

HEARINGS COMMITTEE AGENDA

WEDNESDAY, 10 DECEMBER 2025, 11.00 AM
Council Chamber, Dunedin Public Art Gallery
30 The Octagon, Dunedin

MEMBERSHIP:

Commissioner Kirstyn Royce, Councillors Cherry Lucas and Steve Walker

IN ATTENDANCE:

Phil Marshall (Senior Planner/Committee Advisor), Lianne Darby (Associate Senior Planner), Andrew Budd (Junior Subdivision Engineer), Elizabeth Schonwald (Senior Parks and Recreation Planner) and Wendy Collard (Governance Support Officer)

PART A (Committee has the power to decide these matters):

1 ESPLANADE RESERVE WAIVER FOR SUB-2025-166, 41 SOPER ROAD AND 20 AND 21 HENDERSON STREET, WINGATUI

Introduction

Applicant to introduce themselves and their team.

Procedural Issues

Any procedural matters to be raised.

Presentation of the Planner's Report

Report from Lianne Darby

Refer to pages 1 - 9

The Applicant's Presentation

Application

Refer to pages 10 - 63

Council Officer's Evidence

- Memorandum from Senior Planner, Parks and Recreation Services
Refer to page 64 - 69
- Email from Biodiversity Advisor
Refer to page 70
- Email from Junior Subdivision Engineer, City Growth Team
Refer to page 71

Photos

Refer to pages 72 to 74

The Planner's Review of their Recommendation

The Planner reviews their recommendation with consideration to the evidence presented

The Applicant's Response

The Applicant to present their right of reply

PLEASE NOTE: The **only** section of the hearing which is not open to the public is the Committee's final consideration of its decision, which is undertaken in private. Following completion of submissions by the applicant, submitters and the applicant's right of reply, the Committee will make the following resolution to exclude the public. All those present at the hearing will be asked to leave the meeting at this point.

RESOLUTION TO EXCLUDE THE PUBLIC

To be moved:

"That the public be excluded from the following parts of the proceedings of this meeting, namely, Item 1.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48 for the passing of this resolution.
1	Resource Consent application – 40 Soper Road and 20 and 21 Henderson Street, Wingatui	That a right of appeal lies to any Court or Tribunal against the Dunedin City Council in these proceedings.	Section 48(1)(d)

TO: Hearings Committee

FROM: Lianne Darby, Associate Senior Planner

DATE: 25 November 2025

SUBJECT: **RESOURCE CONSENT APPLICATION**
SUB-2025-166
20 & 21 HENDERSON STREET, 41 SOPER ROAD
WINGATUI

DESCRIPTION OF ACTIVITY

Resource consent is sought for the five-stage subdivision of 21 and 22 Henderson Street and 41 Soper Road, Wingatui, into 98 residential lots, roading and access lots. The subject sites are as follows:

- 20 Henderson Street, being the land legally described as Lot 2 Deposited Plan 485873, held in Record of Title 691451, and having an area of 2.9319ha. The site has frontage to the end of Henderson Street and borders the Taieri Branch railway line along its northeast side boundary. A former pole shed located midway along the northeast side boundary has been converted to a residential unit, and there is a small shed near the Henderson Street entrance to the property. A driveway has been formed along the full length of the southwest side boundary to 41 Soper Road and the pole shed.
- 21 Henderson Street, being the land legally described as Lot 3 Deposited Plan 485873, held in Record of Title 691452, and having an area of 2.0039ha. The site is almost square and has frontage to the ends of Henderson Street and Soper Road. There is an existing dwelling at the southeast corner of the property, near Henderson Street. The Owhiro Stream is positioned inside its northwest boundary.
- 41 Soper Road, being the land legally described as Lot 1 Deposited Plan 485873, held in Record of Title 691450, and having an area of 2.1232ha. The property has frontage to the end of Soper Road, but access via the formed driveway over 20 Henderson Street to Henderson Street. The driveway to the pole shed crosses this property. 41 Soper Road is currently undeveloped. The Owhiro Stream is situated inside its northwest boundary.

In total, the subject sites have 7.059ha of essentially flat land. This is mostly pasture but includes incomplete earthworks in the northwest corner of the site, two existing dwellings and various outbuildings. An existing consent for earthworks, LUC-2016-471, has been given effect to raise the level of the ground within these properties.

The proposal is to subdivide the subject sites in accordance with the Henderson Street Structure Plan in five stages, as follows:

- Stage 1: The subdivision of Lots 2 and 3 DP 485873 (20 and 21 Henderson Street) into Lots 42 to 54, and Lot 99 (residential lots), Lot 103 (road), Lot 201 (access lot), and Lot 500 (balance area).

- Stage 2: The subdivision of Lot 1 DP 485873 (41 Soper Road) and Lot 500 (balance Stage 1) into lots 1 to 12, 62 to 66 (residential lots), Lot 100 (road), Lot 300 (esplanade reserve), Lot 301 (stormwater management area to vest), and Lot 501 (balance area).
- Stage 3: Subdivision of Lot 501 into Lots 13 to 15, 38 to 41, and 55 to 61 (residential lots), Lot 102 (road), and Lots 502 and 503 (balance areas).
- Stage 4: Subdivision of Lot 502 into Lots 67 to 97 (residential lots), Lot 101 (road), Lot 200 (access lot), and Lot 400 (accessway to vest).
- Stage 5: Subdivision of Lot 503 into Lots 16 to 37 (residential lots), Lot 104 (road), Lots 202 and 203 (access lots) and Lot 401 (accessway to vest).

The subdivision will result in 98 new residential lots ranging in size from 400m² to 1280m².

The application as originally submitted showed a 20.0m wide esplanade reserve to be created along the southern (true left) bank of the Owhiro Street. This included a stormwater management area within the proposed esplanade reserve. Following initial comment from Parks and Recreation Services which did not support the use of the esplanade reserve for stormwater management purposes, the subdivision proposal has been revised.

Lot 301 for the stormwater management area to vest with Council is now an 'L' shaped parcel that encompasses the northwest corner of the subject site and a long strip parallel with the Owhiro Street. The proposed esplanade reserve sits between the stream and proposed Lot 301. Earthworks already undertaken on-site have created a depression at the north-western corner of the site, presumably for stormwater management purposes although it is unclear if this depression as constructed will be fully contained within the proposed Lot 301.

The Owhiro Stream is shown on the plan as being 5.0m wide. The bed of the stream appears to be approximately 1.0m to 1.5m wide, with the banks being steep and approximately 2.0m high (refer Figure 1 in the attached photos). Both banks are grassed. The neighbour on the right bank has planted indigenous shrubbery along their side of the fence line.

The stormwater pond where parallel with the stream is designed as being 12.0m wide (essentially 4.0m bank, 4.0m base, and 4.0m bank). The surveyor has designed it so that the top of the bank is 1.0m from the southern boundary. The distance to the esplanade reserve boundary on its northern side is not given. Assuming a 1.0m setback from the esplanade reserve boundary, the stormwater management area will be 14.0m wide. Consequently, the proposed width of the esplanade reserve will be 6.0m.

A landscape plan for the esplanade reserve, prepared by Site Environmental Consultants, shows a walkway from Soper Street, along the southwest side boundary of the subject site (within the stormwater management lot, proposed Lot 301), and along the edge of the Owhiro Stream. The plan shows it to be to the south of a line labelled '7m offset', although it is unclear where the offset is measured from and where the proposed walkway sits in relation to the top of the stream bank and the proposed stormwater management area. The landscape plan includes a list of proposed species for planting.

A 5.0m wide stream bed is expected to cover both banks of the Owhiro Stream and its right side will align more or less with the fence line on the neighbour's side of the stream. It is unclear from the information given whether this is the actual property boundary. No, or minimal, esplanade reserve will be provided on the right bank of the stream. The applicant seeks to reduce the esplanade reserve on the left bank to a width of approximately 6.0m.

