

16 December 2014

Urban Cohousing Otepoti Limited  
C/- Don Anderson  
Anderson and Co  
PO Box 5933  
Moray Place  
Dunedin 9058

Dear Don

**RESOURCE CONSENT APPLICATION:      LAND USE:    LUC-2014-319**  
**7 MONTPELLIER SREET**  
**DUNEDIN**

The above application for the establishment of a cohousing development at 7 Montpellier Street, Dunedin, was processed on a notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. The Hearings Committee, comprising Councillors Andrew Noone (Chairperson), David Benson-Pope, and Kate Wilson, heard the application in public on 25 September and 27 November 2014. The Committee undertook a site visit on 30 September 2014.

At the end of the public part of the hearing, the Committee in accordance with section 48(1) resolved to exclude the public. The Committee has **granted** consent to the application, subject to conditions, on 27 November 2014. The full text of this decision is on page 11.

### **The Hearing and Appearances**

The following were in attendance:

#### The Applicant:

Catherine Spencer and Kristin Jack (Shareholders and Directors of Urban Cohousing Otepoti Ltd), Don Anderson and Conrad Anderson (Consultant Planners), and Tim Ross (Consultant Architect). Lloyd Smith attended the second hearing.

#### Council Staff:

Lianne Darby (Processing Planner), Phil Marshall (Senior Planner/Advisor to Committee), Peter Christos (Urban Designer) Lynne Robins and Grace Ockwell (Governance Support Officers), and Jon Visser (Transportation Operations).

#### Submitters

Susan Jack, Warwick Duncan and Jennifer Gay, Patricia Langhorne, Rosemarie Smith and Maurice Barker, Alex King, Hugh Forsyth, and Jonathan Howard (on behalf of Heritage New Zealand).

## **Procedural matters**

Late submissions from Donald Reid and Warwick Duncan were considered by the Committee and were accepted in agreement with the applicant.

## **Principal issues of contention**

The following are the principal issues of contention:

- The establishment of residential activity at a density greater than that anticipated for the site;
- Residential activity with insufficient on-site parking;
- Earthworks.

## **Summary of the Evidence Heard**

### **Hearing 25 September 2014:**

#### Introduction from Handling Officer:

Summarising her report, **Mrs Darby**, the Processing Planner, noted that the application was for a cohousing project at the former High Street School site. There would be 26 residential units constructed on-site in four blocks of two or three storeys, plus the existing school administration building would be used as a common house for communal activities and guest rooms. There would be 18 on-site parking spaces, supplemented by 15 angled parking spaces created on Alva Street. There would be up to 1000m<sup>3</sup> of earthworks, changing ground level up to 2.5m.

The site was zoned Residential 1, and one end was in the High Street Heritage Precinct. The application had been notified, and 54 submissions were received; 46 in support, five in opposition, and three neutral or neutral/opposed. Council departments did not identify any issues with the proposal except that the Water and Waste Services Business Unit advised that on-site stormwater retention may be required.

Mrs Darby considered the proposal to be consistent with the majority of relevant objectives and policies except those of the Trees Section. She believed that the effects of the proposal would be no more than minor, and the proposal would therefore meet both limbs of the section 104D 'threshold test'. Mrs Darby recommended that the Committee grant consent to the proposal.

#### The Applicants' Case:

**Mr Don Anderson** presented his written submission. He introduced the philosophy of cohousing developments, noting the factors that made that this proposal unique for the City. Mr Anderson advised the Committee that the site was zoned Residential 1, but the previous District Scheme had permitted development at a rate of one residential unit per 225m<sup>2</sup>, and the Second Generation Plan currently being written promoted a similar density.

Mr Anderson considered that the proposal was not contrary to any objectives and policies, although this cohousing concept was new to Dunedin. Given the nature of the proposal, Mr Anderson asked the Committee to consider remitting the cost of the consent processing as a gesture of goodwill and the waiving of the development contributions levy. He commented on a number of the recommended conditions of consent as promoted by the Council planner, noting that the applicant would appreciate assistance from the various departments in giving effect to any consent granted. The proposed conditions for the common house would, however, create issues for the applicant and needed to be addressed.

The Committee responded that the waiver of processing fees and development contributions was outside of the hearing process, and not at the Committee's discretion. The Committee sought reassurance that the proposed activity would be different from a standard unit title development, and was told the intent was different.

**Ms Spencer** spoke to her written submission on the philosophy and practice of cohousing, and how this influenced the lifestyle of residents. She advised that, of the 46 supporting submissions, 19 were likely future residents. Supporting submitters were found locally and nationally, and many were already committed in some way to the project. Ms Spencer described the method of Coloured Card Consensus Decision Making to illustrate how the residents would function as a community, and outlined the history of how the subject site came to be selected as a suitable location for the cohousing development.

In response to questions from the Committee, Ms Spencer identified herself as a founding member of the group who were very excited about the project. Cohousing involved complete residential management without a landlord or outside party. It was a non-hierarchical structure, involving shared leadership roles. The rooms of the common house would be subject to a booking system. The residents would be a mix of people, following a vision statement and organisation agreement. Ms Spencer told the Committee a wealthy developer would not be allowed to buy up the complex and make the development something different.

