

Report

TO: Hearings Committee

FROM: Lianne Darby, Planner

DATE: 21 November 2016

SUBJECT: **RESOURCE CONSENT APPLICATION**
LAND USE: LUC-2016-384
58 NAIRN ST, 25 SHELTLAND ST & 25 LYNN ST
(BEING THE SHELTLAND STREET RESERVE AND
KAIKORAI COMMONS BETWEEN BISHOPSCOURT
GROUND AND SCHOOL STREET)
DUNEDIN

1. INTRODUCTION

- [1] This report has been prepared on the basis of information available on 21 November 2016. The purpose of the report is to provide a framework for the Committee's consideration of the application and the Committee is not bound by any comments made within the report. The Committee will make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

2. DESCRIPTION OF ACTIVITY

- [2] Opus International Consultants Ltd has applied for resource consent on behalf of the Dunedin City Council for the removal of vegetation within the Urban Landscape Conservation Area 16 – Ross Creek/Balmacewen (ULCA 16).
- [3] The primary purpose of the project is to renew the Council-owned foul sewer and stormwater infrastructure between Bishopscourt Grounds and School Street. The current 300mm diameter wastewater sewer is approximately 100 years old, and requires upgrading in order to reduce infiltration and inflow issues and to improve the capacity of the pipe. The renewal of both the wastewater and stormwater infrastructure will improve the management of stormwater during heavy rainfalls, and the quality of stormwater by reducing the discharges of dilute wastewater to the watercourse in this location, being a tributary to the Kaikorai Stream.
- [4] The new wastewater pipe will follow a similar alignment to the existing infrastructure through the Shetland Street Reserve (between Bishopscourt Grounds and Shetland Street) and the Kaikorai Common (between Shetland Street and School Street). The pipe will be placed within land belonging to the Dunedin City Council and the Crown. The subject sites are:

Shetland Street Reserve:

- 25 Lynn Street: Part Section 9 Block III Upper Kaikorai Survey District (Crown Land Proc 293031 1965 p1799);

Kaikorai Common:

- 25 Shetland Street: Lot 5 DP 3912 (CFR OT238/11);
- 58 Nairn Street: Lot 2 DP 22287 (Local Purpose Reserve (Recreation));
- 58 Nairn Street: Lot 5 DP 16014 & Lot 1 DP 20366 (CFR OT12A/169); and

- 58 Nairn Street: Lot 1 DP 20102, Lot 3 DP 15390 & Lot 2 DP 9781 (CFR OT12A/97 Pt Cancelled).

- [5] The Shetland Street Reserve (25 Lynn Street) is a well vegetated section of public walkway leading from Shetland Street to the community garden, and playing fields of Bishopscourt Grounds. The vegetation is predominantly native shrubbery, and closely follows the path. The watercourse alongside the path is approximately 1.0m wide in this location. Most of the reserve passes between the Summerset Dunedin Village, on its northwest side, and the Araiteuru Marae on its southeast. The last 75m or so of reserve approaching Shetland Street is 9m to 26m wide, and passes between residential properties.
- [6] To the south of Shetland Street, the public walkway passes through the Kaikorai Common. 25 Shetland Street is also well vegetated with shrubbery and trees, but has a slightly more open aspect than the Shetland Street Reserve. The walkway progresses through to 58 Nairn Street which continues the general feel of shrubbery, trees, lawns and a wandering path. The common is generally narrower than 25m wide, and sits the rear of housing on both the northwest and southeast sides.
- [7] The common then widens to a width of more than 50m, to accommodate a pond of approximately 550m² and a large open area of lawn. It is possible to walk around either side of the pond. The pond itself is well vegetated on all sides, as is the area between the pond and the northwest boundary of the reserve. Vegetation elsewhere within this more open section of the common is generally scattered or in small clusters.
- [8] The pathway follows the watercourse further southwest to School Street. Again, the common narrows, having a pinch point of approximately 10m width but also having a maximum width of approximately 40m. Generally speaking, the common is about 15m wide. It is surrounded by residential properties. Vegetation along this stretch is predominantly situated on the northwest side of the watercourse. The path follows the southeast side of the watercourse, with solid fencing along the southeast edge of the path. The vegetation within the Kaikorai Common is considered to be approximately 75% natives and 25% exotics.
- [9] While it is the upgrading of the Council's infrastructure that is the focus of the project, the installation of the pipes will require the clearance of vegetation from the urban landscape conservation area through the Shetland Street Reserve and Kaikorai Common. This clearance of vegetation is the aspect of the project which requires resource consent and is the focus of this report. The diversion of the watercourse away from the construction works is a separate matter for consideration by the Otago Regional Council.
- [10] The works to install the pipes will require a corridor approximately 8m wide to be cleared of vegetation. Estimates suggest that this will affect approximately 30% of the existing vegetation if the full 8m construction access corridor is cleared. It is possible that the contractor undertaking the works will employ a methodology which does not require this level of clearance, but until the contract is let and the methodology finalised, this is not known. The applicant therefore seeks consent for the maximum amount of clearance needed.
- [11] The application includes an Indicative Vegetation Management Plan showing the alignment of the 8m corridor for clearance, and describing the anticipated works. Significant tree species such as rimu, totara, and kahikatea, for example, would be considered for transplanting. The same corridor would be replanted at the conclusion of the pipeworks, choosing plants from a list given in the management plan. The proposed planting falls within categories having different characteristic for specific locations. These are headed: riparian planting, pedestrian edge planting, pedestrian bridge approach planning, entrance area planting; mixed native planting; and Bishopscourt riparian planning.
- [12] Preparation and the translocation of the trees will begin as soon as it is appropriate within each tree growing cycle, beginning from the middle of 2017. The works will be undertaken in sections, and each section is expected to take between eight and ten months to complete

(including the reinstatement of the vegetation). The applicant has applied for a 15 year lapse period.

- [13] A copy of the application is included as Appendix A. The application is accompanied by plans, an Assessment of Environmental Effects, Indicative Vegetation Management Plans, a Preliminary Site Investigation (NES) and an Archaeological Authority.
- [14] Further information on the methodology of the works has been provided by Council's Parks Officer on 18 November 2016, following a site visit with key personnel. The details provided have yet to be formally approved, but it is expected that three sites within the reserves and Bishopscourt Grounds will be used for the storage of the plants once they have been uplifted. These areas will be fenced off from the public. An area next to Wales Street is currently proposed as the depot site for contractors, as this is the only available access to the Shetland Street Reserve. An alternative location could be established on the sports grounds themselves, and it is anticipated, in any case, that an area of the grounds will be closed to allow access and will need to be redeveloped at the conclusion of the project. These details are attached in Appendix B of this report.