Having noted the above, the applicant has identified the creation of the esplanade reserve occurring at Stage 2, but in fact, the subdivision of 20 Henderson Street will trigger the requirement in respect of the

north-eastern end of the subdivision (within the proposed balance land, Lot 500) at Stage 1. As the works on the proposed esplanade reserve will include the formation of a walkway, it is logical to delay the creation of the esplanade reserve until Stage 2 when the full length of the esplanade reserve can be addressed at the one time. The link through to Lot 104 via Lot 401 cannot occur until Stage 5. The Committee therefore needs to consider the appropriateness of:

- a) A full waiver of the 20m wide esplanade reserve requirement at Stage 1 in respect of the land of 20 Henderson Street; and
- b) A partial waiver of the esplanade reserve requirement at Stage 2 to allow the full length of the esplanade reserve to be approximately 6.0m wide.

PLANNING PROVISIONS

2024 Partially Operative Dunedin City District Plan

Rule 15.3.5.2 lists general subdivision in the residential zones as being a restricted discretionary activity subject to the performance standards. The proposal will fail to comply with the following:

- Rule 15.7.2 requires subdivision to comply with Rule 10.3.1.
- Rule 10.3.1.X.e requires esplanade reserves of 20.0m to be taken along the banks of the Owhiro Stream. The proposed esplanade will be less than 20.0m wide.

Activities which fail to comply with this rule are considered to be a **restricted discretionary** activity pursuant to Rule 10.3.1.4.

The Owhiro Stream in this location is designated D218 - East Taieri Drainage Scheme, with the Otago Regional Council being the Requiring Authority. The designation is approximately 24.0m wide with the waterway in the centre. Conditions applicable to this designation are found in section 1A.4.18 of the 2024 Plan and are concerned primarily with the undertaking of works in the vicinity of the designation. No conditions are relevant to this discussion.

Resource Management Act 1991

Sections 77 and 230 of the Resource Management Act 1991 (RMA) allow for variation of the width of esplanade reserves, either in the District Plan or by a Resource Consent. In considering this request, Council is required to have regard to matters set out in section 229 of the RMA.

Section 229 of the Resource Management Act 1991 identifies the purposes for which these esplanade reserves or strips can be taken. The reserve or strip can have one or more of the following purposes:

- (a) *To contribute to the protection of conservation values by, in particular:*
 - (i) *Maintaining or enhancing the natural functioning of the adjacent sea, river, or lake;*
 - or*
 - (ii) *Maintaining or enhancing water quality; or*
 - (iii) *Maintaining or enhancing aquatic habitats; or*
 - (iv) *Protecting the natural values associated with the strip or reserve; or*
 - (v) *Mitigating natural hazards; or*
- (b) *To enable public access to or along any sea, river, or lake; or*
- (c) *To enable public recreation use of the strip or reserve and adjacent sea, river or lake, where the use is compatible with the conservation values.*

Otago Regional Council Flood Protection Management Bylaw.

The Owhiro Stream is designated **D218 – East Taieri Drainage Scheme** in the 2024 Plan. The Otago Regional Council Flood Management Bylaw identifies the Owhiro Stream as a Scheduled Drain ‘O’. The bylaw states:

3.1 Scheduled Drains and Overland Flow Paths

No person shall, without the prior approval of the Council —

- a. *Alter any scheduled drain or overland flow path;*
- b. *Remove or interfere with any machinery or equipment relating to any scheduled drain;*
- c. *Plant any tree, shrub, hedge or part thereof*
 - i. *in any scheduled drain or overland flow path, or*
 - ii. *on, or within seven metres of the top of the bank of, any scheduled drain;*
- d. *Construct or put any structure*
 - i. *in, over, through or under any scheduled drain or overland flow path, or*
 - ii. *on, or within seven metres of the top of the bank of, any scheduled drain;*
- e. *Dump or deposit any thing in any scheduled drain or overland flow path;*
- f. *Obstruct any scheduled drain or overland flow path;*
- g. *Drive, take or operate any vehicle, machinery or equipment, in or through any scheduled drain;*
- h. *Allow livestock in or through any scheduled drain;*
- i. *Connect any pipe, channel or other conduit to any scheduled drain or overland flow path.*

ASSESSMENT

The esplanade reserve requirement has been considered by Council’s Senior Planner, Parks and Recreation Services. She notes that the Owhiro Stream catchment extends from the Chain Hills, Wingatui, and Saddle Hill areas, and flows through residential and industrial areas of Mosgiel before joining the Taieri River at Allanton. The Ōwhiro Stream is classified as a river. Although it is artificially channelised in some areas and utilised by the Otago Regional Council (ORC) as flood protection infrastructure, it is identified as having moderate ecological value. The Senior Planner comments:

‘Despite being listed among the region’s most degraded waterways in ORC’s State of Environment monitoring, recent surveys have found the stream to be ecologically diverse, supporting a range of aquatic life, including at-risk (declining) populations of longfin eel, inanga, and giant kōkopu.’

There is a 2024 Plan requirement pursuant to Rule 10.3.1.X.e to create a 20m wide esplanade reserve along both banks of the waterway at the time of subdivision where the full width of the stream bed is within the property. An application to waive this requirement is subject to Rule 10.5.3.2 which outlines Council’s matters of discretion:

- a) Effects on biodiversity values and natural character values of riparian margins and the coast
- b) Effects on public access.

As noted by the Senior Planner, the guidance provided when assessing 10.5.3.2 for the reduction of the required esplanade reserve is to:

- Consider effects on conservation values, natural functioning of the water body, and biodiversity enhancement measures.
- Ensure public access and recreation opportunities are maintained, including consideration of sea-level rise impacts on reserve width.

The protection of the margins of the waterways helps conserve environmental values and provides opportunities for public access and recreational use, as provided for in Section 6(a) and (d) of the Resource Management Act 1991 (RMA).

The purpose of an esplanade reserve or strip is identified in Section 229 of the RMA is to provide one or more of the following:

- to contribute to the protection of conservation values by, in particular, -
 - (i) maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or
 - (ii) maintaining or enhancing water quality; or
 - (iii) maintaining or enhancing aquatic habitats; or
 - (iv) protecting the natural values associated with the esplanade reserve or esplanade strip; or
 - (v) mitigating natural hazards; or
- to enable public access to or along any sea, river, or lake; or
- to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.

Conservation Values

The Senior Planner, Parks and Recreation Services, seeks to have the full 20.0m of esplanade reserve vested with Council. She notes that a 20.0m wide esplanade reserve minimises edge effects and supports self-sustaining vegetation. Anything less will require on-going management to restore biodiversity. The Senior Planner also notes that a large portion, if not all, of the proposed esplanade reserve will fall within the Otago Regional Council's East Taieri Drainage Scheme. In this case, the proposed reduced-width reserve largely overlaps the Otago Regional Council's drainage scheme area, limiting the Dunedin City Council's ability to manage riparian margins effectively.

The Flood Protection Management Bylaw requires approval from the Otago Regional Council to plant a tree, shrub or hedge within 7.0m of the top of the bank of a scheduled drain. If the proposed esplanade reserve is to be 6.0m wide, then the bylaw restricts planting of the entire esplanade reserve unless approval is given by the Otago Regional Council. The Otago Regional Council has its own approval process for such works.

I have spoken with the Engagement Strategy and Planning Lead at the Otago Regional Council to determine what restrictions the Council might impose on the land subject of the bylaw. She advised that the Otago Regional Council would consider any application under the Bylaw on its relative merits, providing that the capacity of the drain and access for maintenance would be maintained. The ORC has granted Bylaw approvals in the past in respect of planting alongside its assets, and typically encourages the planting of grass along drains to ensure that their flood carrying capacity is maintained. Depending on the impact of any planting proposed, it is possible that planting of shrubs of increasing height could be approved towards the margins of the 7.0m mark; however, this would require determination via the Bylaw process. She also advised that the construction of a path within this area would likely be acceptable. Approval for such works is, however, dependent on the provision of further detail as part of an application under the Bylaw. Additionally, the connection of any pipe, channel or conduit to the drain will also require the Otago Regional Council's approval under the Bylaw.