The subject community could consist of renters and a small portion of units could be kept for social housing. People would sign a document committing themselves to the cohousing project. Residents would therefore be self-selecting, and only interested persons would get involved.

**Mr Ross**, Consultant Architect, spoke to his written submission on the concept and architectural aspects of the proposed cohousing development. His submission was accompanied by a slide presentation where he analysed the existing environment and the rationale behind the design of the proposed units. He clarified a number of practical matters including the treatment of parking and stormwater drainage.

Mr Ross responded to the questions from the Committee. Existing setbacks of less than 4.0m on High Street were not uncommon, and it made sense to have the proposed units close to High Street as there was little amenity value for the residents in having 4.5m yards. The intention was to have units which were in keeping with existing development, but not to have them 'blend in'. They would have a sense of quality. Mr Ross was willing to look at modifications to the building design if the Committee so required, but noted that two-storey buildings were the wrong scale for High Street. He estimated roughly that the units would be worth \$200 000 to \$430 000.

**Mr Conrad Anderson** spoke to his written submission regarding the planning matters of the proposal. He considered the permitted environment and possible changes to density provisions arising with the future Second Generation Plan. The environmental effects of the proposal were considered by Council staff to be no more than minor, and the application was not contrary to any objectives and policies. The proposal therefore satisfied section 104D of the Act. The application and the planner's report outlined why the proposal was a true exception, and Part II matters have been incorporated into the design. He requested that the interior layouts of the units be submitted in stages to Council for approval as those shown in the application were indicative only. There will be no increase in the number of units or bedrooms. Mr Anderson made himself available for questions from the Committee

#### Presentation by Council staff:

**Mr Visser**, Transportation, advised the Committee that there were no concerns with the proposed access to the site, but there could be issues for the manoeuvring of service vehicles and detailed engineering design would need to be approved prior to construction. The parking provision on-site and on Alva Street was considered acceptable although the Alva Street parking would not be exclusive to the cohousing residents. He suggested installing bike facilities on-site. Calculations of traffic generation based on NZ Transport Agency guidelines at an inner city residential rate indicated that the effects would be no more than minor. Mr Visser considered that there would be no adverse effects on the roads.

**Mr Christos** commented on the urban design matters of the proposal. He considered that the site lent itself to high density of development as it was close to main centres and bus routes. The proposed design met precinct values. He would be looking for some retention of trees, and recommended that a landscape plan be required as a condition of consent. The proposed breaches of the height plane angles would not have any adverse effects on other residential development in the area. Mr Christos was pleased to hear that the intention was to retain the Montpellier Street trees.

#### Submitters' Presentations:

**Ms Susan Jack** spoke to the Committee as a member, shareholder and director of the applicant company. She was a lecturer at Otago University with a special interest in social health. She was excited about the project; the houses would be warm at 20°C both summer and winter. The project promoted healthy living, and the site was close to facilities. The Council needed to pursue this idea, and cohousing would be an asset to Dunedin.

**Mr Warwick Duncan** and **Ms Jennifer Gay** live in Montpellier Street. They had chosen to live in area because of the old houses, and the quiet and privacy. Mr Duncan was concerned that the high density of development would increase traffic unsatisfactorily. Ms Gay noted that she objected to the proposed density of development as the way the people lived their lives would impact on them; for example, the renting out of the common house to outside people. It was a lovely area and Ms Gay did not want to see it ruined; she wanted checks and balances in place. Mr Duncan had attended meetings regarding the project and was unconvinced as to its long term viability. It relied heavily on individuals actively leading the proposal, but people would eventually leave.

Mr Duncan and Ms Gay discussed the traffic flows and intersections in the area with the Committee. Their prime concern, however, was density. The proposal was quite different to having nine houses on the land. The effects were not the same and these were currently unknown but would be in the submitters' 'backyard'. The design of the units was unlike other housing in the area, and the nature of the activity could change as other people move in.

**Ms Catherine Spencer** spoke to the Committee as a submitter. She lived in Dunedin for its community and built heritage. She enjoyed walking in area and viewing the architecture. High Street was very varied, and few houses had large setbacks from the front boundary. There was a gap in High Street development at the subject site.

The proposed density of development is necessary for the cohousing project to work. It looked forward to the Second Generation Plan, and would enhance the visual amenity of the City. Ms Spencer disagreed with the conclusions of Heritage New Zealand, and believed that the development would enhance the archway. There would be a contrast with the white stone of the arch, giving it more presence. There was a fence behind the gate, and they were unable to disturb the fencing. Ms Spencer also noted that the archway was compromised by the silver birches and was being undermined by the roots.

