

A P P L I C A T I O N F O R
R E S O U R C E C O N S E N T

LANDUSE

APPLICANT: CARGILL CONTRACTING LTD

LOCATION: KING STREET
 EVANSDALE
 DUNEDIN

Phone (daytime): 0272240311 Email: cargil.dig@xtra.co.nz

Occupation of the site

Please list the full name and address of each occupier of the site: Cargill Contracting Ltd only

Monitoring of your Resource Consent

To assist with setting a date for monitoring, please estimate the date of completion of the work for which Resource Consent is required. Your Resource Consent may be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your Resource Consent, if granted, may be monitored three years from the decision date).

3 years would probably be appropriate for vegetatio establishment _____ (month and year)

Monitoring is an additional cost over and above consent processing. You may be charged at the time of the consent being issued or at the time monitoring occurs. Please refer to City Planning's Schedule of Fees for the current monitoring fee.

Detailed description of proposed activity

Please describe the proposed activity for the site, giving as much detail as possible. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please provide proposed site plans and elevations.

Please see attached application detail.

Description of site and existing activity

Please describe the existing site, its size, location, orientation and slope. Describe the current usage and type of activity being carried out on the site. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please also provide plans of the existing site and buildings. Photographs may help.

Please see attached application detail.

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? Operative DC District Plan: Rural Zone; 2nd Gen DC District Plan: Rural Coastal Zone

Are there any overlaying District Plan requirements that apply to the site e.g. in a Landscape Management Area, in a Townscape or Heritage Precinct, Scheduled Buildings on-site etc? If unsure, please check with City Planning staff.

Operative DCDP: Indigenous Vegetation and Fauna; High Class Soils

2GP: Wahi tupuna; Natural Coastal Character; Hazard 1; Hazard 2; Hazard 3

Breaches of district plan rules

Please detail the rules that will be breached by the proposed activity on the site (if any). Also detail the degree of those breaches. In most circumstances, the only rules you need to consider are the rules from the zone in which your proposal is located. However, you need to remember to consider not just the Zone rules but also the Special Provisions rules that apply to the activity. If unsure, please check with City Planning staff or the Council website.

Please see attached application detail.

Affected persons’ approvals

I/We have obtained the written approval of the following people/organisations and they have signed the plans of the proposal:

Please see attached application detail.
Name:

Address:

Name:

Address:

Please note: You must submit the completed written approval form(s), and any plans signed by affected persons, with this application, unless it is a fully notified application in which case affected persons’ approvals need not be provided with the application. If a written approval is required, but not obtained from an affected person, it is likely that the application will be fully notified or limited notified.

Assessment of Effects on Environment (AEE)

In this section you need to consider what effects your proposal will have on the environment. You should discuss all actual and potential effects on the environment arising from this proposal. The amount of detail provided must reflect the nature and scale of the development and its likely effect. i.e. small effect equals small assessment.

You can refer to the Council’s relevant checklist and brochure on preparing this assessment. If needed there is the Ministry for the Environment’s publication “A Guide to Preparing a Basic Assessment of Environmental Effects” available on www.mfe.govt.nz. Schedule 4 of the Resource Management Act 1991(RMA) provides some guidance as to what to include.

Please see attached application detail.

_____ (Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have/have not (delete one) been applied for:

☐ Water Permit ☐ Discharge Permit ☐ Coastal Permit ☐ Land Use Consent for certain uses of lake beds and rivers ☒ Not applicable

Declaration

I certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

I accept that I have a legal obligation to comply with any conditions imposed on the Resource Consent should this application be approved.

Subject to my/our rights under section 357B and 358 of the RMA to object to any costs, I agree to pay all the fees and charges levied by the Dunedin City Council for processing this application, including a further account if the cost of processing the application exceeds the deposit paid.

Signature of Applicant/Agent (delete one):  Date: 2 November 2018

Privacy – Local Government Official Information and Meetings Act 1987

You should be aware that this document becomes a public record once submitted. Under the above Act, anyone can request to see copies of applications lodged with the Council. The Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld, the Council will make a decision following consultation with you. If the Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen.

Please advise if you consider it necessary to withhold your application, or parts of it, from any persons (including the media) to (tick those that apply):

- ☐ Avoid unreasonably prejudicing your commercial position
- ☐ Protect information you have supplied to Council in confidence
- ☐ Avoid serious offence to tikanga Maori or disclosing location of waahi tapu

What happens when further information is required?

If an application is not in the required form, or does not include adequate information, the Council may reject the application, pursuant to section 88 of the RMA. In addition (section 92 RMA) the Council can request further information from an applicant at any stage through the process where it may help to a better understanding of the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated. The more complete the information provided with the application, the less costly and more quickly a decision will be reached.

Fees

Council recovers all actual and reasonable costs of processing your application. Most applications require a deposit and costs above this deposit will be recovered. A current fees schedule is available on www.dunedin.govt.nz or from Planning staff. Planning staff also have information on the actual cost of applications that have been processed. This can also be viewed on the Council website.

Development contributions

Your application may also be required to pay development contributions under the Council's Development Contributions Policy. For more information please ring 477 4000 and ask to speak to the Development Contributions Officer, or email development.contributions@dcc.govt.nz.

Further assistance

Please discuss your proposal with us if you require any further help with preparing your application. The Council does provide pre-application meetings without charge to assist in understanding the issues associated with your proposal and completing your application. This service is there to help you.

Please note that we are able to provide you with planning information but we cannot prepare the application for you. You may need to discuss your application with an independent planning consultant if you need further planning advice.

City Planning Staff can be contacted as follows:

In Writing: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

In Person: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon

By Phone: (03) 477 4000, Fax: (03) 474 3451

By Email: planning@dcc.govt.nz

There is also information on our website at www.dunedin.govt.nz.

Information requirements (two copies required)

- ☐ Completed and Signed Application Form
- ☐ Description of Activity and Assessment of Effects
- ☐ Site Plan, Floor Plan and Elevations (where relevant)
- ☐ Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- ☐ Written Approvals
- ☐ Forms and plans and any other relevant documentation signed and dated by Affected Persons
- ☐ Application Fee (cash, cheque or EFTPOS only; no Credit Cards accepted)
- ☐ Bank account details for refunds

In addition, subdivision applications also need the following information

- ☐ Number of existing lots.
- ☐ Number of proposed lots.
- ☐ Total area of subdivision.
- ☐ The position of all new boundaries.

In order to ensure your application is not rejected or delayed through requests for further information, please make sure you have included all of the necessary information. A full list of the information required for resource consent applications is in the Information Requirements Section of the District Plan.

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information and adequate assessment of effects)?

☐ Yes ☐ No

Application: ☐ Received ☐ Rejected

Received by: ☐ Counter ☐ Post ☐ Courier ☐ Other: _____

Comments: _____

(Include reasons for rejection and/or notes to handling officer)

Planning Officer: _____ Date: _____

PART A: APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: Planning Manager
Dunedin City Council
PO Box 5045
Moray Place
Dunedin 9058

Applicant: Cargill Contracting Ltd
c/- Survey Waitaki
PO Box 237
Oamaru 9444

Location: King Street, Evansdale, Blueskin Bay

Legal Description: Lot 1 DP 452251 (CFR 578108)

Proposal: This Resource Consent application relates to the establishment and use of a contractors yard and a business constructing relocatable buildings on land legally described as Lot 1 DP 452251 (CFR 578108).

Consent(s) Required:

1. A **Non-Complying Activity** resource consent for the establishment and use of a Contractors Yard (Service Activity in Rural Zone – Rule 6.5.7(ii)).
2. A **Non-Complying Activity** resource consent for the establishment and use of a Landscape Supplies business (Commercial Activity in Rural Zone – Rule 6.5.7(ii)).
3. A **Non-Complying Activity** resource consent for the establishment and use of a Builders Yard (Construction work/Industrial Activity in Rural Zone – Rule 6.5.7(ii)).
4. A **Discretionary Activity (Restricted)** resource consent for earthworks (Rule 17.7.5(iii)).

Term Sought: N/A

Other Consents Required: Nil

Actual or Potential Effects on the Environment:

An assessment of actual and potential effects that the proposed activities may have on the environment is presented as Part B of this report, in accordance with the Fourth Schedule to the Resource Management Act 1991.

Consultation: Adjoining neighbours (as detailed in application)
Aukaha
NZTA
DCC (pre-application)

Additional Information:

All of the information that is required by the Resource Management Act 1991 and the Operative Dunedin City District Plan is included in the assessment in Part B of this report.



James White
Planning and Projects Leader
MPlan

Signed on behalf of the Applicant

Address for Service:	Address for Billing:
James White Survey Waitaki Ltd. PO Box 237 Oamaru (03) 434 80 20	George Terry c/-Survey Waitaki Ltd. PO Box 237 Oamaru

PART B: ASSESSMENT OF EFFECTS

Applicant:	Cargill Contracting Ltd
Location:	King Street, Evansdale, Blueskin Bay
Legal Description:	Lot 1 DP 452251 (CFR 578108)
Proposal:	The establishment and use of a Contractors Yard (including retail sales) and a Builders Yard (constructing relocatable buildings) on land legally described as Lot 1 DP 452251 (CFR 578108).
District Plan:	<i>Operative Dunedin City Plan:</i> Rural Zone – Planning Map 12. Subject to Indigenous Vegetation and Fauna, and High Class Soils overlay. <i>Second Generation Dunedin District Plan:</i> Rural Coastal Zone Subject to Wāhi tūpuna overlay Subject to Natural Coastal Character overlay Subject to Hazard 1 – Flood, Hazard 2 – Flood, and Hazard 3 Coastal

Description of Activity:

This Resource Consent application relates to the establishment and use of a Contractors Yard (including retail sales) and a Builders Yard (constructing relocatable buildings) on land legally described as Lot 1 DP 452251 (CFR 578108). Please refer to the proposed site layout plan attached to the application.

Contractors yard

Cargill Contracting Ltd (CCL) are a contracting and earthmoving business that specialise in excavators, earthmovers, water carriers, and demolition services. CCL also undertake roading maintenance as a sub-contractor to Downer on DCC road maintenance contracts. CCL have a range of equipment operated by skilled and experienced operators. The types of work CCL are involved in varies over time but can include driveways, house sites, property development, landscaping, dams and irrigation, retaining walls, demolition and site clearance, hole drilling, footings, pools and all types of cartage work. CCL services the Waikouaiti, Mosgiel, Port Chalmers, Palmerston, Waitati, Dunback, Middlemarch, and Dunedin areas. CCL also own and operate a quarrying operation elsewhere in the Dunedin area.

CCL wishes to establish and use the proposed site as a base for its operations, as well as the public sale of select bulk landscaping materials, as follows:

- Over many years, the site has received approximately 1400m³ of clean fill (62mx31mx1.2m) from various housing developments around Blueskin Bay. In order to prepare the site, the applicant proposes to extend the area of fill by a further 70m northwards (approximately 8000m³ of clean fill) to create a flat and level site approximately 1m high above the existing ground level.
- In terms of the filling/levelling and preparation of the site, the applicant estimates that there will be approximately 1100 truck loads (maximum of 8-10 truck loads per day) of fill needed to complete the site, undertaken in two stages spread over a 6 month period. Stage 1 would commence immediately upon resource consent being granted and would consist of repositioning the top soil on the site into bunds around the perimeter and beginning to deposit fill. Stage 2 would occur 2-3 months later and would consist of completing the fill and levelling the site. Appropriate archaeological discovery protocols will be in place at all times.
- The fill/levelling and preparation of the site will involve the use of a bulldozer with a roller, a 20ton digger, a grader and trucks.
- Along the west boundary of the site there will be a 1m setback to the toe of the fill/bund, sloping at no more than 40° to an outside height no greater than 2.5m. This setback will allow for water movement between the two properties if required.
- A bund will be created around the perimeter of the site and will be landscaped using native and exotic tree planting. The bund will be no greater than 2.5m from the outside, and 1.5m on the yard side.
- The hours of operation for CCL's establishment/construction of the yard and landscape retailing operation area will be 6am to 8pm Monday to Saturday, 10am – 2pm Sunday. It is expected that this aspect of the operation will be temporary and will take no longer than 6 months to complete (depending on weather and availability of suitable fill material).
- There will be a workshop building (12mDx14.4mWx3.9mH) constructed in the southeast corner of the site. The building will also contain a cloak room, ablutions area, and smoko room. The building cladding will colour steel 'Thunder Grey' or a similar dark natural colour.
- There will be a transportable office building (8mWx4.2mDx3mH) located adjacent to the workshop building. The office will be clad in plywood and batton.
- The storage and public sale of bulk landscaping materials such as decorative pebbles, gravels, stones, and bark. The materials will be stored in bins similar to those shown in Figure 1 and located close to the office area.



Figure 1: Example of storage of bulk landscape materials in bins.

- The hours of operation for CCL's yard and landscape retailing operation will be 6am to 8pm Monday to Saturday, 10am – 2pm Sunday.
- CCL employs 20 staff. These staff may come to the yard in the morning for team meetings and instructions before heading out to various locations across Otago. However, the numbers and timing of staff arrival and departure will vary depending on the work type and location happening at any given time i.e. some may go straight to their place of work, which is across the Otago Region.
- There will be one sign with approximate dimensions of 6mHx3mWx1.5mD located at the entrance to the site fronting King Street. The sign will read: "Cargill Contracting Ltd" and "Mopanui Studio Homes". The sign will be freestanding and located entirely within the site, located at the vehicle entrance to the site. No other signage aside from necessary health and safety and site navigation signage is proposed (Figure 2).



Figure 2: Example of proposed sign to be located at the site entrance on King Street boundary of site.

- In terms of vehicles, there will be a variety of vehicles entering, exiting and operating on the site during any given day, including trucks and trailers of various sizes, cars and trailers, and some machinery e.g. a loader and fork lift (Figure 3). It is anticipated that some CCL staff will arrive in the morning and leave in the morning after a short stay. Then there will be infrequent CCL vehicle movement during the day as well as a limited number of public visitors during the day seeking landscaping materials. CCL staff will likely arrive back to the yard at the end of the working day.



Figure 3: Example of customer purchasing a trailer load of bulk landscape materials.