3. ACTIVITY STATUS

- [15] Dunedin currently has two district plans: The Dunedin City District Plan and the Proposed Section Generation Dunedin City District Plan (the Proposed Plan). The Proposed Plan was notified on 26 September 2015 and is currently proceeding through the public process of becoming the operative plan. Until the provisions of the Proposed Plan become operative, the current District Plan remains the operative plan. Where the provisions of the Proposed Plan have been given effect, the provisions of both plans need to be considered.
- [16] Section 88A of the Resource Management Act 1991 states that the activity status of an application is determined at the time of lodging the consent. The activity status could, therefore, be determined by the current District Plan or the Proposed Plan, depending on which provisions are operative at the time. Nevertheless, even if it is the current District Plan which determines the activity status of the application, the provisions of a proposed plan must be considered during the assessment of the application pursuant to section 104(1)(b) of the Act.
- [17] The relevant rules of the two district plans for this application are as follows:

The Dunedin City District Plan.
- [18] The subject sites are all zoned **Residential 1**. Much of the length of the pipeline, but not all of it, will pass through **ULCA 16 – Ross Creek/Balmacewen**. The general area is shown on the Hazards Register as **10106 – Land Stability (land movement)**, and **10111 – Seismic (intensified shaking)**.
- [19] Rule 13.8.2(i) lists the removal of bush in ULCAs as being a **restricted discretionary** activity. Council's discretion is restriction to the impact of the proposed works on the amenity, natural character and landscape values of the locality and the values of the bush. In assessing the application, the Council will consider:
 - (i) the health and quality of the vegetation and the effect of the removal of plants on the health of the remaining plant community.
 - (ii) the visual impact.
 - (iii) the reasons for carrying out such work.
 - (iv) the extent to which any adverse effects on the environment can be avoided, remedied or mitigated.

The Proposed Plan

- [20] In the Proposed Plan, the land is zoned **General Residential 1** and **Recreation**, and the *whole* length of the pipeline will be within **ULCA 16 – Ross Creek/Balmacewen** (the boundaries of which alter slightly with the new Plan).

- [21] Rule 15.3.4.35 of the Residential zones, and Rule 20.3.4.18 of the Recreation zones, specifies that vegetation clearance is a permitted activity, subject to the vegetation clearance standards of Rule 10.3.2.
- [22] Rule 10.3.2.1 specifies a maximum area of clearance in a UCMA is 20m² over a three year period. The proposal will involve considerably more than 20m² of clearance.
- [23] Rule 10.3.2.3(a) does not allow vegetation clearance within 5m of a water body, and (b) does not allow indigenous vegetation clearance from any wetland within a recreation zone. The proposed clearance will occur in close proximity to the Kaikorai tributary, and will actually involve the piping and/or re-routing of the watercourse during the works.
- [24] The vegetation removal is considered to be a restricted discretionary activity pursuant to Rule 15.3.4.13 and Rule 20.3.2.13.

Summary

- [25] The application was lodged on 22 August 2016, after the close of submissions on the Proposed Plan. The Residential and Recreation zone rules are subject to submissions and are therefore not operative or in effect. Accordingly, the Proposed Plan provisions are not relevant to the activity status of the application as determined at the time of lodgement.
- [26] The activity status of the proposed activity is therefore determined by the The Dunedin City District and is considered to be a **restricted discretionary** activity.
- [27] At the time of writing this land use report, none of the relevant Proposed Plan provisions have been given effect or made operative. The relevant rules are subject to submissions and could change as a consequence of the submission process. Accordingly, the Council need not have regard to the provisions of the Proposed Plan as part of the assessment of this application.

NES Soil Contamination Considerations:

- [28] The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.
- [29] As the project will involve the disturbance of soils, the applicant's agent has had a preliminary site investigation (PSI) undertaken by Opus International Consultants Ltd in order to determine whether or not the NES is likely to be relevant, as provided for by Regulation 6 of the NES. The report concluded that the only HAIL activity undertaken in the area was pesticide use (A10) on the Bishopscourt Grounds, school site, and recreational reserve south of School Street.
- [30] Council's Consulting Engineer MWH has considered the proposal in respect of the HAIL status of the subject sites. While there is no quantification of earthworks given in the application, it is apparent that it will be more than 25m³ per 500m² of site area, and therefore the soil disturbance would not fall within the criteria for a permitted activity under the NES for this reason. However, the applicability of the NES rests on other considerations as well. The Consulting Engineer comments:

'The PSI Report prepared by Opus has determined that there is likely to have been HAIL activity (viz. the application of persistent pesticides) that has occurred on various playing fields at Bishopscourt Recreation Reserve and Balmacewan Intermediate School. In both cases these properties share common boundaries with the Shetland Reserve. The inference is that migration of contaminants from these adjacent properties could have resulted in

contamination of the soils along the alignment (within the Shetland Reserve) and that transport within the Kaikorai Stream tributary could have contributed to this contamination migration. It should be kept in mind that the PSI has not found any indication of actual HAIL activities having taken place on the Shetland Reserve land itself.

'Thus the issue is whether or not the Shetland Reserve soils could have been significantly impacted by the application of persistent pesticides on adjacent sites, given that the Shetland Reserve itself is obviously not a HAIL site.'

- [31] The Consultant Engineer does not consider that the use of 'persistent' pesticides on adjacent land has occurred for possibly 35 years (the more modern pesticides being rapidly biodegradable), and the likelihood of significant residual contamination of the Shetland Street Reserve by migration of the pesticides is considered to be 'negligible'. He concludes:

'All of this evidence is considered to clearly establish that the land that is the subject of this project has not itself seen any HAIL activity and that the potential migration of contaminants from adjacent sites cannot conceivably have occurred "in sufficient quantity that it could be a risk to human health or the environment", in the wording of category H of the HAIL. The NES (Soil) does not therefore apply to the proposed disturbance of soil associated with the project and no consent under the NES is required.'

5. NOTIFICATION AND SUBMISSIONS

- [32] No written approvals were submitted with the application. It was considered that the removal of the vegetation could impact on the amenity of the wider community as the ULCA is a public green space within a wider residential area. Notification provides an opportunity for public participation in the decision making process. The application was publicly notified in the Otago Daily Times on 10 October 2016.
- [33] Six submissions were received following the notification of the application, one in support, four neutral, and one in opposition. These submissions are summarised in the table below. Copies of the submissions are appended to this report in Appendix C.

