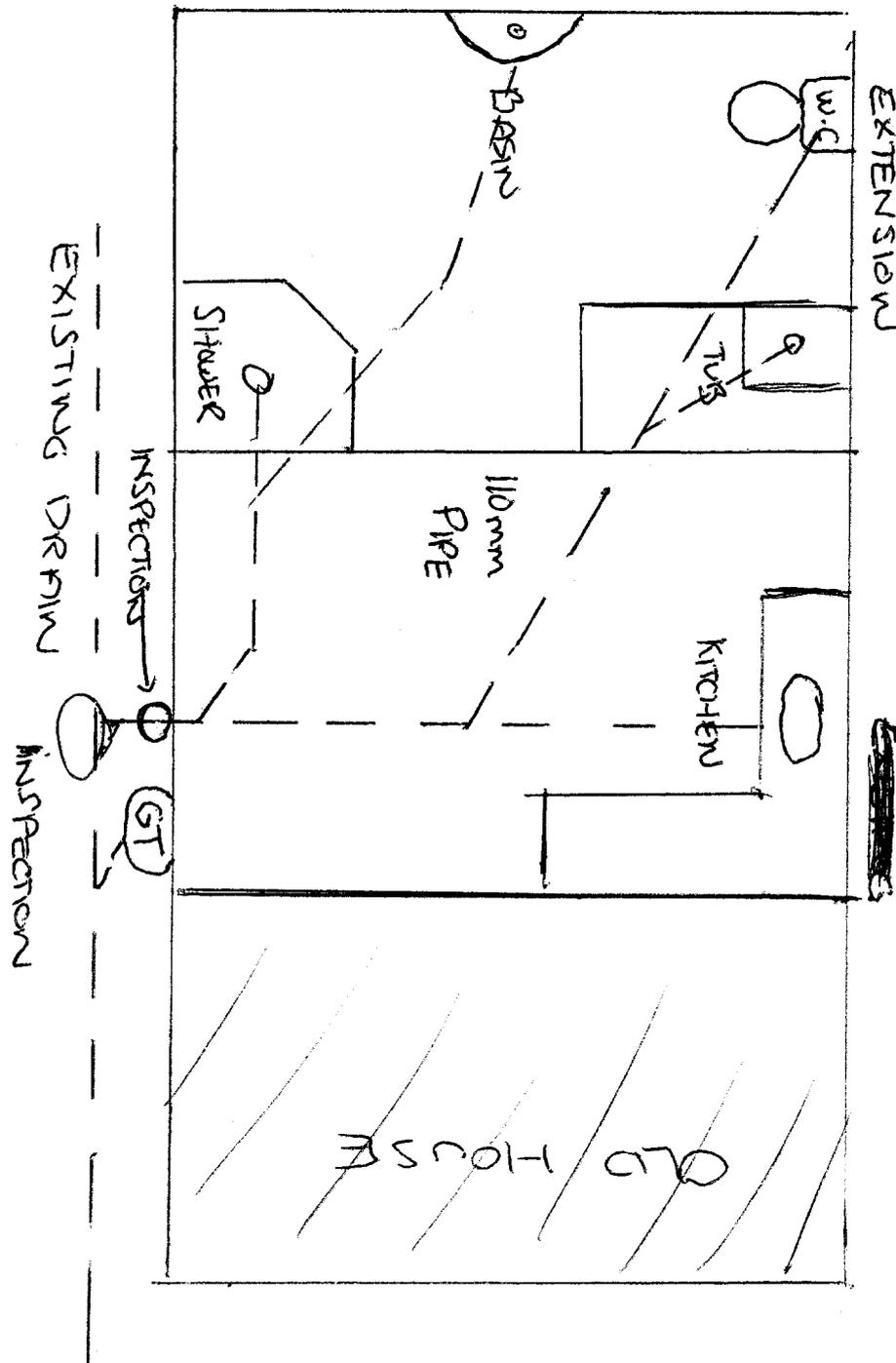
Name:.....

Position: AUTHORISED OFFICER

Date: 19/12/2005

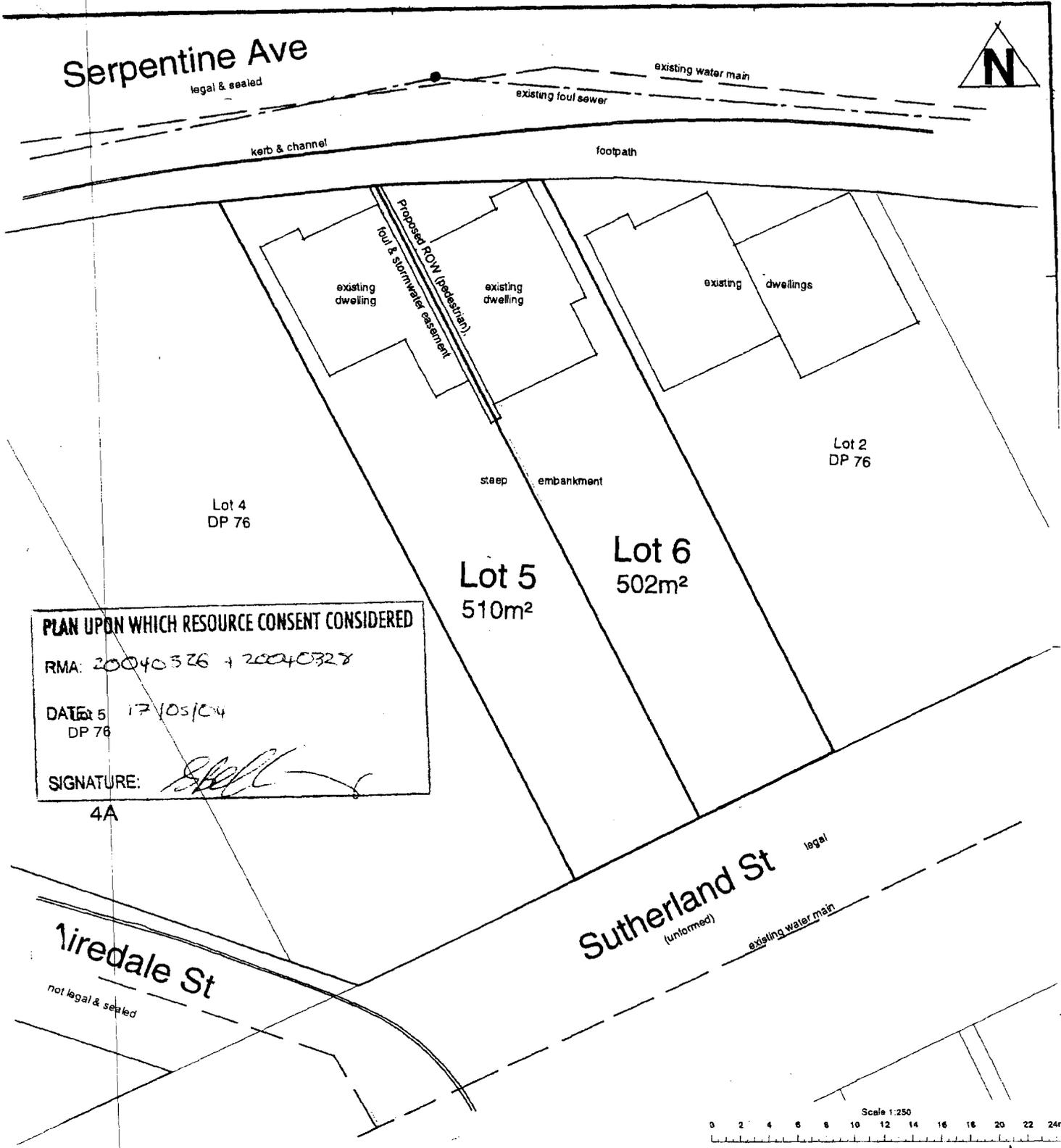
Drainlayer Pay less Plumbing  
ABA43816 GCF 16/12/05

# As built drainage plan



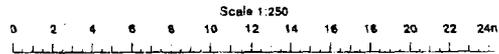
SERPENTINE AVE

IMPERIAL  
Jee.



**PLAN UPON WHICH RESOURCE CONSENT CONSIDERED**  
 RMA: 20040326 + 20040328  
 DATE: 17/05/04  
 DP 76  
 SIGNATURE: *[Signature]*

4A

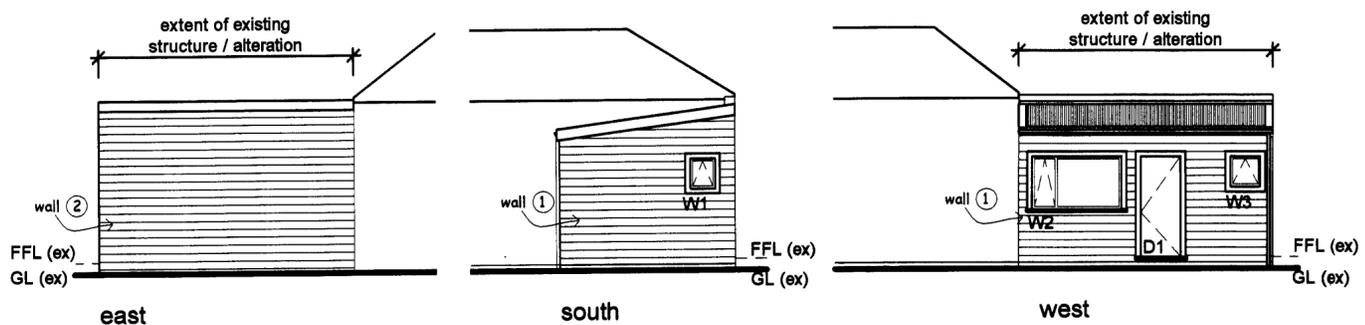


# Plan of proposed subdivision of Lot 3 DP 76

Certificate of Title: 13D/1059 Owner: Dunedin City Council Total Area: 1012m<sup>2</sup>

 <b>D.G. HATFIELD &amp; ASSOCIATES</b> SURVEYING & RESOURCE MANAGEMENT DUNEDIN MOSGIEL BALCLUTHA	No	AMENDMENTS	Initials	Date	ORIG. SCALE as shown	JOB No. 6592
	SURVEY			DRAWN		
	LEVEL			TRACED		
DESIGN			CHECKED		L.B.	

43816



east elevations

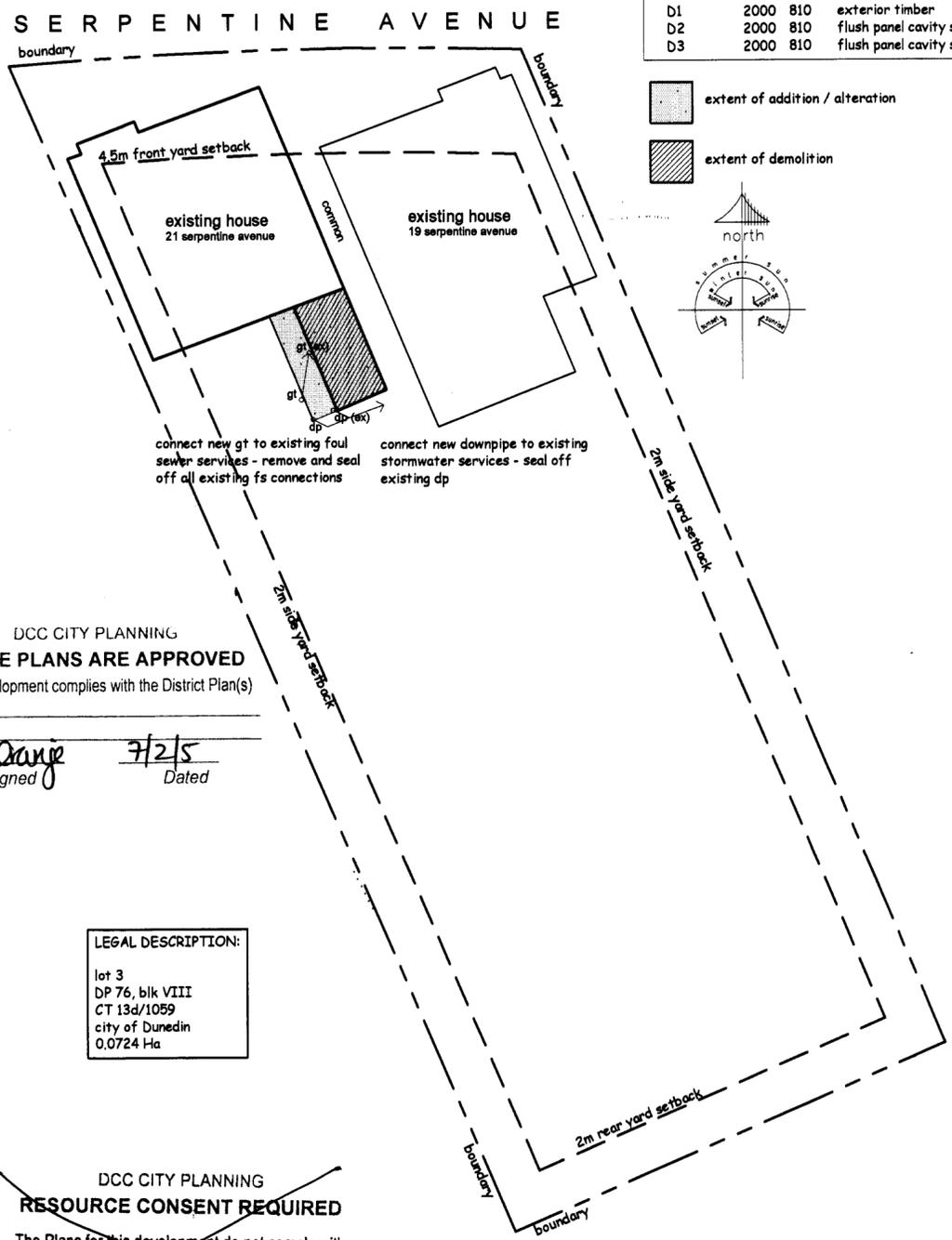
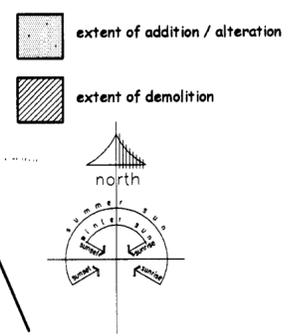
scale 1:100

**window / door schedule**

sill	head	width	notes
W1	1400	2000	600 timber
W2	900	2000	1800 timber
W3	1400	2000	600 timber
D1	2000	810	exterior timber
D2	2000	810	flush panel cavity slider
D3	2000	810	flush panel cavity slider

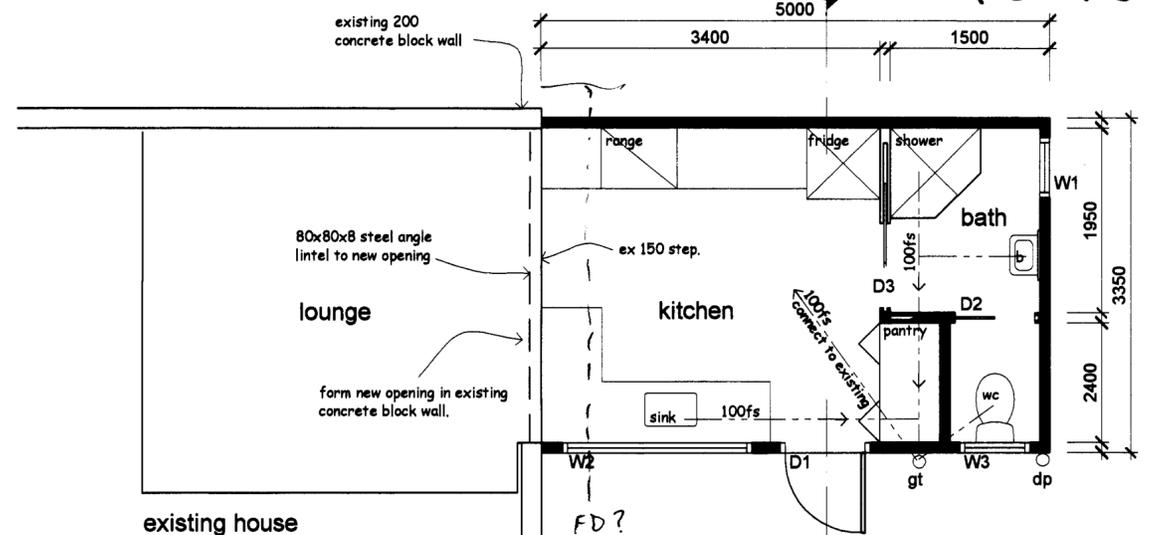
**materials legend**

- wall ① Hardies 180 bevel-back weatherboards over building paper on 100x50 timber framing - proprietary soakers to corners
- wall ② Hardies 180 bevel-back weatherboards over fire retardant building wrap on 100x50 timber framing all fixed strictly in accordance with Hardies specification no. JHET6L60: LINEA WEATHERBOARD FIRE RESISTANCE RATING SYSTEMS
- wall ③ 13mm Gib Fyrelite over flame retardant building paper on 100x50 timber framing - R2.2 fibreglass insulation
- roof ① 0.55 corrugated Colorsteel roofing on building paper on ex 75x50 purlins at 600 max crs over ex 150x50 rafters at 600 max crs



site plan

scale 1:200

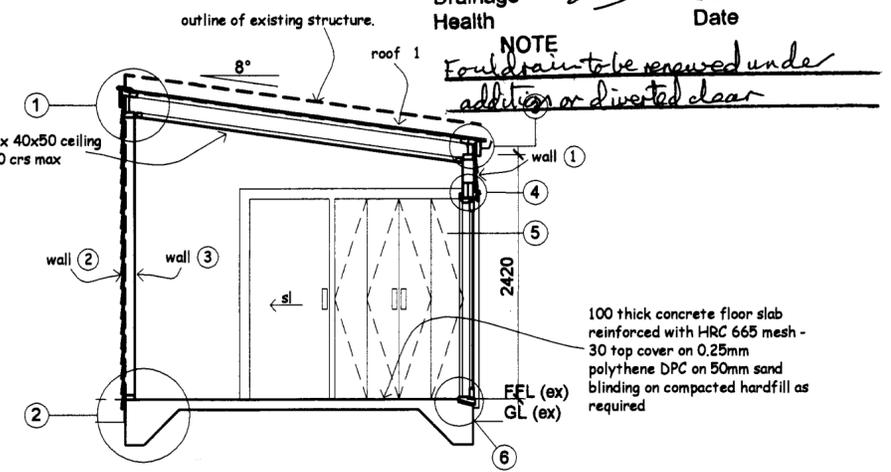


part floor plan

scale 1:50

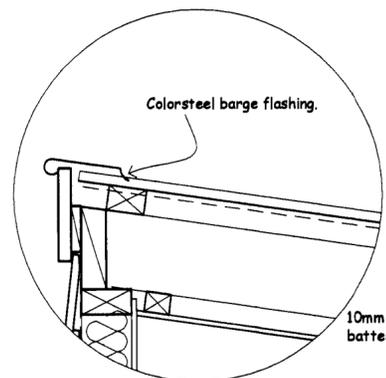
**DOMESTIC SMOKE ALARM**  
Smoke alarms complying with the NZBC clause F7 are required in this building.