- Hazardous materials or processes on site; 5,000L fixed Diesel tank, 1,800L fixed petrol tank, 400L various oils (engine and hydraulic). The CCL fleet also uses a 1,300L mobile diesel trailer and a 2,000L diesel tanker truck although these are likely to be off site at various jobs most of the time.
- In terms of lighting there will be some lighting for winter months as well as security lights around building area.
- Generally the large equipment (i.e. diggers, trucks, loaders etc) are not brought back to the base each day/night as they are left on the work sites around Otago. The large plant and machinery are maintained by Gough Cat Dunedin either in the field or at Gough's Dunedin branch. There will be small-scale and limited plant maintenance occurring within the proposed workshop building.
- The site will obtain a restricted water supply from the DCC reticulated supply to the area. Stormwater will be discharged to ground via constructed settling ponds. Foul sewage will be dealt with via a Council-approved septic tank system.

Building construction yard

In addition to the contractor's yard, Mopanui Studio Home Ltd (MSH) wishes to use a portion of the site for constructing small relocatable buildings, which will then be transported off site (Figure 4). It is noted that MSH already operate in the Blueskin/Waitati area and are currently building a show home opposite 'Roadside Attraction' and 'Blueskin Nursery' and next door to 'Gallery On Blueskin' in Waitati. A large portion of their construction work will be done away from the proposed site, on private property. The yard will be set up and operated as follows:

- It will have the capacity to have two small relocatable buildings under construction at any one time.
- A variety of building tools and machinery will be in operation at various times over the course of a build – from hand tools through to nail guns and sanders.
- MSH will share the ablutions facilities associated with CCL's operation.

- MSH will also share the signage proposed for the site entrance (as described above). There will be no other advertising for the business or any signage other than appropriate health and safety signage. MSH's advertising is done via the internet or word of mouth.
- The proposed hours of construction would be between 7am and 5.30pm Monday to Saturday.

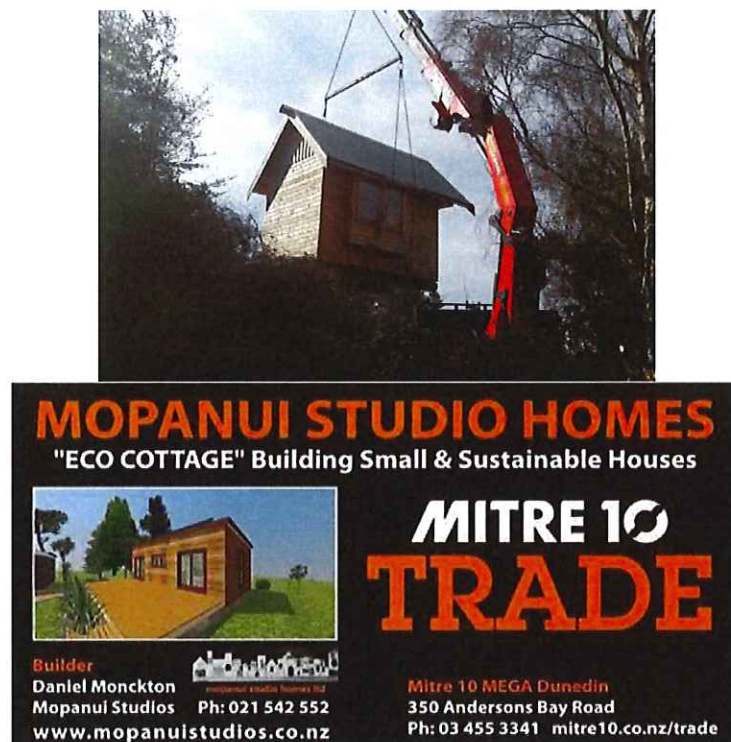


Figure 4: A small relocatable building constructed by MSH being lifted into place (left photo), example of MSH's advertising near their showhome in Waitati.

Description of Site:

The site is located on the north side of King Street, Evansdale (Figure 5). The site is legally described as Lot 1 DP 452251 and is contained within Certificate of Title 578108. The land is zoned Rural in the Operative Dunedin City Plan (the Plan) on Planning Map 12. Under the current Plan the land is subject to Indigenous Vegetation and Fauna, and High Class Soils overlay.



Figure 5: Aerial photograph of the subject site (red arrow) and surrounding environment – sourced from Google Earth.

The land is proposed to be zoned Rural Coastal in the Second Generation District Plan, with a Wāhi tūpuna overlay, and Natural Coastal Character overlay. Parts of the site are also subject to Hazard 1 – Flood, Hazard 2 – Flood, and Hazard 3 Coastal.

Figure 6 below shows a screenshot showing the property with the main District Plan zoning overlaid and a comparison between the current District Plan zoning and the proposed Second Generation District Plan zoning. Figure 7 shows the site with the various Second Generation District Plan overlays that are notated for the site.

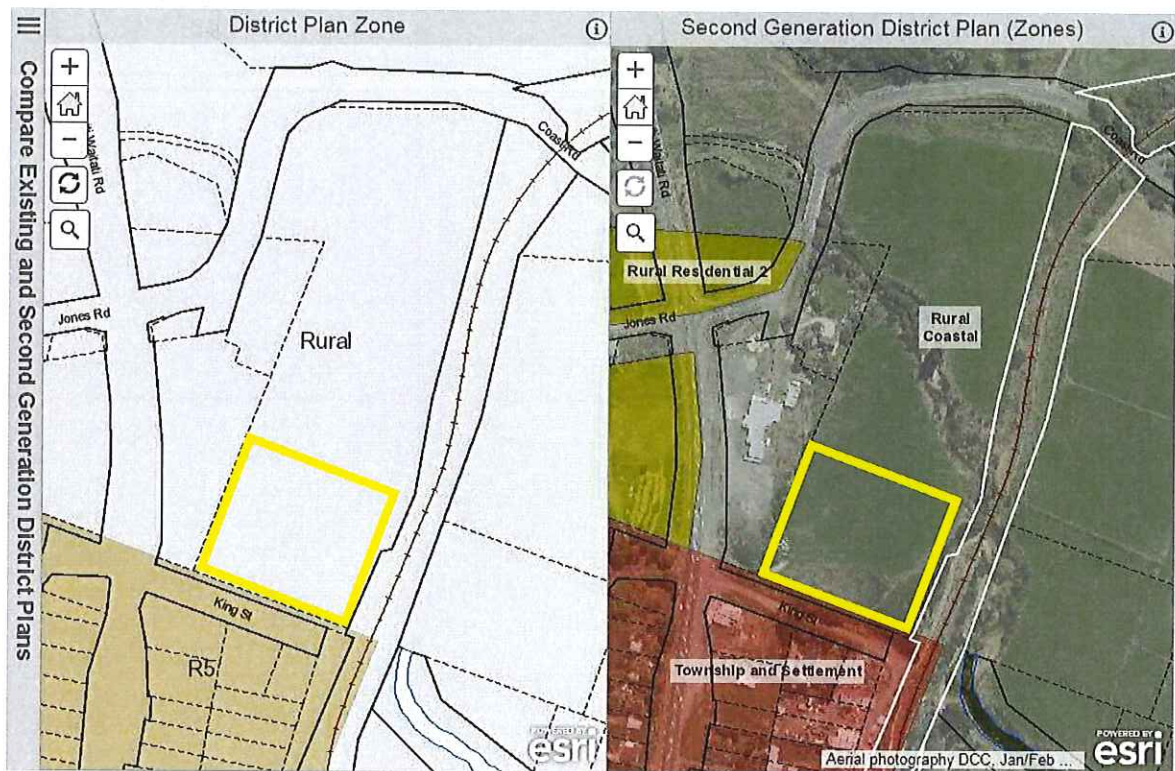


Figure 6: Excerpt from DCC website showing a comparison between the existing and Second Generation District Plans – with the site marked with yellow border.

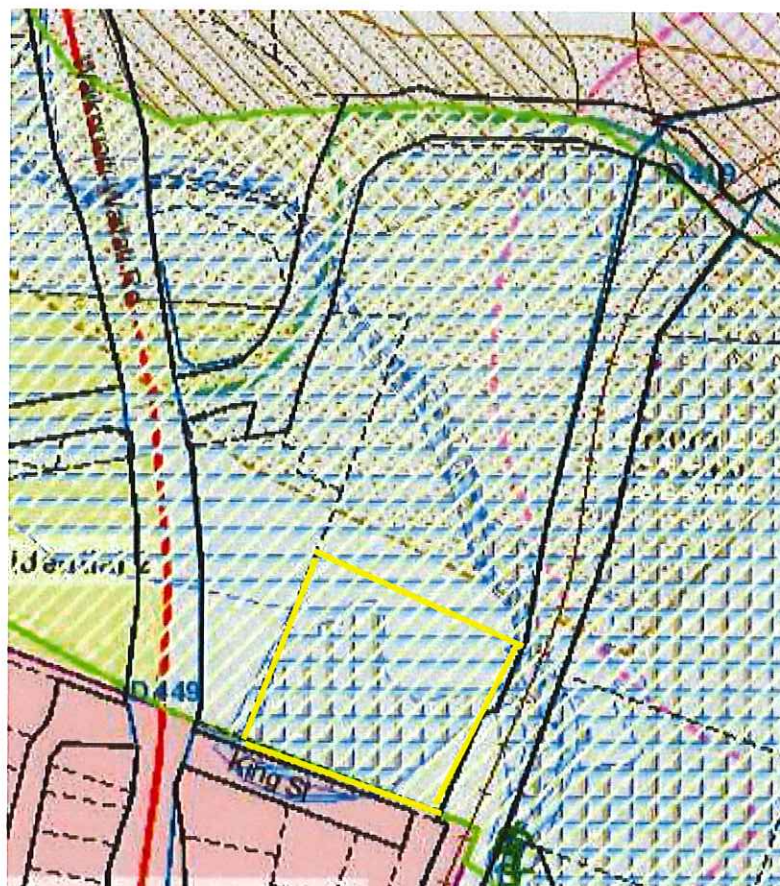


Figure 7: Excerpt from DCC website showing the site (yellow) and the Second Generation District Plan notations.

In terms of the wider environment, the site is located between State Highway 1 (SH 1) to the west, and the Main Trunk Railway to the east. The Main Trunk Railway in this location sits on top of a high man-made embankment, and the subject site is considerably lower. This area of Evansdale has traditionally had some business association over time, with the remnants of many past businesses still obvious alongside SH 1. The site is located near a major intersection where Coast Road turns off SH 1 towards Warrington, and is also at the bottom of a major hill section of SH 1. Due to its location, the area is also used by road maintenance companies for stock piling aggregate, as well as truck stops and other traffic-related activities.

Evansdale is located at the north-western extent of Blueskin Bay. The environment of Blueskin Bay is described in Appendix 5 of the Second Generation District Plan as follows:

Blueskin Bay is a large estuary at the mouth of the Waitati River and Carey's Creek, and is protected from the open ocean of a sand spit extending from its northern shore. The bay is shallow, characterised by sand flats and channels. Orokonui Estuary is a small arm of the main estuary at its south-west corner. Alluvial fans are present at the mouths of the Waitati River and Carey's Creek but in other areas, the shoreline of the estuary is characterised by a low scarp which usefully defines the extent of the coastal environment.

Blueskin Bay is very modified by settlement and transportation infrastructure. The township of Waitati is located on flats at the mouth of the Waitati River. Scattered residential development extends from Waitati around the southern shoreline to Doctors Point.

Blueskin Bay is assessed as modified to a moderately high degree by sedimentation and water quality degradation. Nonetheless it has high value as a feeding and breeding ground for wading birds, including migratory species, and its cockle beds sustain a commercial harvest. It has moderately high perceptual naturalness and is an important scenic asset.

The area is identified as a wāhi tūpuna.

The site is currently accessed from SH 1, via a right of way across adjoining land to the west – however the application proposes that this access will be closed, and a new access constructed off King Street. King Street is legal road and it is currently formed to a gravel formation of approximately 4m width (Figure 8).



Figure 8: Aerial photo of the site in relation to King Street and SH 1.

King Street currently provides vehicular access to 2 residential properties – one on either side of the railway embankment.

The majority of the 4.1ha property has been used for small-scale farming, and is sown in exotic grass, with no indigenous flora present. The southern end (subject of this application) has had a large quantity of fill placed on it that has raised the ground level by approximately 1.2m. Because of the fill, the area to be used as the contractors yard is now partially an elevated area not prone to flooding.

The entire land area of Lot 1 DP 452251 is predominantly flat, aside from an incised creek running through approximately the middle of the site (from west to east). The creek is named Careys Creek and the catchment originates up in the Silverpeaks area, while Careys Creek discharges into Blueskin Bay (with tidal lower reaches). Careys Creek is identified in the Otago Regional Council Freshwater Fish Database as containing (at various times and locations) Giant bully, Inanga, Banded kokopu, Brown Trout, Longfin eel, Black flounder, Estuarine triplefin, Lamprey, Koaro, Redfin bully, Common bully, Shortfin eel, and Koura. Careys Creek is also identified in the Otago Regional Plan: Water, which describes the values in Carey's Creek (see Table below).

SCHEDULE 1A: NATURAL VALUES

Coastal subregion				
Water body	Ecosystem Values	Outstanding natural feature or landscape	Significant indigenous vegetation and significant habitat of indigenous fauna	Areas with a high degree of naturalness
Careys Creek	Pgravel, Weedfree, Hspawn(t), Hjuve(t), Rarefish, Fishdiv, Invdiv (upper reaches)		Significant habitat for koaro and banded kokopu. Significant habitat for lamprey (uncommon in Otago).	

The applicant recognises the ecological values associated with Careys Creek and has purposefully designed the fill/yard area so as not to impact on the creek and its surrounds in any way.

An additional ephemeral drain runs around the southern and south-eastern perimeter of the site and discharges into Careys Creek. The drain originates to the west of SH 1 and collects stormwater runoff from the surrounding area and passes under SH 1 via a 1200mm pipe (Figure 9).



Figure 9: Photograph of the subject site and surrounding environment taken from King Street looking north-west. The truck trailers parked in the foreground are located on the proposed site and the ephemeral drain runs left to right in the foreground.

Reason for Application:

This application is required to be considered under the requirements of the Operative Dunedin City Plan (the Plan).

The land is zoned Rural in the Operative Dunedin City Plan (the Plan) on Planning Map 12. Under the current Plan the land is subject to Indigenous Vegetation and Fauna, and High Class Soils overlay.

The land is proposed to be zoned Rural Coastal in the Second Generation District Plan, with a Wāhi tūpuna overlay, and Natural Coastal Character overlay. Parts of the site are also subject to Hazard 1 – Flood, Hazard 2 – Flood, and Hazard 3 Coastal.