Submitter	Support / Oppose	Reasons for submission	Wish to be heard?
1. John Hollows	Oppose	- The application is lacking any details about the location of any depot or storage area related to the works. - The application is lacking any details about the social impact of any depot or storage area. - Application is inconsistent with the RMA and portions of District Plan; lacking in detail about parts of the works and the potential social impacts of the works. - Submission based on premise that recreational area at the end of Fairfax Street will be used as a depot. - Area used for a depot is a highly used route for school children. This poses health and safety issues with an industrial depot not compatible with highly used school route. Not considered in application. - Recreation reserve has been used as a depot in past without adequate consultation. Actual and potential effects include: - Fence blowing over on numerous occasions blocking footpath and road. - Portable toilet left lying on its side on numerous occasions. - Driveway created through footpath without consent and not repaired.	Yes

		- Bad language often heard by children. - Workers urinating on the footpath - Site left in unsatisfactory condition following completion of works. - Driveways blocked on numerous occasions. • Requests that consent declined until social effects of a depot, and its location, are fully considered and adequately consulted on. • If consent granted, specify that depot not sited near high-access points for schools and sports. • Conditions to mitigate the above points on any depot site.	
2. Nic and Cherry Hart	Support	• Support application in full, but request relating to potential impacts on privacy and surrounding visual landscape. • Large trees between stream and property boundary may be affected. • Trees contribute significantly to visual landscape and bird life, and provide great deal of privacy. • Tree removal will expose lounge, kitchen and main outdoor area to view of people in reserve. • Requests that if trees are to be removed (and their fence), then fence be rebuilt 0.5m higher than currently. • Requests that area be replanted in a way that current visual landscape (larger mature trees) can be regained as short a period as possible.	Yes.
3. Summerset Group Ltd	Neutral	• Summerset Dunedin Village wishes to be consulted prior to works commencing to get a greater understanding of how this work will affect the village. • Requests that the Council works with the village to ensure the safety of the residents is maintained.	No.
4. Emma Christmas	Neutral	• Submitter wants public access through area, particularly Shetland Street to playing field (Bishopscourt) is maintained, or if not, alternative access is arranged. • Route used regularly by Balmacewen School pupils to access school. Closure will mean children dropped off and picked up closer to school. Traffic will increase on Chapman Street. • Alternatively, allow temporary access at school pick up/drop off, or restrict work to school holidays.	No.
5. Kathleen Goodman	Neutral	• Submitter has dogs on property. • Wants contractors to notify her if there are any breaches on fenceline.	No.
6. Andrew Reid Hunter	Neutral	• Submitter wants to ensure the safety of Balmacewen School students who walk through affected area. • Effective fencing and barriers will be needed to prevent any harm to children in the area.	No.

6. ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

[34] Section 104(1)(a) of the Act requires that the consent authority have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in section 3 as including:

- a) Any positive or adverse effect; and
- b) Any temporary or permanent effect; and
- c) Any past, present, or future effect; and
- d) Any cumulative effect which arises over time or in combination with other effects – regardless of the scale, intensity, duration or frequency of the effect, and also includes –

- e) *Any potential effect of high probability; and*
- f) *Any potential effect of low probability, which has a high potential impact.*

[35] Having regard to the assessment matters set out in Section 13 (Townscape) of the District Plan, this section of the report assesses environmental effects under the following headings:

- Reasons for Work
- Health and Quality of Vegetation
- Visual Impact
- Mitigation

Reasons for Work

[36] The application goes into some detail as to the reasons for the proposed works, none of which are to do with removing vegetation *per se*. In other words, there would be no move to remove the vegetation if not for the proposed pipeline upgrade works. The pipeline upgrade does not, however, require resource consent as it is permitted under Rule 22.5.1 which states:

'The construction, operation and upgrading of the following utilities are permitted activities provided they comply with the conditions in Rule 22.5.2:

(iii) pipes and any necessary incidental equipment for the supply and distribution of water and the drainage of sewage and stormwater.

[37] Rule 22.5.2 requires all such pipes to be placed underground, and the proposed works will comply with this condition.

[38] Rule 17.7.2(i)(i) lists earthworks associated with utilities being installed with the above rule as being permitted as well. There is no requirement for the earthworks to comply with scale thresholds or distances from watercourses; accordingly, the pipeline works are permitted.

[39] The proposed pipeline works are for the upgrading of the existing Council-owned infrastructure from Bishopscourt Grounds to School Street. The existing 300mm diameter wastewater sewer is approximately 100 years old, cracked, and subject to infiltration from stormwater so that it has capacity issues and is known to surcharge in wet weather. Conversely, it is subject to low pipe velocities in dry weather conditions. Sections of the pipe alignment pass through private property although there is nearby Council-owned Parks and Reserves land available. There is also discharge of dilute wastewater occurring to the Kaikorai Tributary.

[40] The design of the proposed new wastewater trunk main will address most of the identified issues and constraints. It will be a 375mm diameter pipe running on a new alignment, albeit one which is close to the present alignment between School Street and Shetland Street. The old pipe will be abandoned and capped with concrete.

[41] The application also deals with the proposed replacement of stormwater sewers, manholes and outlet structures within the Kaikorai Common. An existing 225mm diameter stormwater pipe passing through 7 Eton Street and into the Kaikorai Common will be replaced on the same or similar alignment with a 450mm diameter pipe, with a suitable outfall structure to the Kaikorai Stream. Elsewhere, a new section of pipe from the northwest corner of 19 Font Street will be installed, including a new outfall structure to the duck pond.

[42] In order to be able to install the pipes, the contractors will have to have access to the site. In this case, the applicant has identified the need for a maximum 8m wide corridor of clear land around the pipe alignments. As the Shetland Street Reserve and Kaikorai Reserve are a natural environment with mature trees, shrubbery, riparian and walkway plantings, it will be necessary to remove some of this vegetation in order to obtain a clear working area around the pipe alignment. The applicant suggests that the full 8m width may not be required as this will depend on the methodology employed by the contractor. Until the contract is let, the methodology will not be finalised.