**DUNEDIN CITY COUNCIL**  
Plans and Specifications Approved in accordance with The New Zealand Building Code and Approved Documents. To be retained on works and produced on request  
Date 21-01-05  
Date 23-12-04  
Date

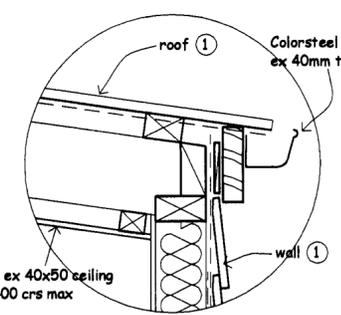


cross section A-A

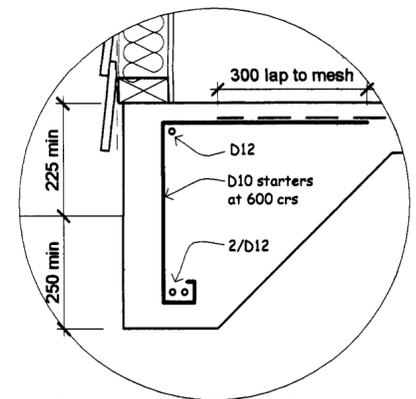
scale 1:50



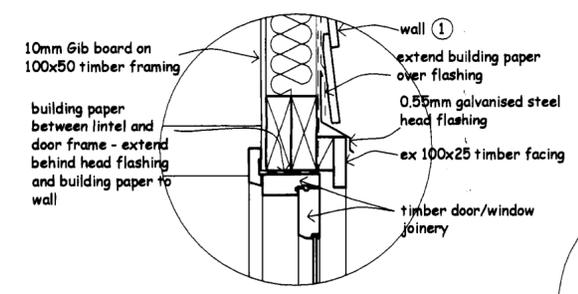
1 ridge



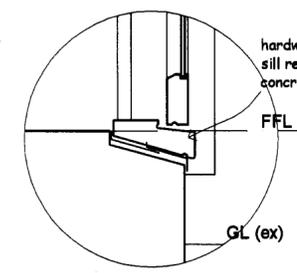
3 eaves



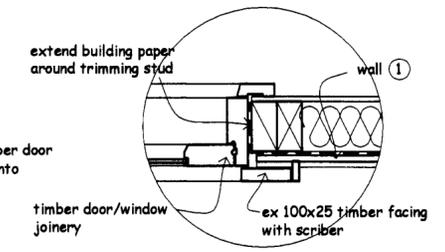
2 slab reinforcing



4 door/window head



6 door sill



5 door/window jamb

construction details

scale 1:10

DCC CITY PLANNING  
**THESE PLANS ARE APPROVED**  
This development complies with the District Plan(s) subject to:

*gmc* Signed *7/2/05* Dated

**LEGAL DESCRIPTION:**  
lot 3  
DP 76, blk VIII  
CT 13d/1059  
city of Dunedin  
0.0724 Ha

~~DCC CITY PLANNING  
RESOURCE CONSENT REQUIRED~~

~~The Plans for this development do not comply with the District Plan(s)~~  
*gmc* Signed *10/1/05* Dated

# CODE COMPLIANCE CERTIFICATE

Section 95, Building Act 2004

ISSUED BY:



**DUNEDIN CITY COUNCIL**  
Kaunihera-a-rohe o Otepoti

Telephone No: 477-4000	CCC No: ABA 52347	Reference No: 5027475
------------------------	-------------------	-----------------------

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

APPLICANT	PROJECT
Owner: LENG, JOHN ROBERT P O BOX 5704 DUNEDIN 9031	All <input checked="" type="checkbox"/>
<b>PROJECT LOCATION</b>	Stage No .....of an intended .....stages
Street Address: 21 SERPENTINE AVENUE, DUNEDIN 9001	New Building <input type="checkbox"/> Alteration <input checked="" type="checkbox"/>
<b>LEGAL DESCRIPTION</b>	Intended Use(s) in detail: INSPECTION CHAMBERS FOR DIC FOUL & STORM 19 & 21 SERPENTINE AVE
Building Name: Property Number: 5027475 Valuation Roll No: 27160 80900 Building Use: Year Constructed: Legal Description: PT LOT 3 DP 76	Intended Life: Indefinite, not less than 50 years <input checked="" type="checkbox"/> Specified as ..... years Demolition <input type="checkbox"/>

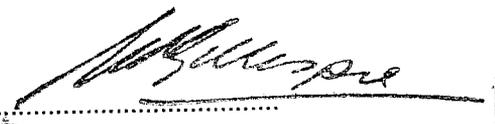
The building consent authority named above is satisfied, on reasonable grounds, that:

- (a) The building work complies with the Building Consent, and
- (b) The specified systems in the building are capable of performing to the performance standards set out in the Building Consent.

Compliance Schedule attached.

The Council charges payable on the uplifting of this code compliance, in accordance with the attached details are: \$  
 Receipt No:

Signed for and on behalf of the Council:

Name:.....

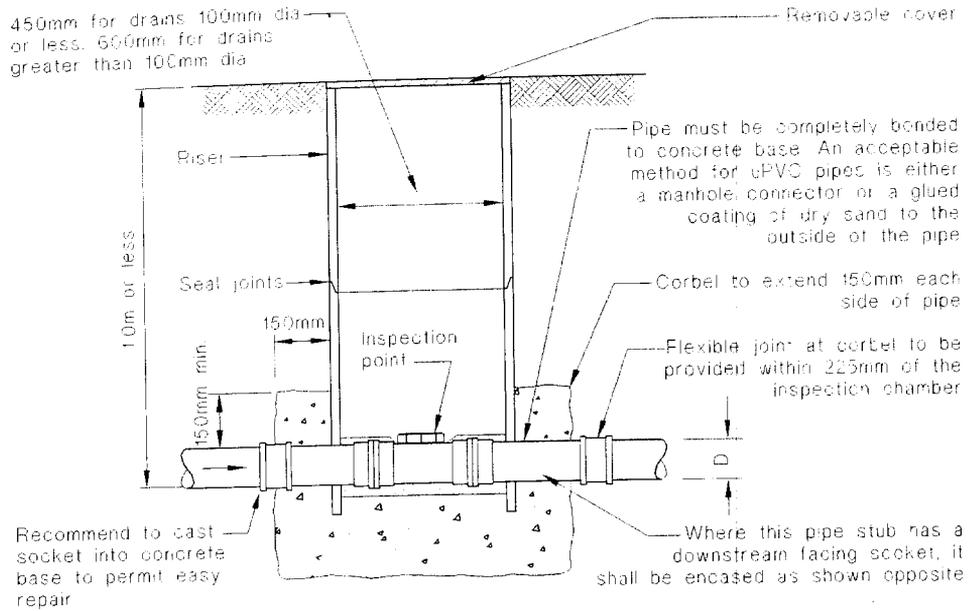
Position: AUTHORISED OFFICER

Date: 01/02/2006

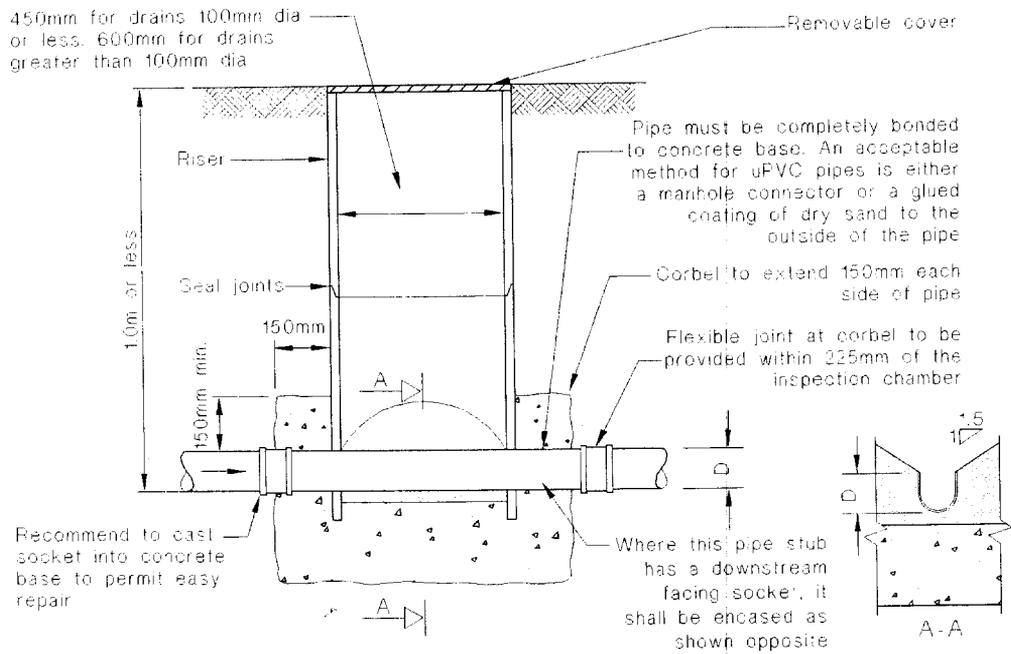


52347

Figure 11: Inspection Chambers  
Paragraph 5.7.3



(a) Circular inspection chamber with inspection point



(b) Circular inspection chamber with open drain



**Code Compliance Certificate Form 7**

Section 95, Building Act 2004

The Lemon Fix Limited  
C/O Peter Gale  
31 Warden Street  
Dunedin 9010

**The building**

**Street address of building:** 21 Serpentine Avenue Dunedin

**Legal description of land where building is located:** LOT 3 DP 353166

**Building Name:** N/A

**Location of building within site/block number:**

**Level/unit Number:**

**Current, lawfully established, use:**

**Number of occupants:**

**Year first constructed:**

**The owner**

**Name of owner:** The Lemon Fix Limited

**Contact person:** The Lemon Fix Limited

**Mailing address:** C/O Peter Gale, 31 Warden Street, Dunedin 9010

**Street address/registered office:**

**Mobile:**

**Landline:**

**Email address:**

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

**Building work**

**Building Consent Number:** ABA-2016-1204 - Replace Existing Retaining Wall with New Timber Pole Retaining Wall

**This CCC also applies to the following amended consents:** ABA-2016-1204/A - Change Timber Wall to Concrete Wall

**Issued by: Dunedin City Council**

**Code Compliance**

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

- (a) The building work complies with the building consent

**Team Leader Inspections**  
**On behalf of Dunedin City Council**

Date: 3 October 2017



Project 21 Serpentine Ave			Job Number 160244	
Part Site Plan			Page 1	Revision
Drawing Ref 160244-01	Calc by LJT	Date 06/16	Check by <i>[Signature]</i>	Date 27/6/16

21 Serpentine Ave  
 Lot 3 DP353166

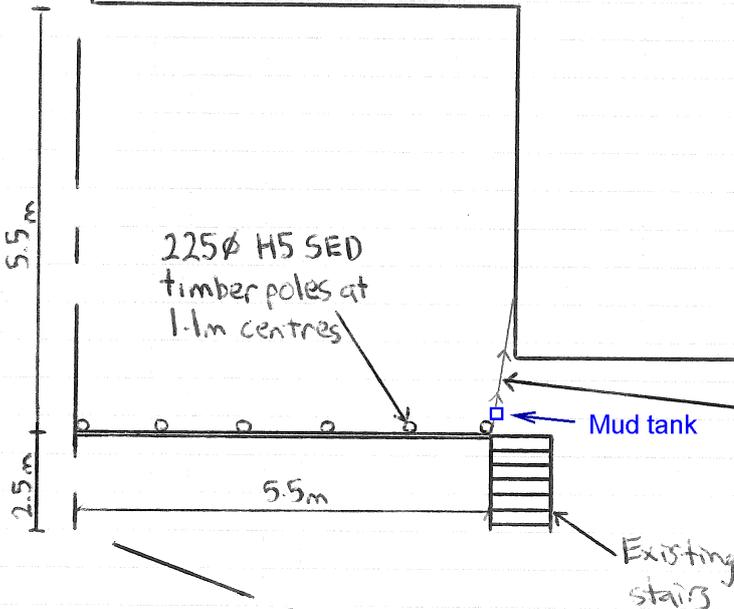
DCC CITY PLANNING  
 THESE PLANS ARE APPROVED  
 This development is permitted under the District Plan.

Signed: dsycamore  
 Date: 19/07/2016

Dwelling

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

**Date: 29/07/2016 Building: gsutton**  
**Date: 29/07/2016 Plumbing: gsutton**

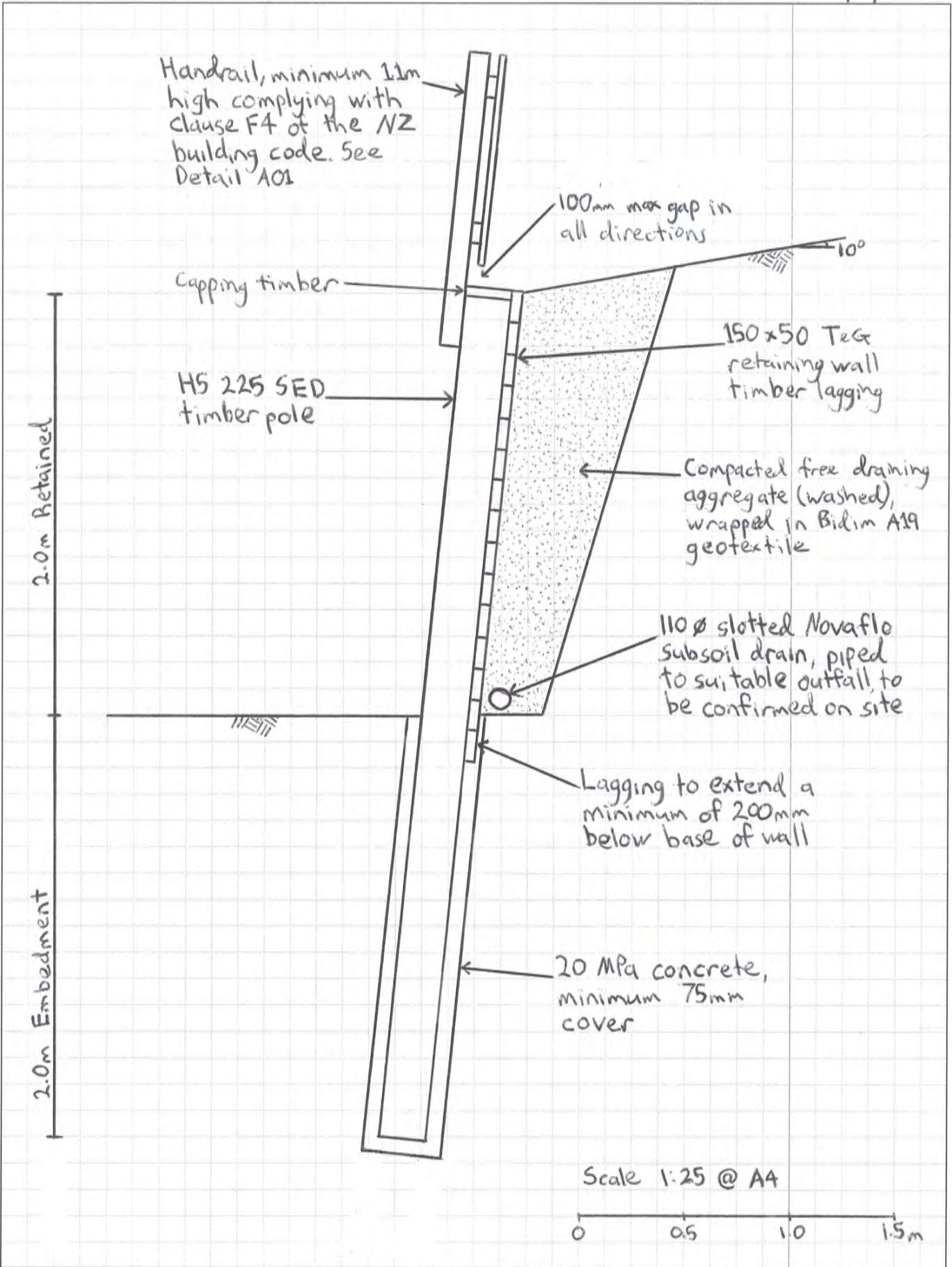


Drainage to be piped to existing stormwater system  
 Via mud tank in 100mm UPVC drainage pipe at 1 in 120 minimum grade

Scale 1:100 @ A4

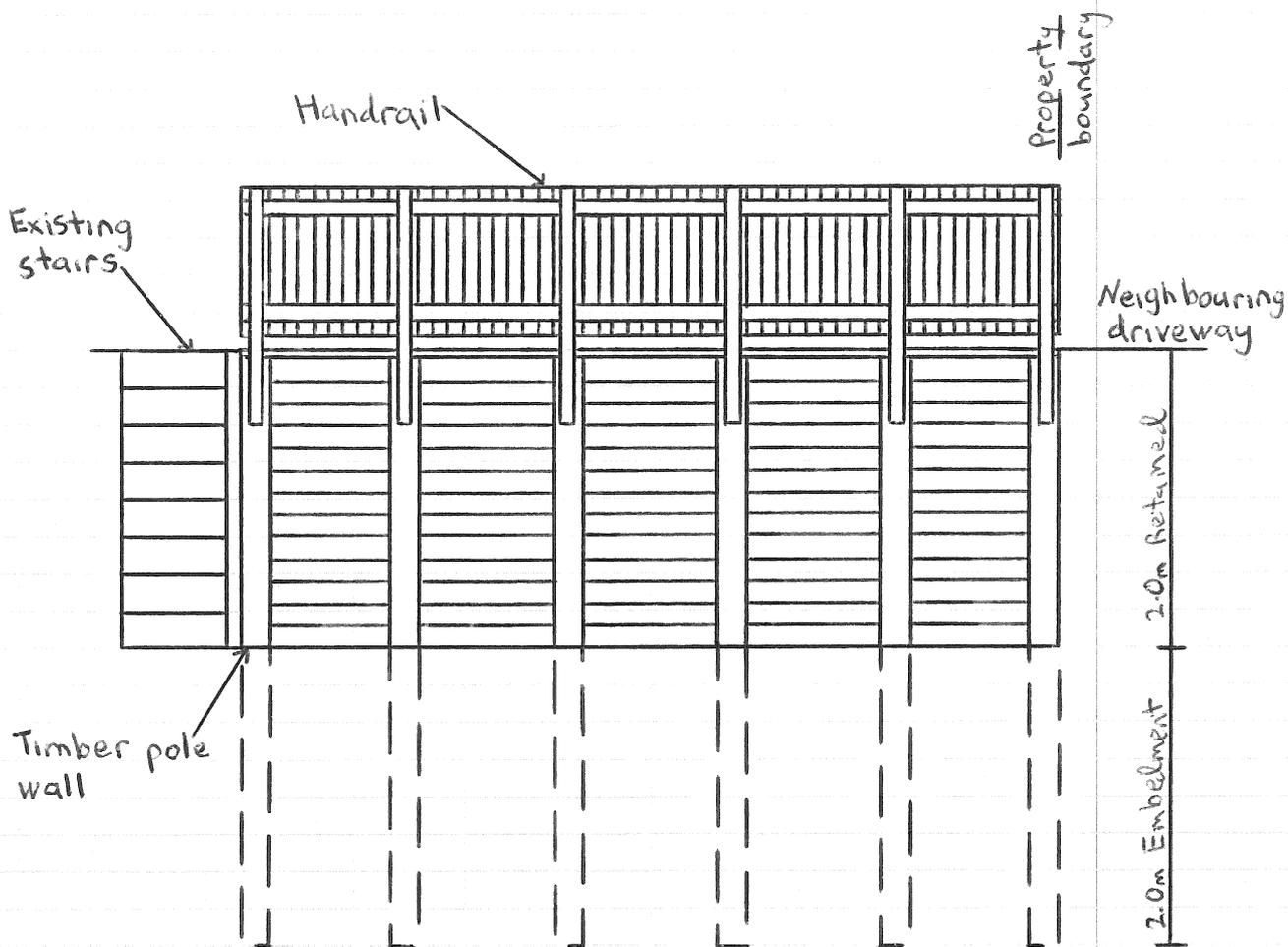


Project 21 Serpentine Ave		Job Number 160244		
Part Retaining wall detail		Page 1	Revision	
Drawing Ref 160244-02	Calc by LJT	Date 06/16	Check by CEM	Date 27/6/16