It is understood that the proposed activities are captured by the following definitions in the Plan (verified during pre-application consultation with DCC Planners):

Contractors yard definition(s)

- *Service Activity - means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods, the hire of commercial and industrial equipment and machinery, and includes offices and staff facilities which are accessory to the primary activity on the site.*
- *Commercial Activity - means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or service and includes any Commercial Office or restaurant, and excludes service stations.*

Building construction yard definition(s)

- *Construction Work - means any work in connection with the construction, erection, installation, carrying out repair, maintenance, cleaning, painting, renewal, alteration, dismantling or demolition of:*
 - a) *any building, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above or below ground;*
 - b) *any road, motorway, harbour works, railway, cableway, tramway, canal or aerodrome;*
 - c) *any drainage, irrigation or river control work;*
 - d) *any electricity, water, gas, telephone or telegraph reticulation;*
 - e) *any bridge, viaduct, dam, reservoir, earthworks, pipeline, aqueduct, culvert, drive, shaft, tunnel or reclamation;*
 - f) *any scaffolding;**and includes any work in connection with any excavation, site preparation or preparatory work carried out for the purpose of any construction work; and also includes use of any plant, tools, gear or materials for the purpose of any construction work.*
- *Industrial Activity - means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing or associated storage of goods, and includes offices and staff facilities which are ancillary to the primary activity on the site.*

Rule 6.5.7(ii) Non-Complying Activities states that any activity not specifically identified as permitted, controlled, discretionary or prohibited by the rules in the Rural zone or in the rules of Sections 17 to 22 of the Plan is non-complying.

Neither of the two proposed activities are specifically identified as permitted, controlled, discretionary or prohibited by the rules in the Rural zone or in the rules of Sections 17 to 22 of the Plan, therefore both activities require a **Non-Complying Activity Resource Consent** under the Operative Dunedin City District Plan.

Earthworks

The volume and scale of the proposed earthworks means the proposal cannot comply with either Rule 17.7.3(ii) Scale Thresholds or Rule 17.7.4(iii) in the Plan. Therefore, the earthworks fall to be considered under Rule 17.7.5(iii) and requires a **Discretionary Activity (Restricted) Resource Consent**.

Consultation:

In the course of refining the proposal, the applicant has been in consultation with the following parties:

- Aukaha – representing Rūnanga
- Neighbouring landowners
- NZTA
- DCC (pre-application discussions)

At the time of making this application to the DCC, the applicant had not heard back from Aukaha or NZTA.

It is anticipated that the consultation will prove to be worthwhile and the applicants are willing to amend their initial design to address matters raised during the consultation.

Written approvals – Section 104(3):

Section 104(3) of the Act states that the Council must disregard any effect on a person who has given written approval to the application.

The applicant has obtained written approvals from the following people:

- Warren & Sarah Hogg – 1 King Street
- Graeme Thomas – 3 King Street
- Downe Stewart Trustee 2011 Ltd – 5 King Street
- Ashley & Vicky Pope – 1860 Waikouaiti-Waitati Road
- Braestone Ltd – 1870 Waikouaiti-Waitati Road
- Paul & Rachel Ashford – 6 Coast Road

Please see the attached aerial photograph/site plan showing the location of each of these properties/people.

Assessment of Effects on the Environment

In terms of potential adverse effects resulting from the proposal, the following potential effects have been identified:

- Cultural
- High Class Soils
- Amenity
- Noise
- Lighting
- Visual
- Landscape and Natural Coastal Character
- Indigenous vegetation and fauna
- Traffic generation
- Hazardous substances effects

- Archaeological
- Flooding Hazard
- Earthworks
- Discharges
 - To Air
 - To ground
 - To water - sediment
- Positive Effects

These potential effects are addressed in the following sections.

Cultural

The land is proposed to be subject to a Wāhi tūpuna overlay in the Second Generation District Plan, which describes the area as follows:

The Wāhi tūpuna overlay

With respect to resource consent applications for the following activities, manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:

1. *cemeteries;*
2. *all restricted discretionary activities that list 'effect on cultural values of manawhenua' as a matter for discretion; and*
3. *discretionary and non-complying activities in a wāhi tūpuna mapped area where the activity is identified as a threat in Appendix A4.*

Appendix A4:

A4.16 Blueskin Bay

A4.16.1 Description of area

Settlements were interspersed around Blueskin Bay. Mahika kai sites were heavily utilised and some are still important to this day. The railway line follows part of the old Māori coastal trail. Rock outcrops were utilised as quarry sites. The site has linkages with Okahau.

A4.16.2 values to be protected

1. *Kāika*
2. *Mahika kai*
3. *Wāhi mahi kohātu*
4. *Ara tawhito*
5. *Archaeological remains*

A4.16.3 Principal threats to values

1. *Earthworks*
2. *Activities affecting water quality, including sediment discharge*
3. *Natural erosion*
4. *Activities that affect access to the waterbody, including buildings and structures close to it*
5. *Natural hazard mitigation activities*

Pre-application consultation was initiated with Iwi consultancy *Aukaha* on the 8th October 2018. It is understood contact with the relevant Rūnanga has been made by

Aukaha, but as at the time of this application being lodged with the DCC no written response has been received. Once a reply has been received and duly considered by the applicant, the outcome will be forwarded to the DCC.

High Class Soils

Although the northern portion of the property is shown as having High Class Soils, the proposed site for the contractors yard lies entirely outside of the High Class Soils notation (Figure 10).



Figure 10: Excerpt from DCC District Plan showing the High Class Soil overlay affecting the northern portion of Lot 1 DP 452251. The subject site is marked in yellow.

The remainder of the property (subject to High Class Soils notation) will continue to be used for rural purposes (likely to be the grazing of animals).

Amenity effects

The rural environment has particular amenity and character values which are important to rural people. These include low density of development, dominated by pastoral farming, openness, and quietness.

In some areas of the District, the proposed Contractors Yard and Builders Yard on a 1.15ha rural site may appear to increase the building density and overall activity on a site – thereby potentially reducing the rural amenity (including the low density of development, dominated by pastoral farming, openness, and quietness) experienced by adjoining neighbours. However, in this case, the particular characteristics of the site are such that this will not be the result.

The quality of the rural amenity and character of the environment surrounding the site is low compared to other rural environments in Otago. The site is absorbed into the surrounding landscape as it is sited in a very low lying area and it is surrounded in established properties and built infrastructure such as the railway embankment, SH 1

and adjacent buildings, trees and other vegetation. Views of the site from publicly accessible areas will be limited and usually from some distance away, aside from on King Street (a low-use public road).

The site is not dominated by pastoral farming, nor does it have a low density of development and a sense of openness. The immediate site and surrounds is not enhanced by ecological, landscape and recreation values arising from the natural resources of the rural area (unless the scope of these considerations is widened to include the surrounding hillsides). The reasons for the low quality of rural amenity and character in the area are complex but essentially arise from the presence of SH 1, the rail corridor (and large embankment), the location near a major junction of road networks, historical developments in the area, low-lying land on a flood plain, and proximity to the coast and tidal influence.

In addition, the applicants have obtained the written approval of the surrounding landowners – therefore any adverse effects in terms of amenity on these parties can be disregarded.

Noise, lighting and visual effects associated with both the earthworks, physical structures and their use as part of the proposed Contractors Yard and Builders Yard could also potentially affect amenity; however, in the following sections of this assessment it will be shown that this will not be the case in this instance.

Overall, it is maintained that the proposed dwelling and associated earthworks will have less than minor adverse effects on amenity.

Noise effects

Both main activities (Contractors Yard and Builders Yard) will produce noise at various random times of the day depending on what is happening with either activity.

In terms of the Contractors Yard, noise will result from the following activities:

- Vehicle movements of trucks and cars, some occurring associated with Cargill Contracting staff at the beginning and end of the day, and others being customers;
- Truck air brakes being released occasionally;
- Loader operating moving landscaping materials around and loading customer trailers;
- Hard landscaping materials (gravels, stones etc) occasionally being dumped into bins on the site.
- People talking and yelling occasionally (no profanities).
- The hours of operation for CCL's yard and landscape retailing operation will be 6am to 8pm Monday to Saturday, 10am – 2pm Sunday so any noise will be restricted to these times.

In terms of the Builders Yard, noise will result from the following activities:

- Minimal vehicle movements of cars and small trucks;
- One large truck with hi-ab relocating finished building once every 3 months;
- Building tools operating at random time of the day over the lifespan of a building project e.g. hammers, skill saws, sanders, grinders, nail guns etc;

- People talking and yelling occasionally (no profanities).
- The proposed hours of construction would be between 7am and 5.30pm Monday to Saturday.

In terms of environmental context, the site is located on low-lying land between SH 1 to the west and a high railway embankment to the east, and a firewood producer to the south. All three of these activities (road, rail, firewood) produce certain levels of background noise, such that the proposed activities will largely be assimilated into the background levels of noise in the surrounding environment and will not generally be noticeable. It is noted that the applicant owns the land to the north all the way to Coast Road (some 280m).

There will be some noise effects associated with activities on the site; however there will be limited noise effects beyond the boundaries of the site (no more than minor) and certainly no significant noise effects resulting from the proposed activities beyond the boundaries of those properties that have provided their written approval to the application.

Lighting effects

Lighting and glare can potentially affect amenity values (including the character, harmony and pleasantness of an area), traffic safety and the safety of people who use the area. However, in this instance, neither glare nor lighting will be a factor (less than minor) that will adversely affect these matters as the applicant intends to comply with the Plan thresholds and therefore proposes the following as part of the application:

1. *Light spill measured 1.5m above ground level at the boundary of a site will not exceed 1 Lux between 10pm and 7am.*
2. *Lights will be:*
 - a. *cut-off or fully shielded;*
 - b. *and directed away from roads and any adjacent property*
 - a. *Except this standard does not apply to light spill from the headlights of motor vehicles.*

In addition, the applicants have obtained the written approval of the surrounding landowners – therefore any adverse effects on these parties can be disregarded.

Visual effects

There are a number of characteristics of the site that will mitigate any potential visual effects of the proposal. The site is located on low-lying land between SH 1 to the west and a high railway embankment to the east, and a firewood producer to the south. There are a number of large existing buildings both to the north-west (old Blueskin Hotel) and to the south west that will help block views from vehicles travelling on SH 1. Any views from SH 1 will be fleeting and will eventually be mitigated with the bunding and planting proposed by the applicant.

It is noted that the applicant owns the land to the north all the way to Coast Road (some 280m). Any views of the site will be long-distance and fleeting as vehicles travel along Coast Road.

The only other location from where the site will be largely visible from a publically accessible area is King Street immediately to the south. From King Street, the site will be visible through the site entranceway, however it is submitted that King Street is used very infrequently by people other than those that access their dwellings off King Street (who have all provided their written approval).

There are some properties/dwellings on the hillsides some distance away to the west and north of the site. While these dwellings may have some views downwards on to parts of the site, the site is not expected to dominantly affect the views (in a more than minor way) from these properties as they tend to look outwards to Blueskin Bay and beyond, rather than focussing downwards into the Evansdale built environment. Once the landscaping is established on the site, these properties will have only very limited and partial views down into the site and the site will become visually integrated into the environment.

The site characteristics coupled with the bunding and planting will mean that the site is visually assimilated into the surrounding environment, and there will be no significant visual effects resulting from the proposed activity.

It is noted that the Plan is currently quite permissive in terms of non-residential building developments in the Rural Zone. The Plan specifies a 10 metre height limit for buildings, a 20 metre setback from road boundaries, and a 6m setback from internal boundaries. Furthermore, aside from residential dwellings (1 per 15ha), there is no restriction on the number of buildings on any given property. Significantly, there are no controls imposed over building design, colour, cladding, or landscaping. If desired, someone could theoretically build whatever type of farm building they wanted out of any materials and colours they wished as long as it wasn't higher than 10m (potentially 3 stories high) and closer than 20m to a boundary. Conceivably, this could result in any number of buildings that were both imposing and offensive to any surrounding neighbours and the overall rural amenity; however, these potential buildings also constitute the baseline of what is permitted in the Rural Zone.

In comparison to the permitted baseline above, the proposed new buildings will be single-storied (no higher than 3.9m), will be clustered together, and the site will be thoroughly landscaped with bunding and new plantings. The new buildings will quickly become visually integrated into the surrounding landscape. Furthermore, the new buildings will not be readily visible from nearby publically accessed areas.

Essentially, in this instance, any potential adverse effects in terms of loss of amenity (including loss of privacy, rural outlook, spaciousness, and quietness) of having the new proposed buildings on the property will be considerably less than the potential adverse effects should a non-fanciful building be constructed to the limit of what is permitted - as outlined above (i.e. 10m high with no landscaping) and in a prominent position next to a neighbour.

With respect to the visual effects of the earthworks/terrain disturbance arising from the proposed earthworks when constructing the site, similar factors as those highlighted above serve to mitigate the visual effects of the proposal. The site is proposed to be enhanced with plantings around the perimeter in the future, and it is expected that any

bare earth will be largely hidden from most views by vegetation once completed, and will fit within the surrounding environment.

In addition, the applicants have obtained the written approval of the surrounding landowners – therefore any adverse effects on these parties can be disregarded.

Overall, it is anticipated that the visual effects from buildings, earthworks and activities on the site will largely be internalised by the characteristics of the site and will be less than minor, with both the buildings and earthworks able to be visually integrated into the surrounding landscape.

Landscape and Natural Coastal Character

The land is proposed to be zoned Rural Coastal in the Second Generation District Plan, and Natural Coastal Character overlay (and with a Wāhi tūpuna overlay as stated above). While it is understood these provisions of the Second Generation District Plan are not yet operative, it is still considered appropriate to give some weight to these provisions when considering the proposal.

