

16 July 2019

Cargill Contracting Limited
C/- Survey Waitaki
P O Box 237
Oamaru 9444

Via email: james@surveywaitaki.co.nz

Dear Sir/Madam

RESOURCE CONSENT APPLICATION:

**LUC-2018-664
16 COAST ROAD
WAITATI**

The above application for a rural contractor's yard; ancillary retail of landscaping supplies; and a building construction yard was processed on a limited notified basis in accordance with section 95 of the Resource Management Act 1991. The Consent Hearings Committee, comprised of Councillors Aaron Hawkins (Chairperson) and Mike Lord, Independent Commissioner Ros Day-Cleavin and Community Board Member Alasdair Morrison (advisory only), heard and considered the application at a hearing on 6 June 2019.

At the end of the public part of the hearing, the Committee, in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987, resolved to exclude the public.

Following the conclusion of the hearing, a site visit was undertaken by the Hearings Committee on Monday 10 June 2019. Written closing legal submissions and a suite of conditions prepared in consultation with the Council's consultant planner were provided to the Committee on 12 June 2019 to complete the applicants Right of Reply.

The Committee has **granted** consent to the application on 16 July 2019. The full text of this decision commences below with a consent certificate attached to this letter.

The Hearing and Appearances

The applicant was represented by:

Josh Leckie (Legal Counsel)
James White (Consultant Planner)
George Terry (Director, Cargill Contracting)
Daniel Monckton (Mopanui Studios and Homes Limited)

Council staff attending were:

John Sule (Advisor to Committee), Andrew Henderson (Processing Planner), and Wendy Collard (Governance Support Officer).

There were no submitters at the hearing.

Procedural Issues

No procedural issues were raised by the applicant. The Committee Chair asked if the applicant understood this was a new application, rather than a reconvened hearing as suggested by the planning evidence provided, and Mr Leckie agreed.

Principal Issues of Contention

The principal issues of contention are as follows:

- The effectiveness of the proposed mitigation in controlling the effects of the proposed industrial and retail activities
- The significance of the effects identified by the opposing submitter Braestone Ltd
- The degree of conflict with the objectives and policies of the Operative and Proposed District Plans seeking to exclude commercial and industrial activities from rural zones
- The utility of available Industrial zoned land in the Waitati area to provide for the proposed activity (combination of activities)
- The weighting to be given to directive 2GP policies including Policy 16.2.1.8 that seeks to avoid commercial and industrial activities establishing on rural land
- Whether the proposed activity was a 'true exception' that meant that it was not likely to create an undesirable precedent for future applications.

Summary of Evidence

Introduction from Processing Planner

The Consultant Planner (Andrew Henderson) spoke to a summary of his report, giving an overview of the proposal. Mr Henderson advised that consent was sought to establish and operate a contractor's yard and a building construction activity. He noted that the activity also included retail sale of landscaping supplies to the public from the site.

Mr Henderson commented on the assessment of the application outlining the activity status under the operative District Plan and the proposed 2GP and the range of environmental effects that were considered. He advised that the effects had been determined by Council as no more than minor and that there were no special circumstances that justified public notification. Limited notification was required as an adjoining property would not provide an affected party approval and that party had subsequently submitted in opposition to the proposal.

While Mr Henderson accepted that effects were likely to be no more than minor, he identified the proposal was contrary to the objectives and policies of both plans and could establish an undesirable precedent. He recommended that consent be declined.

The Applicant's Case

Josh Leckie opened the case for the applicant with his legal submissions. Mr Leckie initially outlined the proposal and the consenting requirements. He then went on to discuss the on-site and off-site environment and identified what he saw as the key issues for the proposal. The issues he identified included:

- The rural nature of the activities
- The positive effects of the proposal
- Effects on the submitter

- Precedent effect and plan integrity
- Weighting between the operative and proposed plans

In terms of precedent Mr Leckie argued that there were a number of elements to the proposal that would differentiate the proposal from the generality of other cases. Mr Leckie discussed the assessment in the 42A report that had concluded the proposal was contrary to key rural zones policies. He considered the planning assessment to be incorrect as the proposal is predominately to service the local community and he argued that the assessment reflected a narrow interpretation. He promoted a holistic overall assessment of the objectives and policies and noted that Mr White's assessment did not find the proposal to be contrary to objectives and policies.

