

# BE REAL ESTATE

## STATEMENT OF PASSING OVER

This building inspection has been supplied by the vendor in good faith. BE Real Estate (Powered by Ownly Limited, Licensed REAA 2008) is merely passing over this information as supplied to us.

We cannot guarantee its accuracy as we have not checked, audited, or reviewed the information and all intending purchasers are advised to seek your own advice as to the information contained in this document.

Please note this Council property file is provided for informational purposes only. There may be matters relating to pre-1992 consents or permits which may need further investigation in order to determine their relevance.

To the maximum extent permitted by law we do not accept any responsibility to any party for the accuracy or use of the information herein.

## COUNCIL PROPERTY FILE

# Dunedin City Council Land Information Memorandum

96890

**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 Section 44A 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 **3 April 2024**

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 Records of Title as this report may not include information that is registered on the Records of Title. The Records 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.

## PROPERTY ADDRESS

97 Hillary Street Dunedin

**LIM Applicant  
Print Date**

**James Alexander Dawson**  
03-Apr-2024

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## PROPERTY DETAILS

**Property ID** 5118797  
**Address** 97 Hillary Street Dunedin  
**Parcels** LOT 2 DP 417395

**Rubbish Day** Monday

### Parks and Reserves

**Description** **This property has been identified as being next to a park or reserve.**

**Details** Please be aware that Council encourages appropriate public usage of the park/reserve and may develop the park/reserve in the future to facilitate use. You also need to be aware that there are many unapproved encroachments into parks/reserves, as well as many unapproved vehicle accesses into private property across parks/reserves land. In such situations it cannot be taken for granted that Council will automatically approve such an encroachment or access-way, and the owner may be asked to remove it. Because of this you should clarify where the boundary of this property is and your means of vehicle access into it.

## RATES DETAILS

**Rate Account** 4025734  
**Address** 97 Hillary Street Dunedin  
**Valuation Number** 26750-49507

### Latest Valuation Details

**Capital Value** \$545,000  
**Land Value** \$340,000  
**Value of Improvements** \$205,000  
**Area (Hectares)** 0.1812HA  
**Units of Use** 1

### Current Rates

**Current Rating Year Starting** 01-Jul-2023  
**Dunedin City Council Rates** \$2,816.07

**Rates Outstanding for Year** \$-277.31

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.

## BUILDING, PLUMBING AND DRAINAGE

### 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>

### 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.

### Building and Drainage Information

#### Council Stormwater & Foul Sewer Connections available.

There is Council Stormwater outfalls and Foul Sewer Connections adjacent to this land, to which buildings within this land may connect. A plan of these is attached.

#### Council Foul Sewers within land.

There is Council Foul Sewers within this land. A plan of these is attached.

#### Private Stormwater Drains servicing existing buildings

There are Private Stormwater drains servicing existing buildings on this land.

Drainage plan indicates Private Stormwater drain discharges to watercourse in property.

#### Private Foul Drains servicing existing buildings

There are Private Foul drains servicing existing buildings on this land.

Drainage plan indicates Private Foul Drain connects to Council Foul Sewer in property.

### Building and Drainage Consents

The following consents are recorded for this property:

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

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



[ABA-2000-289727](#) Building Consent - Yunca Heater

Lodgement Date	01-Mar-2000
Decision	Granted
Decision Date	02-Mar-2000
Current Status	<b>CCC Issued</b>
Previous Number	ABA415
<i>(Applications before 2007)</i>	

[ABA-1999-347690](#) Building Consent - New Dwg/Cottage

Lodgement Date	25-Aug-1999
Decision	Granted
Decision Date	14-Sep-1999
Current Status	<b>CCC Issued</b>
Previous Number	ABA992332
<i>(Applications before 2007)</i>	

[ABA-1999-348500](#) Building Consent - New foul drain

Lodgement Date	19-Nov-1999
Decision	Cancelled
Decision Date	22-Nov-1999
Current Status	<b>Cancelled</b>
Previous Number	ABA993210
<i>(Applications before 2007)</i>	

### Building and Drainage Permits

Building Permits were issued prior to the introduction of the Building Act 1992. Code Compliance Certificates were not required or issued for 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.

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.

## HAZARDS

### SITE HAZARDS

This property may contain unengineered fill. If fill is present any building to be constructed within this property shall be subject of specific foundation design by a suitable qualified person.

### Earthworks Permits

The following Earthworks Permits are recorded for this property

Parcel Description	LOT 2 DP 417395
Permit Date	14-Jun-1993
Reference	E664
Description	Excavation for new house

The **Otago Regional Council** has produced a number of reports for the Dunedin City District which outline areas affected by natural hazards including slippage, flooding, subsidence and inundation.

These reports are publicly available and can be accessed here:

<https://www.orc.govt.nz/plans-policies-reports/reports-and-publications/natural-hazards>

These reports do not provide property specific information, and may not describe all natural hazards that affect the land that is the subject of this LIM report. We recommend that in addition to reading these reports, that you seek independent advice about how this property may be affected by natural hazards including natural hazards that are not described in the reports produced by the Otago Regional Council.

#### **Otago Regional Council - Natural Hazards Database**

The characteristics of general natural hazards in the vicinity of this property are also available on the Otago Regional Council's Natural Hazards Database.

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

### HAZARDOUS SUBSTANCES

#### **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.

#### **Contaminated Site, Hazardous Substances and Dangerous Goods Information**

No information

### ENVIRONMENTAL HEALTH

No records were found of Environmental Health involvement with this property.

### LICENSING

#### **Health Licensing**

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

#### **Liquor Licensing**

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

## CITY PLANNING

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 it 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.

### **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.

### **District Plan Information**

Dunedin currently has an Operative Dunedin City District Plan, and the Proposed Second Generation Dunedin City District Plan (2GP). Accordingly, both of these plans may affect the development potential of this site and surrounding properties.

As a general principle, rules in the 2GP must be considered along with the rules of the Operative District Plan until such time as the rules of the 2GP become operative, or are treated as operative. The policies and objectives of both plans should also be considered.

The 2GP was publicly notified on Saturday 26 September 2015. The submission period closed on Tuesday 24 November 2015. Decisions on the 2GP were released on Wednesday 7 November 2018. The appeal period closed on Wednesday 19 December 2018. The schedule of appeals can be viewed at <https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan/appeals-received-on-the-2gp>.

You are advised to refer to our website to determine which rules in the 2GP have legal effect or are fully operative, and to determine which rules in the Operative District Plan are now inoperative.

The 2GP is subject to change at any time. Variation 2 (Additional Housing Capacity) to the 2GP was notified on Wednesday 3 February 2021. No rule changes proposed in Variation 2 had legal effect from the date of notification. Rules that did not have submissions in opposition to them are deemed operative.

Please refer to our website for more information on Variation 2 at <https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan/plan-change-dis-2021-1-variation-2>

Further rules will come into legal effect and/or become fully operative at the release of decisions and the resolution of appeals.

You should check with the Council whether any changes have occurred since the date this LIM report was issued. The information provided with this LIM on district plan requirements is applicable as at the date this LIM is issued: there may be changes to the district plan rules following the release of this LIM that may affect this site and surrounding properties.

You should ensure that you consult the information and relevant planning maps in the Operative District Plan which can be found on our website at <https://www.dunedin.govt.nz/council/district-plan/district-plan-2006> and 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.

### **OPERATIVE DISTRICT PLAN INFORMATION**

#### **Zoning**

This property is zoned as follows in the District Plan.

*Zone*

RESIDENTIAL 1

**Noise**

This property is located in a Noise Area where the noise limits outlined below apply. Rule 21.5.1(i)(b) also specifies a maximum noise limit of 75 dBA Lmax between 9.00 pm on any night and 7.00 am the following day measured at the boundary of the site or within any other site. Note that some activities have a resource consent or existing use rights that allow these limits to be exceeded. Some activities are also exempted from noise limits. Furthermore, the actual limits that apply will also depend on whether this site adjoins a Noise Area Boundary and whether there are Special Audible Characteristics. Refer to Section 21.5 of the District Plan for further details. Every occupier of land is also under a general duty to adopt the best practicable option to ensure that the emission of noise from land does not exceed a reasonable level.

*Noise Zone*

50Dt/40Nt dBA, 45SP dBA

**SECOND GENERATION PLAN INFORMATION****Zoning**

- General Residential 1 (refer Section 15, Residential)

**Scheduled Items**

- Nil

**Overlay Zones**

- Nil

**Mapped Areas**

- Nil

**Resource Consents**

The following Resource Consents are recorded for this property.

<a href="#"><u>SUB-2007-196</u></a>	Subdivision Consent
Description	two- lot subdivision
Lodgement Date	25-Sep-2007
Decision	Granted
Decision Date	20-Dec-2007
Current Status	<b>s224c Issued</b>

<a href="#"><u>LUC-2007-789</u></a>	Land Use Consent
Description	not provide manoeuvring space on a new rear residential site created by a subdivision
Lodgement Date	19-Dec-2007
Decision	Granted
Decision Date	20-Dec-2007
Current Status	<b>Completed</b>

**RESOURCE CONSENTS WITHIN 50 METRES OF 97 HILLARY STREET DUNEDIN****[5011850](#) 95 Hillary Street Dunedin**

[LUC-2009-169](#) Land Use Consent Land use consent to construct new studio and garage. The outcome was Granted on 20/05/2009.

[LUC-2007-809](#) Land Use Consent Extend existing dwelling. The outcome was Granted on 09/01/2008.

**5014410 90 Hillary Street Dunedin**

[RMA-2002-365706](#) Resource Management Act (Historical Data) TO ERECT A GARAGE WITHIN THE 4.5M FRONT AND 2.0 M SIDE YARDS (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 18/06/2002.

**5014411 92 Hillary Street Dunedin**

[RMA-1984-351519](#) Resource Management Act (Historical Data) EXTEND HOUSE Ownr:BLAIR / App: BLAIR Designer: BLAIR (Non-Notified - Non Complying). The outcome was Granted on 02/08/1984.

**5043595 85C Hillary Street Dunedin**

[RMA-2000-363825](#) Resource Management Act (Historical Data) TO SUBDIVIDE LANDS AT 85 HILLARY ST (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 16/03/2000.

**5118798 97A Hillary Street Dunedin**

[SUB-2007-196](#) Subdivision Consent two- lot subdivision. The outcome was Granted on 20/12/2007.

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.

## TRANSPORT

No Transport information was found for this property

As of the 24th April 2015, the Transport Group no longer inspects the site as part of a LIM. Only the electronic records since 2002 have been examined for Transport information in relation to the property.

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.

## 3 WATERS

### WATER

**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

## 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.

**Restrictions near Council infrastructure**

There is Dunedin City Council water infrastructure located within the boundaries of this property, as shown on the attached reticulation plans.

Relevant deposited plans, certificates of title and memoranda of transfer at Land Information New Zealand ([www.linz.govt.nz](http://www.linz.govt.nz)) should be reviewed for information relating to any existing registered easements. However, as the Local Government Act 2002 (LGA) provides statutory rights for public infrastructure, easements are not always registered.

No building or structure shall be constructed within 2.5 metres of any Council-owned underground infrastructure, or as specified on any registered easement, without the written approval of the Council.

Infrastructure shall not be damaged or otherwise interfered with. Prior to commencing any works within the subject property, all Council-owned structures, mains and service pipes, and associated fittings are to be located on-site and, if necessary, protected.

The Council can enter the land to inspect, alter, renew, repair or clean its infrastructure under the LGA. For planned works, reasonable notice will be given.

Within new land subdivisions the Council requires an easement in gross over public water supply infrastructure. The easement in gross must be a minimum of 3 metres wide, centred on the as-built position, and made in accordance with the Dunedin Code of Subdivision and Development 2010: Section 6.3.10.3 (Water).

Planting near infrastructure should be avoided, particularly large trees or other species whose roots could cause damage.