The values of the Natural Coastal Character overlay relating to the site are described in Appendix 5 in the Plan as:

- a. Tidal estuary with conspicuous flood-tide sand delta.*
- b. Isolated patches of salt marsh.*
- c. Important feeding area for wading birds, including trans-equatorial migrants. Commercial cockle harvesting.*
- d. The area is identified as a wāhi tūpuna, with kai moana values.*

Threats to these values include:

- a. Buildings, structures or earthworks that detract from the natural character.*
- b. Water degradation due to nutrient runoff, infiltration from septic tanks and, to a lesser extent, contamination from water-fowl.*
- c. Sedimentation caused by run-off.*

Appendix 5.3.3.4 also contains a number of key design elements (based on the threats above) to be required or encouraged in area identified as Natural Coastal Character areas. Of most relevance to the application are the design elements relating to buildings and structures; these are listed and addressed as follows:

- a. Structures should be designed with the intention of preserving or enhancing the natural character values.*

In terms of building and structures on the site, there will be a workshop building (12mDx14.4mWx3.9mH) constructed in the southeast corner of the site. The building cladding will colour steel 'Thunder Grey' or a similar dark natural colour. There will also be a transportable office building (8mWx4.2mDx3mH) located adjacent to the workshop building, which will be clad in plywood and batton. In addition, at any given time there will be several small relocatable buildings under construction. The design,

colour and cladding of these buildings will differ over time (based on customer preference) but the ethos of Mopanui Studio Homes is to build good-looking, eco-cabins (especially given they need to sell them following construction) and they generally use wood products (plywood, baton) coupled with earthy coloured corrugated iron cladding.

The largest building will be the workshop building, which at its highest point will be 3.9m high. The overall design of the building is of a 'barn' design, which would not be out of place anywhere in the rural areas of Otago. The colour of the building is proposed to be 'Thunder Grey' which is an earthy, inconspicuous colour that will be easily absorbed into the surrounding environment.

Each of the other three smaller buildings will be considerably smaller in scale and will not stand out on the site.

Given the above, it is considered that the design of the buildings on the site will serve to preserve the natural character values of the area.

- b. They should be located with an awareness of being viewed from prominent public viewing points and utilise materials and colours which are in sympathy with surrounding natural features.*

As discussed above, it is considered that the design, materials and colours of the buildings on the site will serve to preserve the natural character values of the area. The site is low-lying and is largely hidden from prominent public viewing points.

- c. Good design should relate to the specific character and location of each site, but general principles include ensuring building elevation and overall size are not too dominant; materials and their colours should be sympathetic to the surrounding environment; and planting schemes need to be of a scale and character appropriate to the coastal environment.*

As discussed above, it is considered that the design, materials and colours of the buildings on the site will serve to preserve the natural character values of the area. The site is low-lying and is largely hidden from prominent public viewing points. The buildings will not be too dominant amongst the surrounding area. The landscaping (bundling and planting) will be of a scale and character appropriate to the site and surrounding area – indeed the applicants want the plants to survive, establish and flourish.

- d. See A3.4.1 for design guidelines for buildings and structures.*

The proposal has been assessed against the design guidelines for buildings and structures contained in A3.4.1 and it is considered that the proposal is not inconsistent with these guidelines. A major contributing factor for this conclusion is the particular characteristics of the site itself (low-lying, not prominent, not viewable from prominent publically accessible areas, already highly modified nature of site), as well as the fact the buildings themselves would not be out of place anywhere in the rural environment.

Given the above, it is considered that the building-related aspects of the proposal meets the intent of the Rural Coastal and Natural Coastal Character area provisions

contained within the Second Generation Dunedin District Plan. Please refer to the assessment of effects on the environment for discussion and assessment of the earthworks effects.

Indigenous Vegetation and Fauna

The majority of the 4.1ha property has been used for small-scale farming, and is sown in exotic grass, with no indigenous vegetation present. The southern end (subject of this application) has had a large quantity of fill placed on it that has raised the ground level by approximately 1.2m. It is not expected that the proposal will have any adverse effects on indigenous vegetation and fauna (due to none being present); however, positive effects will gradually occur due to the proposed native planting around the site perimeter.

Traffic generation effects

As stated in the site description, the site is currently accessed from SH 1, via a right of way across adjoining land to the west – however the application proposes that this access will be closed, and a new access constructed off King Street to meet Council specifications. King Street is legal road and it is currently formed to a gravel formation of approximately 4m width.

Site preparation/earthworks - Traffic

In terms of the filling/levelling and preparation of the site, the applicant estimates that there will be approximately 1100 truck loads (maximum of 8-10 truck loads per day) of fill needed to complete the site, undertaken in two stages spread over a 6 month period. Stage 1 would commence immediately upon resource consent being granted and would consist of repositioning the top soil on the site into bunds around the perimeter and beginning to deposit fill. Stage 2 would occur 2-3 months later and would consist of completing the fill and levelling the site. Appropriate archaeological discovery protocols will be in place at all times.

The hours of operation for CCL's establishment/construction of the yard and landscape retailing operation area will be 6am to 8pm Monday to Saturday, 10am – 2pm Sunday. It is expected that this aspect of the operation will be temporary and will take no longer than 6 months to complete (depending on weather and availability of suitable fill material).

Contractors Yard - Traffic

The hours of operation for CCL's yard and landscape retailing operation will be 6am to 8pm Monday to Saturday, 10am – 2pm Sunday. CCL employs approximately 20 staff who may come to the yard in the morning for team meetings and instructions before heading out to various locations across Otago. However, the numbers and timing of staff arrival and departure will vary depending on the work type and location happening at any given time i.e. some may go straight to their place of work, which is across the Otago Region.

In terms of vehicles, there will be a variety of vehicles entering, exiting and operating on the site during any given day, including trucks and trailers of various sizes, cars and trailers, and some machinery e.g. a loader and fork lift. It is anticipated that some CCL

staff will arrive in the morning and leave in the morning after a short stay. Then there will be infrequent CCL vehicle movement during the day as well as a limited number of public visitors during the day seeking landscaping materials. CCL staff will likely arrive back to the yard at the end of the working day.

Building construction yard - Traffic

A large portion of their construction work will be done away from the proposed site, on private property. The yard will be set up and operated to be able to construct 2 transportable buildings at any one time. The proposed hours of construction would be between 7am and 5.30pm Monday to Saturday.

Pre-lodgment consultation was undertaken with NZTA to gauge the extent of the effects and any potential conditions of consent. The applicant is awaiting a written response from NZTA and this will be forwarded to DCC once received. The combined level of traffic generation from all aspects of the proposal is well within anticipated levels for the surrounding road network, being SH 1. For this reason, it is concluded that the potential adverse effects resulting from this proposal in terms of traffic effects will be no more than minor – subject to input from NZTA and the DCC Rooding Engineers.

In addition, the applicants have obtained the written approval of the surrounding landowners – therefore any adverse effects on these parties can be disregarded.

Car parking

In terms of car parking, there will be plenty of on-site parking available for the proposed activities. The applicant can provide as many formed car parks as is necessary to cater for demand within the site. The applicant wishes to run an efficient and safe on-site operation.

An assessment of the car parking requirements in the Plan was undertaken, and while there are no specific car parking requirements for the proposed activities (contractors and builders yard), the standards set in Rule 10.5.2(ii) of the Plan are what are normally applied to Industrial and Service Activities in the Industrial Zones. Noting that the proposed buildings on the site add up to a gross floor area of 211m² and that each activity (both contractors yard and builders yard) will be sharing the facilities, the following are the car parking calculations:

Car parking calculation for Industrial and Service Activity

Rule 10.5.2 of the Plan specifies: (a) *Industrial Activity and Service Activity*
Staff requirement as follows:
(iii) 150 m² – 249 m² gross floor area: 4 car parks
(vi) Visitor requirement of an additional 20% (1 car park minimum).

*Note: The proposed buildings on the site add up to a gross floor area of 211m²

Gross floor area of 211m²: = 4 car parks

Visitor: = 1 car park

Total: **5 car parks required**

The applicant considers that this number of car parks is insufficient for CCL's needs, so proposes to initially supply 10 car parks and 7 truck/plant parks, and, depending on demand, can provide more if required. A further 3 car parks will be allocated to the Builders Yard area.

Loading and Access

Rule 10.5.2(iii) also specifies the Loading and Access requirements for Industrial Activities and Service Activities with building gross floor areas greater than 50 m² but less than 2,500 m². The rule states that loading shall be provided for on the following basis:

- *Minimum Size: 8 m long x 3.5 m wide x 3.8 m high.*
- *Manoeuvre Area: To accommodate an 8 metre rigid truck as shown in Appendix 20D.*

Again, the applicant can easily comply with this requirement; but considers it necessary to provide for a much greater loading and access area in order to run an efficient and safe operation.

In terms of actual and potential adverse effects which may result from car parking, loading and access it is considered that any adverse effects will be less than minor. This has been concluded largely because the proposal meets the Plan requirements for car parking and the site can accommodate as many car and truck parks as necessary to ensure a safe and efficient working environment.

Given the existing roading infrastructure, the car parks and loading area proposed, there will not be any adverse roading effects that will need to be mitigated.

Hazardous substances effects

In terms of hazardous materials or processes on site, there will be a 5,000L fixed Diesel tank, a 1,800L fixed petrol tank, and approximately 400L of various oils (engine and hydraulic). The CCL fleet also uses a 1,300L mobile diesel trailer and a 2,000L diesel tanker truck although these are likely to be off site at various jobs most of the time.

There will be no hazardous substances held on the site that exceed the limits in the District Plan.

All storage items are commercially manufactured and are operated and installed in accordance with all industry guidelines and rules.

Given the above assessment, it is concluded that any potential adverse effects resulting from Hazardous Substances will be less than minor.

Archaeological effects

As stated in the site description section, the site is not identified as potentially containing archaeological/culturally significant items; however remains may be present anywhere within the District. The applicant is well aware that if archaeological remains are discovered during any site works, the Accidental Discovery Protocol (Appendix A8 of the Dunedin District Plan) should be followed.

For the purposes of this resource consent application it is submitted that any actual or potential adverse effects on any accidentally discovered archaeology within the site will be less than minor and the applicant will undergo due process to ensure this is the case.

Flooding Hazard effects

A search of the Otago Regional Council Hazards Database (report attached to application) revealed that the site is identified as being possibly subject to or affected by:

- Active channel of Careys Creek
- Area below the elevation of a 1:100 year storm surge (1.75m above msl - using DVD 1958) as modelled by NIWA (2008)
- Area below the elevation of a 1:100 year storm surge + 1m (2.75m above msl - using DVD 1958)
- Floodplain of Careys Creek
- Floodwater dominated alluvial fan

In addition, the site is identified on the Planning Maps in the Second Generation District Plan as being possibly subject to Flooding Risk – from the nearby Careys Creek (Flood Hazard 1 and 2 – Figures 11 and 12), and storm surge inundation from the sea (Flood Hazard 3 – Figure 13).

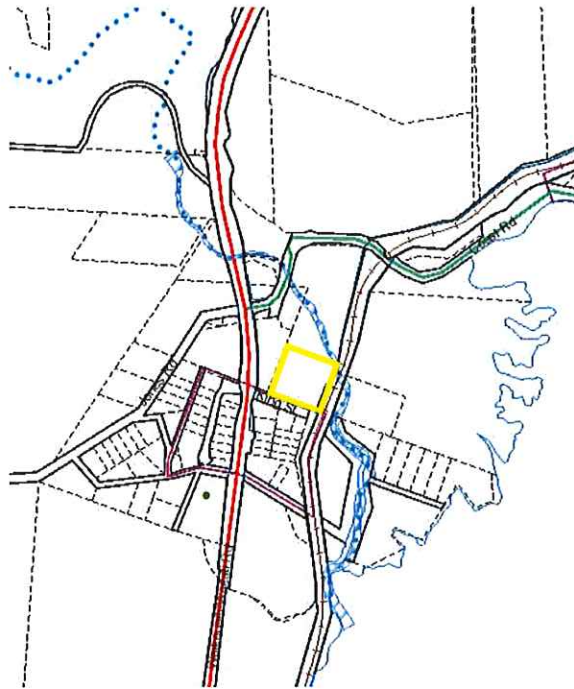


Figure 11: Excerpt from DCC 2nd Generation District Plan showing the site (yellow area) in relation to Flood Hazard 1 – associated with Careys Creek.

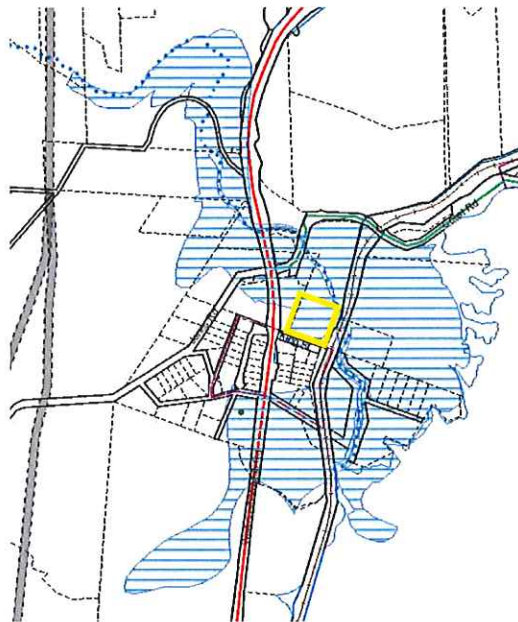


Figure 12: Excerpt from DCC 2nd Generation District Plan showing the site (yellow area) in relation to Flood Hazard 2 – associated with Careys Creek.

As stated earlier, the entire land area of Lot 1 DP 452251 is predominantly flat, aside from an incised creek running through approximately the middle of the site (from west to east). The creek is named Careys Creek and the catchment originates up in the Silverpeaks area, while Carey's Creek discharges into Blueskin Bay. An additional ephemeral drain runs around the southern and south-eastern perimeter of the site and

discharges into Careys Creek. The drain originates to the west of SH 1 and collects stormwater runoff from the surrounding area and passes under SH 1 via a 1200mm pipe.

The flood hazard referred to by the Hazard 1 overlay refers to the potential for Careys Creek to flood. The hazard overlay does not affect the area of land on which the contractors yard is to be established.

The southern end of the 4.1ha property (subject of this application) has already had a large quantity of fill placed on it that has raised the ground level by approximately 1.2m. The application proposes to deposit additional fill on the site to create the area required for their yard and an elevated area not prone to flooding. The application can comply with the standards referred to under Rule 16.6.3.