- [43] None of the six submitters have questioned the need to remove the vegetation for the proposed infrastructure works. Stormwater and wastewater drainage is a necessary component of urban development, and where the existing drainage infrastructure is not functioning adequately, it is a Council responsibility to have the necessary upgrading undertaken. The reasons for the replacement of the existing pipes appear to be understood, or at least accepted, by the submitters. Likewise, none of the submitters have opposed the removal of vegetation in order to undertake the works; the content of the submissions are more concerned with impacts on school children during the construction period, and the reinstatement of the vegetation.
- [44] While the construction period will require removal of vegetation from the ULCA, and this will require resource consent, the reason for the works is, in my opinion, well founded and will be essential sooner or later. The application considers alternative locations and methods in Section 4 of the application, and states that doing nothing to the pipes is not a viable option. The existing pipe is close to the end of its life, and should it fail, it will be difficult to address the problem quickly even though the consequences of failure could be significant.
- [45] The application also lists a number of different methods for the installation of the pipes. It dismisses directional drilling as being unsuitable because of the low grades of the pipeline. The methodology of 'pipe bursting' involves feeding the new pipe into the old pipe and breaking the old pipe open in the process. It is assessed by the applicant as being a 'high risk option'. Micro-tunnelling is possible, but the soil conditions increase the risk of an unsuccessful installation and financial implications. The applicant has selected the open-cut trenching method as being the most suitable for this project and location, mainly because of the technical issues that could occur with the other methodologies.
- [46] Alternative locations for the pipe were also considered by the applicant. The route through the Shetland Street Reserve and Kaikorai Common has been chosen for a number of reasons as listed in the application. If nothing else, the new alignment reduces the length of pipeline in private property from 300m to 161m, and the number of private properties affected from nine to five. The main benefit in having the pipeline through public land is accessibility should there need to be work undertaken on the pipe. The walkway through the Shetland Street reserve and Kaikorai serves as an appropriate alignment for these reasons, not least of all because it is the existing route, or close to the existing route, of the present pipe.

Health and Quality of Vegetation

- [47] There is no suggestion that the vegetation is being removed because of issues with, or concerns about, its health and quality. A walk through the Kaikorai Common and Shetland Street Reserve shows the vegetation to be established but still relatively young plants in many cases. Much of the vegetation is estimated to be 15 to 20 years old. One notable exception is a mature oak tree situated opposite the house of 50 Nairn Street which is estimated to be 100 years old. Overall, the trees and shrubbery appear to be lush and healthy, and there is no reason to have them removed because of concerns about age, disease or safety.
- [48] It is unfortunate that the installation of a new pipe or pipes will impact significantly on some of the existing vegetation in this reserve area, but the effects will be temporary. The vegetation can be replaced and replanted, although it is likely to require a number of years to reach a comparable level of maturity and size. The long term effects of the project can, however, be fully mitigated in time, and even the early landscaping immediately following the completion of the pipe works is expected to provide a good level of healthy and appropriate vegetation, albeit possibly lacking in maturity and size.

Visual Impact

- [49] The visual impact of the proposed works has the potential to affect the amenity of the reserve itself, and of those neighbours who overlook the reserve. Section 2 of the Resource Management Act 1991 defines 'amenity' as:

"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."

- [50] Council's Landscape Architect has reviewed the application. He notes:

'A key matter is that the area involved has very distinctive and well developed vegetation, most of it planted around and along a frequently used walking access path. This vegetation was predominantly planted and maintained by the Dunedin Environment Centre Trust (DECT), a community organisation which also has a nursery in the immediate vicinity based on DCC land and covered by a occupation agreement. The main representative of DECT is Henrik Koch, who was on this site visit, and who expressed dismay and concern about the proposal ... The Kaikorai Common area will be significantly affected by the wider piping proposal.'

- [51] The Landscape Architect notes that there will be a significant adverse effect on the vegetation as a result of the pipe renewal project. The application discounts alternative underground tunnelling approaches to the new piping project as being untenable, but then outlines positive ways that DECT should be involved in mitigation which will lessen the impact. The Landscape Architect considers that there will be short to medium term significant adverse effects on vegetation, biodiversity and amenity values. The importance on the area as a walkway has not be fully explored in the application.

- [52] ULCA 16 is one of 24 urban landscape conservation areas identified in the District Plan. Specific values for the area are not outlined in the Plan. Generally, the areas are described as providing:

'... contrast with and relief from the built environment and [they] have significant landscape value ... The important characteristics and features of these areas are the natural elements such as trees, areas of bush and other vegetation, and natural features such as streams or landforms. The visual dominance of these elements over human elements such as buildings or roads is a fundamental characteristic...'

- [53] The Landscape Architect considers that there will be adverse effects on the urban landscape conservation area values for at least four to five years. What is now a well-regarded riparian area of planting with good biodiversity and amenity values will change. If the Vegetation Management Plan is adhered to, and DECT are able to assist with the restoration and management of planting to the extent it has previously, then in several years' time those lost values could be returned. The Landscape Architect finishes by saying:

'Hopefully, if consents are granted and the project proceeds, Upper Kaikorai Valley will not only have much more secure sewer, water main and stormwater systems, but it will continue to have an attractive riparian walkway with high amenity and biological values.'

- [54] The Landscape Architect's comments are not positive about the project, and are perhaps best summarised as being a realistic outlook in light of the proposed pipeline works going ahead. While he expects the proposed works to have adverse effects on the vegetation and amenity of the reserve areas, he also recognises that it is a short to medium term effect until the replacement vegetation is established and matures. This is not a proposal where the vegetation is to be removed permanently and the qualities of the urban landscape conservation area are completely changed hereafter.

- [55] Only one submission comments on the visual effects of the removal of the vegetation. The residents of 64 School Street have advised that there are a number of large trees next to their boundary which they expect will be removed. The trees contributed significantly to their visual landscape, and provide them with privacy in their living areas and outdoor living space. The submitters actually support the proposal, but wish to ensure that the boundary fence is replaced (with the new fence being 0.5m higher) should it be removed, and that the

present large, mature trees be replaced with similar vegetation. The submitters recognise that the same degree of privacy and visual appearance is likely to take some years to regain.

- [56] I note that nicely landscaped areas with young plants can also be attractive spaces, so while the subject sites will be significantly changed during the actual pipeline works, the landscaping of the area immediately following the installation of the new pipes will go some way to mitigating the effects. Depending on the methodology used to install the pipeline, it is possible that much of the vegetation being removed will be reused to plant up those sections where the pipe installation has already been completed, the work taking place in stages. The success of any such replanting project will depend, of course, on the timing of the project in terms of the growing season for each plant, the size of the vegetation, and the species of plants (some of which are more forgiving than others about being transplanted). It is less likely that the larger trees can be shifted although the Indicative Vegetation Management Plan submitted with the application states that 'significant trees' will be identified for transplanting so perhaps some effort will be made for natives in particular. Even those shrubs which are successfully transplanted will take possibly a year or two to recuperate. It will take some time for the replacement planting to re-establish to a comparable state, and this will have unavoidable impact on the visual landscape.
- [57] Despite the visual effects being significant in the short to medium term, it should be realised that the effects will not be permanent. The effects can be fully remedied with an investment of plants and physical work, and the passing of time. The visual appearance of the reserve will eventually be the same or very similar to the present. Furthermore, despite the reserve being overlooked by many residential neighbours, only one submission is concerned with the visual impact of the project, and this submission does not oppose the works. While I expect that the neighbours, generally speaking, do not desire to have the Kaikorai Common and Shetland Street Reserve remodelled to such an extreme extent, there is no real opposition to the proposal from the neighbours, possibly due to a degree of pragmatism about the need for the pipes.