Project 21 Serpentine Ave			Job Number 160244	
Part Retaining wall elevation			Page 1	Revision
Drawing Ref 160244-03	Calc by hJT	Date 06/16	Check by Cam	Date 27/6/16

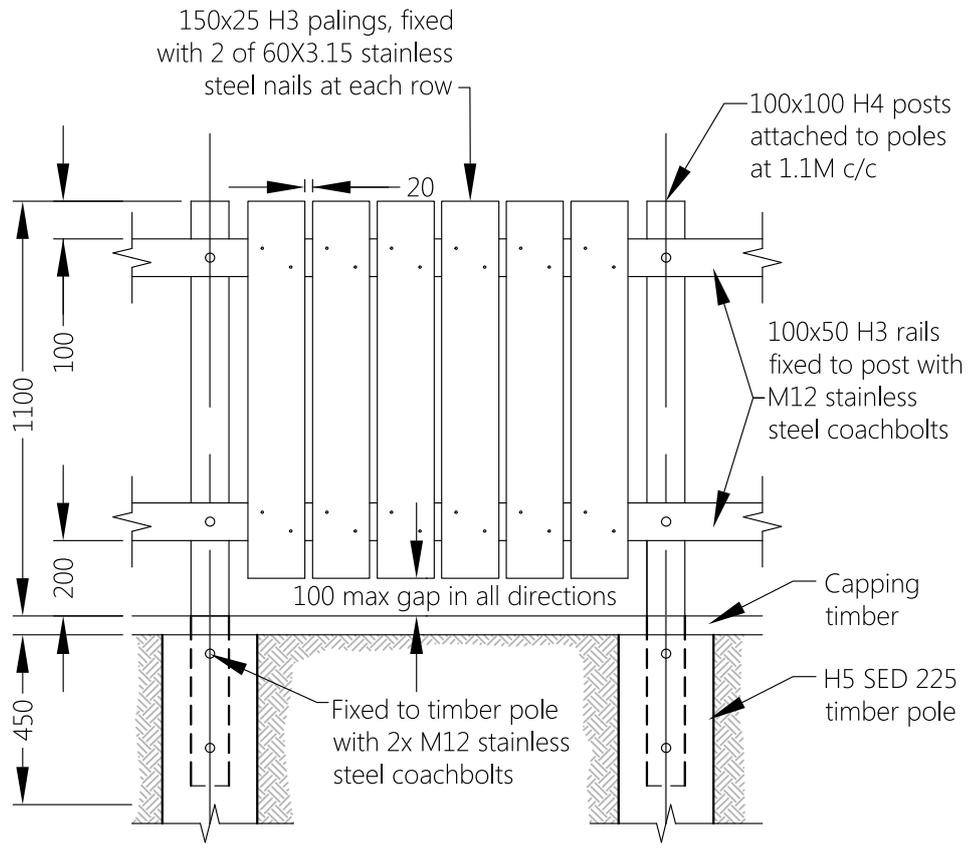


Scale 1:50 @ A4

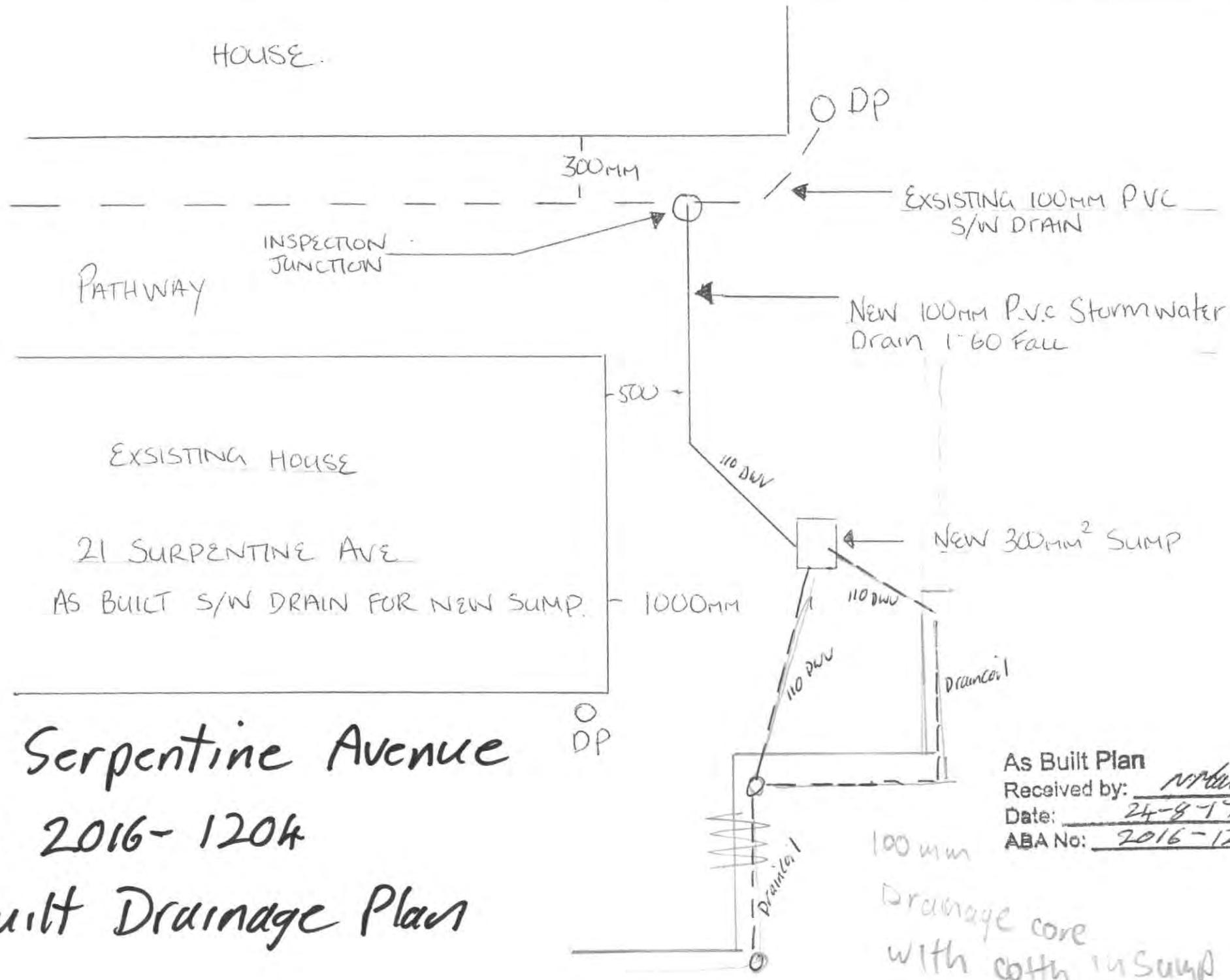




Project 21 Serpentine Ave			Job Number 160244	
Part of structure Handrail Detail			Page /	Revision
Drawing Ref 160244-04	Calc by LJT	Date 06/16	Check by CEM	Date 06/16



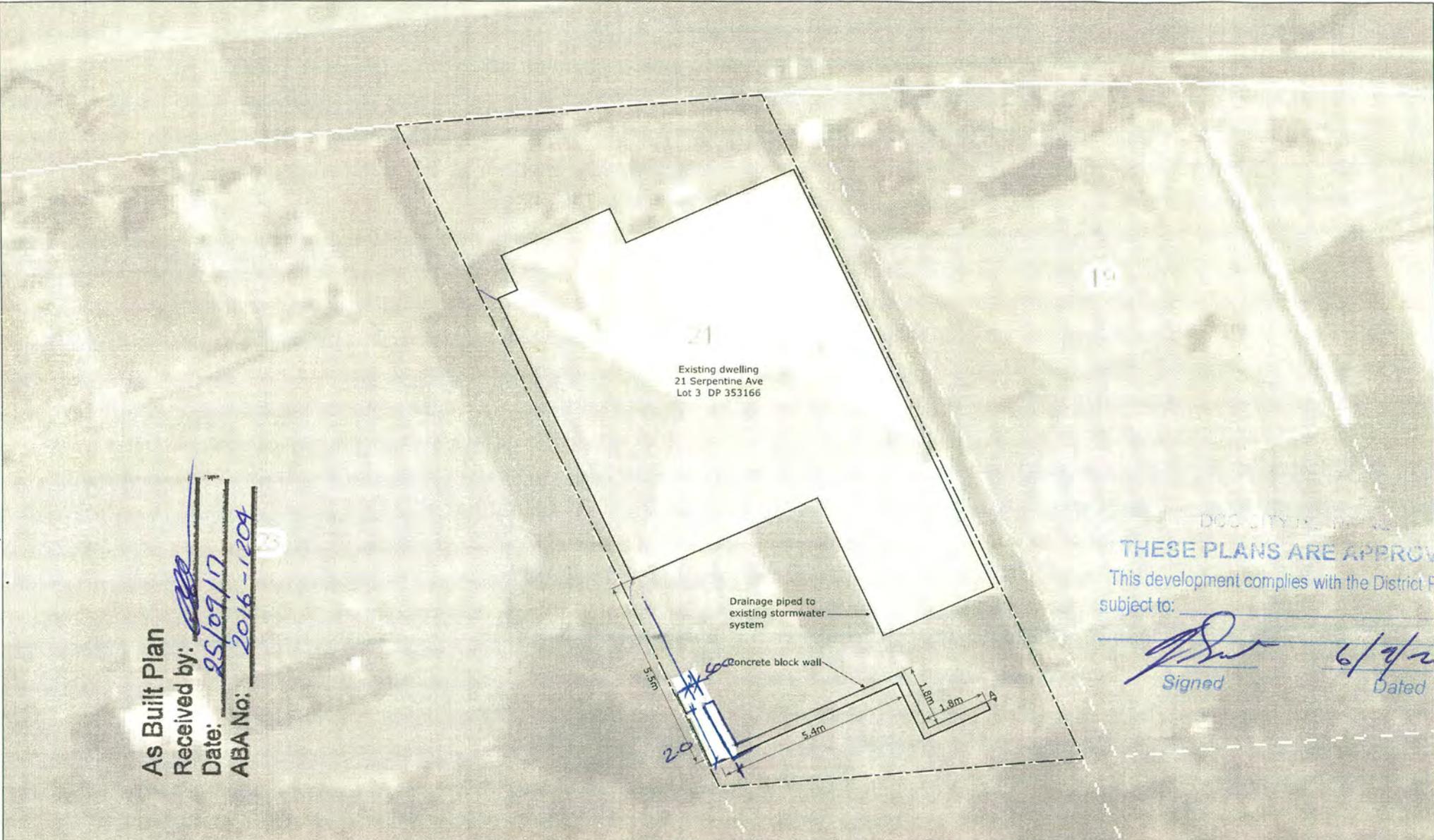
DETAIL SCALE 1:20 (A) 01 TIMBER HANDRAIL DETAILS



21 Serpentine Avenue  
 ABA 2016-1204  
 Asbuilt Drainage Plan

As Built Plan  
 Received by: NP/100  
 Date: 24-8-17  
 ABA No: 2016-1204

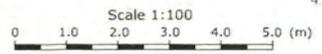
100mm  
 Drainage core  
 with coth in Sump



As Built Plan  
 Received by: *[Signature]*  
 Date: 25/09/17  
 ABA No: 2016-1204

DCO CITY ENGINEERING  
**THESE PLANS ARE APPROVED**  
 This development complies with the District Plan(s) subject to:  
*[Signature]* 6/9/2017  
 Signed Dated

- NOTE
1. All dimensions are in millimetres unless noted otherwise.
  2. Contractor to confirm the set-out of the retaining wall with the engineer prior to commencing any excavations.
  3. Wall heights to be confirmed during construction by the engineer.
  4. Contractor to ensure temporary excavations and construction do not adversely affect the existing dwelling.



**GEO SOLVE**

Level 1, 70 MacAndrew Road, South Dunedin  
 www.geosolve.co.nz

DRAWN	L.T	Dec 16
CHECKED	CEM	Dec 16
APPROVED	L.T	Aug 17
CAD FILE	160244-316-Plan	
SHEETS (1 OF 3) SETS		
AS SHOWN		
PROJECT NO.	160244	

1Stop.co.nz  
 21 Serpentine Ave  
 Concrete Block Retaining Wall  
 Cross Section

**DUNEDIN CITY COUNCIL**  
 Plans and Specifications Approved in accordance  
 with The New Zealand Building Code and Approved  
 Documents. To be retained on works  
 and produced on request.

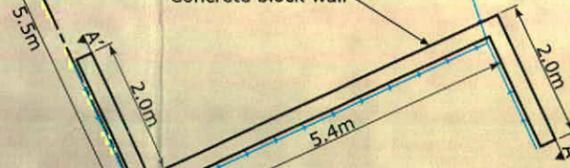
Building *Mace Hart* Date *22-2-17*  
 Drainage *111* Date  
 Health Date

NOTE

Existing dwelling  
 21 Serpentine Ave  
 Lot 3 DP 353166

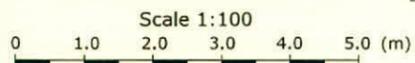
Drainage piped to  
 existing stormwater  
 system

Concrete block wall



DUNEDIN CITY COUNCIL  
 APPROVED BUILDING CONSENT  
 DOCUMENTS  
 2016-1204/A

- NOTE:
1. All dimensions are in millimetres unless noted otherwise.
  2. Contractor to confirm the set-out of the retaining wall with the engineer prior to commencing any excavations.
  3. Wall heights to be confirmed during construction by the engineer.
  4. Contractor to ensure temporary excavations and construction do not adversely affect the existing dwelling.



**GEO SOLVE**

Level 1, 70 MacAndrew Road, South Dunedin  
 www.geosolve.co.nz

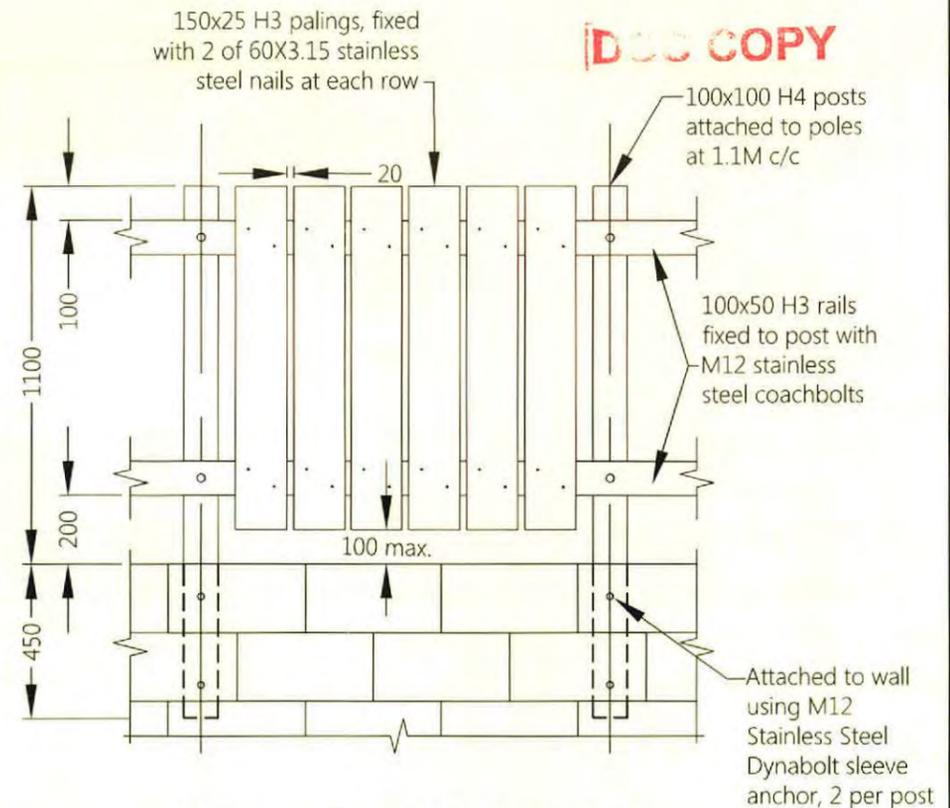
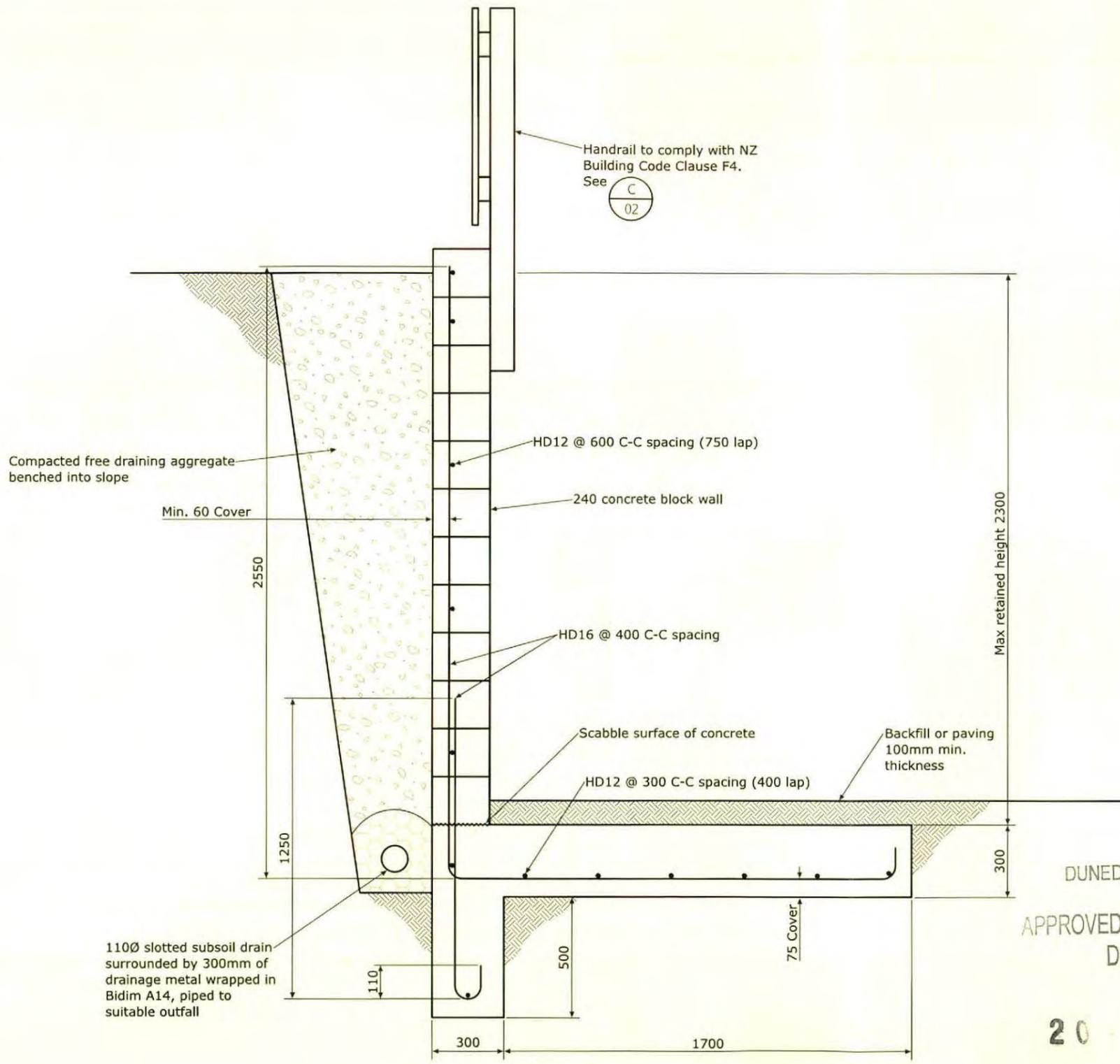
DRAWN	LJT	Dec. 16
DRAFTING CHECKED	CEM	Dec. 16
APPROVED		
CADFILE: 160244 Site Plan		
SCALES (AT A3 SIZE): AS SHOWN		
PROJECT No:	160244	