Mr Leckie responded to questions from the Committee on the Court's interpretation of the term "avoid". In relation to a question about the weight that should be given to Policy 16.2.8 he noted that the policy needed to be read in context with the objective which he identified is subject to appeal.

George Terry (Director, Cargill Contracting)

Mr Terry tabled and spoke to his evidence which outlined the details of the contracting business, the background to the purchase of the subject site and level and nature of activities the business undertakes.

He responded to a number of questions to clarify matters for the Committee regarding the nature of business and the retail activity he is proposing to undertake on the site.

Daniel Monckton (Mopanui Studios and Homes Limited)

Mr Monckton tabled and spoke to his evidence outlining the small unit eco-housing building activity he undertakes. He noted that they currently built directly on the sites where the dwellings were to be located but being based in a yard will allow growth of staff numbers and enable them to operate in a more efficient way. He noted that up to two buildings could be constructed at one time and then relocated to their final location

James White (Planner)

Mr White gave a short summary of his pre-circulated evidence and responded to questions from the Committee on plan weighting advising the 2GP should be given considerable weight. In relation to the alignment of the proposal with rural objectives and policies he identified that he considered that there was a strong rural connection with both the yard and house construction activities.

He responded to questions regarding rural character and the anticipated features of rural zoning noting that when looking out from the site you have the railway, state highway, firewood operator and a brewery and that it does not feel like a rural site.

Mr Terry responded to questions on possible growth and the nature of the retail activity.

Processing Planner's Review of Recommendation

Mr Henderson reviewed his recommendation in light of the evidence presented at the hearing.

Mr Henderson observed the application was finely balanced and he noted that the planners were in agreement in relation to the effects assessment. He identified that the overall activity was non-complying as a result of the bundling of activities and the primary activity was not a non-complying activity. Mr Henderson accepted that there is no suitable zone location for the building activities at Waitati. He also noted the legal advice that Objective 16.2.1 was subject to an appeal and this could

mean a change in the directive avoid policy. He also acknowledged the retail activity is not at a large scale and that it primarily would serve the local community, had local employees and there was no other suitable zoned site.

Having heard the applicant's evidence Mr Henderson altered his recommendation and he recommended to the Committee that it grants consent to the proposal subject to conditions. He considered that due to the lack of suitable local zoning and the existing environment that the proposal was a true exception.

Mr Henderson responded to a number of questions from the Committee on why he considered the proposal to be a true exception, the potential for undesirable precedent, the nature and management of the retail activity and positive effects arising from the proposal.

Applicants Right of Reply

Mr Leckie reiterated the positive aspects of the application and asked for consent to be granted. He noted that the applicant team have had a discussion on tightening of conditions in response to questions raised at the hearing. He noted that further restrictions could be imposed on the goods to be sold and the scale of the builder's yard.

In relation to the directive 'avoid' policy he noted that it needs to be read in the context of the objective above it. He noted the objective 16.2.1 was under appeal and the three policies that sit underneath it may have to change. He considered Part 2 was relevant and there is a need for a holistic view of the objectives and policies.

He reiterated the nature of the activities and the proposed location mean that an undesirable precedent would not result.

Statutory and Other Provisions

In accordance with Section 104 of the Resource Management Act 1991, the Planner's Report detailed in full the relevant statutory provisions and other provisions the Committee considered. Regard was given to the relevant provisions of the following chapters of the Dunedin City District Plan: 4 Sustainability, 6 Rural Zones, 14 Landscape, 17 Hazards, 20 Transportation, 21 Environmental Issues and the relevant section of the proposed 2GP: 2 Strategic Directions, 6 Transport, 8A Earthworks, 11 Natural Hazards, 14 Manawhenua, 16 Rural. Statutory provisions considered included the Section 104D gateway test and the considerations pursuant to Part 2 of the Act. Regard was also given to the Regional Policy Statement for Otago.