**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)



## APPENDIX

### **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 of Liquor Act
- BCM Building Complaint
- CER Certifier
- COA Certificate of Acceptance
- DGL Dangerous Goods Licensing
- ENV Health complaint
- HTH Health licence
- LIQ Liquor 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

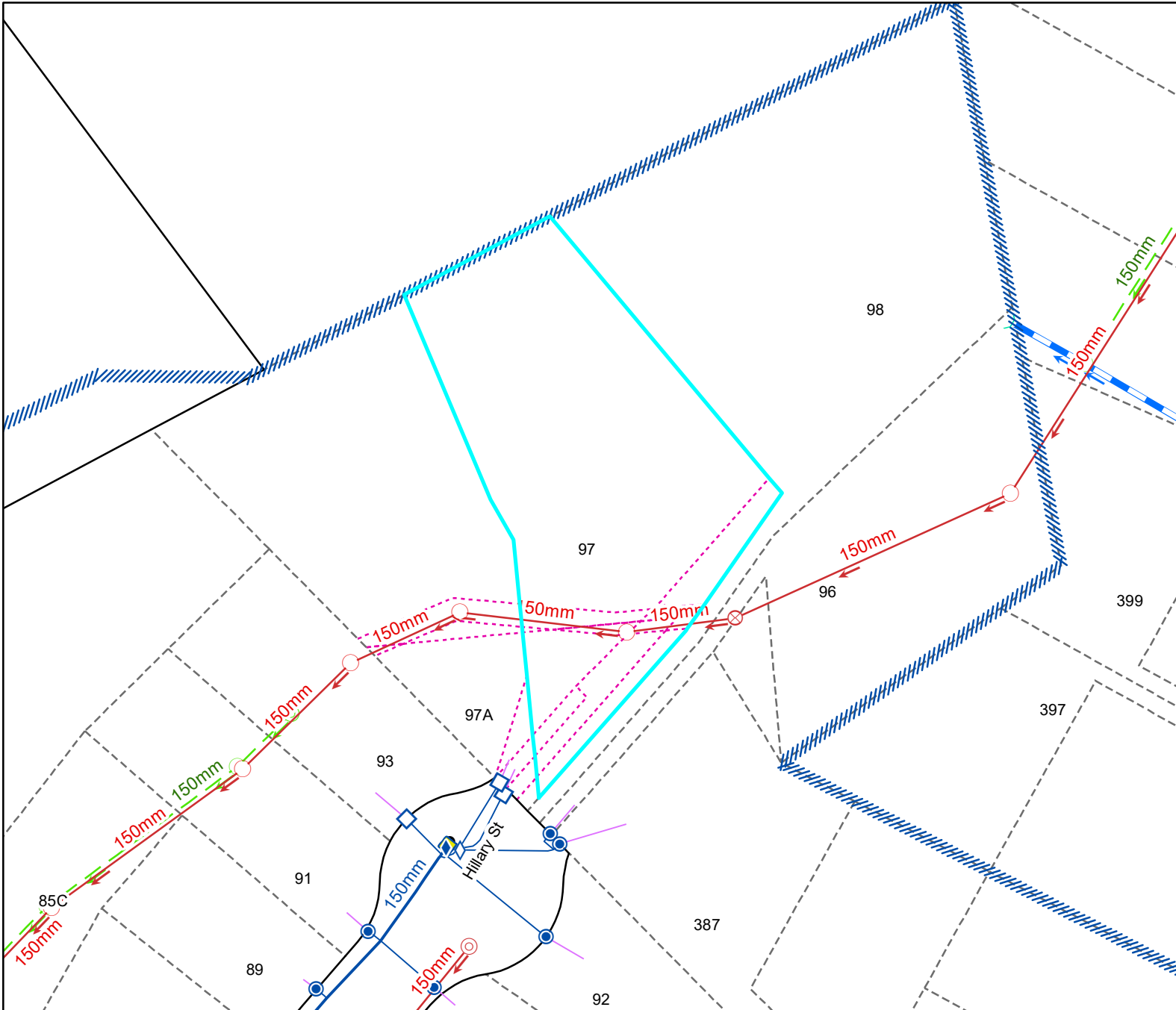
#### **General terms**

- RDMS Records and Document Management System









Legend

**Water Supply**

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

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

**Foul Sewerage**

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

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

**Stormwater**

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

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

**General**

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

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



Council Water & Drainage Services

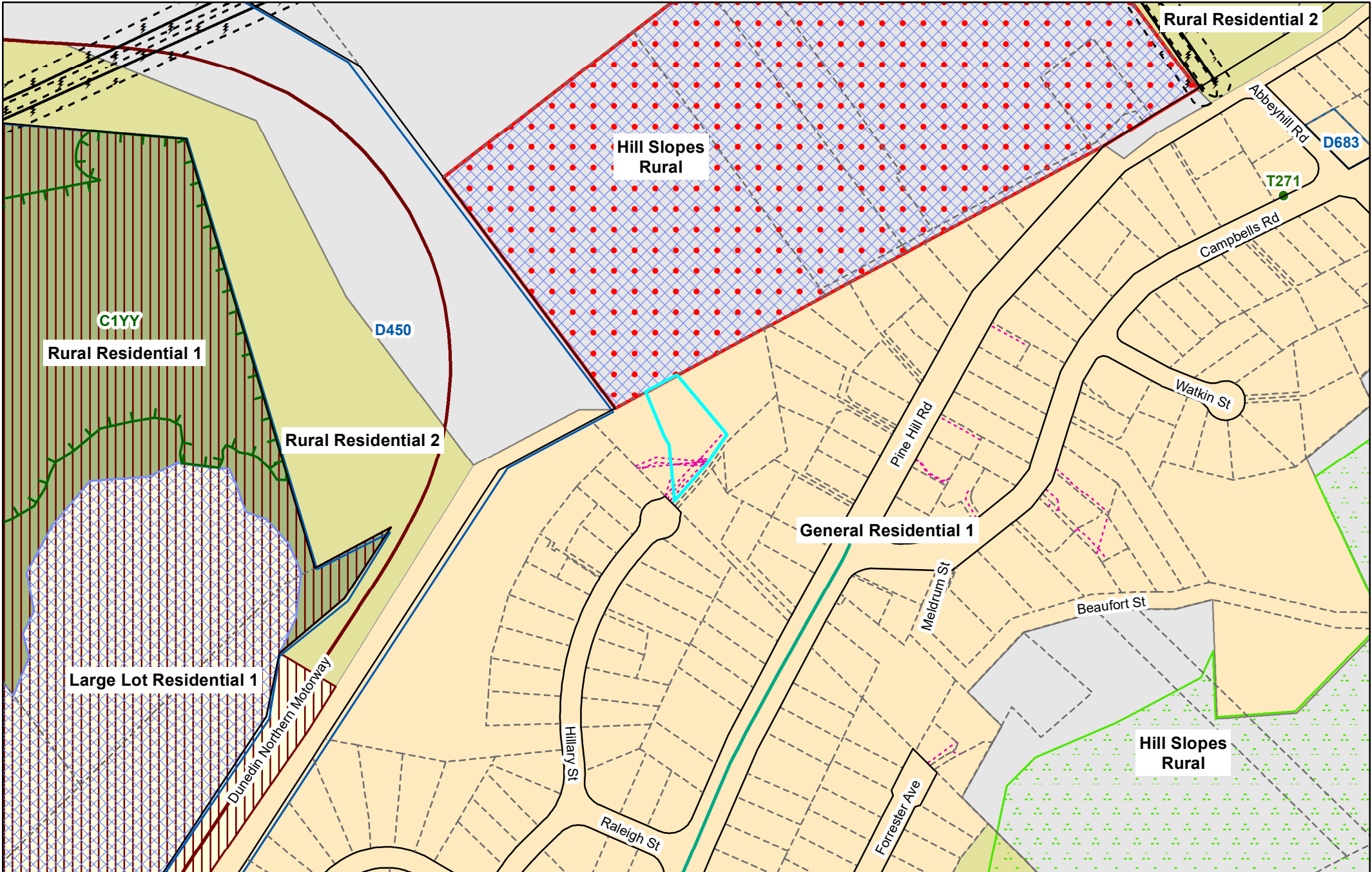
Information shown is the best available at the time of publishing. The accuracy and completeness of This information is variable. Private assets are typically not mapped. Recent changes may not be reflected. Verify on site before commencing work. For all enquiries phone 03 477 4000.

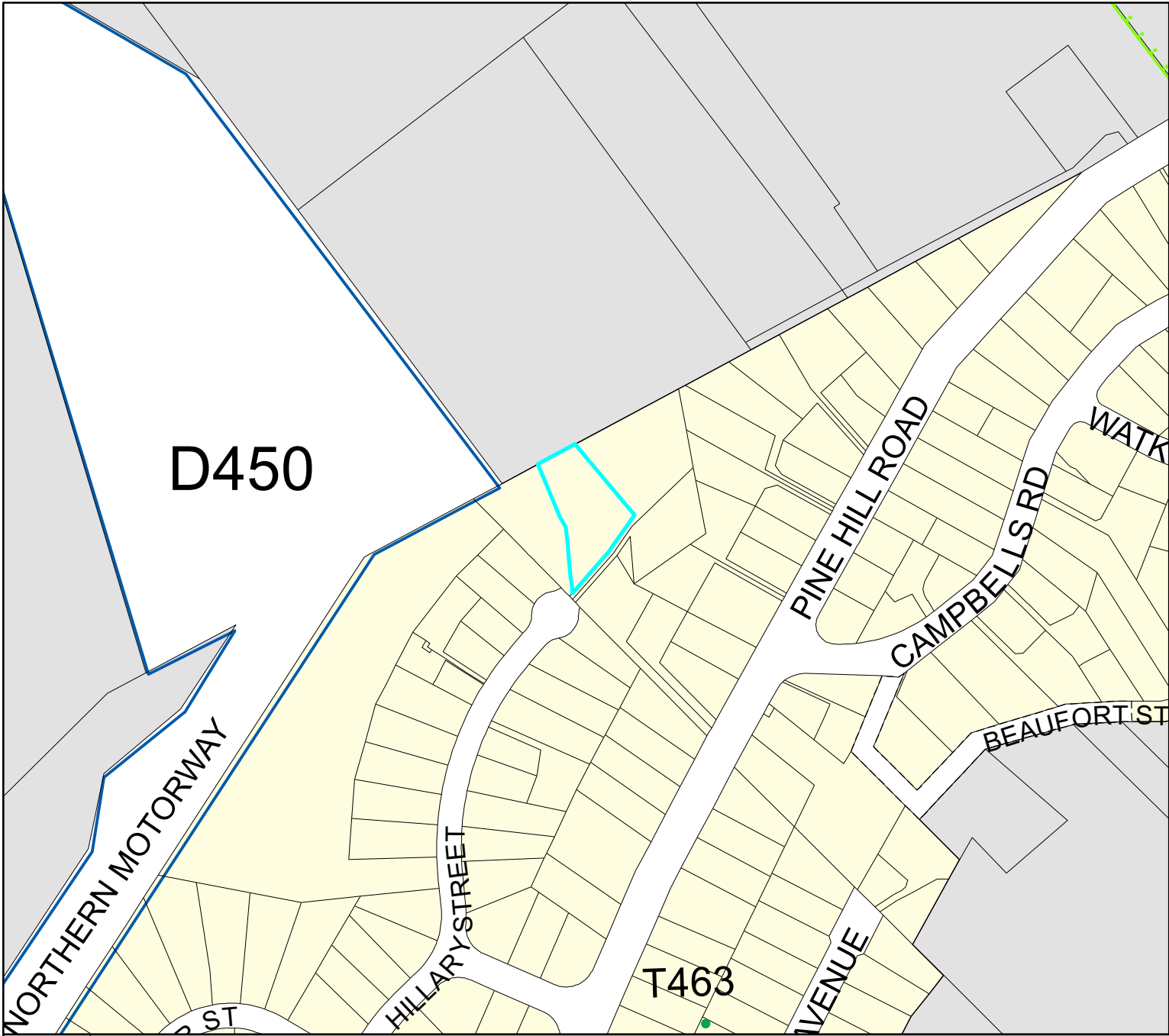
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PARCEL LINES CAN VARY FROM LEGAL PARCEL BOUNDARIES  
This map is for illustration purposes only and is not accurate to surveying, engineering or orthophotographic standards. Every effort has been made to ensure correctness and timeliness of the information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

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**Legend**

- Significant Trees
  - Transpower Structure
  - Transpower Lines
  - Heritage Structure
  - Heritage Facade
  - DP Archaeological Sites
  - Airport Fan Designation 274 bdy
  - Port Height Restrictions
  - DP Designations
  - Urban Landscape Conservation Area
  - DP Taiari Aerodrome
  - Restricted Water Supply Area
  - Ground Water Protection Zone A
  - Ground Water Protection Zone B
  - Public Roads not Legal
  - Unformed Legal Road
- Zones**
- R1 - Residential 1 Zone
  - R2 - Residential 2 Zone
  - R3 - Residential 3 Zone
  - R4 - Residential 4 Zone
  - R5 - Residential 5 Zone
  - R6 - Residential 6 Zone
  - R6A
  - Campus Zone
  - Airport Zone
  - Stadium Zone
  - CA - Central Activity Zone
  - LSR - Large Scale Retail Zone
  - LA1 - Local Activity Zone 1
  - LA2 - Local Activity Zone 2
  - In1 - Industrial 1 Zone
  - In2 or SD - Industrial 2 or Special Development Zone
  - Port 1 Zone
  - Port 2 Zone
  - RR - Rural Residential Zone
  - Rural Zone
  - H - Harbourside
- Port & Airport Noise**
- Air Noise Boundary
  - Airport Outer Control Boundary
  - Outer Port Control Boundary
  - Port Noise Boundary

**Esplanade Requirement**

- Esplanade Reserve Required
- Esplanade Strip Required

**Landscape Management Boundary**

- outside boundary
- boundary between areas
- prominency boundary

**Townscape**

- Townscape and Heritage Precinct Boundary - Internal
- Townscape and Heritage Precinct Boundary

**Pedestrian Frontage**

- Identified Pedestrian Crossing
- Verandah Required

**Areas of Significant Conservation Value boundary**

- ASCV Boundary
- ASCV Boundary - Internal
- Areas of Significant Conservation Value (Estuarine edge)
- Areas of Significant Conservation Value (Wetland)

Most detail not shown at scales smaller than 1:25,000  
Optimal scale range is 1:2000 - 1:5000  
This Planning Map is indicative.