1Stop.co.nz  
 21 Serpentine Ave  
 Concrete Block Retaining Wall  
 Cross Section

FIG No: Figure 1

REV.	1
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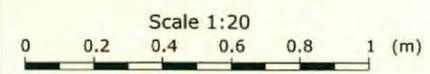
**DWG COPY**



DETAIL C TIMBER HANDRAIL DETAILS  
SCALE 1:20

- NOTE:**
- All dimensions are in millimetres unless noted otherwise.
  - Contractor to confirm the set-out of the retaining wall with the engineer prior to commencing any excavations.
  - Wall heights to be confirmed during construction with the engineer.
  - Steel to be bent onsite.
  - Fill to be compacted with a plate compactor in 200mm lifts.
  - Mortar for laying blocks to have minimum 12mPa compression strength.
  - Reinforcement to be in accordance with AS/NZS461.
  - Masonry to be in accordance with NZS4230:2004.
  - Retaining wall to have grade B supervision in accordance with the provisions NZS4230:2004.
  - Ground level is tape measured. Contractor to undertake a survey prior to construction to confirm quantities.
  - Footing concrete to be 25MPa at 28 days.
  - Infill grout to be 25MPa at 28 days.
  - Clean outs at the base of the Retaining Wall are to be undertaken to the satisfaction of the engineer (put base sand down and lay blocks so mortar dags fall onto the sand and hose out until clean).

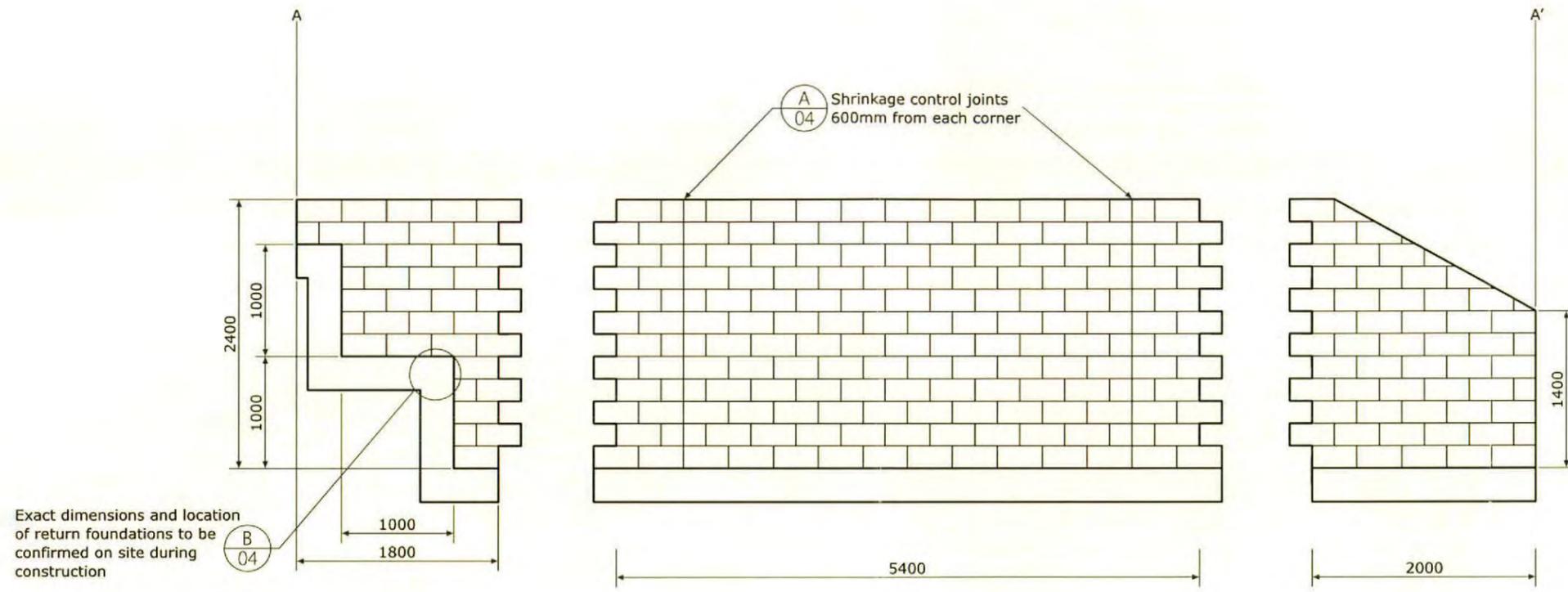
DUNEDIN  
APPROVED BY  
DOC  
2004/A



**GEO SOLVE**  
Level 1, 70 MacAndrew Road, South Dunedin  
www.geosolve.co.nz

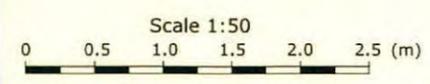
DRAWN	IJT	Dec 16
DRAFTING CHECKED	CEM	Dec 16
APPROVED		
CADFILE:	160244 Cross Section	
SCALES (AT A3 SIZE):	AS SHOWN	
PROJECT No:	160244	

1Stop.co.nz  
21 Serpentine Ave  
Concrete Block Retaining Wall  
Cross Section



DUNEDIN CITY COUNCIL  
 APPROVED BUILDING CONSENT  
 DOCUMENTS

2016-1204 / 1



**GEO SOLVE**

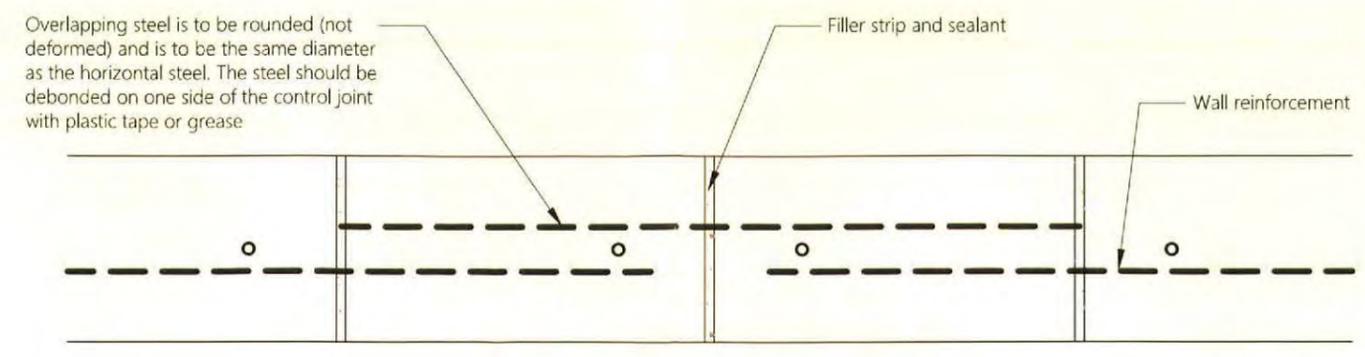
Level 1, 70 MacAndrew Road, South Dunedin  
 www.geosolve.co.nz

DRAWN	LJT	Dec. 16
DRAFTING CHECKED	CEM	Dec. 16
APPROVED		
CADFILE:	160244 Elevation	
SCALES (AT A3 SIZE):	AS SHOWN	
PROJECT No:	160244	

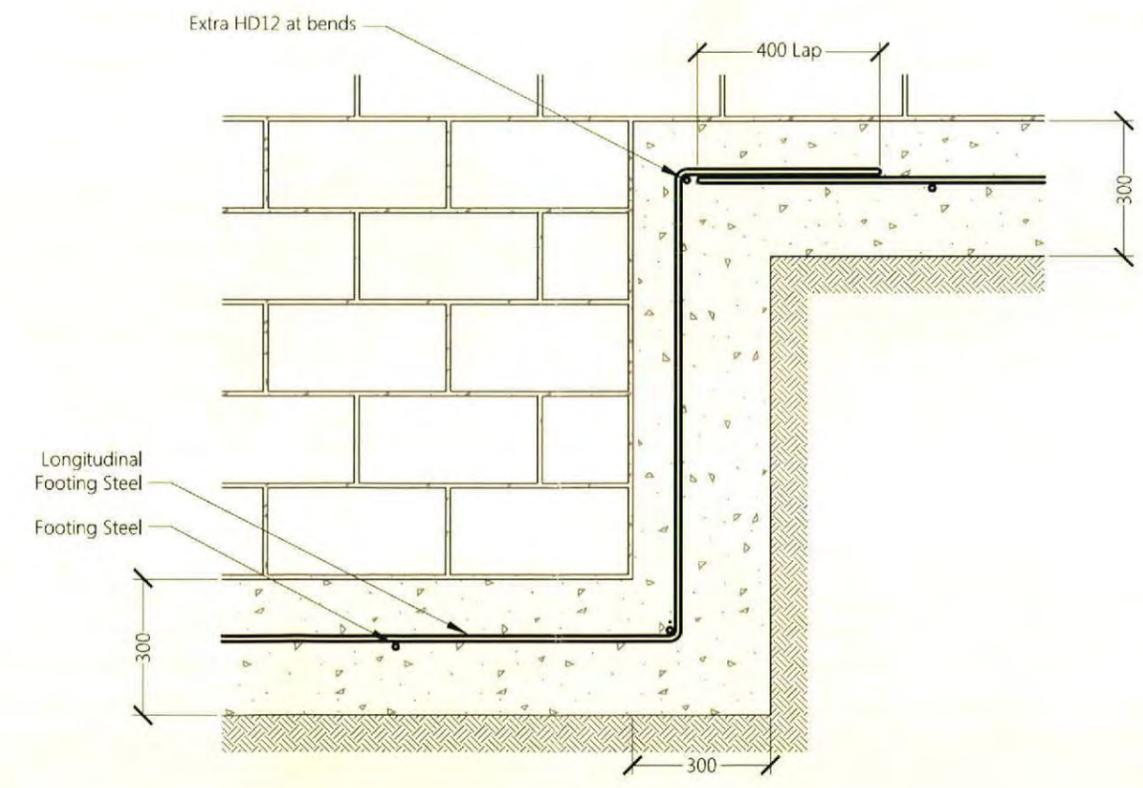
1Stop.co.nz  
 21 Serpentine Ave  
 Concrete Block Retaining Wall  
 Elevation

FIG No:  
 Figure 3

REV  
 1



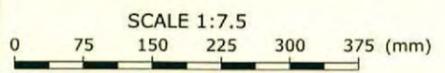
DETAIL A SHRINKAGE CONTROL JOINT  
SCALE 1:7.5



DETAIL B TYPICAL FOOTING STEP  
SCALE 1:15

DUNEDIN CITY COUNCIL  
APPROVED BUILDING CONSENT  
DOCUMENTS

2016-1204/A



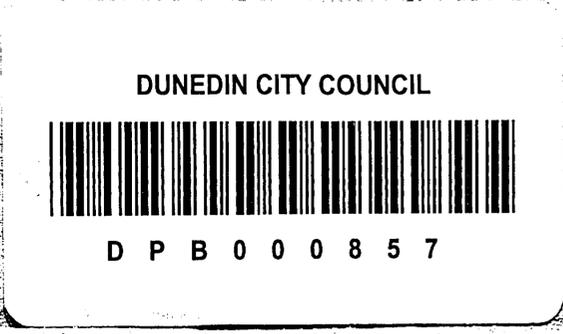
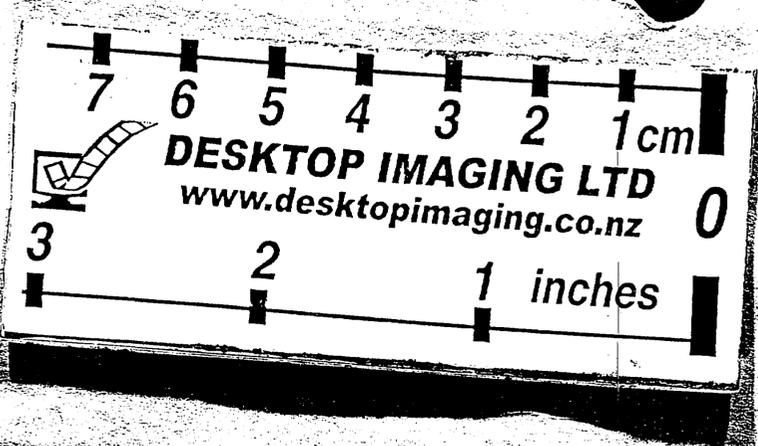
**GEO SOLVE**  
Level 1, 70 MacAndrew Road, South Dunedin  
www.geosolve.co.nz

DRAWN	LJT	Dec. 16
DRAFTING CHECKED	CEM	Dec. 16
APPROVED		
CADFILE: 160244 Details		
SCALES (AT A3 SIZE): AS SHOWN		
PROJECT No:	160244	

1Stop.co.nz  
21 Serpentine Ave  
Concrete Block Retaining Wall  
Elevation

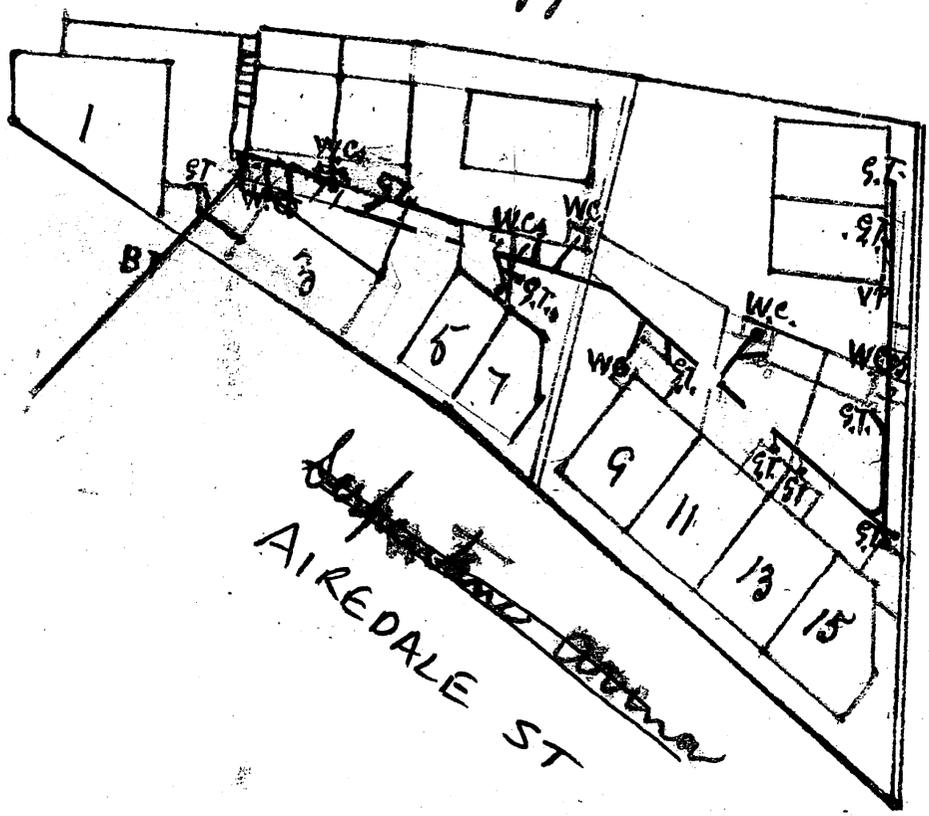
FIG No:  
Figure 4

REV:  
1



A/2728

SERPENTINE AVE  
*Maclagan St*



LEGEND

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

*Henry K...*

9

22

DUNEDIN CITY COUNCIL

The SENIOR DRAINAGE CONTROL OFFICER



I City Property c/- Box 5045 DUNEDIN of

..... Street/Road make application to form a private foul and/or stormwater drain in common boundary between my property

at 19 & 21 Serpentine Ave Street/Road

(Legal description: lot 3 DP 76)

and the following properties:-

House Number Street/Road	Legal Description	Legal Owner/s Signature
19 Serpentine Ave	lot 6 hereon	<i>[Signature]</i>
21 Serpentine Ave	lot 5 hereon	AP City Property
		ED3322 28JUL04 13:55 CHEG
		DR DRAIN-IN-COMMON FEES \$285.00
		DR DRAIN-IN-COMMON FEES \$95.00*
		DR DRAIN-IN-COMMON FEES \$95.00*
		TAX INVOICE GST 31.68 \$95.00*
		0.00