Mitigation

- [58] Ultimately, the removal of the vegetation from the urban landscape conservation area will be mitigated by the replacement, replanting, and rejuvenation of the reserve once the pipeline is in place. The effects on the Kaikorai Common and Shetland Street Reserve will be temporary, although it could take a number of years for the newly landscaped area to achieve a comparable state of maturity and visual appearance.
- [59] The applicant seeks to mitigate the effects of the pipeline installation by keeping the amount of vegetation removal to a minimum. The applicant has applied to remove approximately 30% of the present vegetation, but hopes that less clearance will be required. It will be up to the contractor to determine how the project is undertaken, and therefore what will be required in terms of vegetation removal. The 70% to be retained will ensure that the reserve keeps its overall character as a green space within an urban area.
- [60] The applicant has submitted an Indicative Vegetation Management Plan which identifies the alignment of the proposed pipe, the existing plants list, and the proposed actions for the mitigation of the site. The Plan also seeks to rectify a number of safety issues for users of the reserve arising from poor sight lines and trip hazards. A proposed plant list is included, and groups appropriate species for different locations e.g. riparian planting, and pedestrian edge planting. Therefore, some thought has gone into the selection of replacement plants, and the Council is taking the opportunity to improve the reserve for public use. As the pipeline will be laid in sequence (although possibly working in several locations, or from both ends, at once), it is possible that the reinstatement of the planting will be undertaken in those locations where the pipeline works have finished. It is not certain that the project will reduce the entire length of the walkway to disorder before the replacement planting is commenced, and it is possible that only relatively short sections of the pipeline project will be a mess at any one time.

- [61] One submitter has concerns about the location and management of the works depot or storage area. He expects that an open area on Wales Street, next to the Bishops court Grounds playing fields, will be utilised for a depot as it has before. The submitter opposes the application on the basis that the social impacts of the proposal and depot have not been considered.
- [62] The application does not identify any location for use as a depot, probably as this will be determined once the contractor has been selected and the works programme finalised. The information provided by the Parks Officer, however, suggests that the Wales Street area will be a likely location. While the proposed pipeline will pass behind a number of Wales Street properties within the Bishops court Grounds, and therefore the open area in this location could well be used as a depot for this section of the pipeline works, it is less likely that this will be a suitable site for a depot in relation to the pipeline works subject of this consent. A more suitable depot could be located on the Bishops court Grounds, closer to the Shetland Street Reserve. Again, the location of the depot/s is not known at this point in time.
- [63] The pipeline itself does not need resource consent; it is the removal of vegetation through the reserve that is being considered. Therefore, the effects of any depot established for the pipeline works through Bishops court is actually outside the scope of this consent, in my opinion, unless the same site is used as a depot when working through the Shetland Street Reserve. I also consider that the placement and operation of the depot, wherever it is, is more of a site management issue than a resource management matter, in the same way that the construction of a house may create considerable noise and general disturbance which needs to be managed, but the construction is still a permitted activity in a residential zone.
- [64] There needs to be clarification of where the depot for the proposed works will be situated, and how the construction of the project will progress. It is not clear at this stage whether separate resource consent for the establishment of the depot will be required as the pipeline works themselves are permitted. It is very possible that the depot will not be situated on the same site (as defined by a computer freehold register i.e. title) as the proposed works, further complicating the status of the depot. The application may wish to clarify this issue at the exchange of evidence, or at the hearing, including how long the depot is likely to be in place, given the extended lapse period of the consent.
- [65] Two submitters have discussed the management of the walkway through the Kaikorai Commons and Shetland Street Reserve during the period of the pipeline works, particularly as it is often used by pupils attending Balmacewen Intermediate and other schools. It is also a suitable walking route to the playing fields on Bishops court Grounds. Again, the application is largely silent on the particulars on how the works will be undertaken in respect of this aspect. It is possible that the walkway can remain open during the works but, especially in the narrower sections of the reserve, it might be necessary to close the reserve to walkers for certain periods.
- [66] While the closure of the walkway might be inconvenient, I note that it is possible to walk from one end of Kaikorai Common to the other via roadside footpaths without crossing a road. The closing of Kaikorai Common to pedestrians will not require school children to cross any roads that they were not already crossing. The closure of the Shetland Street Reserve is perhaps more of an inconvenience as the circular route by road from one end of the walkway to the other is much longer, particularly if the destination or starting point is the playing fields. If it is Balmacewen Intermediate being considered, it is less of an issue as the school has its front gate onto Chapman Street rather than Lynn Street (a further 250m or so to the northeast). While pedestrians are probably going to walk further, again there will be no need for children to cross roads they were not already crossing. I am unsure how the contractor will be able to mitigate the closure of the walkway, if necessary, but there should be minimal safety concerns for children arising from the use of footpaths instead, and in fact, there might be an improvement in safety given that the children will be far more visible to public view.

Conclusion

- [67] The proposed removal of the vegetation from the urban landscape conservation area will have significant short to medium term effects. The fact that so few submitters have expressed concerns about the project via the submission process perhaps indicates that people understand the need for the pipeline installation, and recognise that the effects will be temporary. There is unlikely to be any long term adverse effects as the vegetation will be replaced by appropriate species, and will mature in time to a comparable state. Those persons who have submitted are more concerned with how the works are to be undertaken rather than the loss of the vegetation.

7. OBJECTIVES AND POLICIES ASSESSMENT

- [68] Section 104(1)(b) requires the consent authority to have regard to any relevant objectives, policies and rules of a plan or proposed plan. The Dunedin City Council is currently operating under the Dunedin City District Plan, and the Proposed Second Generation District Plan has been notified. The objectives and policies of both Plans have been taken into account. The following section of the report assesses the proposal against the relevant objectives and policies of both plans.