**Mr Kristin Jack**, a shareholder but not a director of the company, spoke to his written submission as a neighbour of the subject site and as a prospective resident of the cohousing project. He detailed his interest in community health and why he and his wife chose to settle in the area. Mr Jack then gave an overview of membership of the proposed cohousing community and how cohousing supported social sustainability and values. He listed the ten aims of the cohousing project for enhancing Dunedin. Mr Jack considered that the development, located at the 'near perfect' inner city site would be an asset for Dunedin.

In response to questions from the Committee, Mr Jack said that home occupations could be undertaken on-site now without any checks, but any activity undertaken on-site would require a consensus by the residents. Regular meetings would be held. The common house would be for residents and guests. Renting of the common house would not be on the agenda as they did not want to compete with community halls in the area.

**Ms Patricia Langhorne** advised the Committee she had lived in Montpellier Street for 25 years. She liked the density of people and housing, and the bush setting. As the head of the Physics Department at Otago University, Ms Langhorne was a big advocate for energy saving projects and agreed with many aspects of the proposal. However, some aspects were disappointing, such as the fact there was no initial plan for green space despite the mature trees on-site.

If cars were to park on both sides of Montpellier Street, the road would become single lane. Lack of visibility might be an argument to remove some of the large trees from the site. Ms Langhorne was surprised at the number and size of the proposed units, and the number of carparks. She was not keen to live next to a building site for ten years if the development were given effect to in stages. Ms Langhorne considered the buildings to be a fortress design, with the edge of the development being an unpleasant place given over to parking.

**Ms Rosemarie Smith** and **Mr Maurice Barker** were prepared to leave their nice place in Gore to resettle at the cohousing project. This type of housing was not generally available in the community, and Ms Smith and Mr Barker did not want to live in a retirement home; they wished to 'age in place'. The concept was suitable for disabled persons and their carers. Ms Smith and Mr Barker had a long association with Dunedin. They were committed to making the site part of a good green neighbourhood next to the Town Belt. They had visited Earthsong and thought the lifestyle there was a beautiful way to live. It had been operating for 12 years with an annual turnover of one or two households.

**Mr Alex King** was a shareholder and director in the company, and was currently living on the subject site. He believed in the benefits of cohousing. While there would be the removal of some large trees, there could be more loss of green space with a conventional development. The development would be a high quality build, and the Committee would not be making a mistake if granting consent. The project was unlikely to go off the rails as there would be covenants on the titles requiring compliance with the management, and other projects had not had problems. He disagreed with some proposed conditions as he did not want rules controlling the types of meetings to happen on-site; it was not necessary, and it would be their home to use as they wanted. There should not be any rules as to who could buy into the project.

The Committee advised Mr King that the proposal was a non-complying activity, there had to be some certainty in its operation for the neighbourhood, and conditions would be imposed with the intention of mitigating adverse effects. The possibility of home occupations in the common house undermining local business centres was discussed. Mr King noted that there would be rules about the use of the common house, that there could not be activities having impact on the residents, and that the community would be supporting the local shopping centre. Mr King could not see any home occupation occurring which would be advertised.

**Mr Hugh Forsyth** spoke to his written submission. He had lived in a community environment in the United Kingdom, and was interested in community living but was aware of potential issues. As a registered landscape architect, Mr Forsyth believed there were some aspects of the proposal which should be declined. He discussed aspects of the existing environment and the site characteristics. Mr Forsyth then considered the proposed development, noting that the loss of the mature trees would represent a lost amenity for the future residents and neighbours. He highlighted some concerns with emergency and service vehicle access. Mr Forsyth recommended a number of alterations to the design and layout of the complex with a view to obtaining a better outcome of development. In response to questions from the Committee, Mr Forsyth explained why he felt exotic trees were perhaps more appropriate for the site than natives.

**Mr William Lowe** gave the Committee an outline of his property development and management experience. He believed that cohousing was an interesting idea, but he was concerned that the application was built around a concept rather than a development. Mr Lowe noted that the low-budget philosophy of the cohousing development should not take precedence over the values of the area, and identified those aspects of the proposal he felt

were inappropriate in light of the current District Plan rules and environment. He believed that there was insufficient soft space for the number of units, and that the number should be halved. The reduced yards were more a response to inadequate internal space than shading concerns. If the cohousing model required 26 units in order to work, then this was not the site.

**Mr Jonathan Howard** on behalf of **Heritage New Zealand** spoke to his written submission in respect to the memorial archway at the corner of High and Alva Streets. Heritage New Zealand was generally supportive of the proposed development, and believed that the High Block would fit well with the heritage precinct. The memorial gates made a significant contribution to High Street, and Heritage New Zealand sought to better integrate the gates into the development. However, the High Block termination to the gates was overbearing and un-complementary. Mr Howard presented several options for how Heritage New Zealand would like to see the development adjusted to better recognise the archway. The preferred option was to shift the High Block southwest and remove one section.

Heritage New Zealand sought a condition for a temporary protection plan to be submitted for approval prior to construction commencing. While Heritage New Zealand supported the recommended condition, it would like opportunity to provide comment as part of the approval process. In response to questions from the Committee, Mr Howard commented that the birch trees were having an unreasonable impact on the structure of the arch, and that a decision regarding the trees needed to be made. A specialist would need to advise the group. Heritage New Zealand was comfortable with the design of the High Street Block as it had character and justified its place; it did not diminish the precinct.