Main Findings on Principal Issues of Contention

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

Decision

The final consideration of the application, which took into account all information presented at the hearing, was held during the public-excluded portion of the hearing. The Committee reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991. In addition, a site visit was undertaken during the public-excluded portion of the hearing, the Committee inspected the site and immediate environment, and this added physical reality to the Committee's considerations.

*That pursuant to Section 34A(1) and 104B and after having regard to Sections 104 and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non-complying activity** being the establishment and operation of rural contracting yard with ancillary retail activity and a building construction yard on the site at 16 Coast Road, Waitati legally described as Lot 1 DP452251 (Record of Title 578108), subject to conditions imposed under Section 108 of the Act, as shown on the attached certificate.*

Reasons for this Decision

1. The Committee noted that there was no dispute that the proposal was a non-complying activity under the Operative District Plan and Proposed 2GP and that it is necessary for the proposal to pass the “gateway test” of section 104D of the Resource Management Act 1991. This requires that either the environmental effects of the proposal are no more than minor, or the proposal is not contrary to the objectives and policies of the operative and proposed District Plans, when assessed as a whole.
2. In terms of the permitted baseline, the Committee accepted that there was a limited permitted baseline but acknowledged that farm buildings could be established on the subject site. In relation to the existing and reasonably foreseeable environment the Committee acknowledged the presence of other commercial uses, the nearby residential use and the railway line and embankment. While the Committee agreed that the environment was not exclusively rural in character, it felt that Mr White had overstated the lack of rural attributes associated with the site noting that the subject site itself was a paddock that was connected to another paddock.
3. Following the questioning of expert witnesses at the hearing and the provision of a set of conditions by the applicant to complete the right of reply the Committee is satisfied the effects of the proposal can be appropriately mitigated by conditions of consent so as to be no more than minor in relation to visual amenity and rural character, rural productivity, transportation, infrastructure, hazards and earthworks, cultural effects, and cumulative effects. The Committee is therefore satisfied that the concerns of Braestone Ltd have been appropriately addressed. On this basis the Committee concluded that the proposal would pass the first limb of the gateway test of Section 104D and as such the Committee is able to consider granting of the consent.
4. In terms of the consideration of Objectives and Policies the Committee noted that although initially there was a clear divergence of opinions between the planners presenting evidence, Mr Henderson’s opinion on the degree of conflict with the key rural policy in response to the evidence softened and resulted in a revised recommendation to grant the application.
5. Having considered the evidence the Committee agree the non-complying parts of the proposal are contrary to 2GP Policy 16.2.8 which is directive and does not provide an exception for the proposed non-complying uses. The Committee contemplated granting the proposal in part in recognition of Policy 16.2.8. However, in this case the Committee noted that Policy 16.2.8 is balanced by a number of factors. The principle activity on the site is that of a rural contractor’s yard which is anticipated by the proposed plan as it is a discretionary activity in a rural zone. It also notes that the proposed retailing is ancillary to the rural contracting activity, is yard based and is restricted in scope. The Committee took comfort that conditions can be imposed to ensure any retail activity remains an ancillary component of the activity. In relation to the house building activity the Committee notes that this is a relatively small scale operation being undertaken by a local building firm and employing local people. It noted that the local Rural Centre option at Waitati for establishing the activity was likely to be less suitable than the location for which consent was being sought. It also acknowledged the Objective 16.2.1 which is

subject to appeal identified a community aspect to those activities that could be considered to be appropriately located in the rural zone.