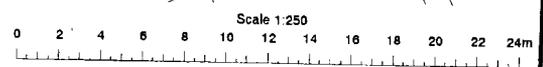
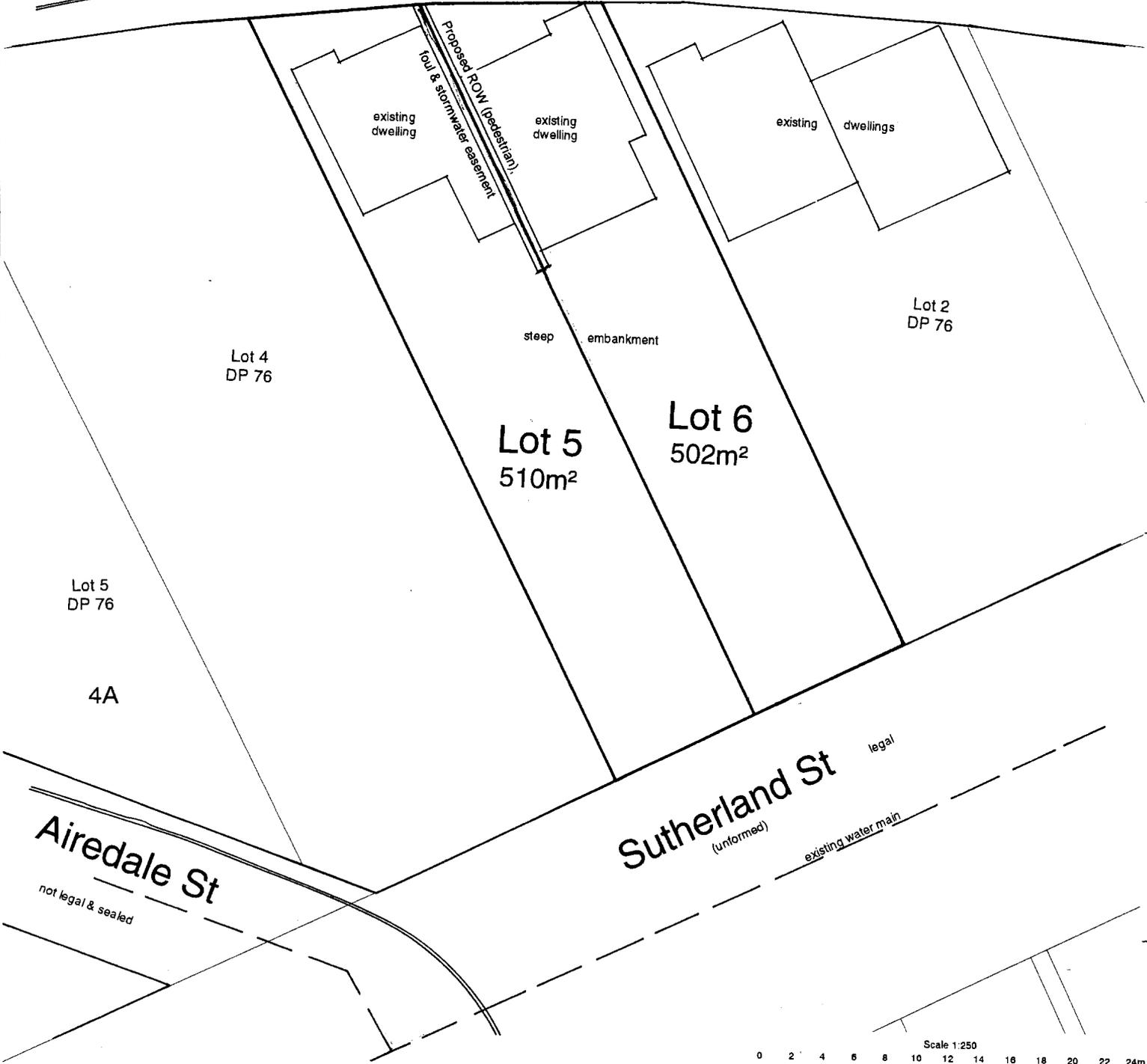
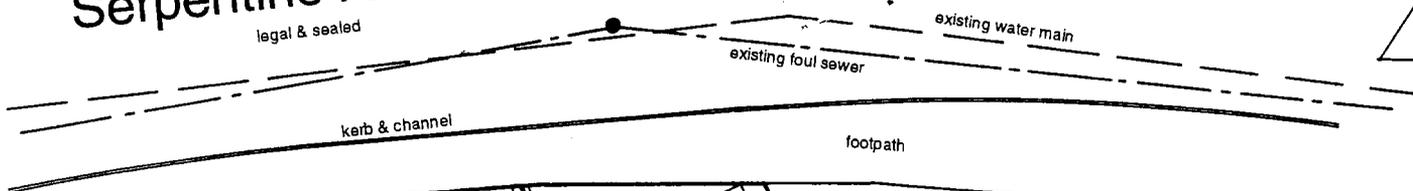
Attached are two copies of the proposed drain in common plan.

Signed by Applicant *[Signature]* AP City Property

Date 27/7/04 19.....

Serpentine Ave

legal & sealed



# Plan of proposed subdivision of Lot 3 DP 76

Certificate of Title: 13D/1059 Owner: Dunedin City Council Total Area: 1012m<sup>2</sup>

**D.G. HATFIELD & ASSOCIATES**  
 SURVEYING & RESOURCE MANAGEMENT  
 DUNEDIN MOSGIEL BALCLUTHA

No	AMENDMENTS	Initials	Date	ORIG. SCALE as shown	JOB No. 6592
				L.B.	
SURVEY		DRAWN			
LEVEL		TRACED			
DESIGN		CHECKED			



**Application for filing exempt building work documentation under Schedule 1 to the Building Act 2004**

**Important Note:** Please **do not** use this form for exempt building work under Schedule 1 - Part 1 - Clause 2 to the Building Act (previously known as clause K Exemption). The following form must be completed: 'Application for an exemption for building consent: Schedule 1 - Part 1 - Clause 2' (DCCBCA-F2-04).

**Please refer to current fee schedule for filing fee.**

This application is for the request to file documentation on the appropriate property file for building work carried out without building consent in accordance with Schedule 1 to the Building Act 2004.

Building owners are responsible for:

- determining whether proposed building work is exempt from requiring a building consent
- ensuring exempt building work complies with the Building Code

For further information please refer to the Ministry of Business, Innovation & Employment <http://www.dbh.govt.nz/bc-no-consent>

**Owners Details**

Full Name: The Lemon Fix Limited  
 Mailing Address: 21 Serpentine Ave  
Dunedin Postcode: 9016  
 Email address: \_\_\_\_\_ Telephone (day): 022 343 5560

**Agents Details**

Full Name: Russell Haigh  
 Mailing Address: 9 Sun Haven Cove  
Clomwell Postcode: 9310  
 Email address: \_\_\_\_\_ Telephone (day): 022 343 560

**Property Location**

Address: 21 Serpentine Ave  
 Legal Description: LOT 3 DP 353166

**Project Details**

Description of completed work/plan: EXEMPTION 11 - MOVE NON LOAD BEARING WALL, REPLACE WINDOWS WITH DOOR  
EXEMPTION 8 - ADD TWO SKYLIGHTS

Date work completed: 5/5/2017

Please state which clause of Schedule 1 to the Building Act 2004 this work comes under: EXEMPTION 35 - SWAPPED BATHROOM SHOWER & HAND BASIN - NO ENTICES ADDED 8 & 11 & 35

Plan/s attached

**Declaration:** I declare that I have determined that the above building work is exempt from the requirement to obtain building consent as set out in Schedule 1 to the Building Act 2004.

Name (owner): Russ Haigh Signature: [Signature] Date: 5/5/2017

Name (agent): \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**For Council Use Only:**

Property Key: 5027475.

Name Key: 526019.

Key Words: Schedule 1 Exemption Documentation

(copy also sent for:  
Russell Hugh  
Sahaven, Care  
Lamarwell)

Receipt # 7729467

\$44 2/6/17





7 June 2017

The Lemon Fix Limited  
21 Serpentine Ave  
Dunedin 9016

Dear Sir/Madam

**Request to file documentation on building work carried out without building consent in accordance with Schedule 1 of the Building Act 2004.**

**Property address:** 21 Serpentine Avenue, Dunedin  
**Property key:** 5027475  
**Description:** Remove non-load bearing wall, replace window with door, add two skylights, switch bathroom shower and hand basin.

I advise that your exempt building work documentation for the above property has been received by Council and will be placed on the appropriate property file.

**Important to Note:**

1. The accuracy of the content of the documentation has not been validated by the Council.
2. The Council has not inspected the building works referred to in the documentation.
3. The Council has not considered the documentation in any way in regard to compliance with the New Zealand Building Code, the Building Act 2004 or to assess the quality of work.
4. The filing of the documentation does not in any way replace the fact that this work may have required a building consent.

Yours faithfully

Neil McLeod  
**Principal Advisor – Building Services**

**Reference:** RMA 20040326 & RMA 20040328/5027478/149292  
**Enquiries to:** Sean Bellamy  
**Direct Phone:** 474 3516

18 May 2004

City Property, Dunedin City Council  
C/- D.G. Hatfields  
PO Box 235  
**DUNEDIN**

Attention Geoff Bates

Dear Geoff,

**RESOURCE CONSENT APPLICATION: RMA 20040326 (SUBDIVISION)  
RMA 20040328 (LAND USE)  
19 & 21 SERPENTINE AVE  
DUNEDIN**

Your application for resource consent to subdivide the site at 19 and 21 Serpentine Ave, Dunedin, into two allotments and for the continued existence of the existing residential units on the site, was processed on a non-notified basis in accordance with sections 93 and 94 of the Resource Management Act 1991. The application was considered under delegated authority by Council's Senior Planner – Consents on 17 May 2004.

I advise that the Council has *granted* consent (with conditions) to the application. The full text of this decision commences on page 5. In accordance with this decision, the consent must be given effect to within five years.

## **DESCRIPTION OF ACTIVITY**

The site is an approximately rectangular, steep front site that lies between Serpentine Ave and Sutherland Street. The site has an area of 1012m<sup>2</sup>. The site contains two existing residential dwellings. The sites legal description is Lot 3 Folium 6 Deposited Plan 76 held in Certificate of Title OT 13D/1059.

### *Subdivision (RMA 20040326)*

The applicant seeks to create two new sites, separating the existing residential activity on the subject site. New Lot 5 is a narrow, steep, front site, containing an existing residential unit. It has an area 510m<sup>2</sup>. New Lot 6 is a narrow front site containing a residential unit. It has an area of 502m<sup>2</sup>. A pedestrian Right of Way and a foul and storm water easement has been proposed to access the existing services.

### *Land use (RMA 20040328)*

The applicant seeks the continued existence of the residential units currently occupying the sites.

## **REASONS FOR APPLICATION**

### **Dunedin City District Plan (1999)**

The subject sites are zoned **Residential 4** in the *Dunedin City Proposed District Plan (1999)*. Serpentine Ave is a collector road and Sutherland Street is a local road in the Proposed District Plan roading hierarchy.

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### *Subdivision (RMA 20040326)*

Within this zone, subdivision is a discretionary (restricted) activity provided that the resulting allotments meet the frontage and minimum lot size requirements and the proposal complies with Rules 18.5.3 -18.5.6, 18.5.9 and 18.5.10 under Rule 18.5.1(iv). The proposal is for two lots equal to or greater than 200m<sup>2</sup>. However, the proposal fails to comply with Rule 18.5.3 as neither of the new allotments has legal vehicle access. The proposal is therefore considered to be a **non complying** activity pursuant to Rule 18.5.2.

### *Land use (RMA 20040328)*

Rule 8.10.1(ii) allows residential activity at a density of not less than 200m<sup>2</sup> of site area per residential unit provided that a single residential unit may be erected on an existing site of any size. Permitted activities are required to comply with the conditions attached to permitted activities.

The proposal fails to comply with the following rules:

- Rule 8.10.2(i)(a)(i) requires side yards of 1m. Subdivision RMA 20040326 will result in a side yard of 0.5m with an encroachment of 0.5m.
- Rule 8.10.2(ii) requires a height plane angle of 72° (1 to 3 yard to height ratio). The dwellings subdivision will result in the existing residential dwellings encroaching within the required height plane angle created by the property boundary between new lots 5 and 6.

The buildings also encroach into the front yard by 4.5m and are separated by 1m, and the sites contain no off street parking. However the residential activity has existing use rights under section 10 of the Resource Management Act 1991, and there is no increase in the scale or intensity as a result of the proposed subdivision.

### **Planning Status**

Overall, the proposed subdivision activity is considered to be a **non complying** activity and the proposed land use activity is considered to be a **discretionary (restricted)** activity.

### **PLANNING ASSESSMENT**

#### **Affected Persons**

No persons are considered to be adversely affected for the reasons set out in the 'Effects on the Environment' section below.

#### **Effects on the Environment**

The following effects assessment only takes into account the effects of the proposed activity that are relevant under section 104 of the Resource management Act 1991. The activity has also been assessed against the assessment criteria in section 18.6.1 and the 'Anticipated Environmental Results' outlined in section 18.7 of the Proposed District Plan. The Courts have determined that the effects of an activity on the environment should be considered in relation to the existing environment.

The following effects assessment only takes into account the effects of the proposed activity in relation to the existing environment. The existing environment is generally characterised by medium density residential activity. The site is located on a steep slope. Any actual or potential adverse effects on the environment of allowing the activity are considered to be no more than minor for the following reasons:

#### 1. Transportation (Sections 18.6.1(c), (l) and (p))

A Technical Engineer, Council's Transportation Planning department, has considered the application, visited the site, and notes that new Lot 5 and new Lot 6 will only have direct frontage to Serpentine Ave and Sutherland St. Both lots contain existing dwellings. Parking will not change as a result of the proposed subdivision. Overall, Transportation Planning considers any adverse effects to be no more than minor.

2. Water supply, storm water and foul effluent disposal (Sections 18.6.1(e), (h), (i), (m), (n) and (o))

The Technical Support Section Leader, Water and Waste Services Business Unit, has viewed the application and notes that each of the new allotments created by the proposed subdivision have existing residential units, which are served for wastewater and storm water by way of a single drain. The proposed drain in common created by the proposed subdivision will need to be formalised by way of an application to council. Each of the allotments has a separate water supply.

Overall, the Water and Waste Business Unit considers the adverse effects of the proposed subdivision to be no more than minor, providing the following conditions are attached to the consent decision:

- (1) Prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:
  - i) Easements for all private drainage are to be reserved as required.
- (2) Prior to certification of the survey plan pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall ensure the following:
  - i) A copy of the drain in common approval is to be supplied.

3. Hazards (Section 18.6.1(j) and (s))

Council's geo-technical consultants, Montgomery Watson Harza NZ Ltd, have considered the application and notes that the topography between the two avenues slopes steeply to the north or north-east. The land along the serpentine Avenue frontage appears to have been cut into the toe of the hill side and the existing dwellings constructed on these cut benches. Although neither Council nor their contractors have any record of excavation along this frontage, it is probable that the volcanic rock was quarried from this land and utilised for road and reclamation work during the 19<sup>th</sup> century.

As a result of that rock excavation, there are a number of near vertical rock faces that may be prone to rockfall, following severe rainfall or an earthquake. The physical barrier created by the rockfaces may restrict pedestrian movement within new Lot 5 and 6. The purpose of the subdivision appears to recognise the existing occupancy of the site and will not result in any new dwelling on the site. The location of any new building on new Lot 2 shall be reviewed at time of building consent.

Overall, Council's geotechnical consultants consider that the adverse effects of the proposed subdivision to be no more than minor provided the following advice note is appended to the decision:

- 1) Engineering advice from a suitably qualified person should be sought prior to any further building on Lots 5 and 6 created by this subdivision.

4. Land use (Section 8.13)

The proposal is for residential activity in a Residential 4 zone. In this respect the effects of the activity on amenity values and the character of the area have largely been anticipated by the zoning of the site. Council's discretion is limited to the 0.5m of the structure built within the side yard and an encroachment into height plane angle. The adverse effects are limited to the amenity of the subject site. As the residential units already exist, the effects are considered to be de minimis.

5. Building Safety

The Building Safety Officer, Council's Building Control department, has assessed the application. He notes that the following advice note should be appended to the consent decision.

1) *The rear wall of the residential unit abutting Lot 6 to be have a 30 minute fire rating.*

6. Permitted Baseline

The Courts have determined that the effects of an activity on the environment should be considered in relation to the 'permitted baseline'. That is, an application must be assessed in relation to the existing environment and development that could take place on the site as of right, but excluding development that is fanciful. Subdivision requires a resource consent under the Proposed District Plan and therefore has no existing use rights. The residential units and accessory buildings that currently exist on the site have existing use rights under section 10 of the Resource Management Act 1991. The subdivision will not result in additional non compliance, of the existing residential activity, with the rules in the Proposed District Plan.

7. Reserves Contribution

Council has the right to levy a reserves contribution for additional allotments created through subdivision where the new lots are intended to be used solely or principally for residential purposes. It is considered inappropriate to levy a reserves contribution as the proposed subdivision simply creates separate allotments for the existing residential units.

8. Overall Assessment of Effects on the Environment

Taking into consideration the effects of the proposal on residential amenity values and character, infrastructure, transportation and the objectives and policies of the District Plan, the effects of the proposed subdivision are considered to be no more than minor.

## CONSENT DECISION

### Subdivision (RMA 20040326)

*That pursuant to sections 34A(1) and 104B and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent for a **non complying activity** to subdivide the site at 19 and 21 Serpentine Ave, Dunedin, legally described as Lot 3 Folium 6 Deposited Plan 76 (CT OT13D/10591) into two allotments, subject to the following conditions imposed under section 108 and 220 of the Act:*

- (1) That the proposed activity shall be given effect to generally in accordance with the D.G. Hatfield & Associates plan entitled "Plan of Proposed Subdivision of Lot 3 DP 76", Job No 6592, Plan No. 6592/2, and information submitted as part of RMA 20040326, and RMA 20040328 received by Council on the 19 April 2004.*
- (3) Prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:*
  - ii) That if a requirement for any easements for services is incurred during the survey, then those easements shall be granted or reserved and included in a Memorandum of Easements*
  - iii) Easements for all private drainage are to be reserved as required.*

### Land use (RMA 20040328)

*That pursuant to section 34A(1) and 104C and after having regard to Part II matters and section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent for a **discretionary (restricted) activity** for the continued existence of the existing residential units on Lots 5 and 6 created by subdivision RMA 20040326, subject to the following conditions imposed under section 108 of the Act:*

- (1) That the proposed activity shall be given effect to generally in accordance with the D.G. Hatfield & Associates plan entitled "Plan of Proposed Subdivision of Lot 3 DP 76", Job No 6592, Plan No. 6592/2, and information submitted as part of RMA 20040326, and RMA 20040328 received by Council on the 19 April 2004.*

## DURATION OF CONSENT

*This consent shall expire after a period of 5 years from the date of this decision unless the consent has been given effect to during this time. This period may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.*

## ADVICE NOTE

- (1) In addition to the conditions of a resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake. A similar responsibility exists under the Health Act 1956.*
- (2) Engineering advice from a suitably qualified person should be sought prior to any further building on Lots 1 and 2 created by this subdivision.*
- (3) The rear wall of the residential unit abutting Lot 6 to be have a 30 minute fire rating.*

## REASONS

### Effects

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and are outlined above. It is considered that the environmental effects of the proposed activity will be less than minor.

### District Plan – Objectives and Policies

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

#### Dunedin City Proposed District Plan (1999)

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

### Sustainability Section

- **Objective 4.2.1 and Policies 4.3.1 and 4.3.10** seek to maintain and enhance amenity values and ensure development is considered in a holistic manner.

### Residential Section

- **Objective 8.2.1, Policy 8.3.1 and 8.3.2** seeks to maintain and enhance the amenity values and character of residential areas.
- **Objective 8.2.4 and Policy 8.3.4** seeks to ensure that development does not exceed the design capacity of the urban service infrastructure.