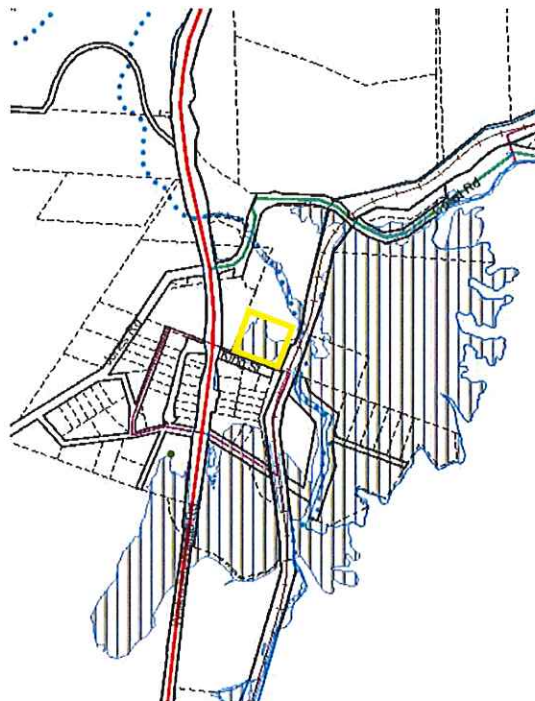


Figure 13: Excerpt from DCC 2nd Generation District Plan showing the site (yellow area) in relation to Flood Hazard 3 – associated with coastal inundation.

The Plan contains rules that require minimum floor levels (16.6.3.3) and relocatable design (16.6.3.4) for new buildings, and particular standards for outdoor storage (16.6.3.5) within areas subject to flooding risk.

While the property is low-lying, Careys Creek is deeply incised as it passes the subject site to the north. There are several small benches and terraces along the Banks of Careys Creek that show historic flood levels. The creek passes through a man-made 'pinch-point' just upstream of the site, as it has to pass under SH 1 and again under Coast Road. The topography then spreads out across a natural out-wash fan (being the land owned by the applicant, before being squeezed under another man-made 'pinch-point' – the railway embankment. A preferred flood flow path occurs at the northern end of the site adjacent to Coast Road and flows under the railway bridge (bridge over Coast Road). This preferred flood flow path acts to ease flooding pressure

on the railway embankment and bridge where Careys Creek passes under the railway; and also helps to divert water away from the subject site.

It is expected that, should flooding of the site occur, flood waters would be travelling at a very low velocity (if at all) and would be more akin to ponding. The applicant confirms (from personal experience of floods on his land) that this is the case. Additional evidence supporting this theory is minimal sign of erosion and flood debris along the railway embankment south of Carey Creek, and only limited rock armouring under the three main pinch points in the area (SH 1 Bridge, Coast Road Bridge, and the railway bridge). In addition, there are several buildings, established trees and landscaping located on the property at 6 Coast Road that are very low-lying and these would not have survived major flooding if it was a risky area.

In order to provide additional assurance/mitigation against flood damage (and associated sediment loss) of the north-eastern toe of the bund, the applicant can provide additional rock bunding along this area to armour against erosion.

Given the low velocity of floodwaters due to the existing built environment, and the topography and catchment, it is submitted that the adverse effects resulting from the proposal in terms of flooding risk are less than minor.

Earthworks effects

The proposal will necessitate various earthworks to occur within the site. Over the years, the site has received approximately 1400m³ of clean fill (62mx31mx1.2m) from various housing developments around Blueskin Bay. In order to prepare the site, the applicant proposes to extend the area of fill by a further 70m northwards (approximately 8000m³) to create a flat and level site approximately 1m high above the existing ground level. No earthworks will be closer than 20m from the bed of Careys Creek. A bund will be created around the perimeter of the site and will be landscaped using native and exotic tree planting. Figure 14 below shows a cross-section of the proposed bund and fill in relation to the western boundary.

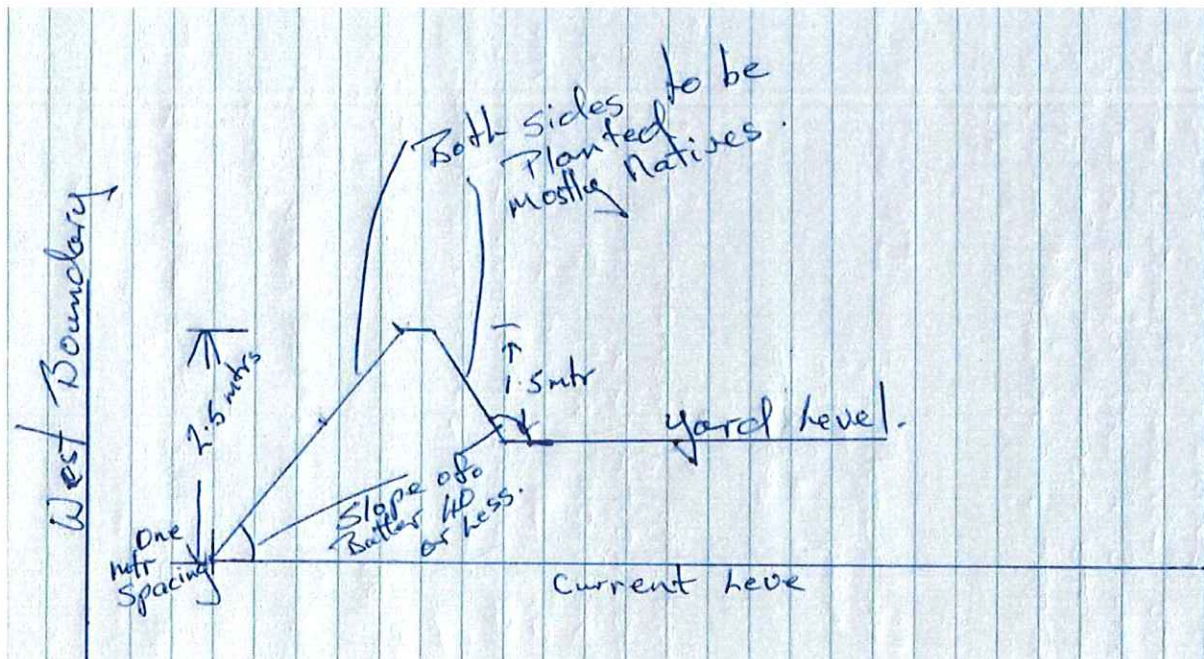


Figure 14: Excerpt from DCC 2nd Generation District Plan showing the site (yellow area) in relation to Flood Hazard 3 – associated with coastal inundation.

The volume and scale of the proposed earthworks means the proposal cannot comply with either Rule 17.7.3(ii) Scale Thresholds or Rule 17.7.4(iii) in the Plan. Therefore, the earthworks fall to be considered under Rule 17.7.5(iii) and requires a Discretionary Activity (Restricted) Resource Consent.

Council's discretion is restricted to the matters set out in Rules 17.7.5(iii) and 17.8.1-17.8.6, being:

- Adverse effects on the amenity of neighbouring properties.
- Effects on visual amenity and landscape.
- Effects on any archaeological site and/or any cultural site.
- Effects on the transportation network, caused by the transport of excavated material or fill.
- Effects from the release of sediment beyond the site boundaries, including transport of sediment by stormwater systems.
- Cumulative effects relating to any of these matters.
- Design and engineering of retaining structures and earthworks.
- Effects on the stability of land and buildings.
- Effects on the surface flow of water and on flood risk.
- Effects on underground utilities.

In assessing these effects, the Council will have regard to the matters in 17.8.1 to 17.8.6.

Assessment matters 17.8 are addressed as follows:

17.8.1 Effects on stability and flood risk

(a) Whether excavation, fill and retaining structures are to be designed, and the work undertaken, in accordance with engineering standards.

The fill will be placed in accordance with engineering standards. CCL is a very experienced operator and, given the site will be used for CCL's own operations (including buildings), CCL will be undertaking the works in a comprehensive and robust manner.

(b) Whether the earthworks will have adverse effects on the stability of land or buildings.

The earthworks will not have adverse effects on the stability of land or buildings. There are currently no buildings on the site and it is not expected that any existing buildings on any other nearby site will be adversely affected in any way.

(c) Whether the earthworks will disrupt the surface flow of water and/or increase the risk of flooding.

The earthworks are not expected to disrupt the surface flow of water and/or increase the risk of flooding. As stated earlier, should flooding of the site occur, flood waters would be travelling at a very low velocity (if at all) and would be more akin to ponding. Additional evidence supporting this theory is the lack of any erosion or sign of flood debris along the railway embankment south of Carey Creek and the two nearby bridges upstream (SH 1 and Coast Road).

While there is likely to be a small amount of displacement of ponded water away from the site, again, due to the lack of velocity of water flow in this area any disruption of surface water flow will be insignificant.

Given the low velocity of floodwaters due to the existing built environment, and the topography and catchment, it is submitted that the adverse effects resulting from the proposal in terms of flooding risk are less than minor.

(d) Whether the earthworks will disrupt, or obstruct access to, underground utilities.

It is not expected that the earthworks will disrupt any known underground utilities.

(e) Whether a geotechnical report has been supplied to assess the stability of the earthworks.

It is not considered necessary to procure and provide a geotechnical report in this instance given the low height of the overall fill area and the applicant's extensive earthworks experience.

17.8.2 Effects on neighbours

(a) Whether the earthworks and retaining structures will adversely affect the amenity of neighbouring properties during or after construction, through reduction in visual amenity, loss of privacy, shading, noise, vibration, dust, mud or any other effect.

The earthworks may have some temporary adverse effects on the amenity of the neighbouring properties on the south side of King Street in terms of a reduction of visual amenity, noise, vibration and dust. These effects will be during working hours, will be temporary and will reduce as the fill area advances northwards. Notwithstanding, these properties have provided their written approval to the application; therefore, no effects on these properties as a result of the proposal can be considered.

(b) The likely duration of any adverse effect.

As stated above, the earthworks may have some temporary adverse effects on the amenity of the neighbouring properties on the south side of King Street in terms of a reduction of visual amenity, noise, vibration and dust – particularly from trucks accessing and manoeuvring on the site, and tipping off their loads; as well as the placement and compacting of the fill material. These effects will be during working hours, will be temporary and will reduce as the fill area advances northwards. Notwithstanding, these properties have provided their written approval to the application; therefore, no effects on these properties as a result of the proposal can be considered.

(c) Proposed measures for avoiding, remedying or mitigating these effects.

While the potentially affected neighbours have provided their written approval to the proposal, the applicant does not wish to adversely affect these properties in anyway. Therefore, the applicant proposes the following mitigation:

- Restricting the hours of operation for CCL's establishment/construction of the yard and landscape retailing operation area to 6am to 8pm Monday to Saturday, 10am – 2pm Sunday. It is expected that this aspect of the operation will be temporary and will take no longer than 6 months to complete (depending on weather and availability of suitable fill material).
- The applicant will monitor dust production, and actively take steps to minimise dust movement beyond the boundaries of the site.
- The applicant is happy to consider any other mitigation suggestion as required.

17.8.3 Effects on visual amenity and landscape

(a) Whether the scale and location of the earthworks and retaining structures will adversely affect the visual amenity and/or landscape values of the surrounding area, including:

- *The extent to which any alteration to the natural landform is minimised;*
- *The extent to which any cut or fill can be restored or treated to resemble natural landforms;*
- *The extent to which any earthworks will remove or impact upon existing vegetation or landscaping.*

The visual effects of the establishment and use of the site have been addressed earlier in this assessment. It is considered that the alteration to the natural land form will be minor in the context of the surrounding area, and the site will largely resemble the

natural landform following the earthworks (acknowledging the area has already been significantly altered).

(b) Within a Landscape Management Area, whether the works will adversely affect the special features and characteristics of that area identified in Section 14: Landscape.

The impact from the earthworks on the Natural Coastal Character of the area has been addressed previously in this assessment. Suffice to say, it is not expected that there will be any adverse effects that will be more than minor.

(c) The likely duration of any adverse effect.

The earthworks are proposed to be undertaken over a 6 month period. The site will be progressively landscaped using native and exotic tree planting and, once these are established, any potential adverse visual effects will be non-existent.

(d) Proposed measures for the rehabilitation of the site.

As stated above, the site will be progressively landscaped using native and exotic tree planting and, once these are established, any potential adverse visual effects will be non-existent.

(e) The objectives, policies and assessment matters of Section 14: Landscape.

These objectives and policies are addressed in the assessment of objectives and policies later in this assessment.

(f) Objective 13.2.1 and Policy 13.3.1 of Section 13: Townscape.

No considered applicable.

17.8.4 Effects on archaeological and cultural sites

(a) Whether the site contains waahi taoka, or waahi tapu or koiwi tangata, and if so whether tangata whenua have been notified and consulted with.

As stated earlier, pre-application consultation was initiated with Iwi consultancy Aukaha on the 8th October 2018. It is understood contact with the relevant Rūnanga has been made by Aukaha, but as at the time of this application being lodged with the DCC no written response has been received. Once a reply has been received and duly considered by the applicant, the outcome will be forwarded to the DCC.

(b) Whether the site contains a recorded, suspected or unrecorded archaeological site, and if so whether any necessary archaeological authority has been obtained from the NZ Historic Places Trust.

The New Zealand Heritage List/Rārangi Kōrero ('the List') identifies New Zealand's significant and valued historical and cultural heritage places. There are no recorded historic or cultural items on the site.

There are also no recorded archaeological items on the site according to the New Zealand Archaeological Association archaeological site recording database (ARCHSITE). There are, however, several recorded items to the east of the site (east of the railway).

(c) Whether the earthworks are located in an area where archaeological material is considered likely to be found (e.g. due to the history of the site and/or the presence of recorded archaeological sites within 100m of the earthworks), and if so whether an archaeological assessment has been carried out.

As stated above, there are no recorded archaeological items on the site according to the New Zealand Archaeological Association archaeological site recording database (ARCHSITE). There are, however, several recorded items to the east of the site (east of the railway). The site is also identified as Wāhi Tūpuna, which are places important to Māori for ancestral significance and associated cultural and traditional values. While it is not considered necessary to undertake an archaeological assessment, appropriate archaeological discovery protocols will be in place at all times during the earthworks.

(d) The results of any archaeological assessment, and proposals for carrying out any recommendations made in that assessment.

As above.

(e) The objectives and policies of Section 5: Manawhenua.

These objectives and policies are addressed in the assessment of objectives and policies later in this assessment.

17.8.5 Effects on the transportation network

(a) Whether the transportation of excavated material or fill is likely to result in adverse effects on the transportation network.

It is considered that the combined level of traffic generation from all aspects of the proposal is well within anticipated levels for the surrounding road network, as well as SH 1.

Pre-lodgement consultation was begun with NZTA to gauge the extent of the effects and any potential conditions of consent; however, at the time of lodging this consent application, NZTA had not responded in writing. In the interests of expediency, it was decided to lodge the application to allow the DCC assessment to proceed; with the intention of supplying NZTA written approval when it is given.

It is expected that the DCC Roading Engineers will view this application and make comment on this aspect.

(b) Proposed measures for managing these effects.