#### Handling Officer's Summary

**Mrs Darby** reviewed her recommendation in light of the information presented at the hearing. She noted that the proposal was for an over-dense development but the Committee needed to assess the nature of the tenure and decide whether it was acceptable. The development was a non-complying activity which had been compared to Residential 3 density rules but was more in keeping with those of Residential 4, being the most dense of Dunedin's residential zones. Mrs Darby noted that the common room was not to be used for residential activity, and recommended that the Committee control home occupations 'up front'. Likewise, Mrs Darby believed that there needed to be some control over the operation of the common house. She had no problem with a 10 year lapse period. Mrs Darby advised the Committee not to attempt to redesign the layout of the units.

#### Between the Hearings:

The Committee undertook a site visit on 30 September 2014, and determined a number of matters which it wanted clarified. Accordingly, an email was sent to the applicant on 23 October 2014 asking the applicant to respond to a number of redesign suggestions, to expand upon the likely staging of the proposal, and whether the applicant would entertain a change in layout as suggested by Heritage New Zealand. The applicant responded at the reconvened hearing.

#### **Reconvened Hearing 27 November 2014:**

##### Handling Officer's Recommendation

**Mrs Darby** confirmed her recommendation to grant consent subject to conditions.

##### Applicant's Right of Reply

**Mr Don Anderson** sought a prompt decision from the Committee in order to allow the company to make plans for the site and the development, if granted. He advised that the Committee's questions would be answered by Mr Ross and Ms Spencer.

**Mr Ross** spoke to his written submission. He explained that the primary driver for the proposed density of development was the need to make the project work from a social point of view and to be able to create affordable homes. The development would have ample

outdoor space. There would be no shortage of amenity space outside of peoples' homes in the common house and central courtyard. In respect of relocating the three-storey block to the Town Belt boundary, Mr Ross noted that the more shaded aspect of the location would create problems for getting light into the units. The proposed two-storey units had light wells to bring light into the rear areas from above, but this would not be possible with three-storey units. Mr Ross explained the rationale for having three-storey units along the High Street frontage, supported by diagrams and photos.

Mr Ross said that the group sought flexibility in the lapse period and the interior designs of the units for financial reasons. Once the units in a block had been pre-sold, the block would be built. This differed from most developers' approach, and as such, the group sought the ten year lapse period. Flexibility in internal layout would allow the proposal to respond to market demand. There would be no increase in the number of units or overall number of bedrooms.

The applicant believed that reducing the yard space of the High Block would provide a better space on the north side of the building. The applicant was keen to work with the Council landscape architect to develop the best solution for the site, including appropriate trees. The proposed set back from High Street was considered adequate to accommodate appropriately sized trees. The memorial arch was considered to be an asset, but was not suitable as an entrance to the development. It deserved its own space. Mr Ross stated that the group did not seek to replicate other High Street developments, but to be consistent with its context.

In response to questions from the Committee, Mr Ross advised that High and Alva Blocks would be built first. He discussed the use of the bedrooms proposed for the common house, and agreed a condition was acceptable.

**Ms Spencer** spoke to her written submission regarding the structures which would allow the cohousing development to operate and maintain a cohesive community within a wider community. She discussed the use of the common house and the recommended conditions of consent, asking for a change to the recommended conditions to allow outside persons to use the common house. The proposed density of development was essential for the cohousing model to work successfully. The group recognised the responsibilities that came with having the memorial archway, and were willing to undertake those, but were not prepared to redesign the layout of the units. The space around the archway would be landscaped appropriately. Ms Spencer discussed the use of the guest rooms in the common house saying it was not a commercial venture but there would be a cover charge for the use of the rooms.

**Mr Smith**, as a member of the group, had been in consultation with Heritage New Zealand regarding the conservation and management of the arch. Heritage New Zealand was reluctant to fund any work, but there were other organisations which might contribute.

**Mr Don Anderson** spoke to his written submission. He asked the Committee not to personalise the consent in case the group sought to on-sell the site to a developer. There was some discussion about the appropriateness of this action and the possible outcome for the site before submitting that the consent should be granted for a cohousing project, with 'cohousing' defined clearly.

### **Statutory Provisions**

In accordance with section 104 of the Resource Management Act the recommending report to the Committee detailed in full the relevant statutory provisions and other provisions the Committee has considered.

These statutory provisions included the following Part II matters of the Act, sections 5(2)(c), 6(f), 7(b), 7(c), and 7(f). Regard was given to chapters 4: Manawhenua, 5: Land, and 9: Built Environment of the Regional Policy Statement for Otago. As detailed in the recommending report, regard was then given to the relevant provisions of the following chapters of the District Plan, 4: Sustainability, 5: Manawhenua, 8: Residential, 13: Townscape, 15: Trees, 17: Earthworks, 20: Transportation, and 21: Environmental Issues.