The official Planning Maps are compiled within the District Plan (Volume 2). This map is a representation of the official maps. However, due to the ability to display these maps at different scales, and the dynamic nature of the underlying cadastre, some inconsistencies or misalignment of data may be depicted which is not visible on the official maps. Consult Dunedin City Council for any clarification.



# CODE COMPLIANCE CERTIFICATE

Section 43(3), Building Act 1991

ISSUED BY:



Telephone No:	477-4000	CCC No:	ABA 992332	Reference No:	5011687
---------------	----------	---------	------------	---------------	---------

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

PROJECT LOCATION	PROJECT
Name and Mailing Address:  WARD, ALISTER ANDREW C/O SKYLINE BUILDINGS P O BOX 455 DUNEDIN 9015	All <input checked="" type="checkbox"/> Stage No .....of an intended .....stages  New Building <input type="checkbox"/> Alteration <input checked="" type="checkbox"/>  Intended Use(s) in detail: NEW DWG  Intended Life:  Indefinite, not less than 50 years <input checked="" type="checkbox"/> Specified as ..... years  Demolition <input type="checkbox"/>
LEGAL DESCRIPTION	
Property Number: 5011687 Valuation Roll No: 26750 49500  Street Address: 97 HILLARY STREET, DUNEDIN 9001  Legal Description:  LOT 1 DP 10456	

This is:

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

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

Signed for and on behalf of the Council:

Name:.....

Position: AUTHORISED OFFICER

Date: 31/01/2001



# BUILDING CONSENT

### **Section 35, Building Act 1891**

**ISSUED BY:**

**DUNEDIN CITY COUNCIL**

Telephone No:	477-4000	Consent No:	ABA 992332	Reference No:	5011687
---------------	----------	-------------	------------	---------------	---------

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

APPLICANT		PROJECT	
Name: WARD, ALISTER ANDREW C/O SKYLINE BUILDINGS P O BOX 455 DUNEDIN 9015		All <input checked="" type="checkbox"/> Stage No ..... of an intended .....stages	
<b>PROJECT LOCATION</b>		New Building <input checked="" type="checkbox"/> Alteration <input type="checkbox"/>	
Street Address: 97 HILLARY STREET, DUNEDIN 9001		Intended Use(s) in detail: NEW DWG	
<b>LEGAL DESCRIPTION</b>		Intended Life:	
Property Number: 5011687 Valuation Roll No: 26750 49500 Legal Description: LOT 1 DP 10456		Indefinite, not less than 50 years <input checked="" type="checkbox"/> Specified as ..... years Demolition <input type="checkbox"/>	
<b>COUNCIL CHARGES</b>		Estimated Value: \$75000 Signed for and on behalf of the Council:	
The balance of Council's charges payable on uplifting of this building consent, in accordance with the tax invoice are:		Name: <u>Alister Ward</u> Position: AUTHORISED OFFICER Date: 14/09/1999	
Total: \$ ALL FEES ARE GST INCLUSIVE			

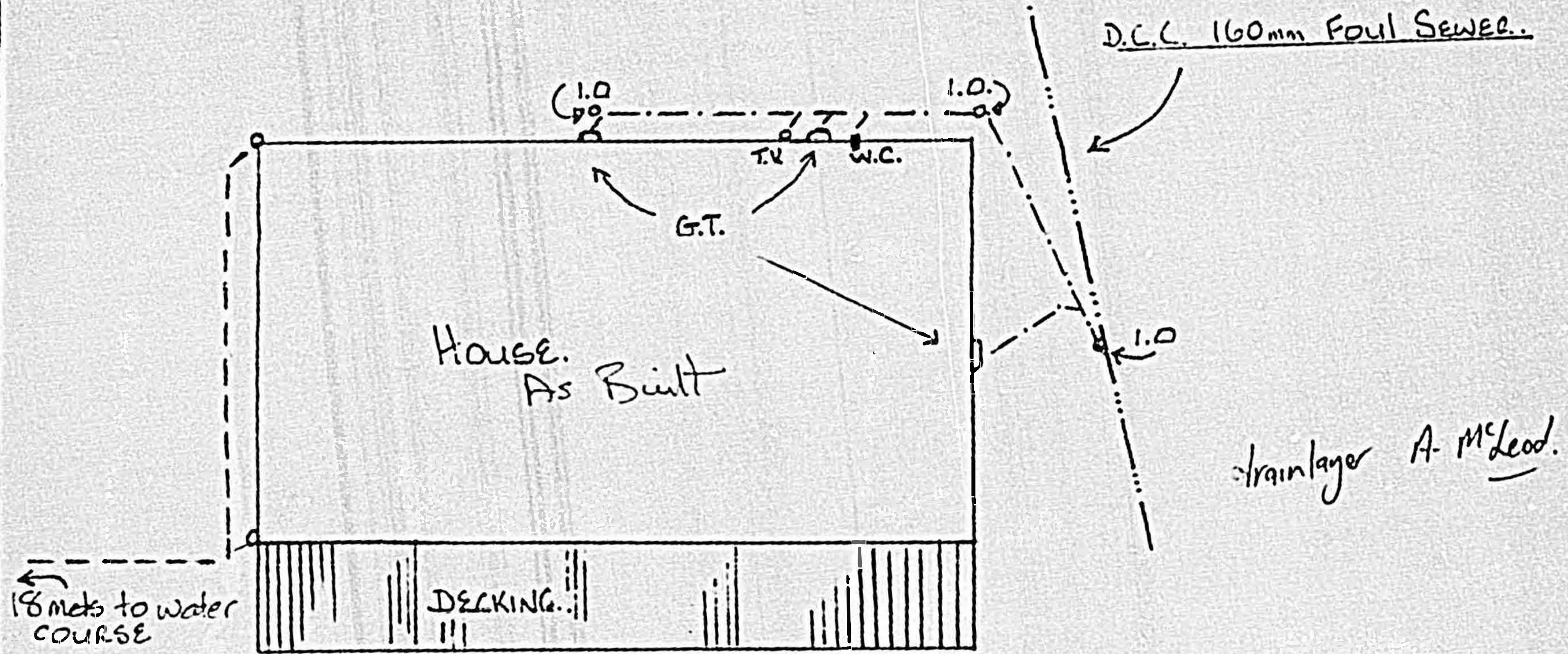
**This building consent is a consent under the Building Act 1991 to undertake building work in accordance with the attached plans and specifications so as to comply with the provisions of the building code. It does not affect any duty or responsibility under any other Act nor permit any breach of any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

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

50 The Octagon, P.O. Box 5045, Dunedin 9031, New Zealand  
Telephone (03) 477 4000 - Facsimile (03) 474 3594 - [www.CityofDunedin.com](http://www.CityofDunedin.com)



Client No. 99/2332. ✓



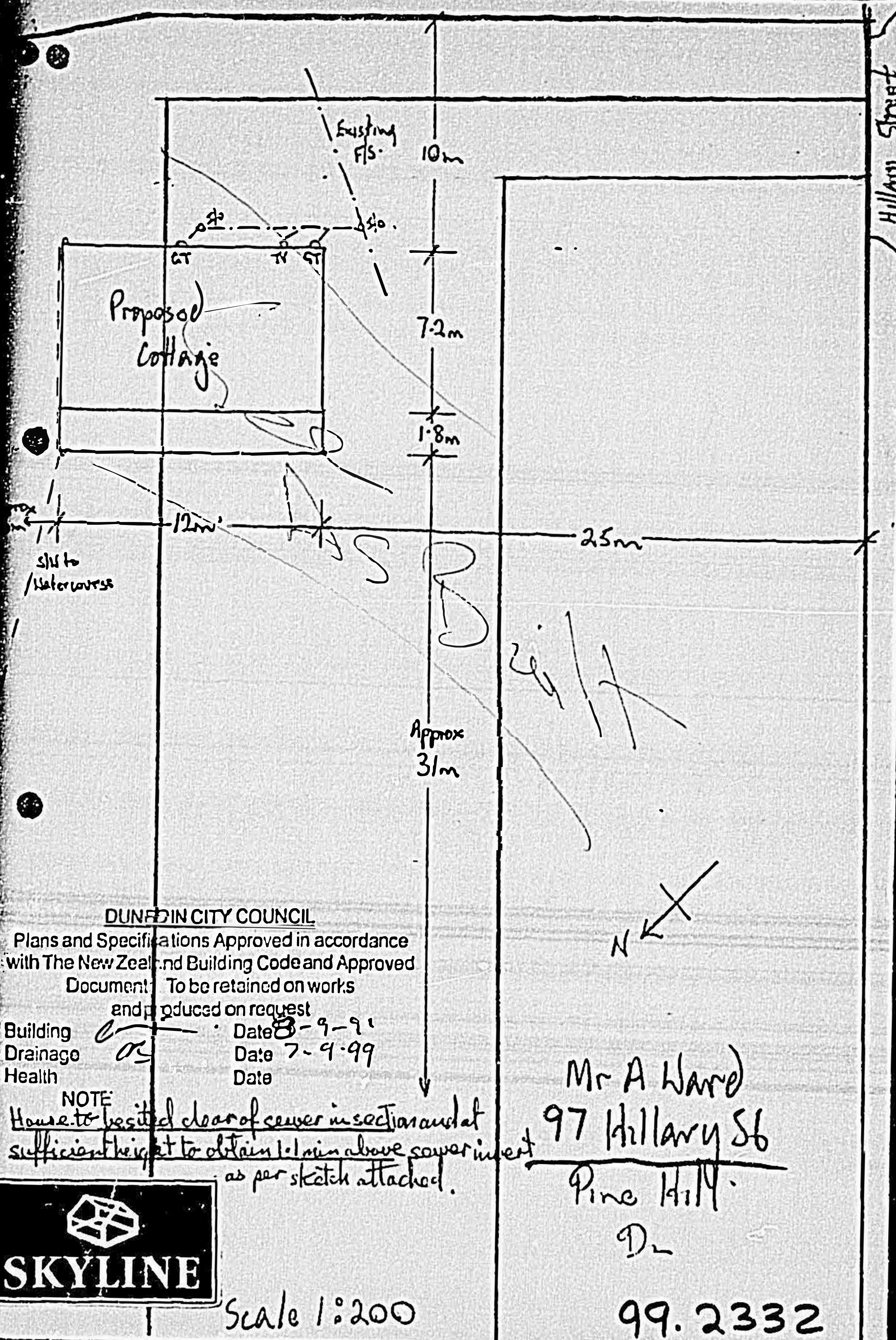
NEW DRAINAGE 97 Hillary St. DUNEDIN. ✓

Scale 1:100:

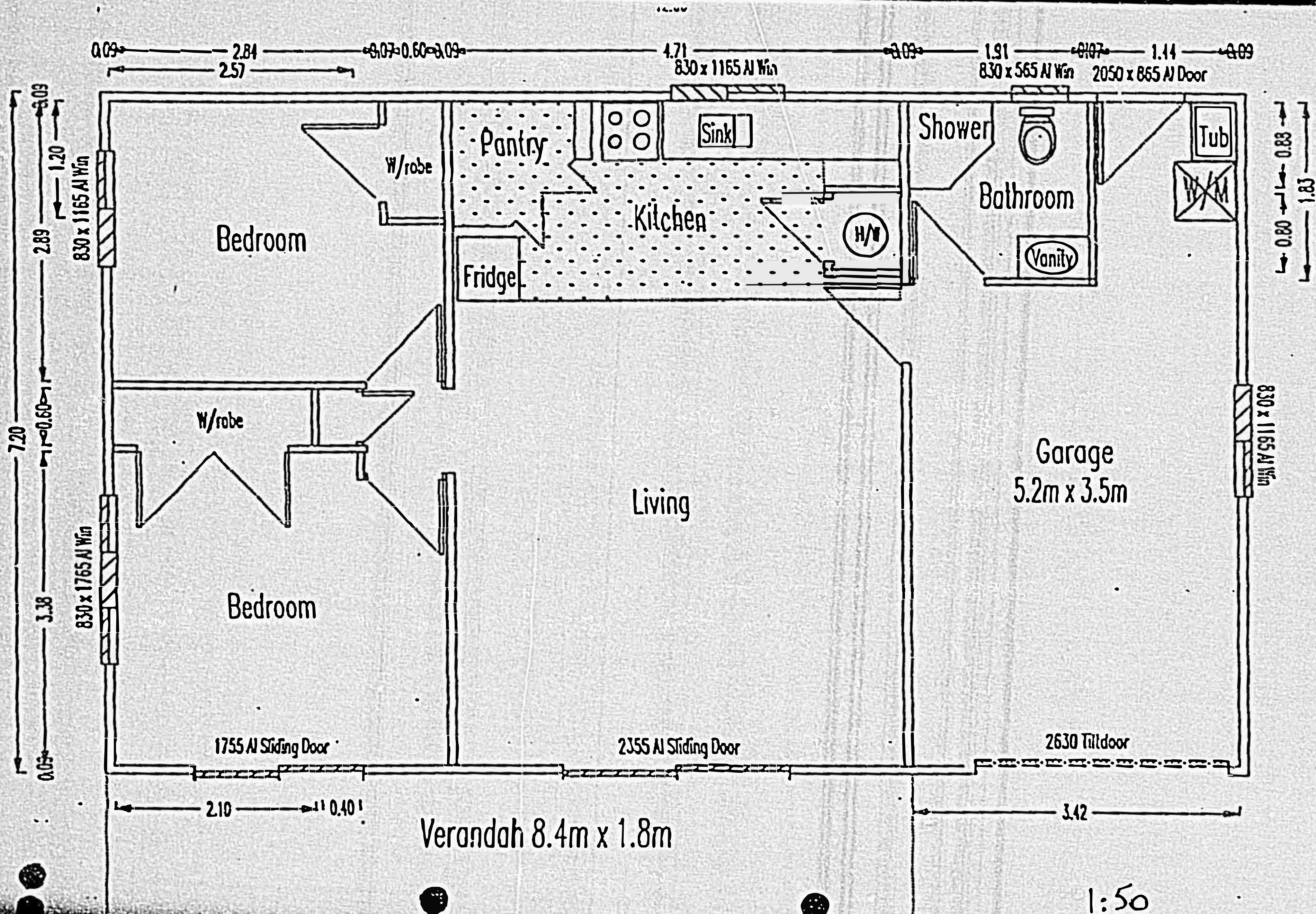
--- 110mm Foul drain.  
--- 110mm Stormwater drain.