As above, it is considered that the combined level of traffic generation from all aspects of the proposal is well within anticipated levels for the surrounding road network, as well as SH 1. It is expected that both NZTA and the DCC Rooding Engineers will comment on the application.

The proposal includes moving the existing site entranceway, and constructing a new entranceway to DCC specification accessing the site from King Street.

(c) The objectives, policies and assessment matters of Section 20: Transportation.

These objectives and policies are addressed in the assessment of objectives and policies later in this assessment.

17.8.6 Sedimentation effects

(a) Whether and to what extent the earthworks are likely to result in erosion and the release of sediment beyond site boundaries.

There is minimal risk of the release of sediment occurring given the flat topography and the low height of the fill area (<1m).

As stated in the site description, the applicant recognises the ecological values and special significance associated with Careys Creek, and Blueskin Bay. Both waterbodies have been identified in a number of different Planning instruments as having significance. The area is also special to local Rūnanga and has been identified as a Wāhi tūpuna area. Large volumes of sediment in either water body could have significant adverse effects.

The applicant has purposefully designed the fill/yard area so as not to impact on the creek and its surrounds in any way. This includes ensuring there is no loss of sediment beyond the site boundaries (including to the creek).

All earthworks will be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries. The applicant will implement the accepted industry standards for the control of stormwater and sediment as set out in NZS 4404:2010, and continue to monitor the effectiveness of these measures for the life of the project. It is proposed that any areas of bare soil be re-vegetated with fast-establishing grass as soon as possible post construction, and will then be planted in appropriate native plantings to achieve widespread coverage of the bund and help screen the yard. The applicant would not be averse to providing a sediment management plan to Council prior to beginning earthworks to ensure this aspect is undertaken in a robust and comprehensive manner.

(b) Whether and to what extent the earthworks are likely to result in sedimentation of nearby surface water bodies, coastal water or stormwater networks.

As above.

(c) Whether proposed sediment and erosion control techniques are adequate to ensure that sediment remains on site and away from surface water bodies, coastal water and stormwater networks.

As above, there is minimal risk of the release of sediment occurring given the flat topography and the low height of the fill area (<1m). However, the applicant will employ sediment mitigation methods (silt fences, sediment traps, surface compaction of bare earth, rock armouring, re-vegetating etc) at all times and will monitor these to ensure their effectiveness.

17.8.7 Effects on the flow of water bodies

(a) Whether and to what extent the earthworks, through the alteration of the direction, rate or depth of flow of nearby surface water bodies, are likely to cause inundation and/or erosion of land.

As stated earlier, while the property is low-lying, Careys Creek is deeply incised as it passes the subject site to the north, with several small benches and terraces that show historic flood levels. The creek passes through a man-made 'pinch-point' just upstream of the site, as it has to pass under SH 1 and again under Coast Road. The topography then spreads out across a natural out-wash fan (being the land owned by the applicant, before being squeezed under another man-made 'pinch-point' – the railway embankment. A preferred flood flow path occurs at the northern end of the site adjacent to Coast Road and flows under the railway bridge (bridge over Coast Road).

It is expected that, should flooding of the site occur, flood waters would be travelling at a very low velocity (if at all) and would be more akin to ponding at the southern end of the applicant's land (where the subject site is). The applicant confirms (from personal experience of floods on his land) that this is the case. Additional evidence supporting this theory is the lack of any erosion or sign of flood debris along the railway embankment south of Carey Creek, and only limited rock armouring under the three main pinch points in the area (SH 1 Bridge, Coast Road Bridge, and the railway bridge).

Given the above, it is not expected that the earthworks, and subsequent filled land will cause any measurable adverse effects (including inundation and/or erosion) on other land caused by alteration of the direction, rate or depth of flow of nearby surface water bodies.

(b) Proposed measures for avoiding, remedying or mitigating these effects.

The applicant has considered the potential adverse effects and concluded there will be no adverse effects that require mitigation in this instance.

17.8.8 Effects on water and waste infrastructure

(a) Whether the retaining wall or its foundations will undermine the integrity of reticulated water, stormwater and/or foul sewer networks.

There are no known reticulated networks within the site. It is not expected that the proposal will have any effect on any of the above networks.

(b) Whether the Dunedin City Council Water and Waste Services department has provided written approval for the proposed works.

As above.

17.8.9 Effects on the National Grid

(a) Effects on the ability of the transmission line owner to operate, maintain and upgrade the high voltage transmission network.

An electricity line crosses the site in a north-south direction in the eastern portion of the site, although no poles are located within the subject site. The proposal will not affect this line.

(b) Outcomes of any consultation with Transpower New Zealand Ltd.

As above.

(c) Risk to public health and safety.

There will be no risk to public health and safety.

Given the above, and the proposed mitigation measures, it is maintained that the actual and potential adverse effects of the proposed earthworks on the environment will be no more than minor.

Discharges

Discharges to air

There will be no significant fumes/odour effects resulting from the proposed activities on the site. Any discharges to air will comply with the Otago Regional Council discharge rules. At times there may be dust generated by the activities on the site (minor effect). The applicant is happy to undertake dust suppressant mitigation (water truck) should this prove to be an issue. Given this proposed mitigation to the potential of dust effects, it is submitted that any adverse effects can be adequately mitigated such that the effects will be no more than minor.

Discharges to ground

There will be no significant discharges to ground resulting from the proposed activities on the site. Any discharges will comply with the Otago Regional Council discharge rules.

Discharges to water

Discharges to water will occur through the proposed stormwater retention pond system. These discharges will comply with the Otago Regional Council discharge rules, particularly Rule 12.B.1.8 contained within the Otago Regional Plan: Water.

Signs

There will be one sign with approximate dimensions of 6mHx3mWx1.5mD located at the entrance to the site fronting King Street. The sign will read: "*Cargill Contracting Ltd*" and "*Mopanui Studio Homes*". The sign will be freestanding and located entirely within the site boundaries, positioned at the vehicle entrance to the site. No other signage aside from necessary health and safety and site navigation signage is proposed.

Unfortunately, the size of the proposed sign is such that it will not comply with the proposed Natural Coastal Character Area rules (Rule 16.6.8.3) in the Second Generation District Plan, which, when operative, will limit signs to:

- 2m maximum height (proposed is 6m high)
- 1m² per display face (proposed has 4.5m display face)
- 1m maximum width (proposed has 1.5m width)
- Being positioned entirely within the site

Notwithstanding, for the reasons provided earlier in this application (e.g. unique character of site) it is submitted that the proposed sign will not result in any adverse effects on the Natural Coastal Character Area or surrounding environment (less than minor). Provided the DCC roading engineers are satisfied there will be no road safety hazard resulting from the sign, there should be no reason why a dispensation couldn't be granted under the new rules.

Positive Effects

The proposal will positively contribute to the Dunedin City and Otago Regional economy through the provision of:

- Continued employment of more than 22 people
- The construction and use of eco-friendly and sustainable buildings
- Efficient transportation and provision of services through being appropriately located next to SH 1
- The productive use of low-quality rural land
- Providing services to the surrounding community (contracting, landscaping, and building).
- Establishment of native vegetation where there is currently none.

Assessment of Effects Conclusion:

Given the above effects assessment, it is maintained that any potential adverse effects of this land use proposal will either be no more than minor - with any effects able to be effectively mitigated - or less than minor.

In terms of the 'no more than minor' effects, these constitute effects associated with noise, traffic, earthworks, and dust. Each of these matters can be adequately mitigated

as detailed in the assessment of effects above and the applicant anticipates the Council wishing to impose conditions on the resource consent granted.

It is worth acknowledging that there will also be a number of positive effects resulting from the proposal.

Assessment of Objectives and Policies:

Section 104 requires that Council must have regard to any relevant provisions of the Plan. Therefore, the proposal has been assessed against the relevant objectives and policies contained within the Plan.

Following close inspection and given the above effects assessment of the proposal I consider that the proposal is not contrary to the following relevant objectives and policies contained within the Plan.

Chapter 5 - Manawhenua Objectives and Policies

Objective 5.2.1 requires that decision-makers and applicants take into account the principles of the Treaty of Waitangi in the management of the City's natural and physical resources. The relevant underlying policies are 5.3.1 and 5.3.5, and are addressed as follows:

Policy 5.3.1 encourages early and meaningful consultation with Manawhenua regarding natural and physical resource issues of importance to them. Pre-application consultation was initiated with Iwi consultancy *Aukaha* on the 8th October 2018. It is understood contact with the relevant Rūnanga has been made by *Aukaha*, but as of the time of this application being lodged with the DCC no written response has been received. Once a reply has been received and duly considered by the applicant, the outcome will be forwarded to the DCC.

Policy 5.3.5 seeks to avoid, remedy or mitigate any adverse effects on waahi taoka resulting from land use activities. It will remain to be seen what the waahi taoka relating to the site or the application are that Rūnanga will identify. Notwithstanding, it is suggested that the flora and fauna found in and around Careys Creek and Blueskin Bay will no doubt be included. The application assessment of effects has identified that one of the most significant potential effects that could result from the proposal is the loss of large amounts of sediment to Careys Creek and subsequently Blueskin Bay. The application concludes that this scenario is very unlikely and also proposes mitigation to ensure it does not occur (e.g. rock armouring of bund, sediment mitigations). The applicant will consider the reply from Rūnanga carefully and may amend the application to ensure no waahi taoka is threatened by the proposal.

Objective 5.2.3 requires the recognition of the range of resources regarded as taoka by Manawhenua, and Policy 5.3.5 underlies this objective. Policy 5.3.5 is addressed partly above, and the applicant awaits the outcome of consultation with Rūnanga.

Objective 5.2.4 seeks to ensure Manawhenua values are recognised and incorporated into resource management issues that could affect cultural and traditional values. The

underlying policies related to this objective are Policies 5.3.1 - 5.3.5 and these are addressed partly above, and the applicant awaits the outcome of consultation with Rūnanga.

Chapter 6 – Rural Objectives and Policies

Objective 6.2.1 seeks to maintain the ability of the land resource to meet the needs of future generations and is related to Issues 6.1.1 - 6.1.3. The relevant policies under this objective are Policies: 6.3.1 – 6.3.3, 6.3.10, and are addressed as follows.

Policy 6.3.1 seeks to provide for activities based on the productive use of rural land, recognising that these activities are generally reliant on large areas of open land and are protective of the soil and water resources of the City. It is considered the proposal is not inconsistent with this policy as the area of rural land to be used is small (approximately 1.1ha) and is not good quality land in terms of production potential. The proposal will not reduce the available productive land resource of the City in any meaningful way, and the use of the site as a contractors and builders yard will provide a productive resource in of itself that will help service the needs of both the rural and urban areas.

Policy 6.3.2 aims to sustain the productive capacity of the Rural Zone by controlling the adverse effects of activities. Basically, increasing the density of buildings, associated curtilage and activities can result in a loss of productive capacity of land and changing expectations around rural amenity. For these reasons, the Plan has set a permitted activity minimum allotment size for residential activities in the Rural Zone at 15ha. It is considered that the proposal is not inconsistent with this policy to the extent that it offends it, as the proposal does not involve residential activities and the small area of land that will be used is poor quality production land.

Policy 6.3.3 is not directly applicable to the application, however it does discourage fragmentation of rural land and the establishment of non-productive uses of rural land (albeit related to residential activities). For the same reasons given above, it is considered the application is not inconsistent with this policy to the extent that it offends it, as the proposal does not involve residential activities and the small area of land that will be used is poor quality production land.

Policy 6.3.10 relates to protecting High Class soils. The subject site is part of a larger parcel of land that does contain some High Class soils; however the proposal is to not undertake the activities within the High Class Soils area.

Objective 6.2.1 seeks to maintain the ability of the land resource to meet the needs of future generations and is related to Issues 6.1.1 – 6.1.3. The relevant policies under this objective are Policies 6.3.1 – 6.3.2, 6.3.10, and are addressed as follows.

Policy 6.3.1 has been addressed above and it is considered that the proposal is not inconsistent with this policy.

Policy 6.3.2 has also been addressed above and it is considered that the proposal is not inconsistent with this policy to the extent that it offends it, as the proposal does not involve residential activities and the small area of land that will be used is poor quality production land.

Again, Policy 6.3.10 (relating to High Class Soils) has been discussed above.

Objective 6.2.2 seeks to maintain and enhance the amenity values associated with the character of the rural area and is related to Issue 6.1.4. The relevant policies under this objective are Policies 6.3.5, 6.3.6, 6.3.11, 6.3.12 and 6.3.14, and are addressed as follows.

Policy 6.3.5 requires *rural activities to be of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner that avoids, remedies or mitigates adverse effects on rural character. Elements of the rural character of the district include, but are not limited to:*

- (a) A predominance of natural features over human made features.*
- (b) High ration of open space relative to the built environment,*
- (c) Significant areas of vegetation in pasture, crops, forestry and indigenous vegetation,*
- (d) Presence of large numbers of animals,*
- (e) Noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes,*
- (f) Low population densities relative to urban areas,*
- (g) Generally unsealed roads,*
- (h) Absence of urban infrastructure.*

It is considered that the proposal to establish a contractors and builders yard on the proposed site is not offensive to the above matters in Policy 6.3.5. This is not because the site and proposal can be described as having any of the characteristics of the above matters (a-h above), but rather because the site and proposal does not naturally exhibit any of the above. The site lends itself to such activities due to the already highly modified state of the site and surrounding environment (railway, SH 1, absence of native vegetation, relatively densely built environment). Essentially, none of the above matters (a-h above) will be affected or impacted because they are not present now. If anything, following development of the site and establishment of the native vegetation surrounding the site, there will be an improvement in terms of indigenous vegetation and the overall rural character.

Policy 6.3.6 relates to the proposal in terms of the effects of buildings, structures and vegetation on the amenity of adjoining properties (although the explanation of the policy does tend to focus on residential activities). There is the potential for increased density of these things to adversely affect the openness and visual amenity of the rural environment. Notwithstanding, in this instance, due to the already low-lying and unobtrusive characteristics of the site, the proposed landscaping, the proposal will not adversely affect the openness and visual amenity of the rural environment from publically accessible viewpoints.

Significantly, Policy 6.3.11 provides for the establishment of activities that are appropriate in the Rural Zone if their adverse effects can be avoided, remedied or

mitigated. Policy 6.3.11 identifies that activities associated with the mineral resources of the area may be more appropriate in the Rural Zone than in urban areas, and recognises that these activities may make an important contribution to rural communities. This is certainly the case with the proposed application as both the contractor's yard and the builder's yard are appropriate land uses given the unique characteristics of the rural site (while avoiding, remedying, and mitigating any adverse effects) and both activities make an important contribution to the rural communities.