## **Main Findings of Fact**

The Committee considered the evidence heard, the relevant statutory and Plan provisions, the principal issues in contention and the main findings of fact. The main findings of fact have been incorporated within the reasons discussed below.

The Committee reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991:

## **DECISION**

*That pursuant to sections 34A 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 establishment of a cohousing residential development at 7 Montpellier Street, Dunedin, on the land held in CFRs 593975 and 600867, subject to conditions imposed under section 108 of the Act, as shown on the attached certificate.*

## **Reasons for this Decision**

The Hearings Committee considered the evidence heard, the relevant statutory and plan provisions, the principle issues in contention and the main findings of fact. The main findings of fact have been incorporated within the reasons discussed below.

1. The Committee recognises that this is a proposal for a cohousing development where the residents will own their own units but share communal outdoor and indoor spaces and function as a close but not closed community. The proposal is not simply an application for an over-dense residential activity, but the number of units is considered necessary for the success of the cohousing project. Although there will be considerably more residential units on-site than what the Residential 1 zone rules anticipate, the units are to be arranged in a manner which promotes communal living and involves the sharing of resources. The residential units will not be functioning as close but fully independent residential units; rather they will be formed as a community.
2. The Committee considers that the subject site has qualities which lend itself to a cohousing development. It is separated from all existing neighbouring houses by three roads, and abuts the Town Belt on its fourth side. The site is close to bus routes and commercial centres, both central and local. The proposed residential units will present relatively long facades to the streetscape of High and Alva Street, but are considered to be in character and scale with the surrounding residential development while still achieving a degree of difference and contemporary style. The new units will screen much of the cohousing outdoor living space, and the activities that occur therein, from neighbours.
3. The proposed development is not anticipated to impact negatively on the Town Belt. The Committee recognises that the area of the reserve adjacent to the subject site is a well-vegetated bank which is not used greatly for active or passive recreation but is important for amenity purposes.
4. The Committee accepts that the proposed yard and height plane angle breaches of High Block are considered acceptable in light of the surrounding residential development. They reflect the position of many of the nearby houses which already encroach into the front yard space and height plane angles in relation to High Street and Alva Street. The design of the new units is considered to be a modern interpretation of other buildings in the area. The proposed development is therefore considered to maintain the values of the High Street Heritage Precinct.



5. The proposal will retain the memorial arch and much of the ornamental fencing around the school property. These features are not formally listed by the District Plan but have some protection through the Townscape Section of the District Plan, and they contribute to the heritage values of the precinct. They are recognised by Heritage New Zealand as having historical significance. While Heritage New Zealand is not supportive of the proposed positioning of the new units in relation to the setting of the memorial arch, the Committee acknowledges that the development will preserve the historical features of the memorial arch and fence, and believes that the proposed layout of the units is acceptable in that it will give the archway space and appropriate landscaping. The Committee accepts the applicant's argument for the layout of the units.
6. The Montpellier Street end of the development will have new accesses and parking, but no new buildings constructed. The accesses and parking provision are permitted activities under the Transportation section of the District Plan, and the Transportation Planner does not anticipate that there will be adverse effects on the operation and safety of Montpellier Street arising from the position and use of the vehicle crossings. The Committee considers this to be acceptable.
7. The Committee is aware that there will be insufficient on-site parking to meet the requirements of the District Plan for this number of units. However, the Committee accepts the applicant's position that a cohousing community will encourage the use of alternative transportation, meaning that a full provision of parking is not needed. The provision of angle on-street parking on Alva Street will increase the number of available on-street parking spaces. There is very little current parking demand on the surrounding roads, and the Committee notes that Transportation staff considers that kerbside parking will not be put under unreasonable pressure by the proposed activity.
8. The Committee considered the matter of the use of the common house. The consent has been granted on the basis that the common house is readily available for the use of residents at all times, therefore offsetting in part the high density of development and the reduced amenity open space for each household. For these reasons, the Committee does not expect that the common house will be used for home occupations, except possibly those of very limited hours and having few effects on the wider area, nor will it be hired out as any sort of function centre as a means of raising finances for the cohousing group.
9. The proposal is considered to have adverse effects which are no more than minor. The proposal is considered to be consistent with almost all of the relevant objectives and policies in regard to sustainability, residential, townscape, trees, earthworks and environmental issues. The Committee considers that that the proposal will pass both gateway tests of the section 104D test, and that consent can be granted.

### **Right of Appeal**

In accordance with section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received. The address of the Environment Court is:

The Registrar  
Environment Court  
PO Box 2069  
Christchurch 8140

Any appeal must be served on the following persons and organisations:

- The Dunedin City Council
- The applicant
- Every person who made a submission on the application.

Failure to follow the procedures prescribed in sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

Yours faithfully

A handwritten signature in black ink that reads "Andrew Noone". The signature is written in a cursive, slightly slanted style.