As an aside, the applicant sought to limited notify the Otago Regional Council in order to satisfy Rule 15.4.5.3 with respect to the provision of a stormwater management plan for the subdivision, but not specifically in respect of the esplanade reserve plantings. In consultation with the applicant, it was decided not to limited notify the Otago Regional Council as the stormwater management plan for this subdivision has not been finalised and the Otago Regional Council would have insufficient information on which to make a submission (possibly leading to a submission on this point alone). Experiences with other subdivisions show that once the stormwater management plan has been approved by the Dunedin City Council, affected party approval from the Otago Regional Council is usually forthcoming with minimal delay. The applicant therefore agreed to seek affected party approval at a later date rather than limited

notify the application. There is no indication that the applicant has consulted with the Otago Regional Council in respect of the proposed esplanade reserve.

Returning to the subject of plantings, although the Bylaw is in place over the first 7.0m of land, it is likely that the Otago Regional Council will permit some vegetation within this area. The reduction of the esplanade reserve to 6.0m to 7.0m will, therefore, still result in vegetation along the edge of the stream although if there are to be taller trees included, the esplanade reserve will need to be wider. This will impact on the proposed stormwater management area.

Council's Junior Subdivision Engineer, City Growth Team, has considered the proposed stormwater management area. He advises that it is difficult for 3 Waters to provide comment on the proposed reduction of the esplanade reserve as there is minimal information on the stormwater management area and the storage volumes to be provided by the pond. He notes:

'3 Waters therefore has no reference point as to how large or wide a stormwater management area would need to be to function. I can say that while the stormwater management area likely needs to be located at the northern end of the site, it is not required to be located within the esplanade strip. Until the applicant provides further detail on the proposed stormwater management system, I am unable to provide further comment.'

The applicant's agent notes that the Fluent Solutions report submitted with the application provides detail about the stormwater management of the site, but there is still detailed design of infrastructure to follow and 3 Waters will have input into that design. The stormwater proposal is still under assessment and a further information request was made on behalf of 3 Waters on 3 November 2025.

As this is a discussion about the proposed reduction of the esplanade reserve and not the stormwater management of the site specifically, any lack of detail about the stormwater management for the subdivision should not form part of the Committee's considerations. The Committee needs to consider the minimum acceptable width for the esplanade reserve in order to achieve the purposes of biodiversity and public access. It may be that, if the Committee is of a mind to take a wider esplanade reserve than that proposed, the stormwater management area will need to be fully relocated and will possibly result in a reduction in the number of new residential lots. There is no apparent reason based on the information at hand why this relocation of the pond cannot occur.

Recreation and Access Values

The Senior Planner, Parks and Recreation Services, has consulted with Aukaha because Ōwhiro Stream is recognised as having Mahika kai values. Aukaha planning staff advise that the values should be supported by:

- *Appropriate stormwater attenuation and natural filtering before discharge to Ōwhiro Stream.*
- *Maintaining public access.*
- *Avoiding hard infrastructure within the esplanade reserve.*

The proposal includes the establishment of a walkway within the esplanade reserve. A reduced width of esplanade reserve will limit the options for a walkway and will possibly have implications for the conservation values of the Ōwhiro Stream. The Senior Planner also notes that the walkway only links internally to the subdivision. She recommends that there be a continuous walkway constructed parallel to the stream to enable future connectivity.

I expect that a walkway can be constructed within the 7m wide strip controlled by the Otago Regional Council as it is unlikely to alter any overland flow paths and is not a structure. Therefore, the reduced width of the esplanade reserve should not preclude public access to the waterway. However, providing connections to the stream edge beyond the subject sites is possibly not practical. At the north-eastern end,

the stream passes under the railway line. Pedestrians crossing the railway line will not be encouraged (if allowed at all) and constructing an underpass may not be practical. At the south-eastern end, the stream passes through a series of private properties including eight residential sites before reaching the public thoroughfare of Wingatui Road. The chances of public access being available through all the properties in the foreseeable future is remote, meaning that access kept internal to the subdivision site might be the best that can be achieved.

Policy Alignment

Parks and Recreation Services advise that the National Policy Statement for Freshwater Management 2020 and the National Policy Statement for Indigenous Biodiversity 2023 emphasise restoring freshwater ecosystems and indigenous biodiversity. The proposed reduction in esplanade width does not align with these directives or with Section 230 of the Resource Management Act 1991. The Senior Planner, Parks and Recreation Services, is of the view that the proposed reduction of the esplanade reserve will fail to meet the following 2024 Plan objectives and policies:

- Objective 10.2.2 and Policies 10.2.2.1, 10.2.2.6, 10.2.2.7
- Objective 10.2.4 and Policy 10.2.4.3

Objective 10.2.2 seeks to maintain and enhance the biodiversity values and natural character of riparian margins, while Policy 10.2.2.1 seeks to encourage conservation activity. Policy 10.2.2.6 seeks to only allow activities adjacent to waterbodies where the biodiversity values and natural character of the riparian margins are maintained or enhanced. Policy 10.2.2.7 seeks to only allow subdivision adjacent to water bodies where the subdivision is designed to ensure biodiversity values and natural character are maintained or enhanced.

The common element of the above objectives and policies is to maintain or enhance biodiversity values and natural character. In this case, there are very few biodiversity values or natural character evident, and any planting along the bank of the Owhiro Stream will enhance the situation. I therefore consider that the proposal will meet these objectives and policies regardless of the width of esplanade reserve vested.

Objective 10.2.4 seeks to maintain and enhance public access, including for the purposes of gathering food and Mahika kai. Policy 10.2.4.3 seeks to require subdivision to enhance public access through requiring an esplanade reserve of an appropriate width and location, and where practical, providing access to other areas through connecting to or expanding existing track networks.

The proposal will improve public access to this section of the Owhiro Stream. Currently, there is no public access available, and no existing track networks to which a proposed walkway can connect. The proposed subdivision will, in my opinion, meet this objective and policy as it will enhance the public access to the stream regardless of the width of the proposed esplanade reserve. It is notable that the Henderson Street Structure Plan makes no provision for reserves of any kind.

Summary

Parks and Recreation Services seeks the full 20.0m of esplanade reserve to be set aside, and for the applicant to plant and maintain the area for three years. I note that planting within the 7.0m strip controlled by the Otago Regional Council (within the esplanade reserve as proposed) is likely to be acceptable although will be restricted in plant sizing. The planting of trees beyond 7.0m may not be of benefit to the biodiversity of the waterway until the trees are very large. Even then, the trees are unlikely to shade the stream given that they will be to the south of the waterway (and to the north of the nearby residential properties creating issues of another kind). Any esplanade reserve with new vegetation will enhance the existing situation. Parks and Recreation Services has recommended a number of conditions for consent for the creation of an esplanade reserve, with additional conditions recommended if the Committee is of a mind to grant consent to the reduction. Not all of these conditions are appropriate for a subdivision consent, and I have modified the recommended conditions accordingly.

3 Waters has not fully assessed the proposed stormwater management area. However, it is considered that a stormwater pond can be situated elsewhere and can still be designed to meet requirements of the subdivision. The need for stormwater infrastructure is, in my opinion, a secondary consideration for this land and if the Committee decides that the esplanade reserve needs to be the full 20.0m width, then the stormwater management area will need to be relocated. Having noted that, the applicant advises that they wish to retain the current position of the pond for, ‘... a number of reasons including fall’. Those reasons have not been specified.

I note that the current stream environment has been modified. The stream itself is straight, the banks are grassed, and beyond the banks was formerly pasture but is now exposed earth. While the stream itself might have biodiversity values, there are few conservation values currently present on the riparian margins of the stream. Given that the Otago Regional Council will control planting within 7m of the stream and any vegetation further than 7.0m from the stream has its contribution to biodiversity and conservation values reduced by distance from the waterway, it might be that an esplanade reserve of 6.0m will serve adequately for public access and some appropriate planting, while allowing the stormwater management area to function as proposed. It is my view that the width of the esplanade reserve can be reduced to 6.0m or 7.0m as proposed while still enhancing the natural character, biodiversity and public access, and allowing the stormwater management area to be provided.