Hillary Street

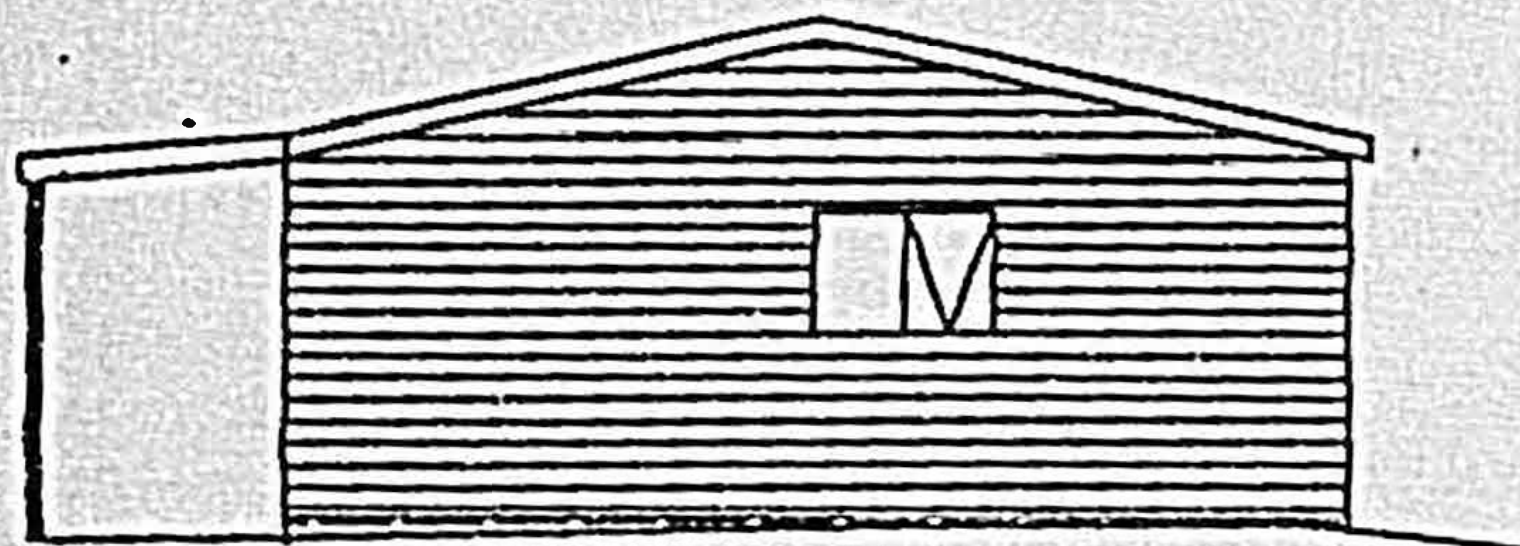






1:50

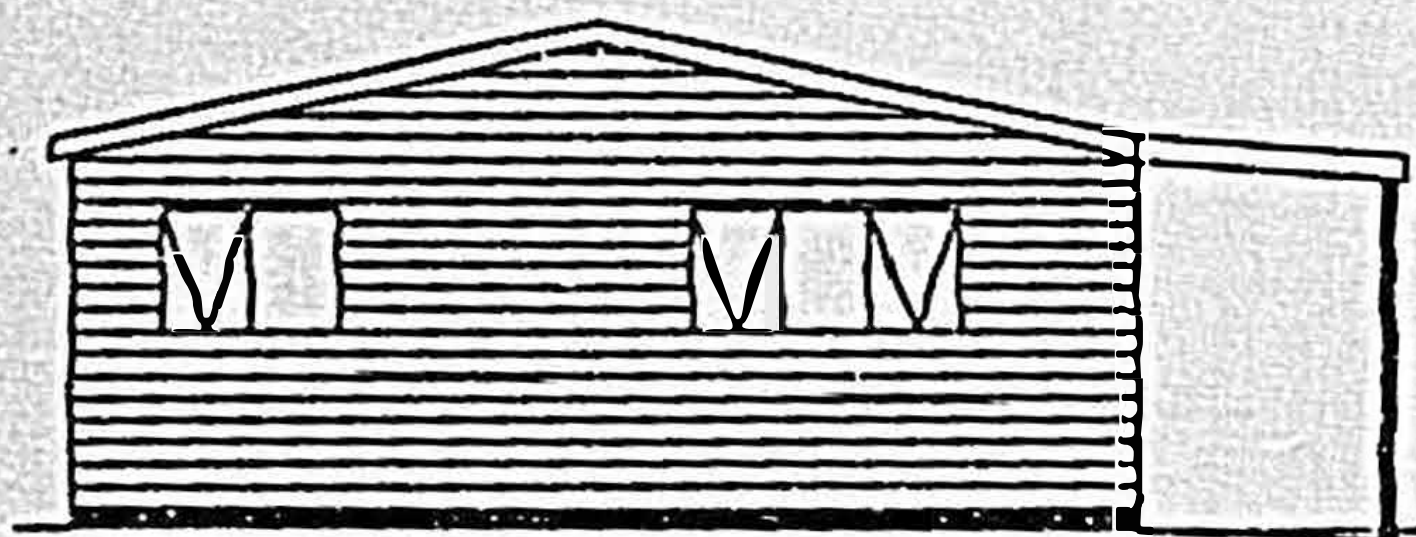




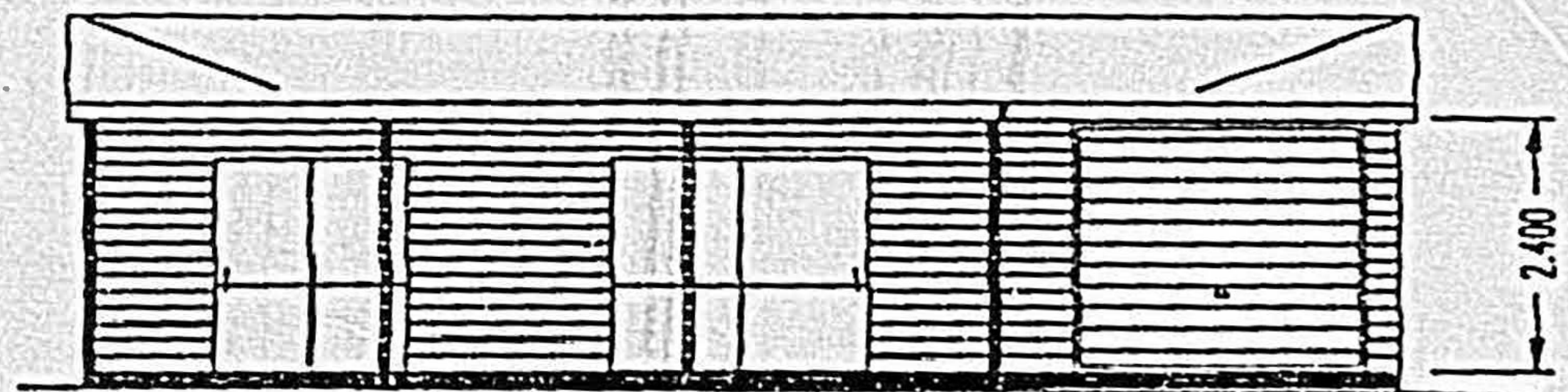
ELEVATION 1



ELEVATION 2

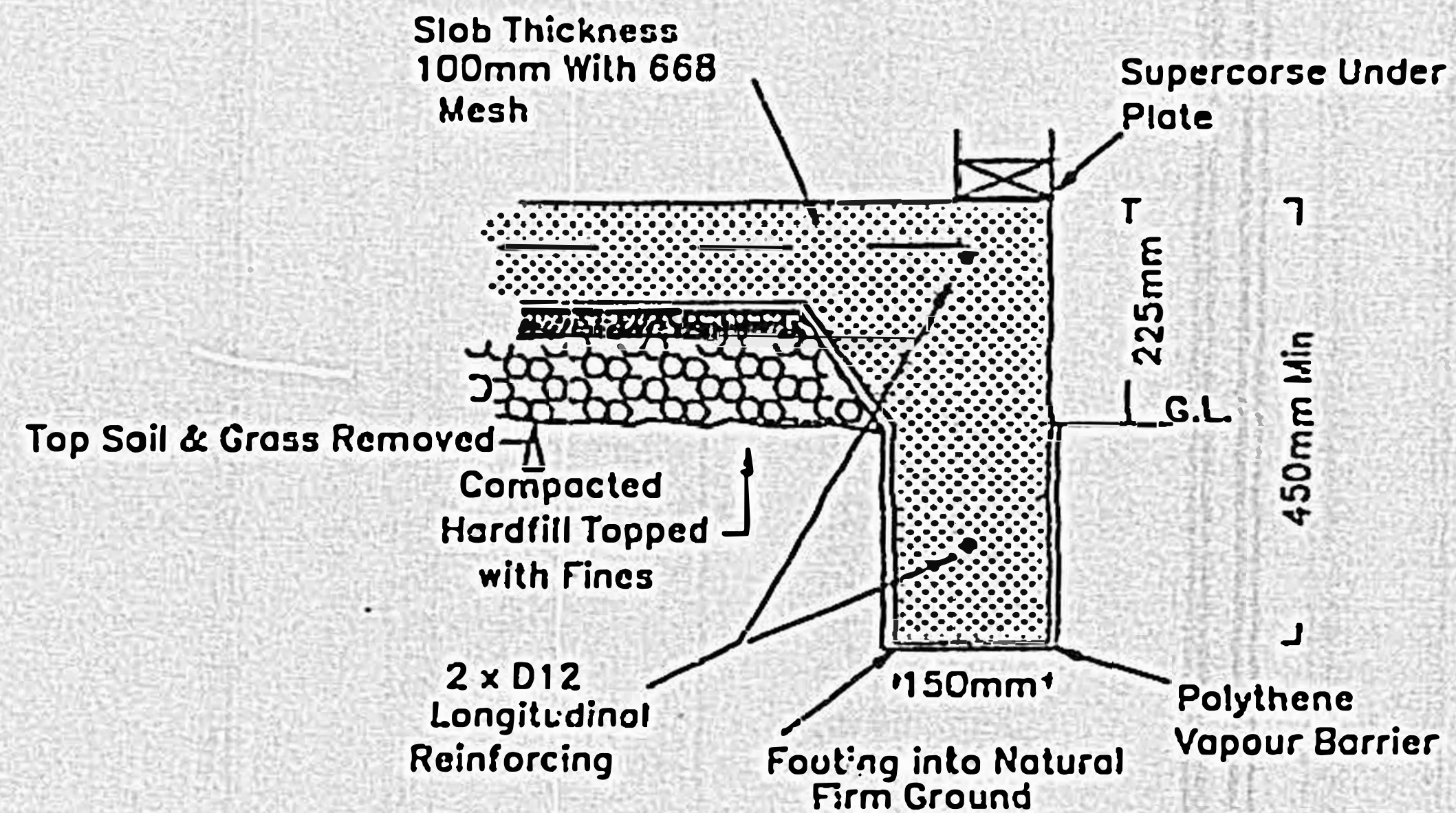


ELEVATION 3



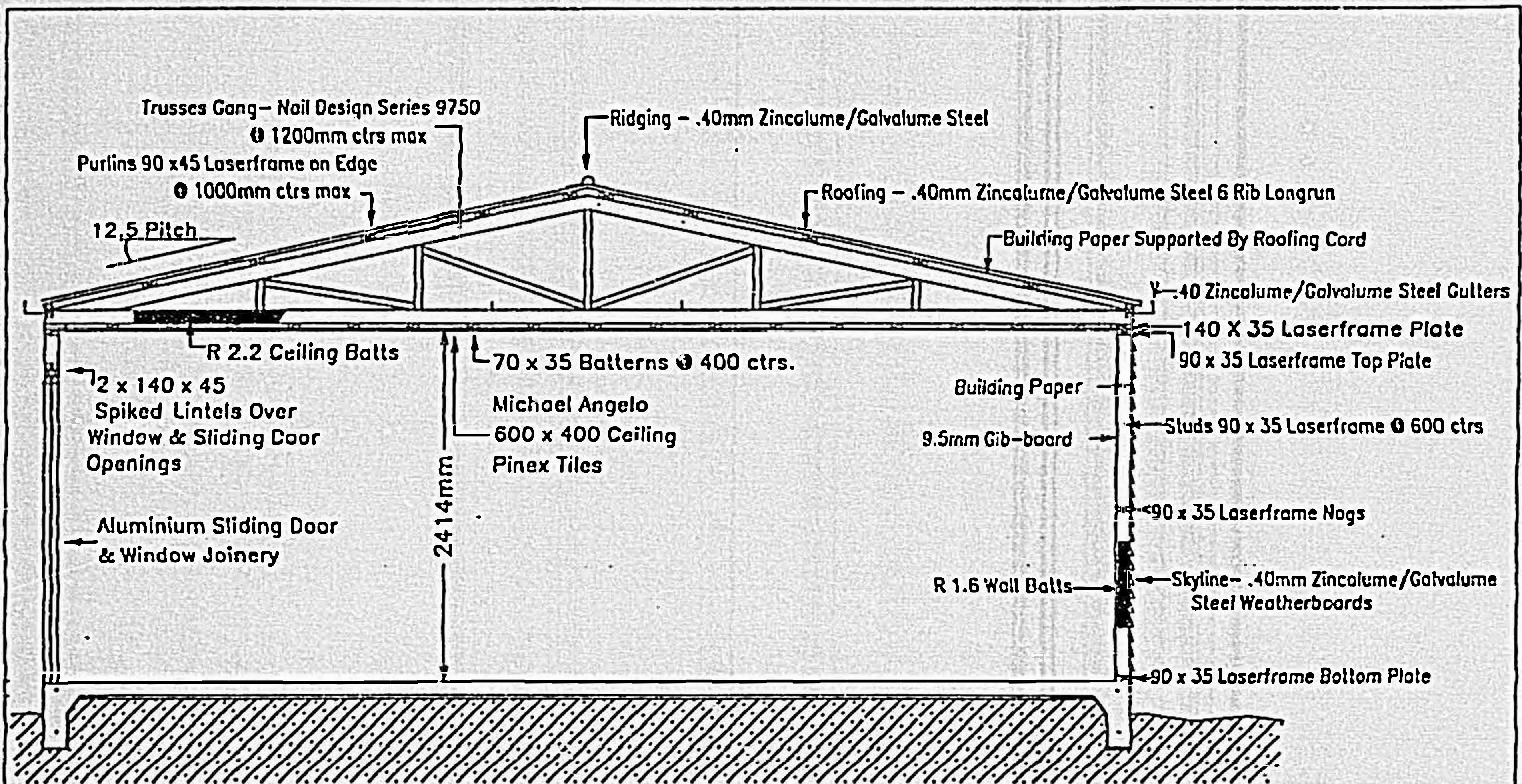
ELEVATION 4





Concrete Floor Detail For Level Sites





FOR

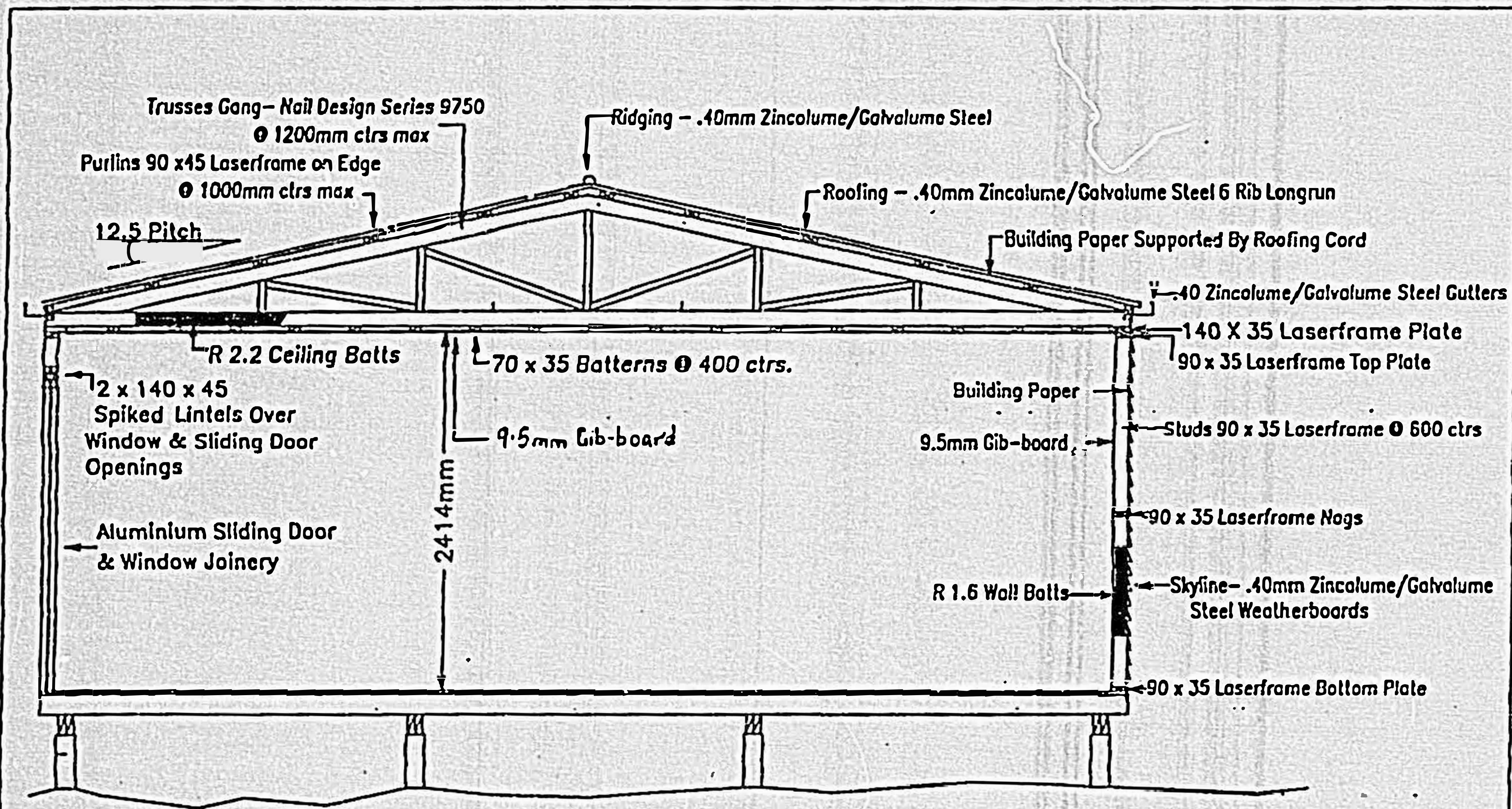
SEALING MATERIALS  
 FOR 125mm FLOORING  
 PER 100 SQUARE