Andrew Noone  
**CHAIR**  
**HEARINGS COMMITTEE**

**Consent Type:** Land Use

**Consent Number:** LUC-2104-319

**Location of Activity:** 7 Montpellier Street, Dunedin.

**Legal Description:** Part Lot 2 DP 6575 (CFR 593975), and Lot 9 Deeds Plan 270 and Section 7-9 Block II Town of Dunedin (CFR 600867).

**Lapse Date:** 16 December 2024, unless the consent has been given effect to before this date. If the consent is given effect to in stages, the lapse period is applicable to each stage i.e. the giving effect of Stage 1 does not 'give effect' to subsequent stages.

*That pursuant to sections 34A 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 establishment of a cohousing residential development at 7 Montpellier Street, Dunedin, on the land held in CFRs 593975 and 600867, subject to the following conditions imposed under section 108 of the Act:*

**General Conditions:**

1. *That the proposal shall be undertaken generally in accordance with the plans prepared by Architype titled, 'High Street Cohousing – 7 Montpellier Street', and details submitted with the application for LUC-2014-319, received by Council on 27 June 2014, except where modified by the following:*
2. *The residents shall be actively engaged in a cohousing scheme as defined by the document, 'Creating Cohousing: Building Sustainable Communities,' by Kathryn McCarmant and Charles Durrett, 2011. The Dunedin City Council considers that the primary principles of a cohousing development include:*
  - *Participatory process in terms of planning, decisions, etc.*
  - *Designs which facilitate a mixed-aged, inwardly supportive but outwardly focussed community.*
  - *Extensive common facilities which are available at all times for use of residents.*
  - *Complete resident management.*
  - *Non-hierarchal structure.*
3. *That the entire development shall have no more than 26 residential units, and a total of no more than 80 habitable rooms (bedrooms) including the two guest rooms in the common house. The internal layout of the residential blocks need not fully replicate the application plans.*
4. *That the two subject sites shall be amalgamated and the new title submitted to Council prior to any construction works commencing on-site.*

**Pre-Construction Phase**

5. *An assessment of the existing trees on the subject site shall be undertaken in consultation with Council's Arborist and Landscape Architect with a view to determining whether any trees can, and should, be retained and incorporated into the design of the complex.*

**Earthworks and Construction**

6. *No surplus soil shall be deposited on any other property in a manner which breaches the permitted activity limits defined in Section 17 of the Dunedin City District Plan without first obtaining Resource Consent.*
7. *A Construction and Site Management Plan shall be prepared which addresses the following:*
  - a) *Staging of the development;*
  - b) *Timing of the boundary treatment works;*
  - c) *How public access to the worksite will be prevented during construction;*
  - d) *Dust management methods;*
  - e) *Stormwater and sediment control methods.*

*A copy of Construction and Site Management Plan must be provided to the Consent Authority upon request.*

8. *A Temporary Protection Plan shall be prepared in consultation with Heritage New Zealand for the treatment and protection of the memorial arch during the earthworks and construction period, with the objective of ensuring that this structure and the adjacent fencing is not damaged in any way. The Plan shall be submitted to Council's Resource Consents Manager for approval prior to works commencing.*
9. *Any earth material to be removed from the site shall be deposited to an approved clean-fill site. Depending on the volume and distribution of the fill at the new site, additional resource consent may be required.*
10. *The contractor shall be responsible for ensuring the roads remain clear of debris at all times.*
11. *Construction shall be limited to the times set out below and shall comply with the following noise limits.*

*Recommended upper limits for construction noise received in residential zones and dwellings in rural areas.*

Time of week	Time period	Duration of work					
		Typical duration		Short-term duration		Long-term duration	
		(dBA)		(dBA)		(dBA)	
		Leq	Lmax	Leq	Lmax	Leq	Lmax
Weekdays	0630-0730	60	75	65	75	55	75
	0730-1800	75	90	80	95	70	85
	1800-2000	70	85	75	90	65	80
	2000-0630	45	75	45	75	45	75
Saturdays	0630-0730	45	75	45	75	45	75
	0730-1800	75	90	80	95	70	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75

Sundays and public holidays	0630-0730	45	75	45	75	45	75
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Noise shall be measured and assessed as per New Zealand Standard Acoustics – Construction Noise NZS 6803:1999.

### **Water and Waste Servicing**

12. An "Application for Water Supply" shall be submitted to the Water and Waste Services Business Unit to establish a new water connection or connections to the development. Details of how the development is to be served for water shall be provided to the Water and Waste Services Business Unit. This detail can accompany the application for water supply. If necessary, this condition shall apply to each separate stage.
13. Upon approval by the Water and Waste Services Business Unit, water service connection/s shall be installed in accordance with Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.
14. A Stormwater Management Plan for the entire development shall be submitted to the Water and Waste Services Business Unit for approval prior to any works commencing on-site. The Stormwater Management Plan shall outline how stormwater will be managed, and identify and address any downstream effects of stormwater generated by the entire development, including any mitigation required. Mitigation may include retention tanks or a combined stormwater retention area such as a swale.
15. Stormwater management for the site shall be undertaken in accordance with the approved Stormwater Management Plan.