RECOMMENDATION

Stage 1:

That, pursuant to Section 230(5) of the Resource Management Act 1991, the esplanade reserve requirement for the subdivision of 20 and 21 Henderson Street, and 41 Soper Street, Wingatui, be waived at the time of resource consent SUB-2025-166 Stage 1.

Stage 2:

That, pursuant to Section 230(5) of the Resource Management Act 1991, the esplanade reserve requirement for the subdivision of 20 and 21 Henderson Street, and 41 Soper Street, Wingatui, be reduced to 6.0m at the time of resource consent SUB-2025-166 Stage 2, subject to the following conditions:

1. *Lot 300 must vest with Council as esplanade reserve. It must have a minimum legal width of 6.0m.*
2. *All costs associated with the creation and vesting of the esplanade reserve in the Dunedin City Council must be covered by the applicant (including DCC's legal costs).*
3. *All survey costs must be covered by the applicant unless agreed otherwise.*
4. *A path must be constructed from Lot 100 to the northern extent of future Lot 401 (accessway to vest) along the edge of the Owhiro Stream.*
5. *A planting plan and schedule must be submitted to the Council at rcmonitoring@dcc.govt.nz for certification by the Resource Consents Manager.*
6. *The applicant must obtain bylaw approval from the Otago Regional Council for any works, including planting, within the area identified as the East Taieri Drainage Scheme.*
7. *The applicant must plant the esplanade reserve with appropriate trees and shrubs set out in one of the Otago Regional Council's "Otago Native Planting Guides" appropriate to site, in*

accordance with the certified planting plan and schedule, and any requirements of the Otago Regional Council.

Prepared by:



Lianne Darby
Associate Senior Planner

Report approved by:



Phil Marshall
Senior Planner

Date report prepared: 25 November 2025

Appendix One:	Application.
Appendix Two:	Department Comments
Appendix Three:	Photos

APPENDIX A

APPLICATION



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We BA Building Limited

(must be the FULL name(s) of an individual or an entity registered with the New Zealand Companies Office. Family Trust names and unofficial trading names are not acceptable: in those situations, use the trustee(s) and director(s) names instead) hereby apply for:

☒ Land Use Consent ☒ Subdivision Consent

I opt out of the fast-track consent process: ☒ Yes ☐ No

(only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity:

Subdivision and land use consent for residential development at 41 Soper Road and 20 & 21 Henderson Street. See attached AEE for more details.

Have you applied for a Building Consent? Yes, Building Consent Number ABA

☒ No

Site location/description

I am/We are the: ☒ owner, ☐ occupier, ☐ lessee, ☒ prospective purchaser etc) of the site (tick one)

Street address of site: 41 Soper Road and 20 & 21 Henderson Street

Legal description: Respectively Lots 1, 2 & 3 Deposited Plan 485873

Certificate of Title: Respectively 691450, 691451 & 691452

Contact details

Name: Emma Peters, Consultant, Sweep Consultancy Limited

(☐ applicant ☒ agent (tick one))

Address: P.O. Box 5724 Dunedin

Postcode: 9054

Phone (daytime): 0274822214

Email: emma@sweepconsultancy.co.nz

Chosen contact method (this will be the first point of contact for all communications for this application)

I wish the following to be used as the address for service (tick one): ☒ Email ☐ Post ☐ Other:

Ownership of the site

Who is the current owner of the site? Applicant (41 Soper Rd & 21 Henderson St; purchaser of 20 Henderson St)

If the applicant is not the site owner, please provide the site owner's contact details:

Address:

Postcode:

Phone (daytime):

Email:



DUNEDIN | kaunihara
CITY COUNCIL | ā-rohe o
ōtēpōli

Planning Application Fees Payment Details (Who are we invoicing)

THIS FORM MUST BE COMPLETED FOR ALL PLANNING APPLICATIONS THAT ATTRACT A FEE. ALL FIELDS ARE MANDATORY.

This information is required to assist us to process resource consent invoices and refunds at lodgement and the end of the process. If you have any queries about completing this form, please email planning@dcc.govt.nz

Deposit Payment Payee Details:

Full Name of Deposit Payee (Person or Company): BA Building Limited

Mailing Address of Deposit Payee (please provide PO Box number where available):

C/o- Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054

Email Address of Deposit Payee: emma@sweepconsultancy.co.nz

Daytime contact phone number: 0274822214

Important Note: The Payee will automatically be invoiced for the deposit and/or any additional costs. Should a portion of the deposit be unspent, it will be refunded to the payee.

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.

Occupation of the site

Please list the full name and address of each occupier of the site:

Applicant (41 Soper Road and 21 Henderson Street).

Vendor (20 Henderson Street).

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).

(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 AEE.

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 AEE.

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? General Residential 1

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.

New Development Mapped Area & Henderson Street Structure Plan Mapped Area

Hazard 3 (flood) Overlay Zone (Flood Hazard Area 22 - low risk) & Hazard 3 (alluvial fan) Overlay Zone (Area 22 - low risk)

High Class Soils Mapped Area

Designation 218 (East Taieri Drainage Scheme) & Designation 274 (Dunedin Airport Flight Fan)

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 AEE.

Affected persons' approvals

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

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 AEE.

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have been applied for: Yes No

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

Assessment of Objectives and Policies

In this Section you need to consider and assess how your application proposal aligns with the relevant objectives and policies in the District Plan relating to your activity. If your proposal is a discretionary or non-complying activity under the District Plan more attention to the assessment will be necessary as the objectives and policies of the District Plan may not always be in support of the proposed activity.

Please see attached AEE.

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 (tick one):

Emma Peters, Consultant, Sweep Consultancy Limited

30//2025
Date:

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 Māori 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.

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, Dunedin 9054

IN PERSON: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon

BY PHONE: (03) 477 4000

BY EMAIL: planning@dcc.govt.nz

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

Information requirements

- Completed and Signed Application Form
- Description of Activity and Assessment of Effects
- Site Plan, Floor Plan and Elevations (where relevant)
- Written Approvals
- Payee details
- Application fee (cash, eftpos, direct credit or credit card (surcharge may apply))
- Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- Forms and plans and any other relevant documentation signed and dated by Affected Persons

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)? 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:

Assessment of Environmental Effects

20 & 21 Henderson Street and 41 Soper Road, Wingatui

30 June 2025



Prepared by Emma Peters
Sweep Consultancy Limited
P.O. Box 5724 Dunedin 9054
Phone 0274822214
emma@sweepconsultancy.co.nz
www.sweepconsultancy.co.nz

Table of Contents

Content	Paragraph(s)
Site & Location	1 – 4
Existing Consent	5
Zoning	6
Proposed Activity	7 – 20
Activity Status	21 – 26
<i>Subdivision Activity</i>	21
<i>Residential Activity</i>	22
<i>Earthworks</i>	23 – 26
Affected Parties & Notification	27 – 30
National Environmental Standard	31 – 33
Permitted Baseline & Receiving Environment	34 – 37
Assessment of Effects	38 – 39
<i>Subdivision Activity</i>	38
<i>Earthworks</i>	39
Assessment of Objectives & Policies	40
Conclusion	41 – 45