### Subdivision Section

- **Objective 18.2.6, Policy 18.3.6, 18.3.8 and 18.3.14** seek to ensure that any adverse effects from subdivision and subsequent land use activities are avoided, remedied or mitigated.
- **Objective 18.2.7 and Policy 18.3.7** aim to ensure that subdividers provide the necessary access, infrastructure and services to every allotment.
- **Objective 18.3.14** provides for underground reticulation services.

## **Transportation Section**

- **Objectives 20.2.2, 20.2.4, Policies 20.3.4 and 20.3.5** seeks to ensure that land use activities are undertaken in a manner, which avoids, remedies, or mitigates adverse effects on the transportation network and seek to ensure safe standards for vehicle access. It is noted that the sites do not provide off street carparking. However the proposed subdivision does not increase the scale and intensity of the residential activity on the new allotments. Additionally, it is considered impractical to require carparking, due to the location of the existing residential units and the steep topography of the land.

## **Hazards and Hazardous Substances Section**

- **Objective 17.2.1, and Policy 17.3.4** seeks to control building and the removal of established vegetation from sites or from areas which have been identified as being, or likely to be, prone to erosion, falling debris, subsidence or slippage.

In addition the activity has also been assessed and found to be consistent with the other relevant objectives and policies of the sections identified in 18.6.1 Assessment of Resource Consent Applications.

In summary, the proposal is for the creation of two complying lots by way a subdivision in a residential area. The proposed activity is considered to be consistent with these objectives and policies of Proposed District Plan for the reasons outlined under the heading 'Effects on the Environment' above.

## **SECTION 104D**

In accordance with section 104D of the Resource Management Act 1991, Council can only grant consent to a non-complying activity unless either:

- a) the adverse effects of the activity will be no more than minor; or
- b) the proposal will not be contrary to the objectives and policies of the District Plans.

In this instance, it has been determined that the adverse effects of the activity will be no more than minor, in the issues addressed under the heading 'Effects on the Environment' above. The activity is not inconsistent with the objectives and policies of the District Plans as discussed above under the heading 'District Plan – Objectives and Policies'. Therefore, Council can consider granting consent to the proposal.

Recent case law has suggested that in order to grant consent to a non-complying activity, the application needs to be a 'true exception', otherwise in terms of precedent effects, the integrity of the Plan could be undermined. In this instance, the proposal is not considered to be a true exception in that respect, however it does relate to a technical non-compliance matter. New Lots 5 and 6 do not have legal vehicle access. However, this is the result of historical development and the proposed subdivision does not create any additional adverse traffic effects. Furthermore, it is considered inappropriate to require off street parking due to the steep nature of the topography. It is considered the provisions of the Plan can survive as granting the consent will only permit subdivision of otherwise complying developed sites, where construction of off street parking is limited by the topography.

## **Part II Matters**

The proposed activity has also been assessed in terms of Part II matters of the Resource Management Act 1991 (the Act). For the reasons outlined above, the proposed activity is considered not contrary to the overall goal to promote the sustainable management of natural and physical resources, and in particular not contrary to sections 5(2) and 7 of the Act.

## **COMPLIANCE WITH CONDITIONS**

It is the applicant's responsibility to comply with any conditions imposed on this 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.

## **BUILDING CONSENT**

Reference:

This is a resource consent. A building consent may be required before any work is undertaken on the site. Please check with the Building Control Office, Development Services to establish whether or not a building consent is required.

### **RIGHTS OF APPEAL**

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

The Chief Executive  
Dunedin City Council  
P O Box 5045  
DUNEDIN

Attn: Senior Planner – Enquiries 1<sup>st</sup> Floor

Yours sincerely

Sean Bellamy  
**PLANNER**

**Reference:** RMA 20040326 & RMA 20040328/5027478/149292  
**Enquiries to:** Sean Bellamy  
**Direct Phone:** 474 3516

18 May 2004

City Property, Dunedin City Council  
C/- D.G. Hatfields  
PO Box 235  
**DUNEDIN**

Attention Geoff Bates

Dear Geoff,

**RESOURCE CONSENT APPLICATION: RMA 20040326 (SUBDIVISION)  
RMA 20040328 (LAND USE)  
19 & 21 SERPENTINE AVE  
DUNEDIN**

Your application for resource consent to subdivide the site at 19 and 21 Serpentine Ave, Dunedin, into two allotments and for the continued existence of the existing residential units on the site, was processed on a non-notified basis in accordance with sections 93 and 94 of the Resource Management Act 1991. The application was considered under delegated authority by Council's Senior Planner – Consents on 17 May 2004.

I advise that the Council has *granted* consent (with conditions) to the application. The full text of this decision commences on page 5. In accordance with this decision, the consent must be given effect to within five years.

## **DESCRIPTION OF ACTIVITY**

The site is an approximately rectangular, steep front site that lies between Serpentine Ave and Sutherland Street. The site has an area of 1012m<sup>2</sup>. The site contains two existing residential dwellings. The sites legal description is Lot 3 Folium 6 Deposited Plan 76 held in Certificate of Title OT 13D/1059.

### *Subdivision (RMA 20040326)*

The applicant seeks to create two new sites, separating the existing residential activity on the subject site. New Lot 5 is a narrow, steep, front site, containing an existing residential unit. It has an area 510m<sup>2</sup>. New Lot 6 is a narrow front site containing a residential unit. It has an area of 502m<sup>2</sup>. A pedestrian Right of Way and a foul and storm water easement has been proposed to access the existing services.

### *Land use (RMA 20040328)*

The applicant seeks the continued existence of the residential units currently occupying the sites.

## **REASONS FOR APPLICATION**

### **Dunedin City District Plan (1999)**

The subject sites are zoned **Residential 4** in the *Dunedin City Proposed District Plan (1999)*. Serpentine Ave is a collector road and Sutherland Street is a local road in the Proposed District Plan roading hierarchy.

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### *Subdivision (RMA 20040326)*

Within this zone, subdivision is a discretionary (restricted) activity provided that the resulting allotments meet the frontage and minimum lot size requirements and the proposal complies with Rules 18.5.3 -18.5.6, 18.5.9 and 18.5.10 under Rule 18.5.1(iv). The proposal is for two lots equal to or greater than 200m<sup>2</sup>. However, the proposal fails to comply with Rule 18.5.3 as neither of the new allotments has legal vehicle access. The proposal is therefore considered to be a **non complying** activity pursuant to Rule 18.5.2.

### *Land use (RMA 20040328)*

Rule 8.10.1(ii) allows residential activity at a density of not less than 200m<sup>2</sup> of site area per residential unit provided that a single residential unit may be erected on an existing site of any size. Permitted activities are required to comply with the conditions attached to permitted activities.

The proposal fails to comply with the following rules:

- Rule 8.10.2(i)(a)(i) requires side yards of 1m. Subdivision RMA 20040326 will result in a side yard of 0.5m with an encroachment of 0.5m.
- Rule 8.10.2(ii) requires a height plane angle of 72° (1 to 3 yard to height ratio). The dwellings subdivision will result in the existing residential dwellings encroaching within the required height plane angle created by the property boundary between new lots 5 and 6.

The buildings also encroach into the front yard by 4.5m and are separated by 1m, and the sites contain no off street parking. However the residential activity has existing use rights under section 10 of the Resource Management Act 1991, and there is no increase in the scale or intensity as a result of the proposed subdivision.

### **Planning Status**

Overall, the proposed subdivision activity is considered to be a **non complying** activity and the proposed land use activity is considered to be a **discretionary (restricted)** activity.

### **PLANNING ASSESSMENT**

#### **Affected Persons**

No persons are considered to be adversely affected for the reasons set out in the 'Effects on the Environment' section below.

#### **Effects on the Environment**

The following effects assessment only takes into account the effects of the proposed activity that are relevant under section 104 of the Resource management Act 1991. The activity has also been assessed against the assessment criteria in section 18.6.1 and the 'Anticipated Environmental Results' outlined in section 18.7 of the Proposed District Plan. The Courts have determined that the effects of an activity on the environment should be considered in relation to the existing environment.

The following effects assessment only takes into account the effects of the proposed activity in relation to the existing environment. The existing environment is generally characterised by medium density residential activity. The site is located on a steep slope. Any actual or potential adverse effects on the environment of allowing the activity are considered to be no more than minor for the following reasons:

#### 1. Transportation (Sections 18.6.1(c), (l) and (p))

A Technical Engineer, Council's Transportation Planning department, has considered the application, visited the site, and notes that new Lot 5 and new Lot 6 will only have direct frontage to Serpentine Ave and Sutherland St. Both lots contain existing dwellings. Parking will not change as a result of the proposed subdivision. Overall, Transportation Planning considers any adverse effects to be no more than minor.

2. Water supply, storm water and foul effluent disposal (Sections 18.6.1(e), (h), (i), (m), (n) and (o))

The Technical Support Section Leader, Water and Waste Services Business Unit, has viewed the application and notes that each of the new allotments created by the proposed subdivision have existing residential units, which are served for wastewater and storm water by way of a single drain. The proposed drain in common created by the proposed subdivision will need to be formalised by way of an application to council. Each of the allotments has a separate water supply.

Overall, the Water and Waste Business Unit considers the adverse effects of the proposed subdivision to be no more than minor, providing the following conditions are attached to the consent decision:

- (1) Prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:
  - i) Easements for all private drainage are to be reserved as required.
- (2) Prior to certification of the survey plan pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall ensure the following:
  - i) A copy of the drain in common approval is to be supplied.

3. Hazards (Section 18.6.1(j) and (s))

Council's geo-technical consultants, Montgomery Watson Harza NZ Ltd, have considered the application and notes that the topography between the two avenues slopes steeply to the north or north-east. The land along the serpentine Avenue frontage appears to have been cut into the toe of the hill side and the existing dwellings constructed on these cut benches. Although neither Council nor their contractors have any record of excavation along this frontage, it is probable that the volcanic rock was quarried from this land and utilised for road and reclamation work during the 19<sup>th</sup> century.

As a result of that rock excavation, there are a number of near vertical rock faces that may be prone to rockfall, following severe rainfall or an earthquake. The physical barrier created by the rockfaces may restrict pedestrian movement within new Lot 5 and 6. The purpose of the subdivision appears to recognise the existing occupancy of the site and will not result in any new dwelling on the site. The location of any new building on new Lot 2 shall be reviewed at time of building consent.

Overall, Council's geotechnical consultants consider that the adverse effects of the proposed subdivision to be no more than minor provided the following advice note is appended to the decision:

- 1) Engineering advice from a suitably qualified person should be sought prior to any further building on Lots 5 and 6 created by this subdivision.

4. Land use (Section 8.13)

The proposal is for residential activity in a Residential 4 zone. In this respect the effects of the activity on amenity values and the character of the area have largely been anticipated by the zoning of the site. Council's discretion is limited to the 0.5m of the structure built within the side yard and an encroachment into height plane angle. The adverse effects are limited to the amenity of the subject site. As the residential units already exist, the effects are considered to be de minimis.

5. Building Safety

The Building Safety Officer, Council's Building Control department, has assessed the application. He notes that the following advice note should be appended to the consent decision.

1) *The rear wall of the residential unit abutting Lot 6 to be have a 30 minute fire rating.*

## 6. Permitted Baseline

The Courts have determined that the effects of an activity on the environment should be considered in relation to the 'permitted baseline'. That is, an application must be assessed in relation to the existing environment and development that could take place on the site as of right, but excluding development that is fanciful. Subdivision requires a resource consent under the Proposed District Plan and therefore has no existing use rights. The residential units and accessory buildings that currently exist on the site have existing use rights under section 10 of the Resource Management Act 1991. The subdivision will not result in additional non compliance, of the existing residential activity, with the rules in the Proposed District Plan.

## 7. Reserves Contribution

Council has the right to levy a reserves contribution for additional allotments created through subdivision where the new lots are intended to be used solely or principally for residential purposes. It is considered inappropriate to levy a reserves contribution as the proposed subdivision simply creates separate allotments for the existing residential units.

## 8. Overall Assessment of Effects on the Environment

Taking into consideration the effects of the proposal on residential amenity values and character, infrastructure, transportation and the objectives and policies of the District Plan, the effects of the proposed subdivision are considered to be no more than minor.

## CONSENT DECISION

### Subdivision (RMA 20040326)

*That pursuant to sections 34A(1) and 104B and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent for a **non complying activity** to subdivide the site at 19 and 21 Serpentine Ave, Dunedin, legally described as Lot 3 Folium 6 Deposited Plan 76 (CT OT13D/10591) into two allotments, subject to the following conditions imposed under section 108 and 220 of the Act:*

- (1) That the proposed activity shall be given effect to generally in accordance with the D.G. Hatfield & Associates plan entitled "Plan of Proposed Subdivision of Lot 3 DP 76", Job No 6592, Plan No. 6592/2, and information submitted as part of RMA 20040326, and RMA 20040328 received by Council on the 19 April 2004.*
- (3) Prior to certification of the survey plan pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:*
  - ii) That if a requirement for any easements for services is incurred during the survey, then those easements shall be granted or reserved and included in a Memorandum of Easements*
  - iii) Easements for all private drainage are to be reserved as required.*

### Land use (RMA 20040328)

*That pursuant to section 34A(1) and 104C and after having regard to Part II matters and section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent for a **discretionary (restricted) activity** for the continued existence of the existing residential units on Lots 5 and 6 created by subdivision RMA 20040326, subject to the following conditions imposed under section 108 of the Act:*

- (1) That the proposed activity shall be given effect to generally in accordance with the D.G. Hatfield & Associates plan entitled "Plan of Proposed Subdivision of Lot 3 DP 76", Job No 6592, Plan No. 6592/2, and information submitted as part of RMA 20040326, and RMA 20040328 received by Council on the 19 April 2004.*

## DURATION OF CONSENT

*This consent shall expire after a period of 5 years from the date of this decision unless the consent has been given effect to during this time. This period may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.*

## ADVICE NOTE

- (1) In addition to the conditions of a resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake. A similar responsibility exists under the Health Act 1956.*
- (2) Engineering advice from a suitably qualified person should be sought prior to any further building on Lots 1 and 2 created by this subdivision.*
- (3) The rear wall of the residential unit abutting Lot 6 to be have a 30 minute fire rating.*

## REASONS

### Effects

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and are outlined above. It is considered that the environmental effects of the proposed activity will be less than minor.

### District Plan – Objectives and Policies

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

#### Dunedin City Proposed District Plan (1999)

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

### Sustainability Section

- **Objective 4.2.1 and Policies 4.3.1 and 4.3.10** seek to maintain and enhance amenity values and ensure development is considered in a holistic manner.

### Residential Section

- **Objective 8.2.1, Policy 8.3.1 and 8.3.2** seeks to maintain and enhance the amenity values and character of residential areas.
- **Objective 8.2.4 and Policy 8.3.4** seeks to ensure that development does not exceed the design capacity of the urban service infrastructure.

### Subdivision Section

- **Objective 18.2.6, Policy 18.3.6, 18.3.8 and 18.3.14** seek to ensure that any adverse effects from subdivision and subsequent land use activities are avoided, remedied or mitigated.
- **Objective 18.2.7 and Policy 18.3.7** aim to ensure that subdividers provide the necessary access, infrastructure and services to every allotment.
- **Objective 18.3.14** provides for underground reticulation services.

## **Transportation Section**

- **Objectives 20.2.2, 20.2.4, Policies 20.3.4 and 20.3.5** seeks to ensure that land use activities are undertaken in a manner, which avoids, remedies, or mitigates adverse effects on the transportation network and seek to ensure safe standards for vehicle access. It is noted that the sites do not provide off street carparking. However the proposed subdivision does not increase the scale and intensity of the residential activity on the new allotments. Additionally, it is considered impractical to require carparking, due to the location of the existing residential units and the steep topography of the land.

## **Hazards and Hazardous Substances Section**

- **Objective 17.2.1, and Policy 17.3.4** seeks to control building and the removal of established vegetation from sites or from areas which have been identified as being, or likely to be, prone to erosion, falling debris, subsidence or slippage.

In addition the activity has also been assessed and found to be consistent with the other relevant objectives and policies of the sections identified in 18.6.1 Assessment of Resource Consent Applications.

In summary, the proposal is for the creation of two complying lots by way a subdivision in a residential area. The proposed activity is considered to be consistent with these objectives and policies of Proposed District Plan for the reasons outlined under the heading 'Effects on the Environment' above.

## **SECTION 104D**

In accordance with section 104D of the Resource Management Act 1991, Council can only grant consent to a non-complying activity unless either:

- a) the adverse effects of the activity will be no more than minor; or
- b) the proposal will not be contrary to the objectives and policies of the District Plans.

In this instance, it has been determined that the adverse effects of the activity will be no more than minor, in the issues addressed under the heading 'Effects on the Environment' above. The activity is not inconsistent with the objectives and policies of the District Plans as discussed above under the heading 'District Plan – Objectives and Policies'. Therefore, Council can consider granting consent to the proposal.

Recent case law has suggested that in order to grant consent to a non-complying activity, the application needs to be a 'true exception', otherwise in terms of precedent effects, the integrity of the Plan could be undermined. In this instance, the proposal is not considered to be a true exception in that respect, however it does relate to a technical non-compliance matter. New Lots 5 and 6 do not have legal vehicle access. However, this is the result of historical development and the proposed subdivision does not create any additional adverse traffic effects. Furthermore, it is considered inappropriate to require off street parking due to the steep nature of the topography. It is considered the provisions of the Plan can survive as granting the consent will only permit subdivision of otherwise complying developed sites, where construction of off street parking is limited by the topography.

## **Part II Matters**

The proposed activity has also been assessed in terms of Part II matters of the Resource Management Act 1991 (the Act). For the reasons outlined above, the proposed activity is considered not contrary to the overall goal to promote the sustainable management of natural and physical resources, and in particular not contrary to sections 5(2) and 7 of the Act.

## **COMPLIANCE WITH CONDITIONS**

It is the applicant's responsibility to comply with any conditions imposed on this 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.

## **BUILDING CONSENT**

Reference:

This is a resource consent. A building consent may be required before any work is undertaken on the site. Please check with the Building Control Office, Development Services to establish whether or not a building consent is required.

### **RIGHTS OF APPEAL**

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

The Chief Executive  
Dunedin City Council  
P O Box 5045  
DUNEDIN

Attn: Senior Planner – Enquiries 1<sup>st</sup> Floor

Yours sincerely

Sean Bellamy  
**PLANNER**



The site is legally described as Lot 3 DP 76 (Folium 6) comprising 1012 m<sup>2</sup>, held within certificate of title OT13D/1059.

I note also that the site was the subject of a subdivision resource consent application granted by Council in May 2004, to divide the site into two parcels. This previous application has not been given effect to.

## REASONS FOR APPLICATION

The rules of the Dunedin City Proposed District Plan (1999), as they relate to the subject site, have been made operative as at the 19 April 2004. As a result, the Proposed District Plan (1999) is referred to as the District Plan, as it relates to this application.

The subject site is zoned **Residential 4** in the District Plan.