### **Transportation**

16. Detailed design of all vehicle access, and service areas within the site, shall be submitted to, and approved by, Transportation prior to any works commencing on their construction. The plans shall show compliance with the relevant performance standards for vehicle accesses, as contained within the Transportation Section of the District Plan.
17. The new access between Alva Street and Montpellier Street shall be formed at the time of the first stage. The access shall be formed to a minimum width of 5.0m, and shall be formed with at least an all-weather surface except the two ends shall be hard surfaced from the edge of the carriageway of the road to a distance at least 5.0m inside the property boundary.
18. At the time of completion of Mont Block, the access between Alva Street and Montpellier Street shall be hard surfaced to a minimum width of 5.0m and be adequately drained for its full duration.
19. On-site parking shall be provided on-site at each stage at a rate of one parking space per residential unit up to, and including, the 18<sup>th</sup> unit except that at the time of construction of Mont Block, this requirement for on-site parking may be relaxed until such time as the parking spaces under Mont Block are completed and usable.
20. The separate parking area accessed from Montpellier Street shall be formed when required to comply with condition 19 above (in respect of the number of car parks required), in accordance with the approved design, and shall be hard surfaced and adequately drained for its full duration. The parking spaces shall be permanently marked.

21. *Once Mont Block is completed, all on-site parking and manoeuvring areas shall be formed, hard surfaced and adequately drained for their entirety, and the parking spaces permanently marked.*
22. *A total of not less than 18 on-site parking spaces shall be provided on-site on an on-going and permanent basis, except where this condition is modified by condition 19.*
23. *Once the 19<sup>th</sup> unit is to be constructed, the detailed design for the 15 angle parking spaces on Alva Street shall be submitted to, and approved by, Transportation prior to their construction. The parking and any new roading infrastructure shall be constructed in accordance with the approved plans at the consent holder's expense prior to occupation of the 19<sup>th</sup> unit.*
24. *The vehicle accesses and crossings shall be constructed in accordance with the approved plans.*
25. *All parking spaces shall comply with the minimum dimensions stipulated in Appendix 20B of the District Plan.*

### **Noise and Lighting**

26. *The consent holder shall ensure noise from activity taking place on the site will not exceed the performance standard set out in Rule 21.5.1 of the District Plan.*

### **Common House**

27. *The common house shall be used by the residents and their guests for meals and gatherings, but shall not be made available for the use of outside parties for regular or one-off activities, whether a financial or any form of trade agreement is involved in the transaction for its use or not i.e. the common house is not to be hired out for the purpose of raising finances for the cohousing group. This space shall be ancillary to the cohousing style of living.*
28. *The common house shall have no more than two guest rooms and the use of these shall be confined to guests of the residents. The maximum length of stay of any one guest or party of guests shall be two weeks or the guest rooms and common house will be considered a residence and will require additional resource consent. If more than five paying guests in total are accommodated within the two guest rooms on any occasion, this will be a breach of this resource consent. The activity will be considered a commercial residential activity and will require an application for an additional resource consent.*

### **Advice Notes:**

1. In addition to the conditions of a resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake. A similar responsibility exists under the Health Act 1956.
2. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
3. Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application. It should be noted, however, that the consent is specifically for a co-housing project and not 26 residential units.
4. It is the consent holder's responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent.

Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.