6. The Committee agrees that the site is not exclusively rural in character with other commercial uses in close proximity to the site. It considered the site to be a better option for the proposed activities than the rural centre zone at Waitati. The Committee acknowledges the rural and local connections the proposed activities have, and it agrees there will be positive sustainability effects in providing a local source of landscape supplies to avoid locals having to travel to Dunedin. It agrees that there are a number of elements to the proposal including the existing environment that would differentiate the proposal from the generality of other cases.
7. The Committee appreciated the honesty of the applicant's witnesses at the hearing about past and current activities and their opinion of 'how things are done in a rural community' but it did not condone activities being undertaken, including earthworks, without a resource consent. It anticipates that the consent holder will give close attention to compliance with the conditions of this consent and that the Council compliance team will schedule monitoring inspection to ensure full compliance is achieved.
8. The Committee concluded that the granting of the consent would be consistent with the purpose of the Resource Management Act 1991 to promote the sustainable management of natural and physical resources.

Right of Objection (remove this section if it does not apply)

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 Mail Centre
Christchurch 8013

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

- The Dunedin City Council.
- The applicant(s).
- 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.

Commencement of Consent

As stated in Section 116 of the Resource Management Act 1991, this consent will only commence once the time for lodging appeals against the grant of the consent expires and no appeals have been lodged, or the Environment Court determines the appeals or all appellants withdraw their appeals, unless a determination of the Environment Court states otherwise.

Monitoring

Section 35(2)(d) of the Resource Management Act 1991 requires every council to monitor resource consents that have effect in its region or district. The scale and nature of the activity, the complexity and number of the conditions needed to address the environmental effects and whether the conditions have been complied with determines the number of monitoring inspections required. Given the nature of your intended works/activity, this consent will require two inspections.

The City Planning Department sets out the fixed fees charged for monitoring in its schedule of fees. The fee for your scheduled inspections will be included in the invoice for your application.

It should be noted that if additional inspections are required, beyond those scheduled at the time the consent is issued, then there is the ability to apply additional charges to cover the costs of these extra inspections. Often you can reduce the need for additional inspections by complying with the conditions of consent in a timely manner and by ensuring on-going compliance with those conditions. Please ensure that you read the conditions of your consent carefully to establish your obligations when exercising your consents.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Aaron Hawkins', with a stylized flourish at the end.

Councillor Aaron Hawkins
Chair
Hearings Committee



Consent Type: Land Use Consent

Consent Number: LUC-2018-664

Purpose: The establishment and operation of rural contracting yard with ancillary retail activity and a building construction yard.

Location of Activity: 16 Coast Road, Waitati.

Legal Description: Lot 1 DP452251 (Record of Title 578108).

Lapse Date: 16 July 2024, unless the consent has been given effect to before this date.

Conditions

GENERAL:

1. *All works and activities under this consent must be carried out in general accordance with the consent application and application plans attached as Appendix One received by the Council on 6 November 2018 and updated on 5 March 2019, except where modified below.*
2. *The consent holder is liable for the Council's costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.*
3. *Subject to any additional restrictions in Condition 21, 22, 48 and 49 hours of operation for the activities authorised under this consent are restricted to:*

Earthworks and site establishment

6am to 8pm Monday to Saturday, 10am to 2pm Sunday

Operation of contractor's yard (and ancillary retail):

6am to 8pm Monday to Saturday, 10am to 2pm Sunday

Operation of builders' yard:

7am to 5.30pm Monday to Saturday

4. *Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:*
 - a. *to deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage;*
 - b. *to deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered; and*
 - c. *to avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such*

that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

CONSTRUCTION:

Earthworks:

5. *Prior to commencing any earthworks on site, the consent holder must submit an Earthworks Management Plan to the Council for approval.*
6. *The Earthworks Management Plan must detail the procedures and protocols that will be implemented when earthworks are undertaken on site for the effective management of potential adverse effects, including:*
 - a. *measures for the control of dust and prevention of dust nuisance, for example using sprinklers and water carts, or ceasing work in times of high dust-causing wind;*
 - b. *measures to control stormwater flows and silt and sediment during earthworks, including:*
 - i. *using silt traps (in the form of fabric filter dams or straw bales);*
 - ii. *using site drainage paths to address the potential for egress of water from the site via secondary flow paths;*
 - iii. *ensuring that the path of stormwater is not displaced from ephemeral flow paths into neighbouring properties;*
 - iv. *minimising exposed areas;*
 - v. *specifying the processes to stabilise the site in preparation for inclement weather;*
 - c. *measures to minimise the risk of contamination of waterways, including:*
 - i. *controlling discharges of wet concrete;*
 - d. *measures for the safe and efficient management of traffic, for example:*
 - i. *temporary signage advising of the works;*
 - ii. *parking instructions for site workers;*
 - iii. *provision of site worker parking on site where construction activities permit;*
 - e. *making contact details of the site manager available to the public and maintaining and regularly responding to a complaints register.*
7. *Once approved by the Council, all earthworks must be undertaken in accordance with the Earthworks Management Plan.*
8. *The Earthworks Management Plan must be reviewed at two monthly intervals during the earthworks period and, if necessary, amended and submitted to the Council for approval so as to ensure the effective management of potential adverse effects. Once amendments have been approved, the amended earthworks plan must be considered to be the Earthworks Management Plan for the purposes of Condition 7.*
9. *The Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol should be adhered to in undertaking any earthworks on site.*
10. *All practical measures must be undertaken to minimise the risk of contamination to the waterway.*
11. *All practical measures must be undertaken during the works to minimise sedimentation in the waterway.*
12. *All machinery must be clean and well maintained before entering the work site.*
13. *Any rock/gravel/soil to be used for the works must be clean and placed rather than dumped into position. Records must be kept, and made available to the Council upon request, of the source and quality of materials imported to the site, and materials must be free of contamination.*

14. *There must be no works undertaken within Careys Creek in relation to this consent.*
15. *The toe of the fill must be sufficiently armoured against erosion and sediment loss to Careys Creek.*
16. *Slopes may not be cut steeper than 1:1 (45o) without specific engineering design and construction, approved by the Council.*
17. *Slopes may not be filled steeper than 2h:1v (27o) without specific engineering design and construction, approved by the Council.*
18. *Within three months of the completion of the earthworks, as-built records of the final extent and thickness of any un-engineered fill must be recorded and provided to the Council.*

Site Design:

19. *The wastewater disposal system installed must be appropriate for the soil conditions in the area, with the disposal area located a minimum of 50 metres from any waterway.*
20. *The site design must ensure that overland stormwater flow paths are not materially interrupted, and any permanent structures should be situated so as to avoid any adverse effects from local ponding during storm rainfall events.*

Construction Noise:

21. *Noise generated from construction activities must comply with the limits for long term duration construction in the New Zealand Standard Acoustics – Construction Noise NZS 6803:1999.*
22. *Higher construction noise-generating activities are only permitted between 7:00am and 8pm Monday to Friday, 7.30am and 6pm Saturday, and 10am and 2pm Sunday. Outside these hours (but within the general hours of operation), only quiet activities are permitted.*

Construction Lighting:

23. *Light spill measured 1.5m above ground level at the boundary of the site must not exceed one Lux between 8pm and 7am, Monday to Sunday.*
24. *All site lighting during construction (except from headlights of vehicles) must be cut-off or fully shielded to avoid shining or deflecting light directly onto adjoining or nearby properties.*
25. *All site lighting during construction (except from headlights of vehicles) must be directed away from roads and any adjacent properties.*

State Highway:

26. *Prior to the site becoming operational, the existing site access onto State Highway 1 must be permanently closed by removing the gate and reinstating the fence and water channel in this location, and confirmation of the closure provided to the Council.*
27. *At least seven working days prior to any works being undertaken that may affect the State Highway road reserve, the consent holder must prepare and submit an Agreement to Work on State Highways and a Traffic Management Plan to the NZ Transport Agency's network outcomes contractor.*
28. *Once the existing site access onto State Highway 1 has been closed the consent holder must obtain written confirmation from NZ Transport Agency's network outcomes contractor that the works have*

been completed to meet the NZ Transport Agency requirements. This confirmation must be provided to the Council.