### Subdivision

Within this zone, subdivision is a discretionary activity (restricted) where the application complies with Rules 18.5.3 – 18.5.6, 18.5.9 and 18.5.10 and each resulting ‘*site*’ complies with the minimum area and frontage required by the conditions attached to permitted activities for the zone in which the activity is located. In this instance, area and frontage requirements are met, however the Lot 1 strip to Serpentine Ave will not comply with the ‘Private Way’ requirement under Rule 18.5.9. Similarly proposed Lot 3 is unable to provide vehicle access as required under Rule 18.5.3. Consequently the subdivision is a **non-complying** activity pursuant to Rule 18.5.2.

### Land Use

The new boundary placement causes the existing dwellings and proposed sites to fail to comply with the following rules of the Residential 4 section:

- Rule 8.10.2(i)(a)(ii) specifies a side yard requirement of 1 metre.
- Rule 8.10.2(ii) specifies a height plane angle of 72°.
- Rule 8.10.2(vii) details car parking requirements.

In accordance with Rule 8.10.4(i) any permitted activity which fails to comply with the conditions contained within Rule 8.10.2 is a **discretionary (restricted)** activity with Council's discretion being restricted to the conditions with which the proposal fails to comply.

## PLANNING ASSESSMENT

### **Affected persons**

No affected person forms were submitted with the proposed subdivision. No other persons were considered to be adversely affected by the subdivision for the reasons set out in the ‘Effects on the Environment’ section below. There are also no special circumstances that warrant the consent of additional adjoining property owners/occupiers in terms of the Resource Management Act 1991.

### **Effects on the Environment**

The following assessment of effects on the environment has been carried out in accordance with section 104(1) of the Resource Management Act 1991. It addresses those assessment matters listed under sections 18.6.1 and 8.13 of the District Plan considered relevant to the proposed activity, and is carried out on the basis that the environment is characterised by medium density residential development.

Any actual or potential adverse effects on the environment of allowing the activity are considered to be no more than minor for the following reasons:

1. The proposal is for a residential subdivision in an area that is zoned for residential purposes under the *Dunedin City District Plan*. In this respect the proposal is considered to be consistent with the intention of the District Plan for residential purposes, and the effects of future development on the newly created site have been anticipated by the zoning of the site.

2. The subdivision has a planning status of non-complying under the District Plan, due in part to the Lot 1 strip to Serpentine Ave not complying with the one metre separation requirement of the District Plan. This is not considered to greatly concern Council in this instance, as the narrow walkway is longstanding, is currently used by occupants of both dwellings without problems, and neither of the adjoining dwellings contain opening windows along this passageway which would impede access for pedestrian users. Similarly, for the same reasons, the land use considerations in regard to the yard setbacks and height recession plane effects, in relation to legal boundary placement along this walkway, are considered de minimus, in view of the continued rights of passage via RsOW which largely reflects the current situation.
3. The second issue resulting in the non-complying activity status of the subdivision, results from proposed Lot 3, and to a lesser extent Lot 2, being unable to provide vehicle access, due primarily to the placement of the existing dwellings. It is accepted that this situation is longstanding with topography having dictated the location of the two existing dwellings resulting in vehicle access and parking being largely prohibitive. Whilst the application does propose a driveway to new Lot 1, the topography of the site limits this driveway as a practical solution to the vehicle access requirements of the lower allotments. Refer also comments in point 7 below. (*Assessment matter 18.6.1 (m)*).
4. Were it not for these issues, Council's discretion for the subdivision would be restricted to the matters contained in section 18.6.1 of the District Plan. These have been considered in assessing this application, and as the proposal complies with the relevant requirements for subdivision activities under the District Plan, with the exception of the private way requirement and vehicle access, the effects generated by the proposal have been largely anticipated by the Plan and assessed as being no more than minor. On this basis no parties are considered affected by the proposal.
5. It is acknowledged that the lessees of 19 Serpentine Ave could be considered to be affected parties to the proposal, however Council is satisfied that the granting of this consent will not diminish this party's current lease rights, and that these rights will continue unless agreement is reached between both parties to vary or extinguish the lease. In this respect, the interests of this party are protected.
6. The topography of the site naturally lends itself to the three allotments proposed. A sloping escarpment crosses the land midway between the two street frontages, separating the northern and southern portions of the site. The existing dwellings are seated at the base of the escarpment to the north of the site, abutting the Serpentine Avenue road frontage. The proposed boundary appears to run along the base of this escarpment. An iron clad fence is situated along the top of the escarpment with a flat building platform having been benched into the upper (southern) portion of the site. Evidence exists of rock foundations and concrete pathing within the benched area indicating a previous structure, and council records confirm a permit was issued for the demolition of a dwelling in 1973 (at 34 Sutherland St). The application has been forwarded to Council's Consultant Engineer from MWH, who has viewed the proposal and provided comments in relation to stability issues. He notes that the access to Lot 1 is proposed via the formation of a driveway over Sutherland St, which will require earthworks and likely construction over some Council services. Specific design and supervision of the access construction is therefore recommended. Overall he recommends that Council not withhold resource consent on the basis of land stability. (*Assessment matters 18.6.1(k), (m), and (s)*).
7. Council's Technical Engineer, Transportation Planning has reviewed the proposal. She notes that Serpentine Avenue is a Collector road in the District Plan road hierarchy. Sutherland St is classified as a local road. Both Lots 2 and 3 have frontage solely to Serpentine Avenue. There is an existing hard surfaced vehicle crossing providing access to an undersized car park on Lot 2, and no provision for on-site car parking on Lot 3. Neither of these allotments meet the current access and parking requirements, however it is accepted that the situation is longstanding, and that the subdivision will not generate an increase in activity for either of these dwellings. As a result, in this instance, the deficient car parking is not required to be rectified in respect of Lots 2 and 3. (*Assessment matters 18.6.1(c), (i), and (m)*).
8. The Technical Engineer notes that Lot 1 has primary frontage to the unformed section of Sutherland Street. The applicant proposes to construct a driveway to Lot 1 from the end of the formation of Sutherland Street for a future dwelling on this allotment. The unformed section of Sutherland Street is steep, and in her view construction of a driveway would appear difficult and costly. Any driveway over the unformed section of Sutherland Street would require Council permission and would be regarded as a private access over a public road. The Council would not be responsible for any maintenance of the driveway and the public could not be prevented from accessing the legal road. The access would be required to be built to Council standard, which could include constructing the driveway with a concrete surface if the access had a gradient steeper than 1:6. The application indicates details of the proposed vehicle access will be submitted with any building /land use consent application for a new dwelling, and Transportation Planning are happy that it be assessed at that time. On-site car parking provisions for the new dwelling will have to comply with the District Plan requirements, or an application for

land use resource consent would be required for the activity. Overall, Transportation Planning consider that the effects of the proposal will be less than minor. (*Assessment matters 18.6.1(c), (i), and (m)*).

9. Councils Building Safety Officer has perused existing building consents and permits for the dwellings fronting Serpentine Ave, and visited the site. He is satisfied that the buildings comply with the N.Z. Building code.
10. The Consents Officer of the Water and Waste Services Business Unit has assessed the application. She notes that Lot 1 can be serviced for water by direct connection to the watermain in either Sutherland St or Serpentine Ave. Waste water can be lead direct to the foul sewer in Serpentine Ave, and stormwater can be lead to the kerb and channel also in Serpentine Ave. Lots 2 and 3 contain existing dwellings, which are fully served with connections to Council mains in Serpentine Ave, although drainage appears to utilise common drains. Therefore, a foul drain in common and a stormwater drain in common between the two new lots will be created by this subdivision, and requires a separate application for a foul drain in common and a stormwater drain in common to be made to Council's Building Control section. A copy of the 'approval' for the drains in common is required to be viewed by the Technical Support Section Leader of the Water and Waste Business Unit, prior to Council certification of the plan pursuant to section 224(c). The Water and Waste Services Business Unit is satisfied that with a formal approval of the 'drains in common' the effects on the water and waste infrastructure, will be no more than minor. (*Assessment matters 18.6.1(d), (i), (j), (n), (o), and (p)*).
11. A consent condition has been imposed requiring a reserves contribution to be paid. This is a financial contribution that goes toward the upgrade and development of new parks, reserves and recreational facilities within the entire Dunedin City Council boundaries. The reserves contribution is levied on any subdivision that creates a new buildable residential allotment. Council will take 7.5% of the value of the land under section 407 of the Resource Management Act 1991, or the value of 130m<sup>2</sup> of each allotment created (based on case law). In this instance, despite two additional sites being created by this subdivision, it is considered appropriate due to the longstanding nature of the dwellings on the site, that Council give a credit for the second dwelling and therefore require a contribution for only one additional buildable allotment. The reserves contribution for this proposal is calculated as \$3,000 (including GST).

## CONSENT DECISION

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### Subdivision (RMA 20050254)

*That pursuant to sections 34A(1) and 104 B and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent for a **non-complying** activity to subdivide the site at 19 and 21 Serpentine Ave, Dunedin, legally described as Lot 3 DP 76 (Folium 6) (CT OT13D/1059) into three sites, subject to the following conditions imposed under section 108 of the Act:*

1. *That the proposed activity shall be given effect to generally in accordance with the plans prepared by Paterson Pitts Partners titled 'Lots 1 – 3 being a Subdivision of Lot 3 DP 76 ref 10565 dated March 2005', and the information submitted as part of resource consent application RMA 2005-0254 received by Council on 17 March 2005, and additional information received on 30 March 2005.*
2. *That prior to certification pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:*
  - (a) *If a requirement for any easements for services is incurred during the survey then these easements shall be granted or reserved and included in the Memorandum of Easements. This includes all easements for private drainage.*
3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:*
  - (a) *The requirements of part 4 and 5 (drainage and Water supply) of the Councils Code of Subdivision are to be complied with. An "application for water supply" shall be submitted to the Water and Waste Business Unit in relation to Lot 1.*
  - (b) *A separate water service shall be installed at the street boundary to serve new Lot 1. Size and location can be determined at the time of the water application.*

- (c) *Either, a copy of the 'approval' for the 'drains in common' is required to be viewed by the Technical Support Section Leader of the Water and Waste Business Unit, or, new stormwater and foul sewer laterals are required to be provided to service the dwellings on Lots 2 and 3.*
- (d) *That a reserves contribution of \$3,000 incl of GST be paid. This has been calculated as \$40,000 (land value for Lot 1) x 7.5% x 1 additional allotment.*

#### Land Use (RMA 20050270)

*That pursuant to sections 34A(1) and 104C and after having regard to section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent for a **discretionary (restricted)** activity to allow the continued residential activity on proposed Lots 2 and 3 being the site at 19 and 21 Serpentine Ave, Dunedin, legally described as Lot 3 DP 76 (Folium 6) (CT OT13D/1059), subject to the following conditions imposed under section 108 of the Act:*

1. *That the proposed activity shall be given effect to generally in accordance with the plans prepared by Paterson Pitts Partners titled 'Lots 1 – 3 being a Subdivision of Lot 3 DP 76 ref 10565 dated March 2005', and the information submitted as part of resource consent application RMA 2005-0254 received by Council on 17 March 2005, resource consent application RMA 2005-0270 received by Council on 23 March 2005 and additional information received on 30 March 2005.*

#### **ADVICE NOTES**

- (1) *Any future dwelling (residential activity) to be constructed on Lot 1 is required to meet the car parking and access provisions of the District Plan, or an additional land use resource consent will be required to be applied for, and granted.*
- (2) *The proposed vehicle access serving Lot 1 is over road reserve and is therefore required to be built with Council permission and in accordance with the Dunedin City Council Vehicle Entrance Specification (to be obtained from Council's Roading Department). Construction of the Access may be required to be designed and supervised by a suitably qualified person.*
- (3) *In addition to the conditions of a resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake. A similar responsibility exists under the Health Act 1956.*

#### **DURATION OF CONSENT**

This consent shall expire after a period of 5 years from the date of this decision unless the consent has been given effect to during this time. This period may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.

#### **REASONS**

##### **Effects**

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

##### **District Plan – Objectives and Policies**

In accordance with section 104(1)(b) of the Resource Management Act 1991, the Objectives and Policies of the District Plan were taken into account in assessing the application. The proposal has been assessed against the relevant provisions identified through Section 18.6.1 and Section 8.13 of the District Plan.

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

### Sustainability, Residential, and Transportation Sections

- **Objective 4.2.1 and Policies 4.3.1 and 4.3.10** seek to maintain and enhance amenity values and ensure development is considered in a holistic manner.
- **Objective 8.2.1 and Policy 8.3.1** seek to ensure the adverse effects on the amenity values and character of residential areas are avoided, remedied or mitigated.
- **Objective 8.2.4 and Policy 8.3.4** seek to ensure that the existing urban service infrastructure is sustained for the use of future generations.
- **Objective 20.2.2 and Policy 20.3.4** seek to ensure that land use activities are undertaken in a manner that avoids, remedies, or mitigates adverse effects on the transportation network.

### Subdivision Section

- **Objective 18.2.1** seeks to ensure that subdivision takes place in a coordinated and sustainable manner.
- **Objective 18.2.6** seeks to ensure that any adverse effects from subdivision and subsequent land use activities are avoided, remedied or mitigated.
- **Objective 18.2.7 and Policy 18.3.7** aim to ensure that subdividers provide the necessary infrastructure within subdivisions to avoid, remedy, or mitigate adverse effects of the land use at no cost to the community.

The proposal is also assessed as meeting the anticipated environmental results of sections 4.5, 8.14 and 18.7 of the District Plan.

### **Section 104D**

In accordance with section 104D of the Resource Management Act 1991, Council can only grant consent to a non-complying activity if either:

- a) the adverse effects of the activity will be no more than minor; or
- b) the proposal will not be contrary to the objectives and policies of the District Plans.

It has been determined that the adverse effects of the activity will be no more than minor, in the issues addressed under the heading 'Effects on the Environment' above, and that the proposal is not contrary to the objectives and policies of the District Plan. Therefore, Council can consider granting consent to the proposal.

### **Other Matters (Section 104(1)(c))**

Recent judgements made by the Environment Court, direct Council to be wary of granting consent to non-complying activities. The Environment Court is now directing Council to put significant weight on whether or not granting consent to non-complying proposals could adversely affect the integrity of the Plan. That is, could the activity create an undesirable precedent that could compromise the integrity of the provisions of the District Plan, or is the site or the proposed activity a 'true exception', such that the location of an activity 'out of zone' is warranted.

The subdivision has a planning status of non-complying under the District Plan, due to two issues. Firstly, the Lot 1 strip to Serpentine Ave does not comply with the one metre separation requirement of the District Plan. As discussed above, this is not considered to greatly concern Council in this instance, as the narrow walkway is longstanding, is currently used by occupants of both dwellings without problems, and neither of the adjoining dwellings contain opening windows along this passageway which would impede access for pedestrian users.

The second issue resulting in the non-complying activity status of the subdivision, results from proposed Lot 3, and to a lesser extent Lot 2, being unable to provide vehicle access, due primarily to the placement of the existing dwellings. It is accepted that topography has dictated the location of the two existing dwellings, and vehicle access and parking on these sites is largely prohibitive. Whilst the application does propose a driveway to new Lot 1, the topography of the site limits this driveway as a practical solution to the vehicle access requirements of the two lower allotments. Overall, the vehicle access non-compliance on

this site, in relation to the two existing dwellings, is longstanding, and will not be made worse as a result of granting this application.

Therefore in my view, these areas of non-compliance will not give rise to concerns over District Plan integrity.

## **Part II Matters**

The proposed activity has also been assessed in terms of Part II matters of the Resource Management Act 1991. For the reasons outlined above, the proposed activity is considered to be not contrary to section 5(2)(c); “Avoiding, remedying, or mitigating any adverse effects of activities on the environment”, section 7(c) “The maintenance and enhancement of amenity values” and section 7(f) “The maintenance and enhancement of the quality of the environment.”

## **COMPLIANCE WITH CONDITIONS**

It is the consent holders responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.

## **RIGHTS OF APPEAL**

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

The Chief Executive  
Dunedin City Council  
P O Box 5045  
**DUNEDIN**

**Attn:** Senior Planner – Enquiries 1<sup>st</sup> Floor

Yours faithfully



Darrell Thomson  
**PLANNER**



The site is legally described as Lot 3 DP 76 (Folium 6) comprising 1012 m<sup>2</sup>, held within certificate of title OT13D/1059.

I note also that the site was the subject of a subdivision resource consent application granted by Council in May 2004, to divide the site into two parcels. This previous application has not been given effect to.

## REASONS FOR APPLICATION

The rules of the Dunedin City Proposed District Plan (1999), as they relate to the subject site, have been made operative as at the 19 April 2004. As a result, the Proposed District Plan (1999) is referred to as the District Plan, as it relates to this application.

The subject site is zoned **Residential 4** in the District Plan.

### Subdivision

Within this zone, subdivision is a discretionary activity (restricted) where the application complies with Rules 18.5.3 – 18.5.6, 18.5.9 and 18.5.10 and each resulting ‘*site*’ complies with the minimum area and frontage required by the conditions attached to permitted activities for the zone in which the activity is located. In this instance, area and frontage requirements are met, however the Lot 1 strip to Serpentine Ave will not comply with the ‘Private Way’ requirement under Rule 18.5.9. Similarly proposed Lot 3 is unable to provide vehicle access as required under Rule 18.5.3. Consequently the subdivision is a **non-complying** activity pursuant to Rule 18.5.2.

### Land Use

The new boundary placement causes the existing dwellings and proposed sites to fail to comply with the following rules of the Residential 4 section:

- Rule 8.10.2(i)(a)(ii) specifies a side yard requirement of 1 metre.
- Rule 8.10.2(ii) specifies a height plane angle of 72°.
- Rule 8.10.2(vii) details car parking requirements.

In accordance with Rule 8.10.4(i) any permitted activity which fails to comply with the conditions contained within Rule 8.10.2 is a **discretionary (restricted)** activity with Council's discretion being restricted to the conditions with which the proposal fails to comply.

## PLANNING ASSESSMENT

### **Affected persons**

No affected person forms were submitted with the proposed subdivision. No other persons were considered to be adversely affected by the subdivision for the reasons set out in the ‘Effects on the Environment’ section below. There are also no special circumstances that warrant the consent of additional adjoining property owners/occupiers in terms of the Resource Management Act 1991.

### **Effects on the Environment**

The following assessment of effects on the environment has been carried out in accordance with section 104(1) of the Resource Management Act 1991. It addresses those assessment matters listed under sections 18.6.1 and 8.13 of the District Plan considered relevant to the proposed activity, and is carried out on the basis that the environment is characterised by medium density residential development.

Any actual or potential adverse effects on the environment of allowing the activity are considered to be no more than minor for the following reasons:

1. The proposal is for a residential subdivision in an area that is zoned for residential purposes under the *Dunedin City District Plan*. In this respect the proposal is considered to be consistent with the intention of the District Plan for residential purposes, and the effects of future development on the newly created site have been anticipated by the zoning of the site.