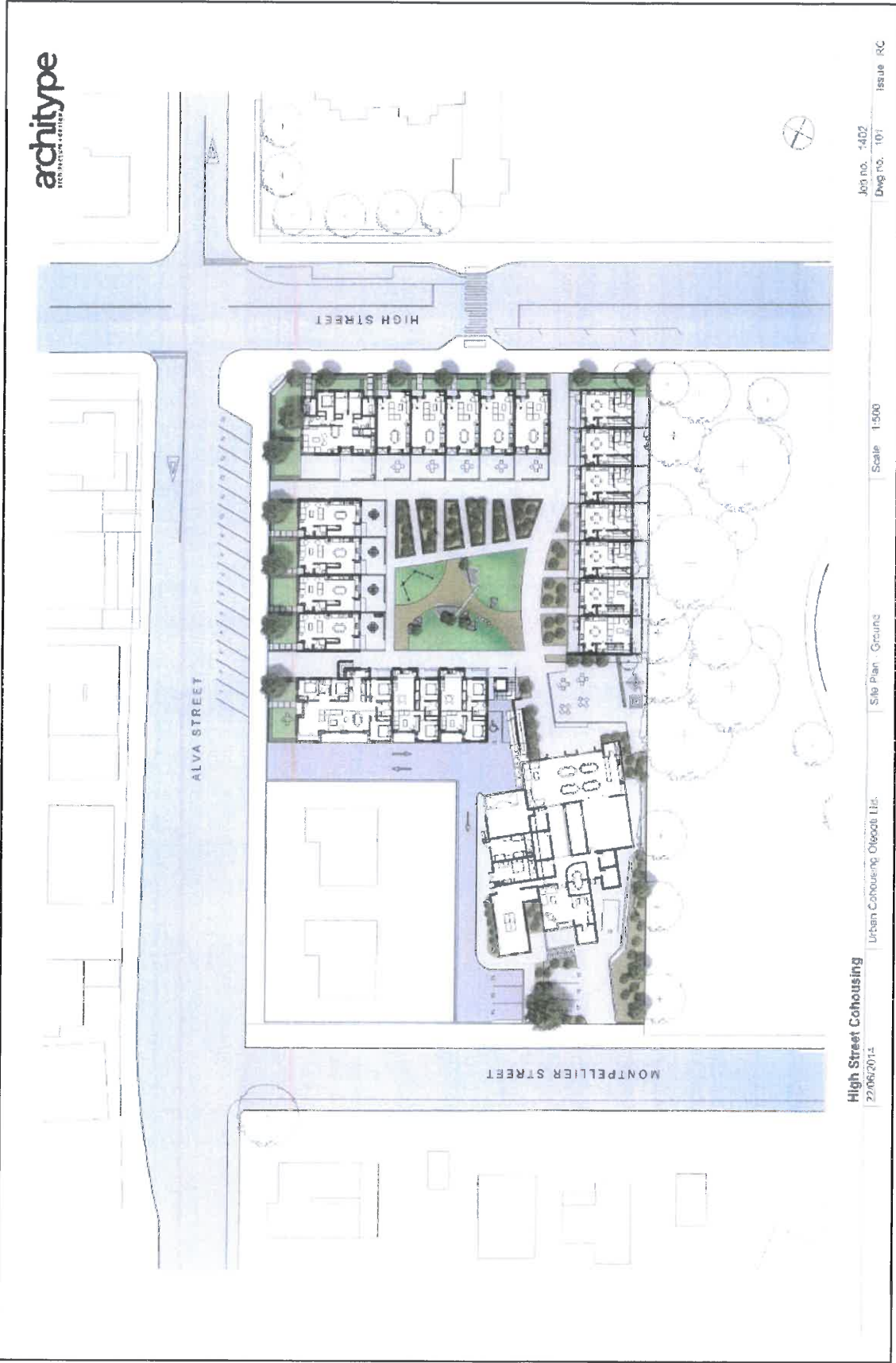
5. It is advised that any residential use made of the new units which is not part of the cohousing structure must comply with the requirements of the District Plan; that is, this consent provides for 26 residential units as part of a cohousing project, not 26 residential units to be owned and occupied by fully self-contained households whether there is common property available or not as part of that arrangement. It should be noted that the combined site has only enough land to allow nine residential units to be established while complying with the present District Plan rules for Residential 1 zoned development. Therefore, should the cohousing project be terminated part way through its implementation, the tenth or any subsequent residential unit, or the subdivision of the subject site, will require additional resource consent as it will involve an over-dense residential development. It should not be assumed that consent will be granted.
6. It is advised that the vehicle access from the carriageway to the property boundary is over road reserve, and is therefore required to be constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (available from Transportation Operations).
7. The new use of the common house will involve a change in use of the building in accordance with section 114 of the Building Act 2004. All building work will need to comply with the New Zealand Building Code, and the Building Act 2004, its regulations and amendments.
8. Parts 4, 5 and 6 (Stormwater Drainage, Wastewater, and Water Supply) of the Dunedin Code of Subdivision and Development must be complied with.
9. 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 consent holder has completed and submitted an 'Application for Water Supply' form to the Council and following the consent holder's 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).
10. Note that certain requirements for building on this site may be stipulated via the building consent process; and are likely to include the following points:
  - The finished floor level is to be no less than 150mm above the lowest point on the site boundary (or the crown of the road if the site is at or above this level). Surface water is not to create a nuisance on any adjoining properties.
  - For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.
  - As required by the New Zealand Building Code E1.3.2, surface water resulting from an event having a 2% probability of occurring annually, shall not enter buildings. The finished floor level shall be set accordingly.

Issued at Dunedin this 16 December 2014.



Andrew Noone  
**CHAIR**  
**HEARINGS COMMITTEE**

COPY OF PLANS: Not to scale.



High Street Cohousing  
22/06/2015  
Urban Cohousing, Oleootti Ltd.  
Site Plan - Grounds  
Scale 1:500  
Job no. 1402  
Dwg no. 101  
Issue RC





- A** 2 Bedroom + Mezzanine - 115m<sup>2</sup>
- B** 3 Bedroom Single Level - 97m<sup>2</sup>
- C** 4 Bedroom - 135m<sup>2</sup>
- D** 2 or 4 Bedroom - 115m<sup>2</sup>
- E** 4 Bedroom Single Level - 145m<sup>2</sup>
- F** 2 Bedroom Single Level - 77m<sup>2</sup>
- G** 1 Bedroom Single Level - 60m<sup>2</sup>
- H** 3 Bedroom Single Level - 80m<sup>2</sup>
- I** 2 Bedroom Mezz - 97m<sup>2</sup>
- J** 3 Bedroom - 97m<sup>2</sup>