DISTRIBUTOR

DATE 1/7/74

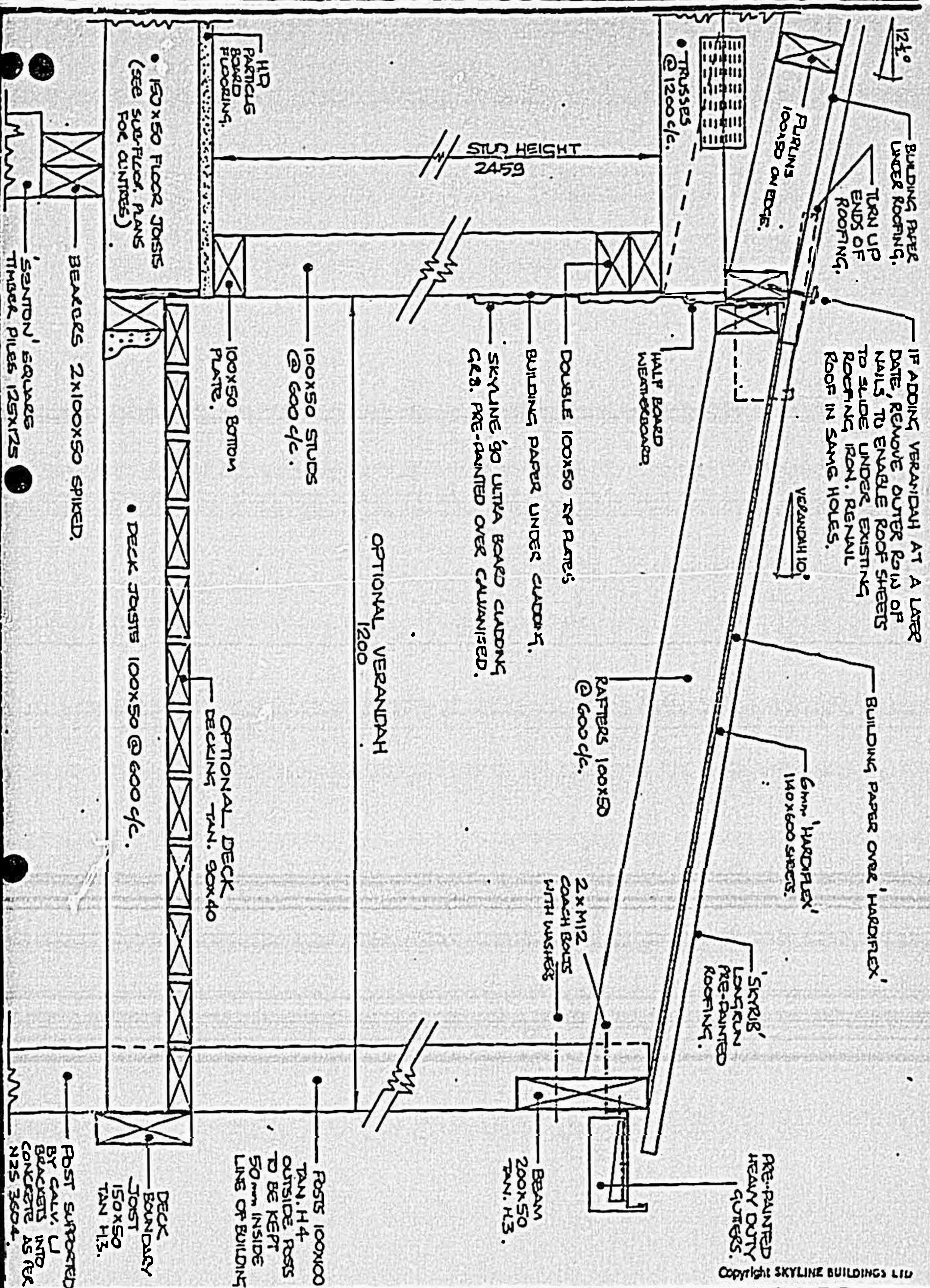
SCALE 1/100 1/20





FOR IT	2006 11/10 11/10 11/10 11/10 11/10 11/10 11/10 11/10	DISTRIBUTOR	DATE 1/7/06
			SCALE 1/10 1/10





Copyright SKYLINE BUILDINGS LTD

# SKYLINE FLATETTES

## VERANDAH DETAILS

REF A/104

DRAWN	CHECKED	SCALE	SHEET
TRACED	DATE	1:5	27



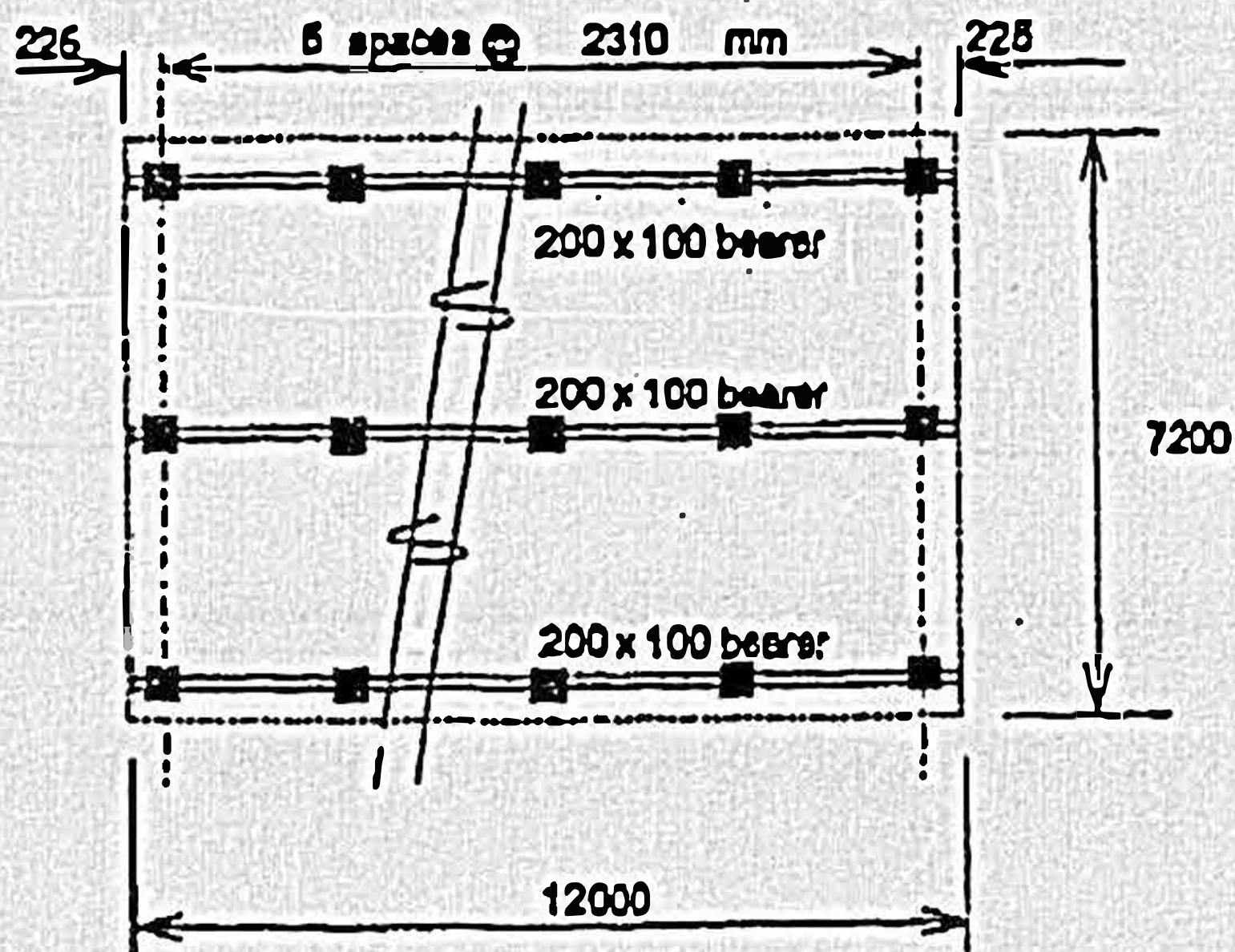
floor framing - 7.2 x 12.0

## Standard Skyline Cottage

Length	7.2 m
Width	12 m
Stud Height	2.4 m

## Subfloor Framing Layout

Diagrammatic only - not to scale





Barriers to all decks and stairs where persons may fall 1m or more shall comply with NZBC-B1/AS2 and F4/AS1. Openings larger than 100mm are not permitted. Components are not permitted which can be a toehold for young children.  
Minimum barrier heights shall be 1000mm for external openings, and decks, and 900mm for stairs and internal barriers.



A+D Ward  
97 Hillary St  
Pine Hill

USE 'LUMBER-LOK'

PILE TO BEAKER 12KN CONNECTORS  
& BEAKER TO JOIST 6KN CONNECTORS

BOUNDARY  
JOIST  
150x25

PERFORATED S.S. PLATE  
SAG 100 BETWEEN JOISTS  
HD. PARTICLE BOARD

JOISTS  
CANTILEVERED

150x25  
R.S. TAN. H.3.  
BATTENS AROUND  
BASE.

2x 150x50 SPIKED  
BEARERS.

BRACED  
PILE.

100x75 BRACE.

CALV. M12  
BOLT & WASHER.

150 MIN.

ALSO A  
BRACED PILE.  
HAS SAME FOOTINGS  
AS CORNER PILE.

FOOTING  
DETAILS FOR  
AN ORDINARY  
PILE. (IE PILE WITHOUT  
BRACE)

Amended Specification Received

By .....