List of Appendices

Appendix 1a:	Record of Title 691451 (20 Henderson Street)
Appendix 1b:	Record of Title 691452 (21 Henderson Street)
Appendix 1c:	Record of Title 691450 (41 Soper Road)
Appendix 1d:	Easement Instrument 7926257.3
Appendix 2:	Subdivision Scheme Plan.
Appendix 3a:	Integrated Traffic Assessment
Appendix 3b:	Stormwater Management Plan
Appendix 3c:	Geotechnical Report
Appendix 3d:	Landscape Proposal
Appendix 4a:	Assessment of Subdivision Activity Against Performance Standards in Rule 15.3.5.2
Appendix 4b:	Assessment of Residential Activity Against Performance Standards in Rules 15.3.3.1 & 15.3.3.3
Appendix 4c:	Assessment of Earthworks Against Performance Standards
Appendix 5:	Analysis of s95A & s95B RMA Notification Requirements
Appendix 6a:	Assessment of Subdivision Activity with respect to Matters of Discretion Pursuant to Rule 15.11.4
Appendix 6b:	Assessment of Earthworks with respect to Matters of Discretion
Appendix 7:	Assessment of Relevant 2GP Objectives & Policies

List of Figures

Figure 1:	Location of Site
Figure 2:	Location of Easement to Convey/Pump Wastewater Through Site
Figure 3a:	Extent of Hazard 3 (alluvial fan) Overlay Zone in Relation to Site
Figure 3b:	Extent of High Class Soils Mapped Area in Relation to Site
Figure 3c:	Extent of Designation 218 in relation to the Site
Figure 4:	Proposed Subdivision
Figure 5:	Otago Regional Council Hail Database Search Results for Site

Sweep Consultancy Limited
 PO Box 5724
 Dunedin 9054
 Phone: 0274 822214
 Email: emma@sweepconsultancy.co.nz

30 June 2025

Senior Planner – Non-notified
 Dunedin City Council
 P.O. Box 5045
 Dunedin 9054

Sent via email to:
 planning@dcc.govt.nz

Hi,

20 & 21 HENDERSON STREET & 41 SOPER ROAD, WINGATUI – SUBDIVISION & LAND USE CONSENT

Site & Location

1. Our client, BA Building Limited, is applying for subdivision and land use consent in relation to a residential development of properties located at 20 & 21 Henderson Street and 41 Soper Road, all located in Wingatui (collectively referred to as the site). The location of the site is shown in Figure 1 below.



Figure 1: Location of Site.

2. The legal descriptions, records of title and areas of land making up each property within the site are detailed in the table below. Copies of the records of title are appended at Appendices 1a – c respectively.

Property	Legal Description	Record of Title	Area (Ha)
20 Henderson Street	Lot 2 Deposited Plan 485873	691451	2.9319
21 Henderson Street	Lot 3 Deposited Plan 485873	691452	2.0039
41 Soper Road	Lot 1 Deposited Plan 485873	691450	2.1232

3. There are no title instruments showing on record of title 691450 (41 Soper Road). However, there is an easement instrument, 7926257.3, which relates to both 691451 (20 Henderson Street) and 691452 (21 Henderson Street). Copy of that easement instrument is appended at Appendix 1d. The easement provides for the rights to convey and pump sewage across the site as shown below in Figure 2.



Figure 2: Location of Easement to Convey/Pump Wastewater Through Site (Green Highlighting Added).

4. The site comprises of approximately 7.059 hectares of essentially flat land, incomplete earthworks, two existing dwellings, various outbuildings and various hedges and mature trees. To the north the site is bounded by the Owhiro Stream beyond which is Rural Residential 1 zoning, to the east by the Taieri Branch Railway line and to the south and west by residential zoning.

Existing Consent

5. There is an existing consent for earthworks, LUC-2016-417, which has largely been given effect to.

Zoning

6. Pursuant to the Partially Operative 2024 Dunedin City Second Generation District Plan (2GP) the site is

zoned *General Residential 1* and has the following overlays, mapped areas and designations:

- *New Development Mapped Area* (all of site).
- *Henderson Street Structure Plan Mapped Area* (all of site).
- *Hazard 3 (flood) Overlay Zone* being *Flood Hazard Area 22* which has a *low risk* (all of site).
- *Hazard 3 (alluvial fan) Overlay Zone* being *Hazard Area 22 Alluvial fans from coastal hills* which has a *low risk* (majority of site – see Figure 3a below).
- *High Class Soils Mapped Area* (applies to parts of 41 Soper Road and 20 Henderson Street in the vicinity of Owhiro Stream – see Figure 3b below).
- *Designation 218* being the *East Taieri Drainage Scheme* (applies to the eastern and northern boundaries of the site – see Figure 3c below).
- *Esplanade Reserves and Strips Mapped Area* (esplanade reserve applies to the Owhiro Stream within 41 Soper Road and 20 Henderson Street).
- *Designation 274* being the *Dunedin Airport Flight Fan* (entire site).

There are no other planning features shown on the 2GP in relation to the site.

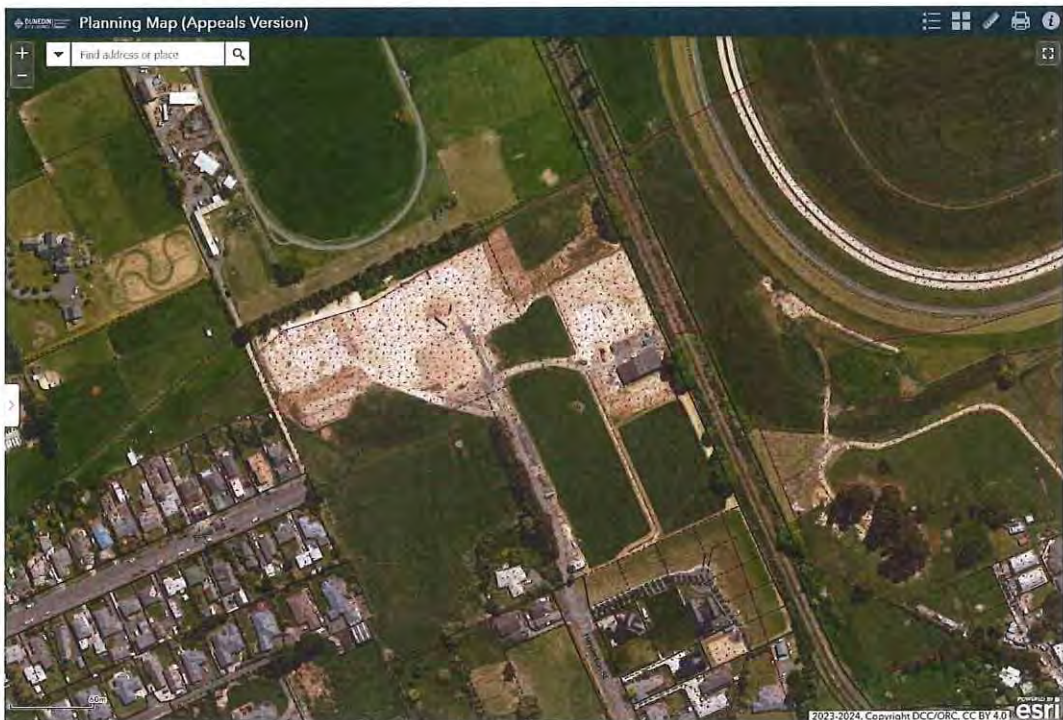


Figure 3a: Extent of Hazard 3 (alluvial fan) Overlay Zone in Relation to Site.