Dunedin City District Plan

Sustainability

Sustainability Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 4.2.1 Enhance the amenity values of Dunedin.	The proposed pipeline is considered to be sustainable management of the infrastructure in that it will renew the existing pipeline which has capacity and condition issues. The associated removal of vegetation within the ULCA is not considered to enhance amenity values in the short to medium term, but the vegetation can be replanted and revitalised. The finished result will, in time, be comparable to the existing plantings of the ULCA. Accordingly, the proposal is considered to be consistent with these objectives and policies.
Objective 4.2.2 Ensure that the level of infrastructural services provided is appropriate to the potential density and intensity of development and amenity values of area.	
Objective 4.2.3 Sustainably managed infrastructure.	
Objective 4.2.4 Ensure that significant natural and physical resources are appropriately protected.	
Policy 4.3.1 Maintain and enhance amenity values.	
Policy 4.3.4 Provide for the protection of the natural and physical resources of the city commensurate with local, regional and national significance.	

Townscape

Townscape Zones Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 13.2.1 Ensure that the important values and characteristics of the natural features and areas which provide the setting for the urban areas are protected.	The proposed removal of vegetation from the ULCA does not protect the existing vegetation in the Kaikorai Common and Shetland Street Reserve. However, it is worth noting that most of the existing vegetation has been introduced to this location. The applicant intends to replant those areas which are having vegetation removed, and will recreate the present green space. The proposal is considered to be consistent with this objective and policy when viewed medium to long term, but not short to medium term.
Policy 13.3.1 Protect and enhance the natural character of those areas identifies as ULCA in the District Plan maps through: • Protection of natural landforms and waterways. • Protection of trees and areas of bush. • Control over the erection of buildings and other development.	
Policy 13.3.11 Provide an environment suitable for pedestrians within areas of high pedestrian usage.	The proposal will temporarily impact on the existing pedestrian walkway through this location, but will recreate an environment which is suitable for pedestrians. The proposal is consistent with this policy.
Objective 13.2.7 Create and promote a safe environment.	The Indicative Vegetation Management Plan identifies the existing and future vegetation through the public walkway. The applicant intends to improve public safety by adopting Crime Prevention Through Environmental Design (CPTED) principles at the time of replanting. The proposal is consistent with this objective and policy.
Policy 13.3.12 Enhance safety in public areas for people.	

Trees

Trees Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 15.2.1 Maintain and enhance the amenity and environmental quality of the city by encouraging the conservation and planting of trees.	None of the vegetation is specifically listed in the District Plan as requiring protection, but the overall vegetation within the ULCA is given some protection by the Plan. The proposal is to remove approximately 30% of the vegetation within the reserve, but this area can be replanted with comparable plants, and will re-establish as a quality natural environment over a period of several years. The proposal is considered to be consistent with these objectives and policies.
Objective 15.2.2 Protect Dunedin's most significant trees.	
Policy 15.3.1 Ensure that landowners and developers are aware of the environmental benefits of trees and encourage them to conserve trees and undertake new plantings whenever possible.	
Policy 15.3.2 Identify and protect trees that make a significant contribution towards amenity and environmental quality.	

Policy 15.3.3 Require tree planting or other landscape treatment associated with development where this will avoid, remedy or mitigate any adverse effects on the environment.	
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Utilities

Utilities Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 22.2.1 Provide for the safe and efficient use and development of utilities within the City.	The purpose of the project is to replace the existing Council infrastructure which is near to the end of its life and has capacity issues. The proposed pipeworks do not require consent, but are the reason for the removal of vegetation in the ULCA. The pipe upgrade will be undertaken as necessary, and the site remediated to recreate a similar character to that present exhibited in the ULCA. The proposal is considered to be consistent with these objectives and policies.
Policy 22.3.1 Allow the construction, operation and upgrading of those utilities which have no significant adverse effects.	
Objective 22.2.2 Ensures that any adverse environmental effects of the construction, operation and upgrading of utilities in the City are avoided, remedied or mitigated.	
Policy 22.3.2 Require consideration of a case by case basis of the construction, operation and upgrading of utilities with significant adverse effects on the environment.	
Policy 22.3.4 Encourage the location of utilities in corridors.	The proposed pipeline will be placed through Council and Crown land as much as possible. The proposal is consistent with this policy.
Policy 22.3.5 Encourage the progressive undergrounding of utilities.	The proposed pipeline will be placed underground. Accordingly, it will be necessary to clear a corridor of vegetation. The proposal is considered to be consistent with this policy.

Proposed Plan

The objectives and policies of the Proposed Plan must be considered alongside the objectives and policies of the current district plan. The following Proposed Plan objectives and policies are considered relevant to the proposal:

Network Utilities and Energy Generation

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 5.2.1 Network utilities activities, including renewable energy generation activities, are able to operate efficiently and effectively, while minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and, where located in an overlay zone, scheduled site, or mapped area, meeting the relevant objectives and policies for those areas	The proposed pipeline will be installed underground in Council or Crown land. The proposal is considered to be consistent with this objective and policy.
Policy 5.2.1.7 Require network utilities structures are located, designed, and operated to ensure	

any risk to health and safety is not significant.	
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Natural Environment

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 10.2.1 Areas of indigenous vegetation and the habitats of indigenous fauna are maintained and enhanced. Policy 10.2.1.5 Only allow vegetation clearance over the maximum area, and earthworks - large scale in an Urban Conservation Mapped Area (CMA) where the conservation values of the UCMA are maintained or enhanced.	The proposal will remove approximately 30% of the vegetation from the subjects. Approximately 75% of this existing vegetation is native, although most of it has been planted in this location and is not original bush. The ULCA will be adversely affected in the short to medium term, but is expected to be restored and enhanced over time. Even immature plants in an appropriately landscaped environment can create an attractive space. The proposal is considered to be consistent with this objective and policy.
Policy 10.2.1.10 Only allow network utilities network utilities poles and masts - small scale, on-site energy generation devices, network utility structures - large scale, community scale solar panels and wind generators, and energy resource investigation devices where adverse effects on identified biodiversity values can be avoided or, where avoidance is not possible, would be insignificant.	The utilities will not avoid the area of vegetation within the ULCA, and is not considered to be insignificant in effects in the short to medium term. Accordingly, the proposal is considered to be inconsistent with this policy.
Objective 10.2.2 The biodiversity values and natural character of the coast and riparian margins are maintained and enhanced. Policy 10.2.2.2 Require buildings, structures, storage and use of hazardous substances, network utilities activities, and earthworks - large scale to be set back from the coast and water bodies an adequate distance to enable the biodiversity and natural character values of coastal and riparian margins to be maintained or enhanced. Policy 10.2.2.3 Require vegetation clearance to be set back an adequate distance from the coast and water bodies to minimise the risk of erosion and protect, or enable the enhancement of, biodiversity and natural character values.	The vegetation follows a riparian margin. The proposed works will not maintain a separation distance from this watercourse, and may require the rerouting or piping of the watercourse. This is a permitted activity under the District Plan but will require consent from the ORC. The proposal is inconsistent with this objective and policies.