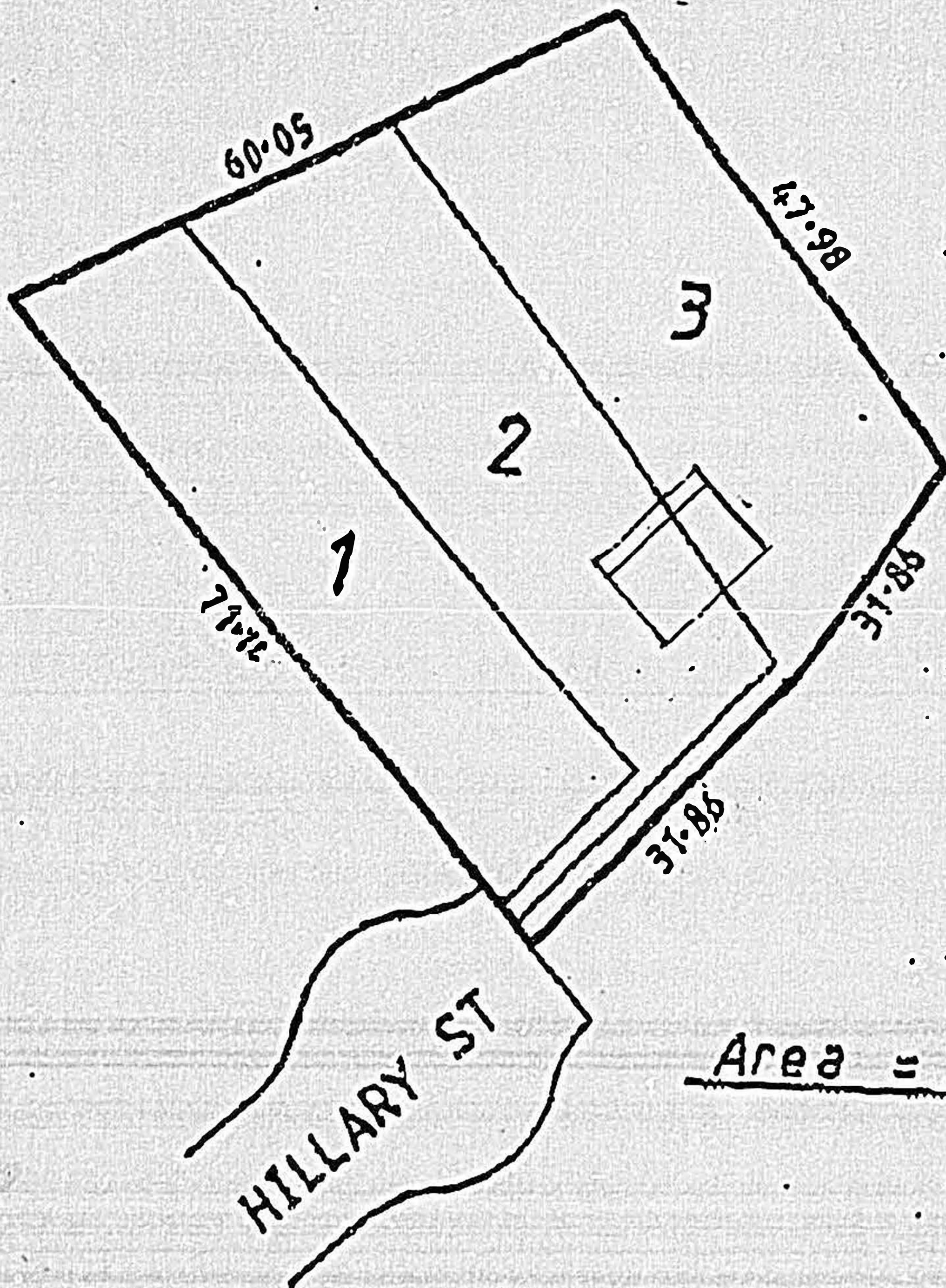
Date 7/9/99

WOODEN FLOOR DETAILS

SCALE 1:20

99.2332





Area = 3359

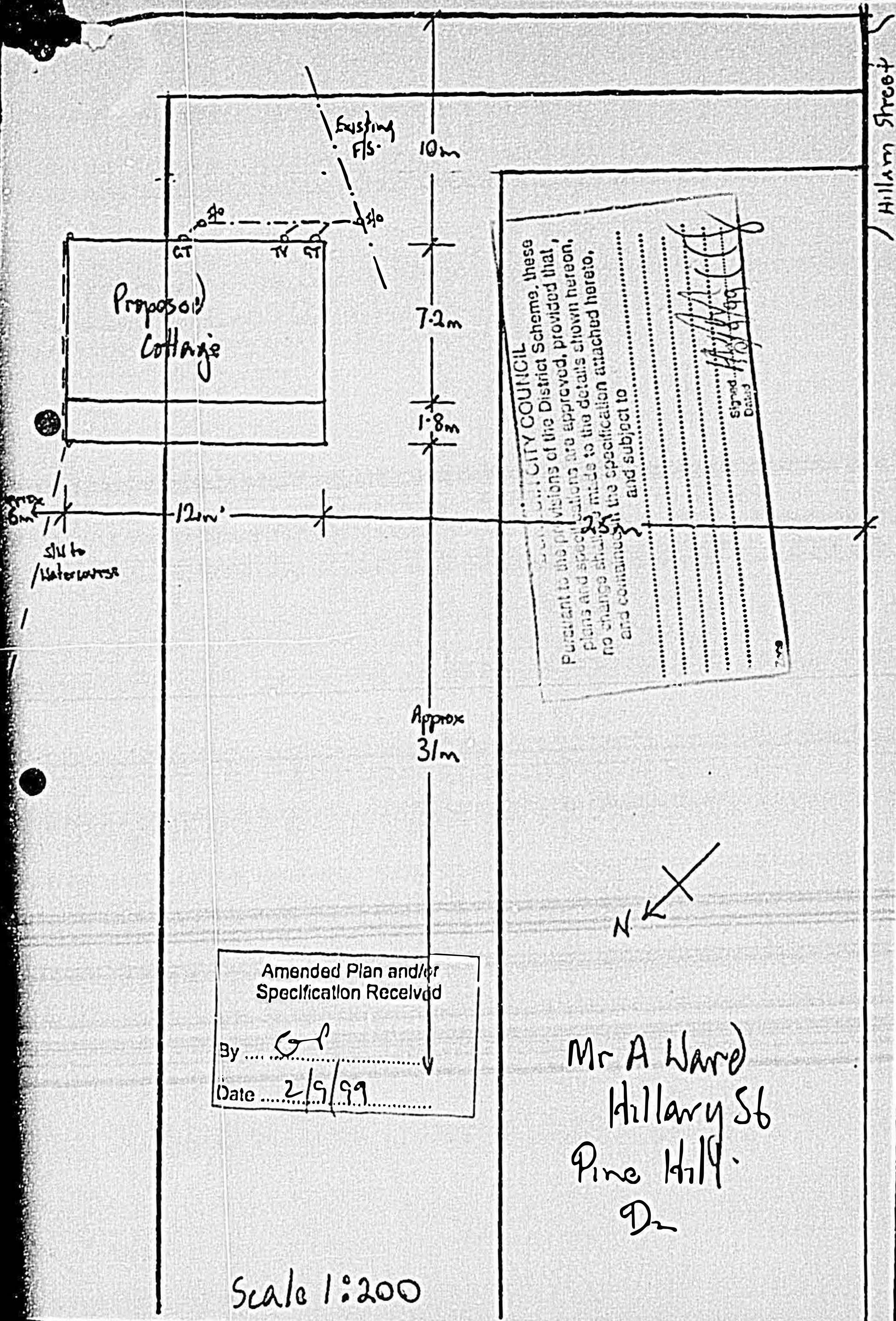
Measurements are Metric

Amended Plan and/or  
Specification Received

By SGI

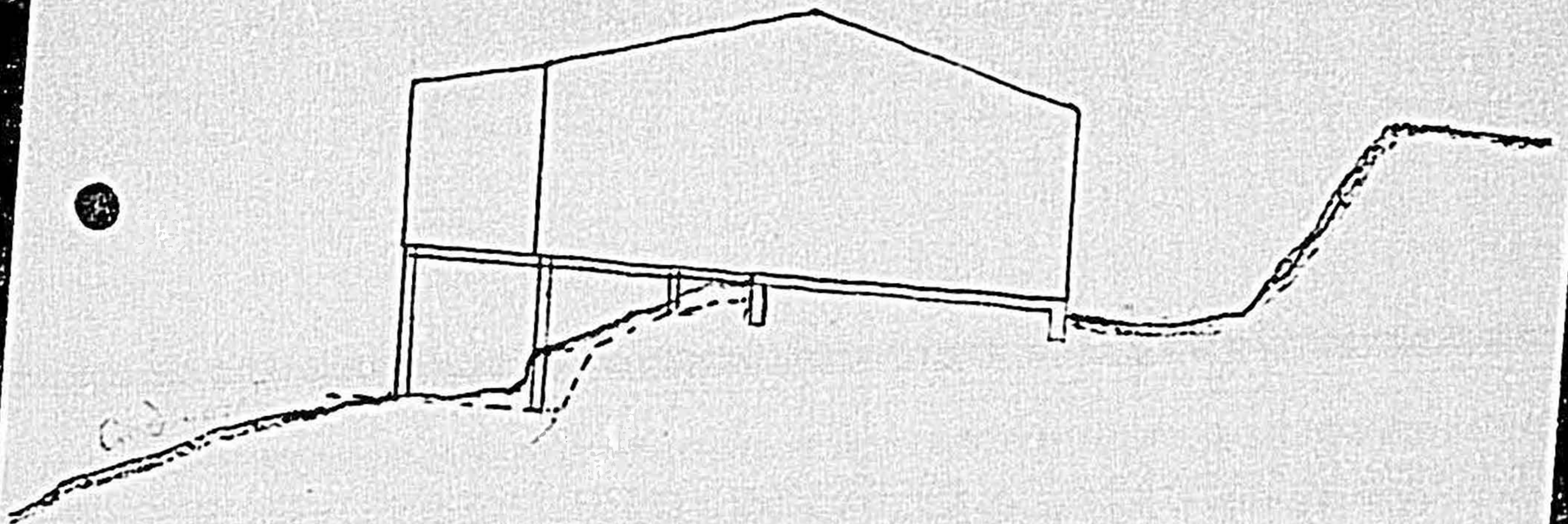
Date 2/9/99







Mr. A Ward  
97 Hillary St  
Dn.



----- Proposed Ground Level  
----- Existing " " " "

Scale 1:100

Amended Plan and/or Specification Received	
By .....	<i>CS</i>
Date .....	<i>2/9/97</i>



# CODE COMPLIANCE CERTIFICATE

Section 43(3), Building Act 1991

ISSUED BY:



DUNEDIN CITY COUNCIL

Telephone No:	477-4000	CCC No:	ABA 415	Reference No:	5011687
---------------	----------	---------	---------	---------------	---------

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

PROJECT LOCATION	PROJECT
Name and Mailing Address:  WARD, ALISTER ANDREW 86 HILLARY ST DUNEDIN 9001	All <input checked="" type="checkbox"/>  Stage No ..... of an intended ..... stages  New Building <input type="checkbox"/>  Alteration <input checked="" type="checkbox"/>  Intended Use(s) in detail:  YUNCA HEATER  Intended Life:  Indefinite, not less than 50 years <input checked="" type="checkbox"/>  Specified as ..... years  Demolition <input type="checkbox"/>
LEGAL DESCRIPTION	
Property Number: 5011687 Valuation Roll No: 26750 49500  Street Address: 97 HILLARY STREET, DUNEDIN 9001  Legal Description:  LOT 1 DP 10456	

This is:

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

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

Signed for and on behalf of the Council:

Name:.....

Position: AUTHORISED OFFICER

Date: 15/03/2000



# BUILDING CONSENT

Section 35, Building Act 1991

ISSUED BY:



DUNEDIN CITY COUNCIL

Telephone No:	477-4000	Consent No:	ABA 415	Reference No:	5011687
---------------	----------	-------------	---------	---------------	---------

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

APPLICANT	PROJECT
Name: WARD, ALISTER ANDREW 86 HILLARY ST DUNEDIN 9001	All <input checked="" type="checkbox"/> Stage No ..... of an intended .....stages New Building <input type="checkbox"/> Alteration <input checked="" type="checkbox"/> Intended Use(s) in detail: YUNCA HEATER Intended Life: Indefinite, not less than 50 years <input checked="" type="checkbox"/> Specified as ..... years Demolition <input type="checkbox"/> Estimated Value: \$680
PROJECT LOCATION	
Street Address: 97 HILLARY STREET, DUNEDIN 9001	
LEGAL DESCRIPTION	
Property Number: 5011687 Valuation Roll No: 26750 49500 Legal Description: LOT 1 DP 10456	
COUNCIL CHARGES	Signed for and on behalf of the Council: Name: ..... Position: AUTHORISED OFFICER Date: 02/03/2000
The balance of Council's charges payable on uplifting of this building consent, in accordance with the tax invoice are:  Total: \$  ALL FEES ARE GST INCLUSIVE	

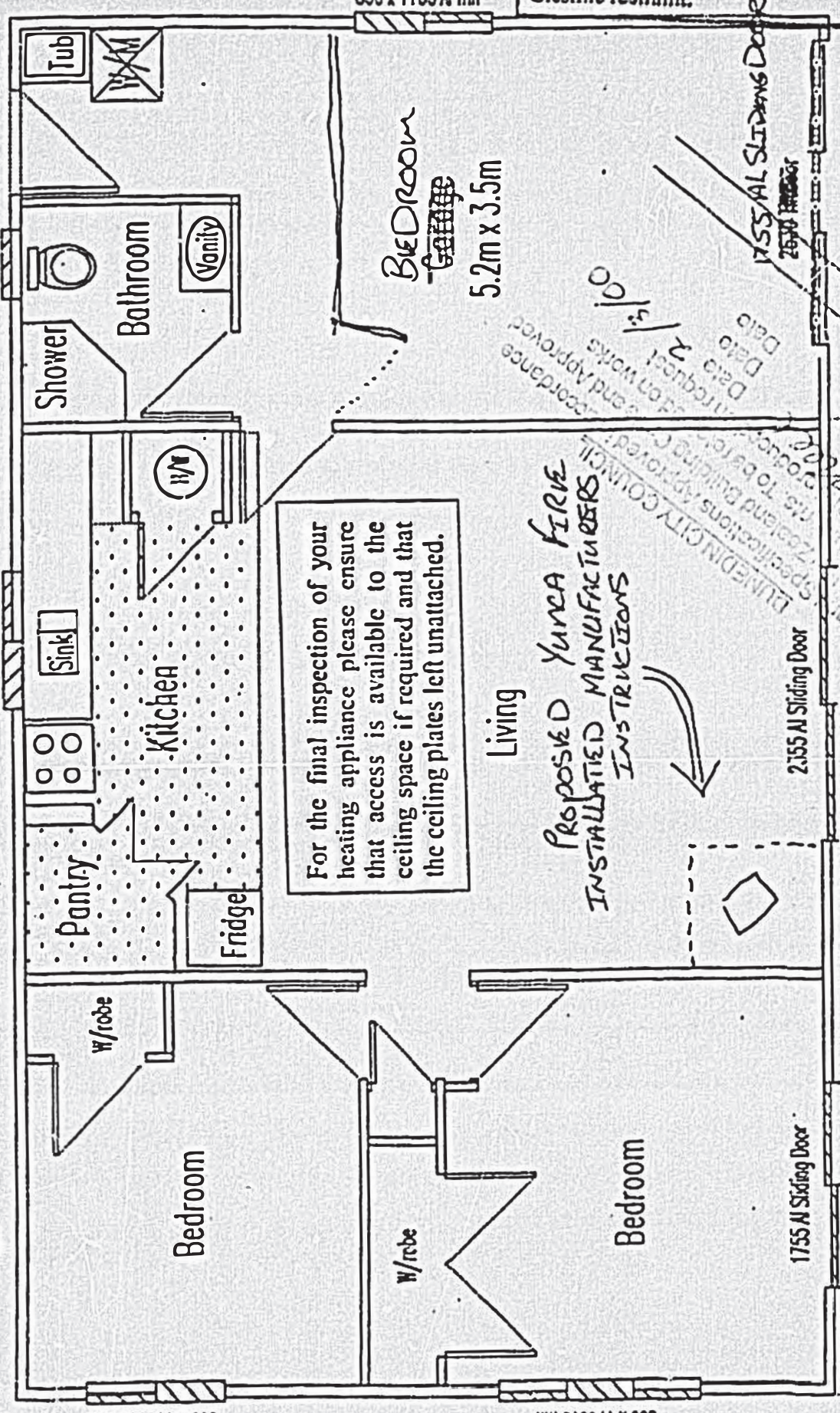
This building consent is a consent under the Building Act 1991 to undertake building work in accordance with the attached plans and specifications so as to comply with the provisions of the building code. It does not affect any duty or responsibility under any other Act nor permit any breach of any other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

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



0.09 — 2.81 — 2.57 — 4.71 — 1.91 — 1.44 — 4.09  
 830 x 1165 Al Win 830 x 565 Al Win 2050 x 865 Al Door

0.80 — 0.80 — 1.61 — 0.80 — 0.80 — 0.80



For the final inspection of your heating appliance please ensure that access is available to the ceiling space if required and that the ceiling plates left unattached.

Installation shall be in accordance with NZS 7421:1990, with particular reference to the need for Siesmic restraint.

Proposed Yurca Fire  
 INSTALLATION INSTRUCTIONS

Date 2/3/00  
 Requested on works  
 Date 2/3/00  
 Approved and Approved

BUILDING CITY COUNCIL  
 Approved Building Specifications Approved  
 Date 2/3/00  
 Plans at Building City Council  
 With the Building City Council  
 Building City Council

Verandah 8.4m x 1.8m

1:50

415



20 December 2007

Ward Enterprises Ltd  
C/- DG Hatfield & Associates  
PO Box 235  
**Dunedin 9015**

Attention: CJ Milburn

Dear Chris

<b>RESOURCE CONSENT APPLICATION:</b>	<b>SUBDIVISION:</b>	<b>SUB-2007-196</b>
	<b>LAND USE:</b>	<b>LUC-2007-789</b>
	<b>97 HILLARY STREET</b>	
	<b>DUNEDIN</b>	

Your application for the subdivision of the land at 97 Hillary Street, Dunedin, and land use consent for the reversing of vehicles from a rear 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 on 20 December 2007.

I advise that the Council has **granted** consent to the application with conditions. The decision and conditions are shown in the attached certificate.

#### **DESCRIPTION OF ACTIVITY**

The proposal is to subdivide the subject site into two lots. The subject site is legally described as Lot 1-3 Deposited Plan 10456, held in Certificate of Title OT15A/1048, and has an area of 3359m<sup>2</sup>. The site is situated at the cul de sac head of Hillary Street, and has approximately 6m of legal frontage to this road. It has another 16.5m or so of frontage to State Highway 1 along its northwest, or rear, boundary but no physical access to the highway. The site slopes steeply downwards towards to the northwest, and there are two existing dwellings on-site.

The proposal is to subdivide the subject site so as to place the two houses on their own sites. Proposed Lot 1 will have an area of approximately 1550m<sup>2</sup>, and proposed Lot 2, approximately 1810m<sup>2</sup>. Proposed Lot 2 will be a rear site, and will obtain access to Hillary Street via rights of way over Lot 1.

#### **REASONS FOR APPLICATION**

The subject site is zoned **Residential 1**. There are no hazards for this land shown on the Hazards Register, and there are no designations applicable for this application.

Subdivision is a restricted discretionary activity in the residential zones where the proposal complies with Rules 18.5.3 to 18.5.6, 18.6.9 to 18.5.11 and each resulting site complies with minimum area and frontage requirements. Both lots will meet minimum area, but proposed Lot 2 will not have frontage to legal road. Accordingly, the proposed subdivision will be a **non-complying** activity pursuant to Rule 18.5.2.

Rule 8.7.2(viii) requires the proposal to comply with the Transportation Section of the District Plan. The vehicles from both lots will be required to reverse onto or off Hillary Street due to the lack of on-site manoeuvring space. In the case of proposed Lot 2, this will mean that a vehicle will be reversing onto or off a rear site, therefore breaching Rule 20.5.4(vi)(c)(iii). The



manoeuvring of vehicles for Lot 2 is therefore a **restricted discretionary** activity pursuant to Rule 8.7.4(i).

## **PLANNING ASSESSMENT**

### **Affected Persons**

No written consents have been submitted with the application. No persons are considered to be adversely affected by this proposal for the reasons outlined below in the section headed Effects on the Environment.