2. The subdivision has a planning status of non-complying under the District Plan, due in part to the Lot 1 strip to Serpentine Ave not complying with the one metre separation requirement of the District Plan. This is not considered to greatly concern Council in this instance, as the narrow walkway is longstanding, is currently used by occupants of both dwellings without problems, and neither of the adjoining dwellings contain opening windows along this passageway which would impede access for pedestrian users. Similarly, for the same reasons, the land use considerations in regard to the yard setbacks and height recession plane effects, in relation to legal boundary placement along this walkway, are considered de minimus, in view of the continued rights of passage via RsOW which largely reflects the current situation.
3. The second issue resulting in the non-complying activity status of the subdivision, results from proposed Lot 3, and to a lesser extent Lot 2, being unable to provide vehicle access, due primarily to the placement of the existing dwellings. It is accepted that this situation is longstanding with topography having dictated the location of the two existing dwellings resulting in vehicle access and parking being largely prohibitive. Whilst the application does propose a driveway to new Lot 1, the topography of the site limits this driveway as a practical solution to the vehicle access requirements of the lower allotments. Refer also comments in point 7 below. (*Assessment matter 18.6.1 (m)*).
4. Were it not for these issues, Council's discretion for the subdivision would be restricted to the matters contained in section 18.6.1 of the District Plan. These have been considered in assessing this application, and as the proposal complies with the relevant requirements for subdivision activities under the District Plan, with the exception of the private way requirement and vehicle access, the effects generated by the proposal have been largely anticipated by the Plan and assessed as being no more than minor. On this basis no parties are considered affected by the proposal.
5. It is acknowledged that the lessees of 19 Serpentine Ave could be considered to be affected parties to the proposal, however Council is satisfied that the granting of this consent will not diminish this party's current lease rights, and that these rights will continue unless agreement is reached between both parties to vary or extinguish the lease. In this respect, the interests of this party are protected.
6. The topography of the site naturally lends itself to the three allotments proposed. A sloping escarpment crosses the land midway between the two street frontages, separating the northern and southern portions of the site. The existing dwellings are seated at the base of the escarpment to the north of the site, abutting the Serpentine Avenue road frontage. The proposed boundary appears to run along the base of this escarpment. An iron clad fence is situated along the top of the escarpment with a flat building platform having been benched into the upper (southern) portion of the site. Evidence exists of rock foundations and concrete pathing within the benched area indicating a previous structure, and council records confirm a permit was issued for the demolition of a dwelling in 1973 (at 34 Sutherland St). The application has been forwarded to Council's Consultant Engineer from MWH, who has viewed the proposal and provided comments in relation to stability issues. He notes that the access to Lot 1 is proposed via the formation of a driveway over Sutherland St, which will require earthworks and likely construction over some Council services. Specific design and supervision of the access construction is therefore recommended. Overall he recommends that Council not withhold resource consent on the basis of land stability. (*Assessment matters 18.6.1(k), (m), and (s)*).
7. Council's Technical Engineer, Transportation Planning has reviewed the proposal. She notes that Serpentine Avenue is a Collector road in the District Plan road hierarchy. Sutherland St is classified as a local road. Both Lots 2 and 3 have frontage solely to Serpentine Avenue. There is an existing hard surfaced vehicle crossing providing access to an undersized car park on Lot 2, and no provision for on-site car parking on Lot 3. Neither of these allotments meet the current access and parking requirements, however it is accepted that the situation is longstanding, and that the subdivision will not generate an increase in activity for either of these dwellings. As a result, in this instance, the deficient car parking is not required to be rectified in respect of Lots 2 and 3. (*Assessment matters 18.6.1(c), (i), and (m)*).
8. The Technical Engineer notes that Lot 1 has primary frontage to the unformed section of Sutherland Street. The applicant proposes to construct a driveway to Lot 1 from the end of the formation of Sutherland Street for a future dwelling on this allotment. The unformed section of Sutherland Street is steep, and in her view construction of a driveway would appear difficult and costly. Any driveway over the unformed section of Sutherland Street would require Council permission and would be regarded as a private access over a public road. The Council would not be responsible for any maintenance of the driveway and the public could not be prevented from accessing the legal road. The access would be required to be built to Council standard, which could include constructing the driveway with a concrete surface if the access had a gradient steeper than 1:6. The application indicates details of the proposed vehicle access will be submitted with any building /land use consent application for a new dwelling, and Transportation Planning are happy that it be assessed at that time. On-site car parking provisions for the new dwelling will have to comply with the District Plan requirements, or an application for

land use resource consent would be required for the activity. Overall, Transportation Planning consider that the effects of the proposal will be less than minor. (*Assessment matters 18.6.1(c), (i), and (m)*).

9. Councils Building Safety Officer has perused existing building consents and permits for the dwellings fronting Serpentine Ave, and visited the site. He is satisfied that the buildings comply with the N.Z. Building code.
10. The Consents Officer of the Water and Waste Services Business Unit has assessed the application. She notes that Lot 1 can be serviced for water by direct connection to the watermain in either Sutherland St or Serpentine Ave. Waste water can be lead direct to the foul sewer in Serpentine Ave, and stormwater can be lead to the kerb and channel also in Serpentine Ave. Lots 2 and 3 contain existing dwellings, which are fully served with connections to Council mains in Serpentine Ave, although drainage appears to utilise common drains. Therefore, a foul drain in common and a stormwater drain in common between the two new lots will be created by this subdivision, and requires a separate application for a foul drain in common and a stormwater drain in common to be made to Council's Building Control section. A copy of the 'approval' for the drains in common is required to be viewed by the Technical Support Section Leader of the Water and Waste Business Unit, prior to Council certification of the plan pursuant to section 224(c). The Water and Waste Services Business Unit is satisfied that with a formal approval of the 'drains in common' the effects on the water and waste infrastructure, will be no more than minor. (*Assessment matters 18.6.1(d), (i), (j), (n), (o), and (p)*).
11. A consent condition has been imposed requiring a reserves contribution to be paid. This is a financial contribution that goes toward the upgrade and development of new parks, reserves and recreational facilities within the entire Dunedin City Council boundaries. The reserves contribution is levied on any subdivision that creates a new buildable residential allotment. Council will take 7.5% of the value of the land under section 407 of the Resource Management Act 1991, or the value of 130m<sup>2</sup> of each allotment created (based on case law). In this instance, despite two additional sites being created by this subdivision, it is considered appropriate due to the longstanding nature of the dwellings on the site, that Council give a credit for the second dwelling and therefore require a contribution for only one additional buildable allotment. The reserves contribution for this proposal is calculated as \$3,000 (including GST).

## CONSENT DECISION

### Subdivision (RMA 20050254)

*That pursuant to sections 34A(1) and 104 B and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent for a **non-complying** activity to subdivide the site at 19 and 21 Serpentine Ave, Dunedin, legally described as Lot 3 DP 76 (Folium 6) (CT OT13D/1059) into three sites, subject to the following conditions imposed under section 108 of the Act:*

1. *That the proposed activity shall be given effect to generally in accordance with the plans prepared by Paterson Pitts Partners titled 'Lots 1 – 3 being a Subdivision of Lot 3 DP 76 ref 10565 dated March 2005', and the information submitted as part of resource consent application RMA 2005-0254 received by Council on 17 March 2005, and additional information received on 30 March 2005.*
2. *That prior to certification pursuant to section 223 of the Resource Management Act 1991, the applicant shall ensure the following:*
  - (a) *If a requirement for any easements for services is incurred during the survey then these easements shall be granted or reserved and included in the Memorandum of Easements. This includes all easements for private drainage.*
3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:*
  - (a) *The requirements of part 4 and 5 (drainage and Water supply) of the Councils Code of Subdivision are to be complied with. An "application for water supply" shall be submitted to the Water and Waste Business Unit in relation to Lot 1.*
  - (b) *A separate water service shall be installed at the street boundary to serve new Lot 1. Size and location can be determined at the time of the water application.*

- (c) *Either, a copy of the 'approval' for the 'drains in common' is required to be viewed by the Technical Support Section Leader of the Water and Waste Business Unit, or, new stormwater and foul sewer laterals are required to be provided to service the dwellings on Lots 2 and 3.*
- (d) *That a reserves contribution of \$3,000 incl of GST be paid. This has been calculated as \$40,000 (land value for Lot 1) x 7.5% x 1 additional allotment.*

#### Land Use (RMA 20050270)

*That pursuant to sections 34A(1) and 104C and after having regard to section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent for a **discretionary (restricted)** activity to allow the continued residential activity on proposed Lots 2 and 3 being the site at 19 and 21 Serpentine Ave, Dunedin, legally described as Lot 3 DP 76 (Folium 6) (CT OT13D/1059), subject to the following conditions imposed under section 108 of the Act:*

1. *That the proposed activity shall be given effect to generally in accordance with the plans prepared by Paterson Pitts Partners titled 'Lots 1 – 3 being a Subdivision of Lot 3 DP 76 ref 10565 dated March 2005', and the information submitted as part of resource consent application RMA 2005-0254 received by Council on 17 March 2005, resource consent application RMA 2005-0270 received by Council on 23 March 2005 and additional information received on 30 March 2005.*

#### **ADVICE NOTES**

- (1) *Any future dwelling (residential activity) to be constructed on Lot 1 is required to meet the car parking and access provisions of the District Plan, or an additional land use resource consent will be required to be applied for, and granted.*
- (2) *The proposed vehicle access serving Lot 1 is over road reserve and is therefore required to be built with Council permission and in accordance with the Dunedin City Council Vehicle Entrance Specification (to be obtained from Council's Roading Department). Construction of the Access may be required to be designed and supervised by a suitably qualified person.*
- (3) *In addition to the conditions of a resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake. A similar responsibility exists under the Health Act 1956.*

#### **DURATION OF CONSENT**

This consent shall expire after a period of 5 years from the date of this decision unless the consent has been given effect to during this time. This period may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.

#### **REASONS**

##### **Effects**

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

##### **District Plan – Objectives and Policies**

In accordance with section 104(1)(b) of the Resource Management Act 1991, the Objectives and Policies of the District Plan were taken into account in assessing the application. The proposal has been assessed against the relevant provisions identified through Section 18.6.1 and Section 8.13 of the District Plan.

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

### Sustainability, Residential, and Transportation Sections

- **Objective 4.2.1 and Policies 4.3.1 and 4.3.10** seek to maintain and enhance amenity values and ensure development is considered in a holistic manner.
- **Objective 8.2.1 and Policy 8.3.1** seek to ensure the adverse effects on the amenity values and character of residential areas are avoided, remedied or mitigated.
- **Objective 8.2.4 and Policy 8.3.4** seek to ensure that the existing urban service infrastructure is sustained for the use of future generations.
- **Objective 20.2.2 and Policy 20.3.4** seek to ensure that land use activities are undertaken in a manner that avoids, remedies, or mitigates adverse effects on the transportation network.

### Subdivision Section

- **Objective 18.2.1** seeks to ensure that subdivision takes place in a coordinated and sustainable manner.
- **Objective 18.2.6** seeks to ensure that any adverse effects from subdivision and subsequent land use activities are avoided, remedied or mitigated.
- **Objective 18.2.7 and Policy 18.3.7** aim to ensure that subdividers provide the necessary infrastructure within subdivisions to avoid, remedy, or mitigate adverse effects of the land use at no cost to the community.

The proposal is also assessed as meeting the anticipated environmental results of sections 4.5, 8.14 and 18.7 of the District Plan.

### **Section 104D**

In accordance with section 104D of the Resource Management Act 1991, Council can only grant consent to a non-complying activity if either:

- a) the adverse effects of the activity will be no more than minor; or
- b) the proposal will not be contrary to the objectives and policies of the District Plans.

It has been determined that the adverse effects of the activity will be no more than minor, in the issues addressed under the heading 'Effects on the Environment' above, and that the proposal is not contrary to the objectives and policies of the District Plan. Therefore, Council can consider granting consent to the proposal.

### **Other Matters (Section 104(1)(c))**

Recent judgements made by the Environment Court, direct Council to be wary of granting consent to non-complying activities. The Environment Court is now directing Council to put significant weight on whether or not granting consent to non-complying proposals could adversely affect the integrity of the Plan. That is, could the activity create an undesirable precedent that could compromise the integrity of the provisions of the District Plan, or is the site or the proposed activity a 'true exception', such that the location of an activity 'out of zone' is warranted.

The subdivision has a planning status of non-complying under the District Plan, due to two issues. Firstly, the Lot 1 strip to Serpentine Ave does not comply with the one metre separation requirement of the District Plan. As discussed above, this is not considered to greatly concern Council in this instance, as the narrow walkway is longstanding, is currently used by occupants of both dwellings without problems, and neither of the adjoining dwellings contain opening windows along this passageway which would impede access for pedestrian users.

The second issue resulting in the non-complying activity status of the subdivision, results from proposed Lot 3, and to a lesser extent Lot 2, being unable to provide vehicle access, due primarily to the placement of the existing dwellings. It is accepted that topography has dictated the location of the two existing dwellings, and vehicle access and parking on these sites is largely prohibitive. Whilst the application does propose a driveway to new Lot 1, the topography of the site limits this driveway as a practical solution to the vehicle access requirements of the two lower allotments. Overall, the vehicle access non-compliance on

this site, in relation to the two existing dwellings, is longstanding, and will not be made worse as a result of granting this application.

Therefore in my view, these areas of non-compliance will not give rise to concerns over District Plan integrity.

## **Part II Matters**

The proposed activity has also been assessed in terms of Part II matters of the Resource Management Act 1991. For the reasons outlined above, the proposed activity is considered to be not contrary to section 5(2)(c); “Avoiding, remedying, or mitigating any adverse effects of activities on the environment”, section 7(c) “The maintenance and enhancement of amenity values” and section 7(f) “The maintenance and enhancement of the quality of the environment.”

## **COMPLIANCE WITH CONDITIONS**

It is the consent holders responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.

## **RIGHTS OF APPEAL**

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

The Chief Executive  
Dunedin City Council  
P O Box 5045  
**DUNEDIN**

**Attn:** Senior Planner – Enquiries 1<sup>st</sup> Floor

Yours faithfully



Darrell Thomson  
**PLANNER**

Reference: RMA 20050254/ 5027478, 5027475/ 233047  
Enquires to: Darrell Thomson  
Direct phone: 474-3637

6 September 2005

J.R. Leng  
C/- Paterson Pitts Partners Ltd  
PO Box 1083  
DUNEDIN

Attention: Kurt Bowen

RESOURCE CONSENT APPLICATION: RMA 2005-0776  
(Variation to RMA 2005-0254)  
19 and 21 SERPENTINE AVE  
DUNEDIN

Your application for a variation to Resource Consent RMA 2005-0254, lodged pursuant to section 127 of the Resource Management Act 1991, was processed on a non-notified basis in accordance with sections 93 and 94 of the Resource Management Act 1991. A Senior Planner considered the application under delegated authority on 6 September 2005.

I advise that the Council has granted consent to the application. The full text of the decision commences on page 2. The consent must be given effect to within five years of the date of the original consent (issued 22 April 2005), in accordance with section 125 of the Resource Management Act.

#### DESCRIPTION OF ACTIVITY

Resource consent RMA 2005-0254 was issued on 22 April 2005 for the subdivision of the site at 19 and 21 Serpentine Ave, to create three residential allotments. The consent was issued subject to conditions.

The applicant seeks to vary the condition related to the payment of a financial contribution, by requesting revision of the land value. In particular, the applicant notes that the freehold portion of the entire site was valued at less than \$26,000 in November of last year, which formed the basis of the purchase price at that time. The applicant therefore considers that the land value used in the resource consent decision, being \$40,000 for a portion of the same site, to be unreasonable in light of more modest land value increases in Dunedin over the same period.

#### REASONS FOR APPLICATION

Section 127 of the Resource Management Act 1991 states:

(1) The holder of a [http://www.legislation.govt.nz/libraries/contents/om\\_isapi.dll?clientID=536609976&hitsperheading=on&infobase=pal\\_statutes.nfo&jump=a1991-069%2fs.2-ss.1-df.resource.consent&softpage=DOC](http://www.legislation.govt.nz/libraries/contents/om_isapi.dll?clientID=536609976&hitsperheading=on&infobase=pal_statutes.nfo&jump=a1991-069%2fs.2-ss.1-df.resource.consent&softpage=DOC) - JUMPDEST\_a1991-069/s.2-ss.1-df.resource.consent may apply to a [http://www.legislation.govt.nz/libraries/contents/om\\_isapi.dll?clientID=536609976&hitsperheading=on&infobase=pal\\_statutes.nfo&jump=a1991-069%2fs.2-ss.1-df.consent.authority&softpage=DOC](http://www.legislation.govt.nz/libraries/contents/om_isapi.dll?clientID=536609976&hitsperheading=on&infobase=pal_statutes.nfo&jump=a1991-069%2fs.2-ss.1-df.consent.authority&softpage=DOC) - JUMPDEST\_a1991-069/s.2-ss.1-df.consent authority for a [http://www.legislation.govt.nz/libraries/contents/om\\_isapi.dll?clientID=536609976&hitsperheading=on&infobase=pal\\_statutes.nfo&jump=a1991-069%2fs.2-ss.1-df.change&softpage=DOC](http://www.legislation.govt.nz/libraries/contents/om_isapi.dll?clientID=536609976&hitsperheading=on&infobase=pal_statutes.nfo&jump=a1991-069%2fs.2-ss.1-df.change&softpage=DOC) - JUMPDEST\_a1991-069/s.2-ss.1-df.change change or cancellation of a condition of the consent (other than any condition as to the duration of the consent).

## EFFECTS ASSESSMENT

### Affected Persons

No written approvals were submitted with the original application and it was processed on a non-notified basis. No persons were considered to be adversely affected by the proposal. The variation will not increase the effects on the environment, such that affected party approval need be revisited.

### Discussion

The valuation figures used for calculating reserve contributions are based on rateable valuations, and in some cases recent sales, in the immediate locality. In the case of RMA 20050254, some weighting was given to the sale price for 39 Sutherland St, which was comparable in terms of section size and access, although was not vacant land.

This valuation however, appears to be at the upper end of the spectrum, and Council accepts that there is merit in the argument put forward by the applicant, and accordingly is prepared to reduce the valuation to \$30,000.

## CONSENT DECISION – RMA 20050776 – (CHANGE OF CONDITIONS FOR RESOURCE CONSENT RMA 20050254)

*That pursuant to sections 34(A) and 127(1) of the Resource Management Act 1991 and after having regard to section 104 of the Act, the Dunedin City Council upholds the request for the change of conditions of resource consent decision RMA 2005-0254.*

*The amended condition of RMA 2005-0254 shall now read as follows:*

- 3 *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:*
  - (d) *That a reserves contribution of \$2,250 incl of GST be paid. This has been calculated as \$30,000 (land value for Lot 1) x 7.5% x 1 additional allotment.*

## DURATION OF CONSENT

This consent shall expire after a period of 5 years from the date of commencement of the original decision RMA 2005-0254 (issued 22 April 2005) unless the consent has been given effect to during this time. This period may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.

## COMPLIANCE WITH CONDITIONS

It is the consent holders responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.

## RIGHTS OF OBJECTION

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

The Chief Executive  
Dunedin City Council  
P O Box 5045  
DUNEDIN

Attn: Senior Planner – Enquiries 1<sup>st</sup> Floor

Yours faithfully



Darrell Thomson  
PLANNER