Roading and Access:

- 29. The vehicle access into the site must be a maximum 9.0m formed width, hard surfaced from the edge of seal of King Street, to a distance of not less than 5.0m inside the property boundary, and be adequately drained for its duration. The access must be formed prior to the operation of the activities on the site.*
- 30. The vehicle access must be constructed to the Council's Specifications for the Construction of Industrial Vehicle Entrances.*
- 31. The signage for the site must be located wholly within the site boundaries.*
- 32. The first 45.0m of King Street, beginning at the edge of the existing seal, must be upgraded to achieve a 6.0m wide carriageway, comprising two 3.0m vehicle lanes with appropriate pavement construction and water tables, within 3 months of the commencement of the contractors and builders yards on the site.*
- 33. Detailed engineering plans showing the upgrade of the first 45.0m of King Street, beginning at the edge of the existing seal, must be submitted to the Council's Transport Group for approval prior to the commencement of the upgrade.*
- 34. Upon completion of the upgrade of King Street, the consent holder must test all works to demonstrate that they meet the acceptance requirements of the Council's Code of Subdivision and Development, or alternative appropriate engineering guidelines.*
- 35. Upon completion of the testing, the consent holder must obtain certification that all works have been constructed in accordance with the approved plans and Code of Subdivision and Development or alternative guidelines, and as built plans must be provided to the Council's Transport Group for approval.*
- 36. Pursuant to section 116 of the Act, the contractors and builders yards must not commence until such time as the consent holder either acquires ownership of the parcel of land between the consent holder's property and King Street, or otherwise provides evidence of approval to utilise this piece of land for access purposes to the Council.*

POST CONSTRUCTION:

Bund Certification

- 37. Within three months of the completion of the construction of the bund, the consent holder must provide conformation to the Council that it has been constructed and appropriately compacted.*

Planting Plan:

- 38. Landscaping and planting of the site must be undertaken in accordance with the plan title "Planting Plan, Cargill Contracting Yard, Evansdale" prepared by Sally Brown Garden Design, provided to the Council with the consent application, and appended to this consent.*
- 39. All landscaping and planting must be implemented within 12 months of the completion of construction works on the site.*

40. *Upon completion, all landscaping and planting must be maintained thereafter in accordance with the Planting Plan approved in Condition 38. Any dead or diseased tree or plant must be replaced as soon as practicable.*

Site Management Plan:

41. *Prior to the site becoming operational, the consent holder must prepare and submit a Site Management Plan to the Council for approval.*
42. *The Site Management Plan must detail the procedures and protocols that will be implemented during the operation of the activities on site for the effective management of potential adverse effects, including:*
- a. measures for the control of dust and prevention of dust nuisance, for example sprinklers and water carts;*
 - b. measures for the ongoing control of stormwater flows and silt and sediment;*
 - c. measures for the safe and efficient management of staff and visitor traffic;*
 - d. training of staff in relation to best practice site work and management;*
 - e. making contact details of the site manager available to the public and maintaining and regularly responding to a complaints register;*

Activities:

43. *The public sale of landscaping goods at the site is to remain yard based and ancillary to a rural contracting yard. The sale of goods is limited to the sale of the following bulk rural-use materials:*
- a. fencing supplies*
 - b. fence posts*
 - c. gates*
 - d. fencing wire*
 - e. gravels*
 - f. rock*
 - g. aggregates*
 - h. bark chips*
 - i. chipped wood;*
 - j. mulch;*
 - k. pipes*
 - l. culverts*
 - m. head walls*
 - n. sumps*
 - o. water troughs*
 - p. tanks; and*
 - q. bagged cement*
44. *The use of part of the site for a building construction yard will be limited by the following requirements:*
- a. a maximum of two buildings may be under construction on the site at any one time*