Policy 6.3.12 seeks to avoid or minimise conflict between differing land uses which may adversely affect rural amenity, the ability of rural land to be used for productive purposes, or the viability of productive rural activities. Some activities may generate adverse effects which affect the amenity of the neighbouring sites. They may also prevent their use for productive purposes or reduce the productivity or viability of rural activities. Notwithstanding, it is not expected that the proposal will result in any of these effects to a significant degree, for the reasons stated elsewhere in this application.

Policy 6.3.14 seeks to ensure that land use activities do not occur where they *may result in cumulative adverse effects in relation to:*

- (a) Amenity values*
- (b) Rural character*
- (c) Natural hazards*
- (d) The provision of infrastructure, roading, traffic and safety, or*
- (e) Landscape Management Areas or Areas of Significant Conservation Values*

Irrespective of the ability of a site to mitigate adverse effects on the immediately surrounding environment.

Given the unique characteristics of the site (e.g. already highly modified including with man-made structures – including SH 1 and rail corridor and location at the Evansdale junction) it is unlikely that a similar proposal would occur in the vicinity of the site. While this statement is probably somewhat more relevant to the setting of precedent, it does point to the fact that no other such developments are likely to occur or be proposed in the general vicinity that would add cumulatively to any effects.

The quality of the rural amenity and character of the environment surrounding the site is low compared to other rural environments in Otago. The site is not dominated by pastoral farming, nor does it have a low density of development and a sense of openness. The site and surrounds is not enhanced by ecological, landscape and recreation values arising from the natural resources of the rural area (unless the area is widened to include the surrounding hillsides). The reasons for the low quality of rural amenity and character in the area are complex but essentially arise from the presence of SH 1, the rail corridor and large embankment, the location near a major junction of road networks, historical developments in the area, low-lying land on a flood plain, and proximity to the coast and tidal influence. It is not expected that the proposed development will result in cumulative effects on the existing rural amenity and character in any measurable way.

In terms of cumulative effects on natural hazards (Policy 6.3.14(c)), the site and surrounds is subject to some natural hazard risk in the form of flooding and storm surge (identified in both the District Plan and the Otago Regional Council Hazards Database). For the reasons stated previously in the effects assessment part of this application, it

is not expected that the proposal (particularly, the earthworks/fill) will add cumulatively, in a more than minor way, to the adverse effects of any of the natural hazards identified.

Addressing the provision of infrastructure, roading, traffic and safety, the applicant will necessarily have to obtain Building Consent from the Dunedin City Council for the building on the site, including all related infrastructure (water, sewerage and stormwater disposal). Suffice to say, it is expected that these infrastructure matters will be adequately dealt with to ensure no cumulative effects arise from these matters. In terms of roading, traffic and safety, the applicant has approached NZTA early in the process in order to determine the correct approach to these matters. At the time of making this application to the DCC, NZTA have not yet responded. As soon as it comes to hand, NZTA's response will be forwarded to the DCC.

Overall, and for the reasons given above, it is considered that the proposal is not inconsistent with Policy 6.3.14 to the extent that it offends it in terms of cumulative effects.

Objective 6.2.6 seeks to maintain and enhance the life-supporting capacity of land and water resources and is related to Issue 6.1.1, 6.1.2, 6.1.6 and 6.1.8. The relevant policies under this objective are Policies 6.3.9, 6.3.10, 6.3.16, and are addressed as follows.

While Policy 6.3.9 relates to ensuring residential activity is able to be self-sufficient in terms of water supply and on-site effluent disposal, it is still relevant to the proposal as these matters will necessarily have to be addressed adequately. The applicant proposes to obtain a water supply from the nearby Council reticulation, while disposing of effluent on the site via an approved septic tank and disposal field.

Again, Policy 6.3.10 (relating to High Class Soils) has been discussed above.

Policy 6.3.16 seeks to maintain the water quality in water bodies, including groundwater aquifers and within the coastal marine area by ensuring that appropriate on-site sewage, stormwater and wastewater treatment are provided to avoid off-site effects. As discussed above, the applicant will ensure that these matters are dealt with to Council specification and this will ensure that Policy 6.3.16 is complied with.

Objective 6.2.7 seeks to maintain and enhance the natural character and amenity values of the margins of water bodies and the coastal environment and is related to issues 6.1.1, 6.1.4 and 6.1.8. The relevant policies under this objective are Policies 6.3.15 and 6.3.16, and are addressed as follows.

Policy 6.3.15 relates to the management of the margins of water bodies and asks that decision-makers have particular regard to the maintenance of natural character, amenity and the provision of reasonable public access for recreation. It is not expected that the proposal will not have any impact on these matters as the site will not encroach on the margins of Careys Creek. The site will also be thoroughly landscaped following completion of the earthworks.

Policy 6.3.16 has been addressed above.

Chapter 10 - Industry

Objective 10.2.1 seeks to avoid, remedy or mitigate the adverse effects of industrial activities and is related to Issue 10.1.2. The relevant policy under this objective is Policy 10.3.1, and is addressed as follows.

Policy 10.3.1 seeks to manage the adverse effects of industrial activities in Industrial Zones. The explanation of this policy simply states: '*Industrial activities have the potential to give rise to adverse effects and it is Council's policy to use performance standards to avoid, remedy or mitigate these effects*'. While it is clear the Plan anticipates most industrial activity to be confined within specified Industrial Zones, there is also the possibility of an industrial activity becoming established outside of the Industrial Zones – although it is clear that any adverse effects must be avoided, remedied or mitigated sufficiently. For the reasons presented in the earlier assessment of effects, it is considered that the proposal is in line with the intent of the above objective and policy.

Chapter 14 – Landscapes

Objective 14.2.2 seeks to ensure that the natural landscape characteristics of the coastal environment, wetlands, lakes, rivers and their margins are preserved and protected. Underlying this, Policy 14.3.2 seeks to identify and preserve the important characteristics that create the natural landscape character in the coastal environment, wetlands, lakes, rivers and their margins (as listed in part 14.5.2 of Chapter 14). The list in part 14.5.2 of Chapter 14 contains a reference to Blue Skin Bay, however it is understood that this is not directly relevant to the application site. The preceding effects assessment has shown that there will be no adverse effects on the 'Natural Coastal Character' of the area as a result of the proposal; likewise, the proposal will not adversely affect the landscape values associated with the site. Therefore, it is concluded that the proposal sits well with Objective 14.2.2 and Policy 14.3.2.

Objective 14.2.3 seeks to ensure that land use and development do not adversely affect the quality of the landscape.

Policy 14.3.3 aims to identify those characteristics which are generally important in maintaining landscape quality in the rural area (as listed in part 14.5.3 of Chapter 14) and ensure they are conserved. As stated above, the preceding effects assessment has shown that there will be no adverse effects on the 'Natural Coastal Character' of the area as a result of the proposal; likewise, the proposal will not adversely affect the landscape values associated with the site. Therefore, it is concluded that the proposal sits well with Objective 14.2.3 and Policy 14.3.3.

Policy 14.3.4 Encourage development which integrates with the character of the landscape and enhances landscape quality. It is considered that that proposed development will integrate with the character and enhance the landscape quality once the proposed landscaping has been established.

Objective 14.2.4 encourages the maintenance and enhancement of the quality of Dunedin's landscape. The policies 14.3.3 and 14.3.4 (discussed above) also sit under Objective 14.2.4. Given the discussion in the effects assessment regarding visual and landscape effects, it is considered that that proposed development will (at the very least) maintain the quality of Dunedin's landscape; therefore the proposal sits well with Objective 14.2.4 and the underlying policies.

Chapter 16 – Indigenous Vegetation and Fauna Objectives and Policies

Objective 16.2.1 seeks to enhance the indigenous biodiversity, ecosystem integrity, natural character and amenity values of the City through the retention of remaining areas of indigenous vegetation and habitats of indigenous fauna. The relevant policy under this objective is Policy 16.1.1 and is addressed as follows.

While the site is subject to an Indigenous Vegetation and Fauna overlay on the Planning Maps, in reality the majority of the 4.1ha property has been used for small-scale farming, and is sown in exotic grass, with no indigenous vegetation present. The southern end (subject of this application) has had a large quantity of fill placed on it that has raised the ground level by approximately 1.2m. It is not expected that the proposal will have any adverse effects on indigenous vegetation and fauna (due to none being present); however, positive effects will gradually occur due to the proposed native planting around the site perimeter.

Objective 16.2.2 recognises and provides for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the City and its coastal margins. The relevant policies under this objective are Policies 16.3.2 – 16.3.6 and are addressed as follows.

As stated above, the site does not have any indigenous vegetation or fauna present; therefore it is expected that the application can easily meet the intent of the above Objectives and Policies – especially by providing additional native plantings as part of the landscaping.

Chapter 17 – Hazards, Hazardous Substances and Earthworks

Objective 17.2.1 seeks to ensure the effects on the environment of natural and technological hazards are avoided, remedied or mitigated. The relevant policies under this objective are Policies 17.3.3, 17.3.5 and 17.3.6.

Policy 17.3.3 controls development in areas prone to the effects of flooding. The explanation of this policy appears to relate to the effects of flooding on developments, rather than the effects of the development on flooding. To this end, part of the idea behind placing fill on the site is to raise the site above any potential flooding/ponding of the site in the event of a flood. This will effectively mitigate against the effects of the flood on the building and built infrastructure on the site.

Policy 17.3.5 ensures the control of development in those areas identified as being likely to be affected by a rise in sea levels. There is no doubt that decision-makers should be taking into account the future potential effects of climate change and sea level rise. In this case, it is submitted that the proposed development and subsequent

use of the site will not be at risk from such sea level rise as the ground level of the site will be raised sufficiently above the current ground level to prevent any potential effects from sea level rise. The site is also protected from storm surge or wave action risk due to the railway embankment acting as an effective buffer from these possible sources of risk. It is therefore considered the proposal is in line with Policy 17.3.5.

Policy 17.3.7 seeks to control development in those areas located within or adjacent to land affected by, or likely to be affected by, coastal hazards. The explanation of Policy 17.3.7 discusses how erosion and changes to the coastline are ongoing and natural. It is generally difficult to get any mitigation against such processes robust enough to be effective, and sound knowledge of the mechanism of the hazards affecting the land is essential to success of any mitigation. In this instance, the potential hazards are well understood and the assessment of effects as concluded that the particular site characteristics and the surrounding environment effectively buffer the site from potential effects of all the potential hazards, including coastal hazards, flooding, and sea level rise. The existing site characteristics, coupled with careful construction and reinforcing/armouring of the toe of the embankment against erosion will effectively mitigate the site against these hazards.

Objective 17.2.2 seeks to prevent or mitigate the adverse environmental effects and risks arising from facilities and activities involving the storage, use, or transportation of hazardous substances.

Under Objective 17.2.2, Policy 17.3.8 seeks to control activities involving the storage, use, and transportation of hazardous substances, and identify sites where hazardous substance processes and facilities which require resource consent are located. As stated in the assessment of effects, there will be no hazardous substances held on the site that exceed the limits in the District Plan. All storage items are commercially manufactured and are operated and installed in accordance with all industry guidelines and rules. Given this, it is considered that the application meets the intent of Objective 17.2.2 and Policy 17.3.8.

Objective 17.2.3 provides that earthworks in Dunedin be undertaken in a manner that does not put the safety of people or property at risk and that minimises adverse effects on the environment. Policy 17.3.9 then seeks to control earthworks in Dunedin according to their location and scale. There is no doubt that, given the wrong location, or unsuitable scale, earthworks could result in adverse effects. In the case of this site, the loss of large volumes of sediment could cause adverse effects on the aquatic environments of both Careys Creek and the nearby Blueskin Bay. Notwithstanding, in this instance, any potential adverse effects can be mitigated using accepted industry practices for the control of stormwater and sediment movement and the applicant is more than willing to ensure this occurs. Given this, it is considered that the proposal is in line with Objective 17.2.3 and underlying Policy 17.3.9.

Chapter 20 – Transportation Objectives and Policies

Objective 20.2.2 seeks to ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network. The

relevant policies under this objective are Policies 20.3.4 - 20.3.6 and are addressed as follows.

Policy 20.3.4 requires that traffic generating activities do not adversely affect the safe, efficient and effective operation of the roading network. There is no doubt that in some cases the nature and location of traffic generating activities can diminish people's safety; however, in this case, it is submitted that any potential traffic safety issues can be avoided, remedied or mitigated following assessment by the Council Roding Engineer's and the imposition of appropriate conditions on the consent. Equally, appropriate conditions can ensure the sustainable maintenance and enhancement of the roading network's efficiency and effectiveness. The applicant has been in consultation with NZTA and, at the time of lodgement of this consent application, NZTA have not responded in writing. The results of the consultation will be forwarded to the DCC as soon as they become available.

Objective 20.3.4 seeks to maintain and enhance a safe, efficient and effective transportation network. In line with this, Policies 20.3.5 and 20.3.6 seek to ensure safe standards for vehicle access, and encourage heavy traffic to use appropriate routes. As discussed above, it is submitted that following input from the relevant road controlling authorities, the proposal will be in line with the above objectives and policies.

Assessment of Objectives and Policies Conclusion

The application has been assessed against the Objectives and Policies contained within the Dunedin District Plan. It has been concluded that, on the whole, the proposal will either meet the relevant objectives and policies or will not be inconsistent to the extent that it offends the objectives and policies of the Plan.

Section 104D Assessment:

As a Non-Complying Activity, Section 104D of the RMA states that Council, after considering an application for resource consent, may grant or refuse the application; and if it grants the application, may impose conditions under Section 108.

The preceding assessment of the proposal against the District Plan rules and provisions shows that the proposal can either comply with the provisions, or meet the intent of the provisions to the extent that it will not offend them. For the reasons provided in the above assessment, it is submitted that any adverse effects as a result of the consent being granted are likely to be either less than minor, or no more than minor and able to be effectively mitigated; and Council may confidently grant 'Non-Complying Activity' and 'Discretionary Activity' resource consents to this proposal.

It is considered that Council has sufficient information in consider the application. It is expected that the application will be assessed by Council's internal staff and that specific conditions will be imposed on this resource consent relating to matters where control is reserved or effects require mitigation.