Policy 10.2.2.4 Require earthworks to minimise the risk of sediment entering the sea or water bodies by: 1. being set back an adequate distance from the coast and water bodies; and 2. by using appropriate sediment control techniques to ensure sediment does not enter water bodies or the sea.	
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[69] As the Proposed Plan is not far through the submission and decision-making process, the objectives and policies of the Dunedin City District Plan have been given more consideration than those of the Proposed Plan. It is my view that the proposal to remove the vegetation is consistent with many of the objectives and policies of the Dunedin City District Plan to do with sustainability, townscape, trees and utilities. However, it is inconsistent with some objectives and policies of the Proposed Plan concerned with the natural environment.

Assessment of Regional Policy Statement and Plans

[70] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. The Regional Policy Statement for Otago was made operative in October 1998. It is currently under review and the Proposed Regional Policy Statement was notified on 23 May 2015. The Hearing Panel decisions on the Proposed Regional Policy Statement were released on 1 October 2016. At the time of writing this report, the decisions are within the appeal period.

[71] The proposal is considered to be consistent with the relevant objectives and policies of the following chapters of the Regional Policy Statement for Otago: 4: Manawhenua, 5: Land, and 9: Built Environment. It is also considered to be consistent with the following relevant objectives and policies of the Proposed Regional Policy Statement:

- Objective 1.1: Resource Management in Otago;
- Objective 3.4 Good quality infrastructure and services meet community needs;
- Objective 3.5: Infrastructure of regional and national significance is managed in a sustainable way.
- Objective 3.7: Urban areas are well designed, sustainable and reflect local character.
- Objective 4.1: Public access to areas of value to the community is maintained or enhanced.
- Objective 4.4: Otago's communities can make the most of the natural and built resources available for use.

8. DECISION MAKING FRAMEWORK

Part II Matters

[72] When considering an application for resource consent, an assessment of the proposal is to be made subject to the matters outlined in Part 2 of the Act. This includes the ability of the proposal to meet the purpose of the Act, which is to promote sustainable management of natural and physical resources. Other resource management issues are required to be considered in exercising the functions under the Act. Of particular relevance are sections:

- 5(2)(c) "avoiding, remedying or mitigating any adverse effects of activities on the environment",
- 6(c) "The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna";
- 7(c) "The maintenance and enhancement of amenity values";
- 7(f) "Maintenance and enhancement of the quality of the environment"; and
- 7(g) "Any finite characteristics of natural and physical resources".

- [73] Section 5(2) seeks to enable 'people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety', while this should ideally occur while avoiding, remedying, or mitigating any adverse effects of activities on the environment. The reason for the removal of the vegetation is to replace Council infrastructure, a sewage pipe and stormwater pipes. The efficient operation of such services is essential for public health and safety.
- [74] With regard to Section 5(2)(c), removing the vegetation from the urban landscape conservation area will result in significant adverse effects on the visual appearance of the reserves over a short to medium term. However, the Shetland Street Reserve and Kaikorai Common can be restored to a comparable standard with replacement landscaping and time. The effects will not be permanent.
- [75] With regard to Section 6(c), approximately 75% of the vegetation in the reserves is native species. However, the location is not pocket of original bush but rather, a landscaped reserve with relatively young plants. The removal of the vegetation is not a permanent effect, and similar plantings can be re-established to much the same effect, given time.
- [76] Having regard to Section 7(c), the removal of the vegetation will have a significant effect on the amenity values of the general area in the short to medium term, but is not expected to have long term or permanent adverse effects on the amenity values of the area.
- [77] With regard to Section 7(f), the removal of the vegetation is not considered to maintain or enhance the quality of the environment, but this can be fully mitigated by new landscaping works and the replanting of the reserves.
- [78] With respect to Section 7(g), the vegetation is a natural resource. There are no plants of particular significance, and as many as possible will be transplanted as part of the project, therefore remaining within, or being returned to, the reserve area on the completion of the pipe works. Vegetation can be replaced, and will regenerate in due course.
- [79] Overall, the proposal is considered to be consistent with Part II of the Act.

Section 104

- [80] Section 104(1)(a) states that the Council shall have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposed removal of the vegetation and concluded that the adverse effects of the proposal are significant on a short to medium basis, but these adverse effects can be fully mitigated to a comparable or better standard in the long term.
- [81] Section 104(1)(b)(iv) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concluded that the removal of the vegetation is generally consistent with the objectives and policies of the Dunedin City District Plan, but inconsistent with the relevant objectives and policies of the Proposed Plan regarding the natural environment.
- [82] Section 104(1)(b)(iii) requires the Council to have regard to any relevant regional policy statement. In sections [70] and [71] of this report it was concluded that the applications are consistent with the bulk of the relevant objectives and policies of the Regional Policy Statement for Otago and the Proposed Regional Policy Statement for Otago.
- [83] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. Consistent administration and interpretation of the Plan by the Council is a desired outcome for consents. While the pipeline works do not require consent and are not the subject of this report, it should be recognised by the Committee that the replacement of the Council infrastructure is a project which must progress because of issues with the existing pipework, and the significant consequences for the community and environment if the present infrastructure fails. An unfortunate outcome of undertaking the pipeworks is the disturbance of the urban landscape

conservation area. The Council is seeking to minimise the impact and to mitigate the works through the restoration programme.

RECOMMENDATION

*Pursuant to section 34(1) and 104C, and after having regard to section 104 of the Resource Management Act 1991, and the Dunedin City District Plan, the Dunedin City Council **grants** consent to the **restricted discretionary** activity being the removal of up to 30% of the vegetation within the Shetland Street Reserve and Kaikorai Common (part of ULCA 16), subject to conditions imposed under section 108 of the Act, as shown in Appendix I.*