Infrastructure:

45. *The on-site wastewater disposal system must be serviced regularly recording the time, date and any maintenance undertaken, with these details provided to the Dunedin City Council on request.*
46. *An "Application for Water Supply" must be submitted to the Dunedin City Council for approval to establish a water connection to the site from the Warrington restricted water scheme. Details of how this lot is to be serviced for water must accompany the "Application for Water Supply":*

- a. *If approved, a storage tank with an air gap must be installed, and capacity of at least 2 days storage for domestic use is recommended (2m³-5m³);*
 - b. *The tank must have an air gap for backflow prevention which meets the New Zealand Industry Standard Field testing of backflow prevention devices and verification of air gaps NZ backflow testing standard 2011.*
47. *If the application is not approved, activities on the site must not commence until such time as an alternate water supply and appropriate firefighting provision has been secured and confirmed to the Council.*

Noise:

48. *Noise generated from activities on site must comply with the relevant noise limits under the District Plan.*
49. *Higher noise-generating activities including starting and operating heavy machinery on the site, and the use of constructing equipment (hammers, power saws, sanders, grinders and nail guns) are only permitted between 7am and 7pm Monday to Friday and 7am and 6pm Saturday. Outside these hours (but within the general hours of operation), only quiet activities are permitted.*

Lighting:

50. *Light spill from lighting, whether security or otherwise, measured 1.5m above ground level at the boundary of the site must not exceed one Lux between 8pm and 7am, Monday to Sunday.*
51. *All site lighting (except from headlights of vehicles) must be cut-off or fully shielded to avoid shining or deflecting light directly onto adjoining or nearby properties, and be directed away from roads and any adjacent properties.*

Advice Notes

General

1. Please check with the Council's Building Control Office, Development Services, to determine the building consent requirements for the work.
2. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through Sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
3. Resource consents are not personal property. 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. This consent will lapse after a period of five years from the date of granting of this consent. This period may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.