Conclusion:

This Resource Consent application relates to the establishment and use of a Contractors Yard (including retail sales) and a Builders Yard (constructing relocatable buildings) on land legally described as Lot 1 DP 452251 (CFR 578108).

As the preceding assessment has shown, any adverse effects as a result of the consent being granted are likely to be either less than minor, or no more than minor and able to be effectively mitigated. No significant adverse effects were identified in the assessment of environmental effects. The proposal was also assessed against the Plan objectives and policies with the conclusion that, on the whole, the proposal will either meet the relevant objectives and policies or will not be inconsistent to the extent that it offends the objectives and policies of the Plan

Given the outcome of this assessment, the applicant hopes the application can be processed in a non-notified manner and consent can be granted subject to any conditions and advice notes Council sees fit to include.

Please call to discuss any queries or questions you may have in regard to this application.

We look forward to your response in due course.

Regards

Survey Waitaki Ltd



James White
Planning and Projects Leader
MPlan

(03) 434 8020



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

Identifier 578108
Land Registration District Otago
Date Issued 26 March 2013

Prior References

159693

Estate Fee Simple
Area 4.1351 hectares more or less
Legal Description Lot 1 Deposited Plan 452251

Proprietors

Bernard George Terry, Bronwyn Ann Terry and Murray Bethridge Topp

Interests

Subject to a right to convey waste and sewerage water or effluent over parts marked X-Y-Z on DP 452251 created by Transfer 285876 - 17.5.1965 at 2:55 pm (Subject to Section 37(1)(a) Counties Amendment Act 1961)

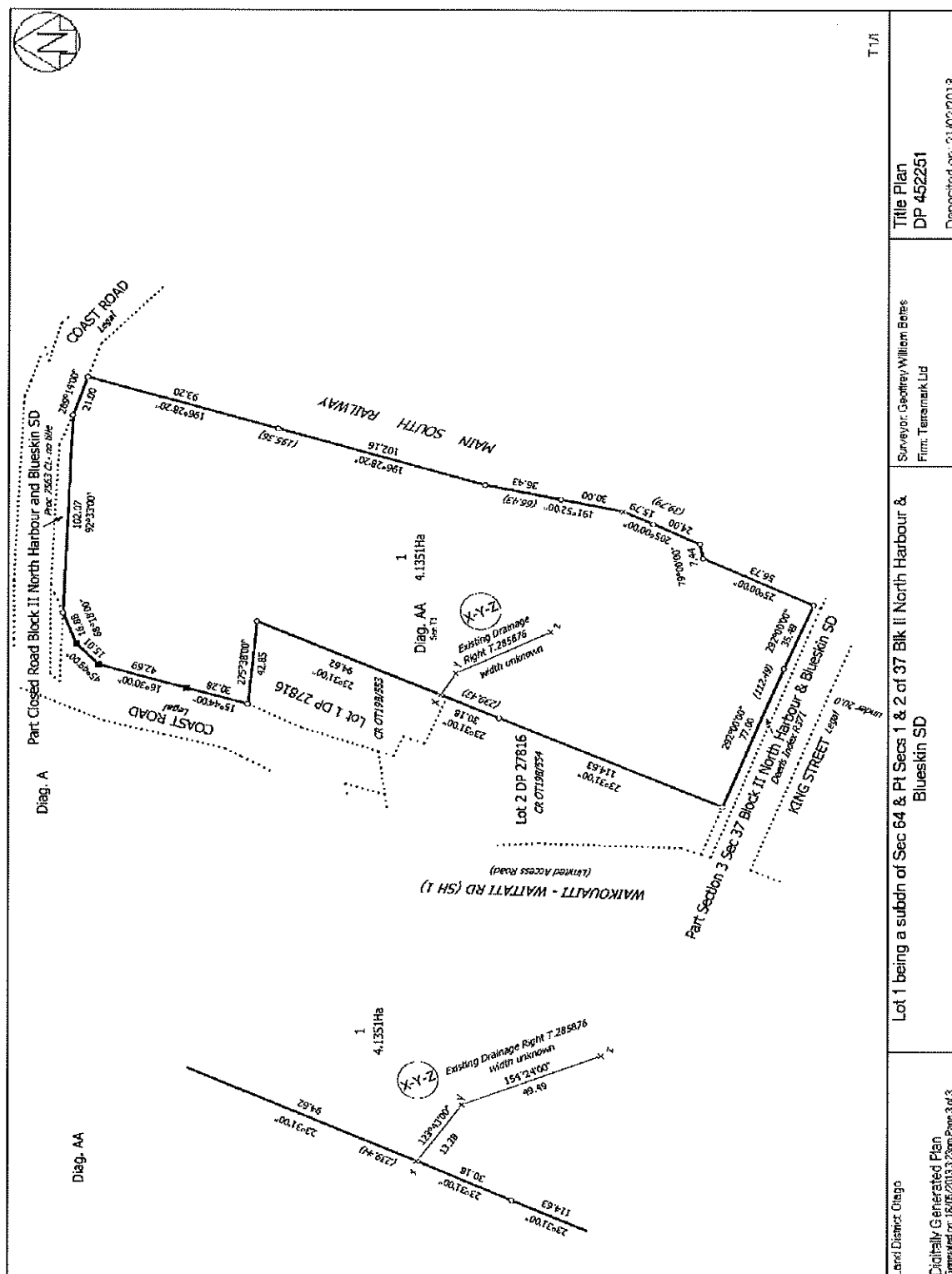
Subject to a right to drain sewage over part formerly part Section 2 of 37 Block II North Harbour & Blueskin Survey District coloured blue on the diagram attached to Transfer 327850 created by said Transfer- 24.6.1971 at 12:00 am

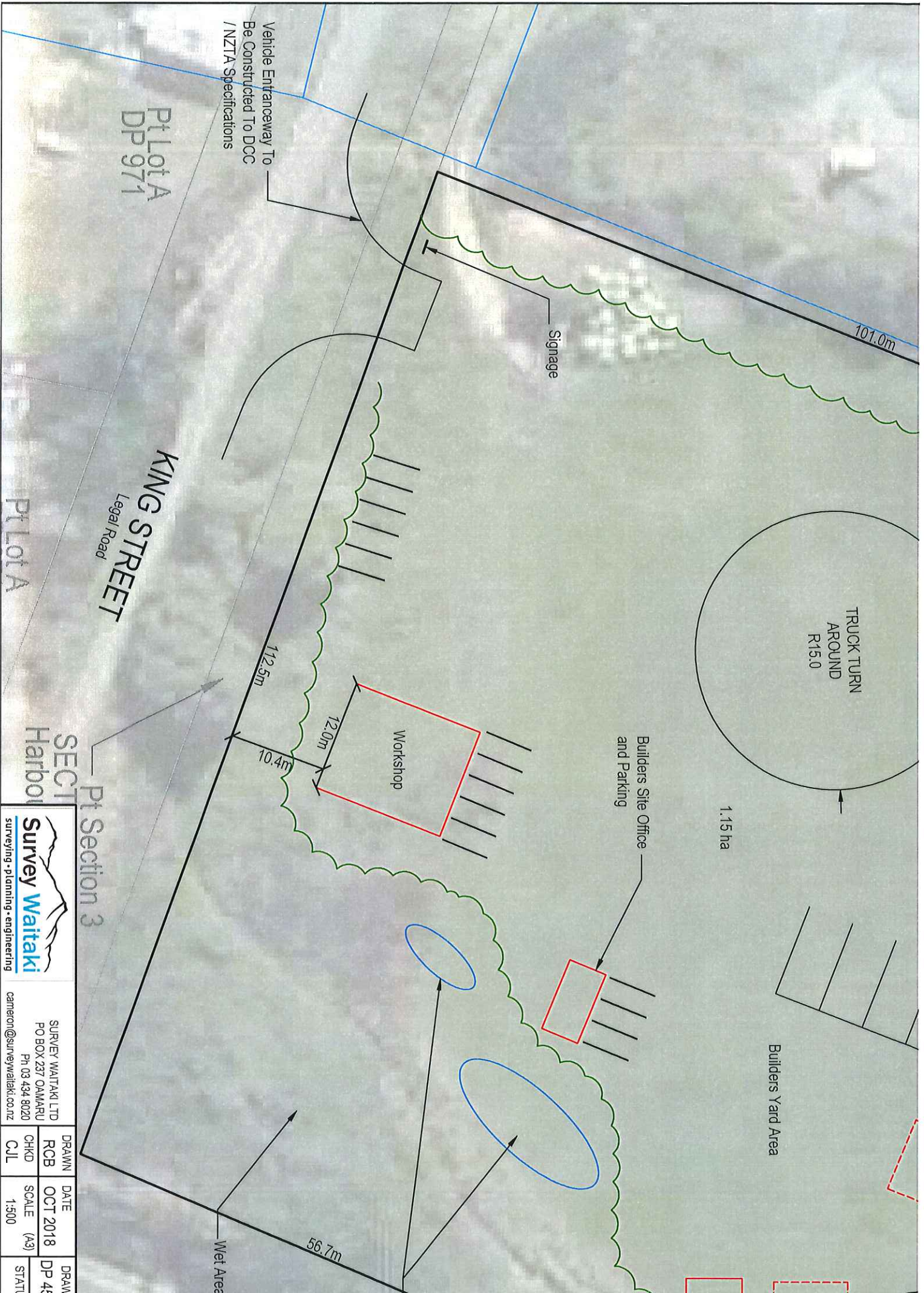
Appurtenant to the part formerly part Section 2 of 37 Block II North Harbour & Blueskin Survey District is a right of way created by Transfer 327850 - 24.6.1971 at 12:00 am

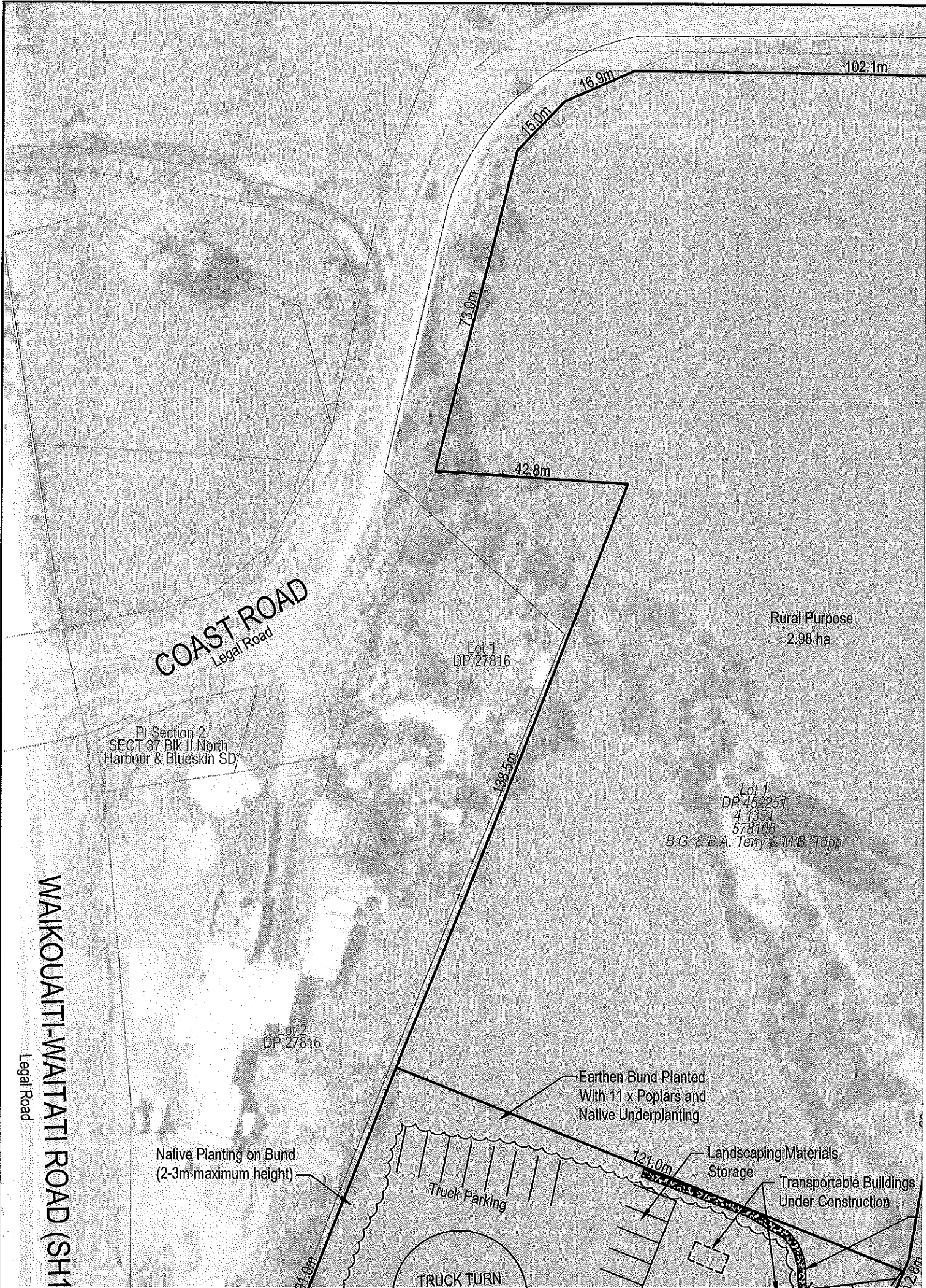
The rights of way created by Transfer 327850 are subject to the Councils conditions of consent annexed to the said Transfer

556746 Gazette Notice declaring part of State Highway 1 (Awanui-Bluff) fronting the within land to be a limited access road - 26.6.1981 at 10.20 am

9664611.1 Mortgage to ANZ Bank New Zealand Limited - 7.3.2014 at 3:16 pm







102.1m

16.9m

15.0m

73.0m

42.8m

COAST ROAD
Legal Road

Lot 1
DP 27816

PI Section 2
SECT 37 Blk II North
Harbour & Blueskin SD

Rural Purpose
2.98 ha

Lot 1
DP 452251
4.1351
578108
B.G. & B.A. Terry & M.B. Topp

Lot 2
DP 27816

Native Planting on Bund
(2-3m maximum height)

Truck Parking

TRUCK TURN

Earthen Bund Planted
With 11 x Poplars and
Native Underplanting

121.0m

Landscaping Materials
Storage

Transportable Buildings
Under Construction

22.8m

34.0m

WAIKOUAITI-WAITATI ROAD (SH1)

Legal Road