REASONS FOR RECOMMENDATION

1. The Council needs to replace the existing foul sewer main in this general location as the existing infrastructure is nearing the end of its life. It also has capacity issues, and is subject to infiltration and some leakage. The failure of the foul sewer main will have significant implications for the community and public health, should it occur, but will be difficult to rectify quickly due to the nature of the infrastructure and the location of the present pipeline. If Council is to manage the foul sewage infrastructure responsibly and appropriately, there will need to be a new pipe installed from Bishops court Grounds to School Street at some point in the near future.
2. The reserve and common has been chosen as an appropriate route for the new pipes because this is Crown or Council-owned land. It avoids having pipes through private property as much as possible. It is also close to the existing pipeline route, and is at a suitable gradient for the drainage.
3. The need to disturb the urban landscape conservation area is an unfortunate consequence of choosing this route for the new pipeworks. However, the applicant seeks to minimise the disturbance of the vegetation as much as possible, and will have the area restored to a comparable standard after the works have been completed. The effects will be significant in the short to medium term, but the long-term effects can be fully mitigated.
4. Little, if any, of the vegetation is of particular significance in its own right. The value in the vegetation is in its overall effect as a body of plantings. Most are relatively young plants which have been established in recent years, and can be restored to a comparable standard. The initial re-landscaping of the reserve is expected to provide an attractive environment, with the maturing and regeneration of the vegetation only enhancing the environment over time.
5. Like all construction projects, there will be a period of disturbance and inconvenience for the neighbours and general public. This will be a temporary effect, and can be mitigated in part by appropriate management.
6. Council's Landscape Architect has assessed the proposal and notes that the short to medium term effects will be significant. However, he also recognises that, with good mitigation works, the Upper Kaikorai Valley will result in an improved sewer system but also, '*... an attractive riparian walkway with high amenity and biological values*'. The Landscape Architect does not oppose the project, even though he recognises that there will be a visual and amenity impact.
7. The proposed removal of the vegetation, with the remediation and on-going management of the reserve and common, is considered to be consistent with the objectives and policies of the District Plan.
8. The proposed pipeline and modification of the reserve and common is also considered to be consistent with the purpose of the Resource Management Act 1991 which seeks to promote the sustainable management of natural and physical resources.

9. A 15 year lapse period is considered acceptable given the scale of the works, the length of the subject site, and the need to work with the seasons. The actual length of the construction works will be less than this, and the 15 year lapse period merely provides a longer time frame in which to start and complete the project.

Report prepared by:

Report checked by:

Lianne Darby
PLANNER

John Sule
SENIOR PLANNER

Date

Date

APPENDIX 1: DRAFT CONDITIONS

Pursuant to section 34(1) and 104C, and after having regard to section 104 of the Resource Management Act 1991, and the Dunedin City District Plan, the Dunedin City Council **grants** consent to the **restricted discretionary** activity being the removal of up to 30% of the vegetation within the Shetland Street Reserve and Kaikorai Common (part of ULCA 16), subject to conditions imposed under section 108 of the Act, as follows:

1. *That the proposal shall be undertaken generally in accordance with the plans, the Indicative Vegetation Management Plan, and the details prepared by OPUS International Ltd and submitted with LUC-2016-384, received at Council on 22 August 2016, except where modified by the following:*
2. *A Vegetation Management Plan shall be prepared. It is anticipated that this Plan will be based closely on the indicative plan submitted with the application, but shall finalise the following:*
 - *the areas of vegetation to be removed;*
 - *the programme of the works;*
 - *measures employed during the period of the works to ensure public safety and minimise public disruption;*
 - *methodology of removal of the vegetation;*
 - *details on the location and management of the area/s used for storing the disturbed plants intended for replanting;*
 - *a replanting plan for the entire length of the Shetland Street Reserve and Kaikorai Common, indicating location, density and species of plants; and*
 - *the follow up maintenance plan needed for the re-establishment of transplanted and new plantings.*

The Vegetation Management Plan shall be submitted to the Council for approval prior to works commencing on-site.

3. *The removal, storage, replacement and re-establishment of vegetation within the Shetland Street Reserve and Kaikorai Common shall be undertaken in accordance with the approved Vegetation Management Plan.*
4. *The consent holder shall advise the Council, in writing, of the start date of the works. The written advice shall be provided to Council by email to rcmonitoring@dcc.govt.nz at least five (5) working days before the works are to commence.*
5. *The consent holder shall advise the Summerset Dunedin Village, in writing, of the start date of the works on the Shetland Street Reserve section of the project at least five (5) working days before the works are to commence.*
6. *The consent holder shall advise all schools in the area which are likely to have children using the walkway through the Shetland Street Reserve and/or Kaikorai Common, in writing, of the start date for the works at least five (5) working days before the works are to commence.*
7. *If the walkway is to be closed to the public at any point during the undertaking of the works, the consent hold shall advise (or re-advise if necessary), in writing, all schools in the area which are likely to have children using the walkway through the Shetland Street Reserve and/or Kaikorai Common of the date of closure at least five (5) working days before the closing of the walkway.*
8. *If the walkway is to be closed to the public at any point during the undertaking of the works, signage shall be displayed at any public entry point of the reserves, advising of the closure of the walkway.*

9. *That any damage to neighbours' fencing will be reported to the property owners, and shall be rectified (on a temporary basis, if necessary) as soon as possible.*
10. *That any neighbour to be affected by the removal of, or alteration to, their fencing during the undertaking of the site works shall be consulted prior to the fencing work commencing. The consent holder shall take all responsibility for the repair or replacement of any such fencing to a comparable standard as existing prior to the works. Photos should be taken of the fence prior to works commencing if this standard is likely to be in dispute. If the property owner seeks the replacement with an improved fence, then the property owner shall contribute proportionally to the costs of the improvements, as agreed with the consent holder prior to the fence being removed.*
11. *The consent holder shall adopt all practicable measures to mitigate erosion and to control and contain sediment-laden stormwater run-off into the watercourse and/or Council's stormwater system from the site during any stages of site disturbance associated with the removal and reinstatement of the vegetation.*
13. *The replanting of the reserve shall be undertaken within 12 months of the pipeline works being completed.*
14. *Any plants which do not survive the reinstatement and landscaping works of the reserves, and die or fail to thrive over the following five year period, shall be replaced with a similar species.*

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.
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. The following documentation is recommended as best practice guidelines for managing erosion and sediment –laden run-off and for the design and construction of erosion and sediment control measures for small sites:
 - ARC Technical Publication No. 90 Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region, March 1999.
 - Environment Canterbury, 2007 'Erosion and Sediment Control Guidelines for the Canterbury Region' Report No. CRCR06/23.
 - Environment Canterbury, 2007 "Erosion and Sediment Control Guidelines for Small Sites."
6. All measures (including dampening of loose soil) should be undertaken to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary.
7. All construction noise shall comply with the following noise limits as per New Zealand Standard NZS 6803:1999.

Time of Week	Time Period	Leq (dBA)	L max(dBA)
Weekdays	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75
Saturdays	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays and public holidays	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

No construction works shall occur on Sundays or public holidays.