Infrastructure

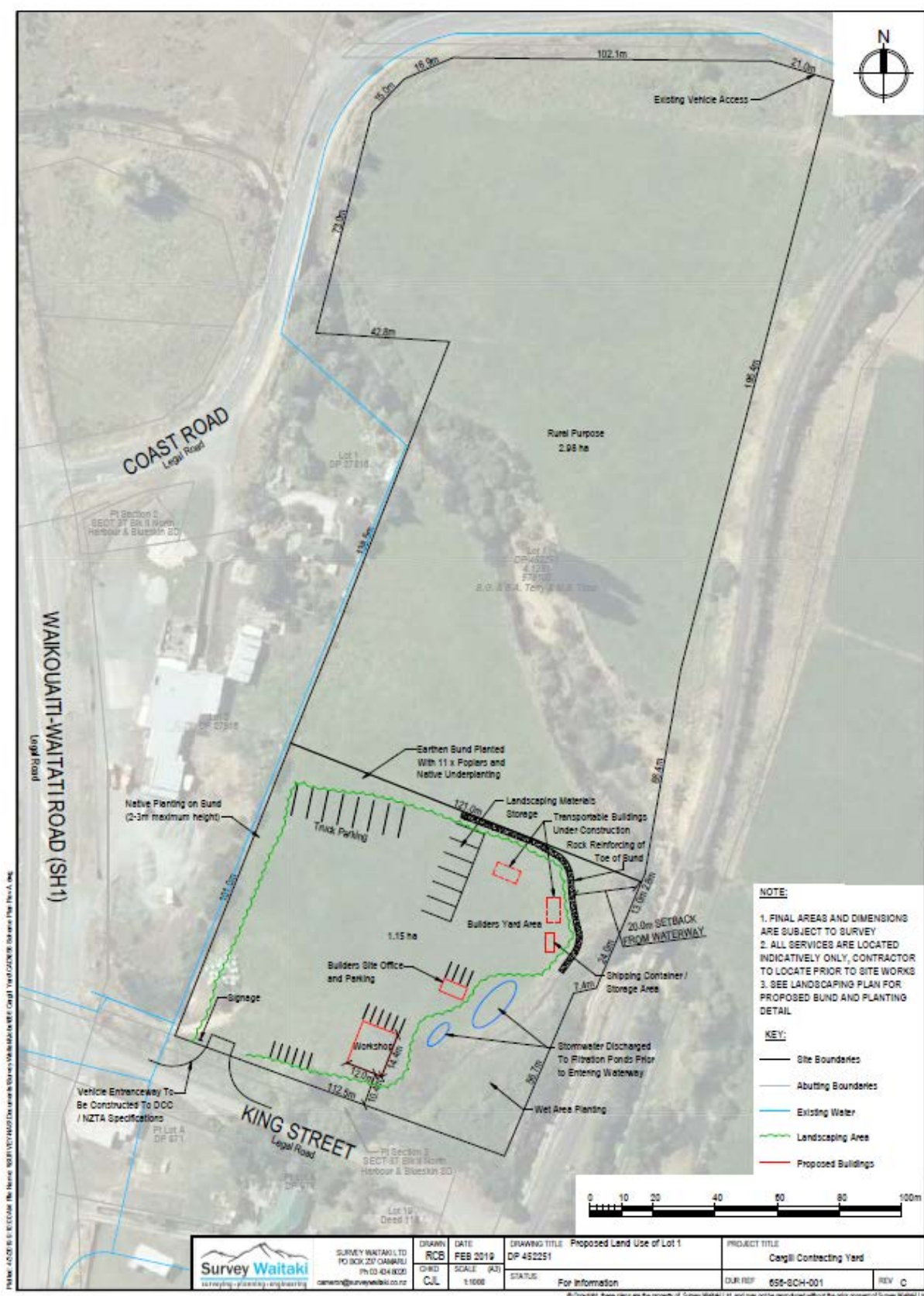
6. All aspects of the works on site must be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
7. Private drainage issues and requirements (including any necessary works) are to be addressed via the building consent process.
8. Certain requirements for building on the site may be stipulated via the building consent process and are likely to include the following points:
 - Stormwater from driveways, sealed areas and drain coils is not to create a nuisance on any adjoining properties.
 - Surface water is not to create a nuisance on any adjoining properties.
 - For secondary flow paths, the finished floor level must 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 must be set at the height of the secondary flow plus an allowance for free board.
 - The site lies in an area where underlying soils have been identified as having potential for amplified movement and liquefaction during a significant seismic event.
 - The cases for seismic loading are normally addressed at building consent stage.
 - The Council's Building Control Authority will ask for verification that the site is 'good ground' in accordance with NZS3604, Section 3.1.
9. The vehicle crossing, between the road carriageway and the property boundary, is within legal road and will therefore require a separate vehicle entrance approval from DCC Transport to ensure that the crossing is constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this is not included in the resource consent process).
10. As the proposed site preparation works (earthworks) will not affect the normal operating hours of the transportation network, the consent holder will not require a traffic management plan (TMP). If that position changes, the consent holder will require a TMP prepared by a suitably qualified person. The TMP would need to be approved by DCC Transport prior to any works commencing.

Issued at Dunedin on 16 July 2019



Aaron Hawkins
Chair
Hearings Committee

Appendix One – Approved Plans for LUC-2018-644





planting plan

CARGILL CONTRACTING YARD, EVANSDALE

scale 1:100 @A3
DO NOT SCALE OFF PLAN - PLEASE
CHECK ALL MEASUREMENTS ON SITE.
THIS DESIGN IS ONLY SUBMITTED AS A
CONCEPT