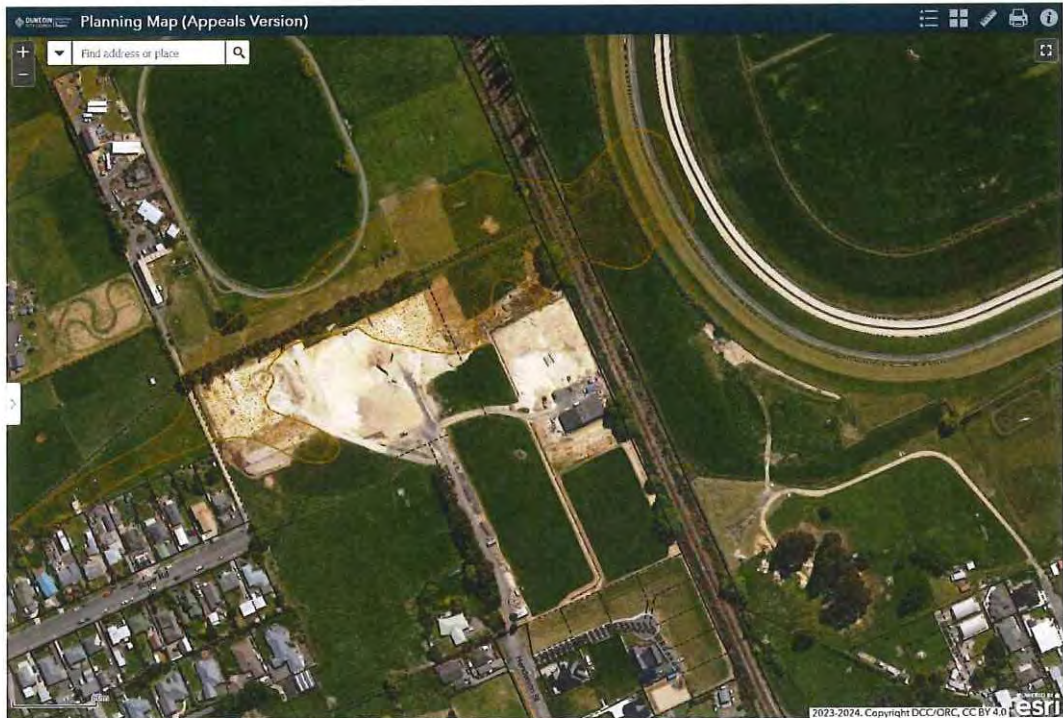


Figure 3b: Extent of High Class Soils Mapped Area in Relation to Site.

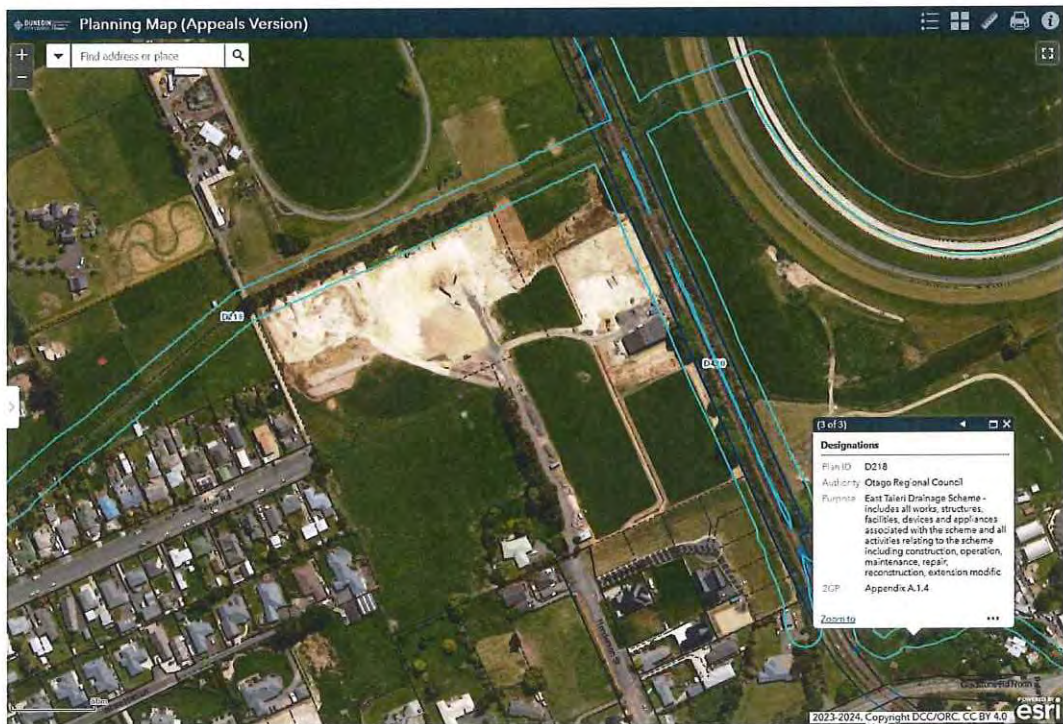


Figure 3c: Extent of Designation 218 in relation to the Site.

Proposed Activity

7. BA Building Limited proposes to subdivide the site into 98 residential lots with various access lots, rights of way, pedestrian accessways, lots to vest as road, esplanade reserve and to 3 waters. Figure 4 below

provides a snip of the subdivision scheme plan – full copy of the subdivision scheme plan is appended at Appendix 2.



Figure 4: Proposed Subdivision.

8. The applicant proposes to stage the subdivision over five stages as shown on the subdivision scheme plan. At present the staging is proposed as follows:

Stage	Residential Lots	Road to Vest	Access Lot / ROW / Pedestrian Access	Reserve	Balance Lot
One Light blue on plan	42-54, 99 which contains the existing house at 21 Henderson St	103	201 (access lot)		500
Two Green on plan	1 – 12, 62 – 66	100	A, B, C (ROWS)	300, 301	501
Three Yellow on Plan	13 – 15, 38 – 41, 55 – 61	102			502 & 503
Four Dark blue on plan	67 – 97	101	200 (access lot) 400 (pedestrian access)		503 (from stage 3)
Five Pink on plan	16 – 37	104	202 & 203 (access lots) 401 (pedestrian access)		

9. However, detailed design has not yet been undertaken, and the staging may change. So, to avoid having to make application for variation of consent solely for the purpose of a different staging configuration, the applicant proffers the following condition of consent (or similar words to the same effect):

"This subdivision may be staged. For the purposes of issuing approvals under sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in any order and all stages may be combined, providing all necessary subdivision works (such as servicing, provision of formed legal access and other works required to satisfy conditions of this consent), are completed for each stage, prior to certification being issued as necessary under sections 223 and 224(c) of the Resource Management Act 1991. Any balance lots created shall either be serviced to Council's standards or held together in one title with or as a serviced lot."

10. The following amalgamation conditions will apply:

- *"That Lot 200 hereon (legal access) be held as to eight undivided one-eighth (1/8th) shares by the owners of Lots 68-75 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith."*
- *"That Lot 201 hereon (legal access) be held as to ten undivided one-tenth (1/10th) shares by the owners of Lots 42-51 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith."*
- *"That Lot 202 hereon (legal access) be held as to five undivided one-fifth (1/5th) shares by the owners of Lots 32-36 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith."*
- *"That Lot 203 hereon (legal access) be held as to five undivided one-fifth (1/5th) shares by the owners of Lots 19-23 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith."*

11. Lot 99 will contain the existing house currently located at 20 Henderson Street. The existing house currently located at 21 Henderson Street will remain until stage 5 at which point it will be removed. Proposed Lots 1 to 97 will be used for new residential activity. Each of these residential lots will be provided with connections to 3 water, electricity and telecommunication services.

12. The subdivision scheme plan delineates the 70m setback from the railway line. As a condition of subdivision consent, the applicant proffers for a consent notice to be placed on the titles of lots within the 70m setback, either wholly or partially, stating (or similar words to the same effect):

"Any rooms used for noise sensitive activities, as that term is defined in the ZGP, must

have acoustic insulation in accordance with 2GP Rule 9.3.1."

13. There is an esplanade reserve in relation to Owhiro Stream which will vest in Dunedin City Council (**Council**) as reserve. A stormwater detention area will be located in part of the esplanade reserve in the northern part of the site and also in the north-western part of the site which will vest as reserve in Council. All stormwater infrastructure will vest in Council once constructed. There is a planting proposal (indigenous species) for the esplanade reserve.
14. Lots 100 – 104 will vest in Council as road with:
 - Lots 101 and 104 each being a cul-de-sac with each providing pedestrian connectivity as follows:
 - a. Lot 101 to Henderson Street via Lot 400; and
 - b. Lot 104 to the esplanade reserve via Lot 401.
 - Lots 100, 102 and 103, once vested as road, providing connectivity between Soper Road and Henderson Street.
15. Lots 200, 201, 202 and 203 provide access to adjoining lots via rights of way.
16. There is a planting proposal for trees (exotic species) within the road reserves and two right of way cul-de-sacs.
17. The following reports form part of this application:
 - Modal Consulting Limited Integrated Traffic Assessment.
 - Fluent Solutions Stormwater Management Plan.
 - GeoSolve Geotechnical Report.
 - Site Environmental Landscape Proposal.