### **Effects on the Environment**

The following assessment of effects on the environment has been carried out in accordance with section 104(1) of the Resource Management Act 1991. It addresses those assessment matters listed in sections 8.13 and 18.6.1 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 activity. The land to the north is zoned Rural, and is predominantly bush covered land. The carriageway of State Highway 1 is located approximately 80m to the west of the subject site.

Any actual or potential effects on the environment of allowing this proposal to proceed will be no more than minor for the following reasons:

1. Lot Size and Dimensions (18.6.1(q)) and Physical Limitations (18.6.1(k))

The proposal will create two new lots of 1550m<sup>2</sup> and 1810m<sup>2</sup> from an existing title area of 3359m<sup>2</sup>. Proposed Lot 1 will be the front lot, and is to be generally triangular with the acute angle positioned along the frontage to Hillary Street. Proposed Lot 2 is also irregular in shape, but will have no frontage. Access will be available via rights of way over Lot 1.

The land is steep, with the lower portion of the subject site being covered in bush. There are two existing houses on the upper half of the property which the proposed subdivision will separate onto individual lots. Access is already formed to each dwelling, and on-site parking will be available for each lot although the two new properties will be required to share the driveway for approximately 15m. As use of each site is already established, there is no expectation that the proposed subdivision will result in any lot having physical limitations rendering it unsuitable for future use.

2. Easements (18.6.1(i))

There are a number of existing easements registered on the title of the subject site. The subject site is the servient tenement for rights of way in favour of Lots 4 and 5 DP 10456 (96 and 98 Hillary Street). These rights of way are to be retained, but will be expressed in terms of new Lots 1 and 2. The certificate of title also lists an existing right of way easement over Lot 1 DP 8951 (389 Pine Hill Road) in favour of the subject site. This appears to be a historical right of way that has lost its purpose with subsequent subdivision in the area as no physical access to Pine Hill Road is available for the subject site due to the dominant and servient tenements no longer abutting each other. Finally, an existing drainage easement over the subject site provides a number of properties to the south – southeast with drainage rights.

Four new easements are proposed for right of way access. The existing houses on proposed Lots 1 and 2 share a driveway for approximately 15m. As such, this shared portion of driveway will be held in Lot 1, with Lot 2 being given right of way. The division of the right of way into four segments relates to the underlying existing rights of way in favour of the neighbouring properties.

3. Infrastructure (18.6.2(d), (e), (i), (j), (n), (o), and (p))

The Consents Officer, Water and Waste Services Business Unit, has considered the application. She notes that proposed Lots 1 and 2 have existing dwellings that are served for wastewater via separate foul drain connections to the Dunedin City Council

foul sewer located within each section. An easement in gross in favour of the Dunedin City Council is required for this foul sewer. This easement should be 3.0m wide (1.5m to either side of the centreline of the sewer). Stormwater for each lot discharges to the ground.

The Consents Officer advises that water is supplied to the subject site by way of connection to the water main in Hillary Street. A site visit as well as Council reticulation records both indicate that there is only one water service connection supplying water to both dwellings, although there are two charges for water rates. The applicant is to ensure that each new lot has a separate water service. The applicant proposes to install a separate service for new Lot 2.

The Water and Waste Services Business Unit are satisfied that the effects on the water and waste infrastructure will be no more than minor subject to the following conditions:

*The consent holder shall ensure that each new lot is separately service for water supply. Therefore, an "Application for Water Supply" for new Lot 2 is to be submitted to the Water and Waste Services Business unit.*

*That details of how new Lot 2 is to be served for water shall be provided to the Water and Waste Services Business Unit for approval. This detail can accompany the application for water supply.*

*An easement in gross is required to be registered on the title of new Lots 1 and 2 for the Council-owned foul sewer located within the subject site.*

*All rights are reserved for any other necessary easements required for this subdivision.*

4. Transportation (18.6.1(c))

The Transportation Planner, Transportation Operations, has visited the site and considered the application. She notes that Hillary Street is a Local Road in the District Plan roading hierarchy.

Access is provided to the subject site from the Hillary Street cul de sac head via a common entry point and a 15m length of shared driveway. The driveway then splits to provide each new lot with its own parking area. There is to be a right of way over the shared portion of the driveway within Lot 1, in favour of Lot 2. The Transportation Planner notes that the driveway is metalled for 6m to 7m from the back edge of the footpath to the hard surfaced section of the driveway where the access descends steeply. This metalled section will need to be sealed. Metal has tracked onto the footpath, which presents a hazard to pedestrians, and in its current state the access does not meet District Plan requirements.

There is one existing car parking space for each lot. The Transportation Planner notes that this is sufficient to meet the District Plan requirement of one parking space for a dwelling having 150m<sup>2</sup> or less of gross floor area.

Vehicles are not permitted to reverse onto Hillary Street from a rear lot, in this case, proposed Lot 2. The application states that on-site manoeuvring is not provided due to the steep nature of the site, and the very good visibility when reversing onto Hillary Street, and the low speed environment. The existing situation where vehicles must reverse onto Hillary Street from both lots will not change in scale or intensity as a result of this application, and after visiting the site, the Transportation Planner agrees with the assessment regarding the availability and low speed environment. It is therefore acceptable for the existing situation to continue.

Transportation Operations considers that the effects of the proposal on the transportation network will be no more than minor subject to the following condition:

*The full length of the access must be a formed width of 3m, be hard surfaced and adequately drained.*

5. Hazards (18.6.1(t))

There are no hazards shown on the Hazards Register for this site. Council's Consulting Engineer, MWH, comments that the subdivision is not in an area particularly prone to instability. There are two dwellings on-site, and no record of erosion or slippage. The Consulting Engineer inspected the subdivision from the street and saw no sign of movement in the driveways or adjacent street kerbs. Accordingly, MWH recommends that the subdivision not be declined because of any concern about erosion or slippage, and did not report further on this application.

6. Amenity Values

The proposed subdivision will create two lots from a subject site of 3359m<sup>2</sup>. This site is large enough for six residential dwellings to be constructed without subdivision. There are two existing residential dwellings on-site, and there is no apparent intention as part of this subdivision proposal to further develop either new lot. Both new lots have sufficient area to accommodate three residential dwellings complying with the density provisions of the District Plan, and as such, the proposed subdivision will not increase the potential density of development for this land. As there are unlikely to be any changes to the occupation and activity on this subject site as a result of the subdivision, the proposal is not expected to have any adverse effects on the amenity values and character of the area or this particular Residential 1 zone.

## **CONSENT DECISION**

### Subdivision SUB-2007-196

*That pursuant to section 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 to a **non-complying** activity being the subdivision of the land at 97 Hillary Street, Dunedin, being the site legally described as Lot 1-3 DP 10456 (CT OT15A/1048) into two lots, subject to the conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*

### Land use LUC-2007-789

*That pursuant to section 34A(1) and 104C and after having regard to section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being the reversing of vehicles from the rear lot, Lot 2 of Subdivision Consent SUB-2007-196 subject to conditions imposed under section 108 of the Act, as shown on the attached certificate.*

## **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 activities have been assessed and outlined above. It is considered that the proposal will have no more than minor adverse effects on the environment.

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

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

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

- **Objective 4.2.1 and Policy 4.3.1** seek to maintain and enhance the amenity values of Dunedin.

- **Objective 8.2.1 and Policy 8.3.1** seek to ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied or mitigated.
- **Objective 18.2.1 and Policy 18.3.1** seeks to ensure that subdivision activity takes place in a coordinated and sustainable manner.
- **Objective 20.2.2 and Policy 20.3.2** seek to ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.

## **Section 104D**

Section 104D of the Resource Management Act requires that a resource consent for a non-complying activity must not be granted unless the proposal can meet one of two limbs. The limbs of section 104D require that the adverse effects on the environment will be no more than minor, or the application is for an activity which will not be contrary to the objectives and policies of either the relevant plan or the relevant proposed plan. In my opinion, the proposed subdivision will have effects which are no more than minor, and are not contrary to the objectives and policies of the District Plan. Therefore Council can exercise its discretion under Section 104D to grant consent subject to the recommended conditions.

## **Other Matters**

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 case, the subdivision is non complying because proposed Lot 2 does not have frontage to legal road. However, Lot 2 will have access via rights of way, and the lack of frontage is largely a technicality of limited consequence. For this reason, the proposed subdivision is unlikely to undermine the integrity of the District Plan.

## **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 consistent with 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."

## **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

## **DEVELOPMENT CONTRIBUTION DECISION**

No Development Contribution is payable for this development in accordance with Section 198 of the Local Government Act 2002 and the Dunedin City Council Policy on Development Contributions of the adopted 2006/07 – 2015/16 Community Plan,

Yours faithfully

Lianne Darby  
**PLANNER**



**Application Type:** Subdivision and Land Use

**Application Number:** SUB-2007-196 & LUC-2007-789

Location of Activity: 97 Hillary Street, Dunedin

Legal Description: Lot 1-3 DP 10456 (CT OT15A/1048)

Lapse Date: 20 December 2012, unless the consent has been given effect to before this date.

Subdivision SUB-2007-196

*That pursuant to section 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 to a **non-complying** activity being the subdivision of the land at 97 Hillary Street, Dunedin, being the site legally described as Lot 1-3 DP 10456 (CT OT15A/1048) into two lots, subject to the conditions imposed under sections 108 and 220 of the Act:*

1. *That the proposal is undertaken in general accordance with the plan prepared by DG Hatfield & Associates titled, 'Plan of Proposed Subdivision of Lots 1-3 DP 10456', and details submitted with resource consent application SUB-2007-196 received by Council on 25 September 2007, except where modified by the following conditions of consent:*
2. *Prior to certification of the survey plan 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 those easements shall be granted or reserved and included in a Memorandum of Easements on the survey plan.*
  - b) *That an easement in gross shall be reserved in favour of the Dunedin City Council for the Council-owned foul sewer passing through Lots 1 and 2. This easement is to be 3.0m wide, measuring 1.5m to either side of the centre line of the sewer.*
  - c) *Easements shall be reserved for private drainage as required.*
3. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the applicant shall complete the following:*
  - a) *The consent holder shall ensure that Lots 1 and 2 are independently served for water supply.*
  - b) *If required in order to comply with condition 3(a) above, an "Application for Water Supply" shall to be submitted to the Water and Waste Services Business Unit for a separate water service to be installed at the street boundary to serve one of the new lots. Details of how the lots are to be served for water shall be submitted to the Water and Waste Services Business Unit for approval. This detail can accompany the application for water supply.*
  - c) *Rights of Way A, B, C and D shall be formed, hard surfaced, and adequately drained for their entire extent.*

- d) *The existing metalled driveway over Rights of Way E, F, and G shall be formed to a minimum width of 3.0m, and be hard surfaced for a minimum length of 5m measured from the roadside boundary of Lot 1.*

Land use LUC-2007-789

*That pursuant to section 34A(1) and 104C and after having regard to section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being the reversing of vehicles from the rear lot, Lot 2 of Subdivision Consent SUB-2007-196 subject to conditions imposed under section 108 of the Act, as shown on the attached certificate.*

1. *That the proposal is undertaken in general accordance with the plan prepared by DG Hatfield & Associates titled, 'Plan of Proposed Subdivision of Lots 1-3 DP 10456', and details submitted with resource consent application LUC-2007-789 received by Council on 19 December 2007.*

**Advice Notes:**

1. In addition to the conditions of a resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake. A similar responsibility exists under the Health Act 1956.
2. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
3. It is the consent holder's responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
4. This is resource consent. Please contact the Building Control Office, Development Services, about the need for building consent for the work.
5. The Water and Waste Services Business Unit require that the installation and connection of new water reticulation to the existing public water system shall be carried out after the application (subdivider) has completed and submitted an 'Application for Water Supply' form to the Council and following the applicants' (subdividers') acceptance of the quote for the required work (as per the Dunedin City Council's Terms and Conditions for the Supply of Water and the Dunedin City Council Code of Subdivision (Part 4)). A quote for the required work can be obtained from either the Dunedin City Council (DCC) or an approved water supply connection installer (AWSCI).
6. The requirements of Parts 4 and 5 (Drainage and Water Supply) of the Dunedin City Council's 'Code of Subdivision' shall be complied with.
7. The property owner is responsible for undertaking appropriate measures where necessary to control and contain stormwater runoff from the site during any stages of site disturbance, and any drainage proposals will need to consider the stormwater issues within this catchment.
8. It is recommended that the existing right of way created by Transfer 204936 be cancelled with respect to the subject site.
9. It is recommended that the owners and the users of the rights of way enter into a formal agreement to clarify the responsibilities for maintenance of the shared access.



10. The portion of any vehicle access between the property boundary and the edge of the carriageway is on road reserve and must be constructed to the Council's standards. Council's Road department should be contacted to determine the appropriate standard.

Issued at Dunedin this 20 December 2007

Lianne Darby  
**Planner**

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