Copies of these reports are appended at Appendices 3a – d respectively.

18. The Modal Consulting Limited Integrated Traffic Assessment makes the following recommendations which the applicant accepts:

"Detailed engineering design plans, showing all proposed construction details for all new roads to vest, shall be submitted to and approved by the Council prior to construction. The plans must specifically include:

- *Typical road cross section details, with design provided in accordance with the NZS 4404:2010 including the E11 and E12 cross sections contained within.*
- *A new footpath shall be provided on the western side of Henderson Street linking to the existing footpath on Gladstone Road North."*

19. The GeoSolve geotechnical report makes the following recommendation which is accepted by the applicant:

"We recommended that all fill (particularly under building areas and roadways) should be placed and compacted in accordance with the recommendations of NZS 4431:1989 and certification provided to that effect. Therefore, a fill specification and geotechnical supervision (including laboratory verification) should be sought at an early stage to enable a statement of suitability to be supplied. Adequate compaction is necessary to minimise future differential settlement on the proposed lots and roadways which may occupy the areas of fill."

20. The applicant requests that Council processes this application on a non-notified basis. A completed resource consent application form precedes this assessment of environmental effects. The applicant will pay the deposit application fee charged by Council for application for non-notified subdivision and land use consent upon receipt of electronic invoice from Council.

Activity Status

Subdivision Activity

21. Pursuant to Rule 15.3.5.2 general subdivision activity is a restricted discretionary activity provided that the subdivision meets various specified performance standards. An assessment of the proposed subdivision activity in relation to each of those specified performance standards is contained in Appendix 4a. That assessment determines that the proposed subdivision activity **complies** with all relevant performance standards including Henderson Street structure plan mapped area performance standards and, therefore, the proposed subdivision activity has an activity status of **restricted discretionary**¹ with the discretion of Council restricted to those matters listed in Rule 15.11.4.1.a – e² and Rule 15.11.4.2.a³.

Residential Activity

22. Pursuant to Rule 15.3.3.3 residential activity is permitted in the *General Residential 1* zone provided that the residential activity meets specified performance standards. An assessment of the proposed residential activity in relation to each of those specified performance standards is contained in Appendix 4b. That assessment determines that the proposed residential activity **complies** with all relevant performance standards and, therefore, the proposed residential activity has an activity status of

¹ 2GP Rule 15.3.5.2.

² Effects on neighbourhood residential character and amenity; risk from natural hazards; effects on efficiency and affordability of infrastructure; effects of stormwater from future development; effects on the safety and efficiency of the transport network. Plan change 1 proposes an additional matter of discretion of effects on health and safety.

³ Effects on the safety and efficiency of the transport network.

permitted.

Earthworks

23. Earthworks will be undertaken to form the roads, right of ways, accesses, install services and stormwater management infrastructure, and prepare the lots for residential activity. Rule 8A.5.1 sets out the thresholds for earthworks to be considered small-scale provided that the earthworks also comply with various performance standards listed in Rule 8A.3.2.1.a – j⁴ and Rule 8A.3.2.3.a⁵. Compliance of earthworks with those performance standards is assessed at Appendix 4c with that assessment finding that the earthworks will comply with all relevant performance standards excepting the performance standard in relation to setback from network utilities, contravention of which requires resource consent as a **restricted discretionary activity**⁶ with the discretion of Council restricted to the matters listed in Rule 5.7.4.2⁷.
24. The thresholds applicable to the site are:
- A maximum change in finished ground level of **0.5m** (Rule 8A.5.1.3.a.vii).
 - A maximum area for earthworks of **25m²** within 5m of Owhiro Stream (Rule 8A.5.1.4.a.iv).
 - Maximum volume of combined cut and fill for earthworks of **40m³ fill** (Rule 8A.5.1.5.a.X).
25. The surveyor is in the process of preparing earthworks design. However, the earthworks for the subdivision will certainly contravene one or more of the thresholds for small-scale earthworks and, therefore, resource consent is required as a **restricted discretionary**⁸ activity with the discretion of Council restricted to those matters listed in Rule 8A.7.2.1⁹, Rule 8A.7.2.3¹⁰ and Rule 8A.7.3.5¹¹.
26. Part of the site is a *High Class Soils Mapped Area*. However, Rule 8A.5.8.1 states (emphasis added):

"Earthworks must not remove topsoil or subsoil that is located within the high class soils mapped area from the site, except this rule does not apply within...Z. the Henderson Street structure plan mapped area."

⁴ Archaeological sites; batter gradient; setback from property boundary, buildings, structures and cliffs; setback from National Grid (earthworks); setback from network utilities; setback from Critical Electricity Distribution Infrastructure (earthworks); sediment control; removal of high class soils; NZ Environmental Code of Practice for Plantation Forestry; setback from scheduled tree; dust control.

⁵ Setback from coast and water bodies.

⁶ Rule 5.6.2.2.

⁷ Effects on health and safety; effects on efficient and effective operation of network utilities.

⁸ 2GP Rule 8A.3.2.3.

⁹ Effects on visual amenity; effects on amenity of surrounding properties; effects on the stability of land, buildings, and structures.

¹⁰ Effects on biodiversity values and natural character of riparian margins and the coast; effects on public access.

¹¹ Risk from natural hazards.

Affected Parties & Notification

27. The only party considered affected by the proposed activity is the Otago Regional Council in accordance with Rule 15.8.22.1 which states:

15.8.22.1 Notification

- a. With respect to resource consent applications in the **structure plan mapped area** that include a new or modified integrated **stormwater** management plan or details for a **stormwater** management system as required by Rule 15.8.22.3.c, any owners of land within the area to which the proposed plan or system relates and the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided.

28. The applicant has not undertaken consultation with or obtained written approval from the Otago Regional Council.
29. No other parties are considered to be affected by the proposed activity because none of the criteria in sections 95A or 95B of the Resource Management Act 1991 apply¹².
30. Therefore, the applicant lodges this application on a limited notified basis with the expectation that Otago Regional Council will be the only party to receive limited notification of the application.

National Environmental Standards

31. *National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)* provides a nationally consistent set of planning controls and soil contaminant values to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed – and, if necessary, the land is remediated or the contaminants contained to make the land safe for human use.
32. The site is not registered as a HAIL site on the Otago Regional Council database and the applicant informs that they are not aware of any HAIL activity undertaken on the site nor of any bores in the vicinity. There are no bores within close proximity to the site but there are three HAIL sites nearby as shown in Figure 5 below. The three HAIL sites in close proximity are:
- HAIL.02003.01 (verified HAIL – F8: transport depots or yards including areas used for refuelling or the bulk storage of hazardous substances) located at 1 Henderson Street the summary for which states: *“All individually tested samples contain contaminant concentrations below the Residential Soil Guideline Values. Based on the sampling results, it is highly unlikely that the site presents a risk to human health.”*
 - HAIL.01732.01 (verified HAIL – A17: storage tanks or drums for fuel, chemicals or liquid waste; G3: landfill sites; A1: agrichemicals including commercial premises used by spray contractors for filling, storing or washing out tanks for agrichemical application; E4: commercial concrete

¹² See Appendix 5 for analysis.

manufacture or commercial cement storage) located at 219 Gladstone Road North¹³ the summary for which states: *"Widespread lead contamination, one exceedance of Residential SCS. Soils within the south of the site have not been investigated. An underground fuel tank is believed to have been removed; however, its location and status are unknown. Caution is advised during development due to the inherent variability of fill materials."*

- HAIL.02298.01 (verified HAIL – A17: storage tanks or drums for fuel, chemicals or liquid waste) located at 285 Gladstone Street the summary for which states: *"A dangerous good list shows two underground tanks for fuel at the Otago Racing Club. There is uncertainty as to where the tanks were located."*



33. A completed HAIL property search application form precedes this assessment of environmental effects. The applicant will pay the application fee upon receipt of electronic invoice from Council.

Permitted Baseline & Receiving Environment

34. The permitted baseline is where Council 'may disregard an adverse effect if a rule or national environmental standard permits an activity with that effect'. It is only the adverse effects over and above those forming a part of the baseline that are relevant when considering who is affected by a

¹³ We understand that this property has recently been subdivided and assume that the site has been remediated as part of the subdivision process.

proposal pursuant to s95(E)(2)(a) and whether effects are or are likely to be more than minor pursuant to s92D(b).

35. There is no provision within the 2GP for any subdivision activity as a permitted activity. Both the subsequent residential activity on the proposed lots and residential activity at a density of one residential unit per 400m² of site (without any subdivision activity) are permitted activities pursuant to the 2GP and, therefore, fall within the permitted baseline. Earthworks which do not exceed the thresholds for small-scale earthworks for the site are also within the permitted baseline. There are various other permitted land use and development activities which constitute the permitted baseline.
36. The receiving environment is the environment upon which a proposed activity might have effects and includes: (a) the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities; and (b) the environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.
37. The receiving environment in this case includes the current environment, including the existing dwellings and associated structures, as modified by:
 - The ability to utilise rights to carry out permitted activities such as earthworks and erect other buildings as described in paragraph 35 above; and
 - Exercise of any residential rights pursuant to LUC-2016-417.

Assessment of Environmental Effects

Subdivision Activity

38. The subdivision activity has an activity status of **restricted discretionary** pursuant to the 2GP. An assessment of the effects of the proposed subdivision activity with respect to matters of discretion pursuant to the 2GP is undertaken at Appendix 6a. That assessment shows that any adverse effects resulting from the proposed subdivision activity are in the range **negligible to less than minor**.

Earthworks Activity

39. The earthworks activity has an activity status of **restricted discretionary** pursuant to the 2GP. An assessment the effects of the proposed subdivision activity with respect to matters of discretion pursuant to the 2GP is undertaken at Appendix 6b. That assessment shows that any adverse effects resulting from the proposed earthworks are in the range **negligible to less than minor**.

Assessment of Relevant Objectives & Policies

40. Section 104(1)(b) requires Council to take account of any relevant plan or proposed plan. An analysis of the proposed activity against the relevant policy framework from the 2GP is undertaken at Appendix 7. That policy assessment demonstrates that the proposed activity is **consistent** with relevant policy framework.

Conclusion

41. The applicant is applying for subdivision and land use consent to undertake a residential development of the site. The site is zoned *General Residential 1* pursuant to the 2GP and both the proposed subdivision activity and associated earthworks including setback from network utilities have an activity status of **restricted discretionary** whilst the residential activity has an activity status of **permitted**.
42. The assessment of effects demonstrates that, overall, **any adverse effects arising from the proposed development (subdivision and earthworks) will be in the range negligible to less than minor**.
43. The assessment of the policy framework demonstrates that the proposed activity is **consistent** with relevant objectives and policies contained in the 2GP.
44. The application is lodged on a **limited-notification** basis with limited notification occurring to the Otago Regional Council only due to the operation of Rule 15.8.22.1.a. It is not considered that any other party meets the statutory criteria for being an affected party as any adverse effects arising from the proposed activity are less than minor.
45. The applicant requests provision of a draft set of conditions of consent prior to issuing of consent.

Please make contact if you wish to discuss this matter further or require any further information.

Yours sincerely,



Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214
www.sweepconsultancy.co.nz

Appendix 1a: Record of Title 691451 (20 Henderson Street).



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R. W. Muir
Registrar-General
of Land

Identifier 691451
Land Registration District Otago
Date Issued 02 October 2015

Prior References
 382550

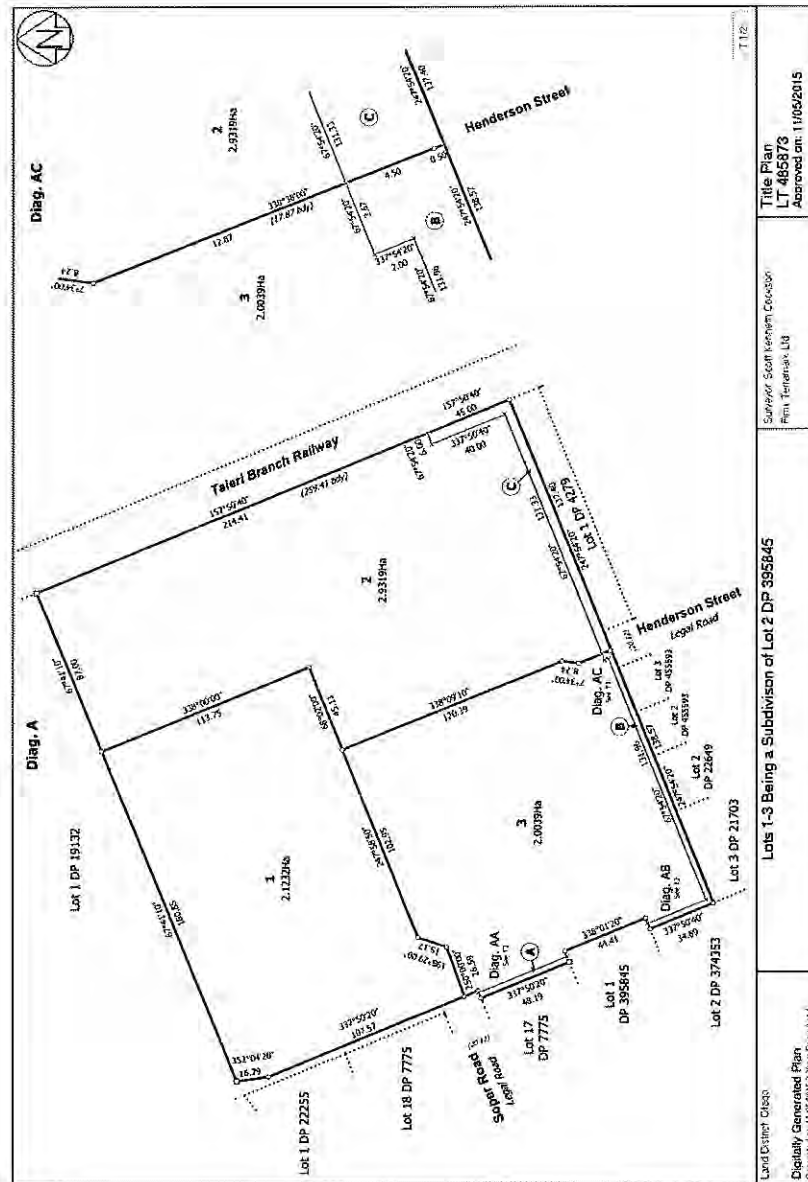
Estate Fee Simple
Area 2.9319 hectares more or less
Legal Description Lot 2 Deposited Plan 485873
Registered Owners
 B A Building Limited

Interests

Subject to a right (in gross) to pump and convey sewage over marked C on DP 485873 in favour of Dunedin City Council created by Easement Instrument 7926257.3 - 3.9.2008 at 9:00 am
 The easements created by Easement Instrument 7926257.3 are subject to Section 243 (a) Resource Management Act 1991

Identifier

691451



Appendix 1b: Record of Title 691452 (21 Henderson Street).



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R. W. Muir
Registrar-General
of Land

Identifier 691452
Land Registration District Otago
Date Issued 02 October 2015

Prior References
 382550

Estate Fee Simple
Area 2.0039 hectares more or less
Legal Description Lot 3 Deposited Plan 485873

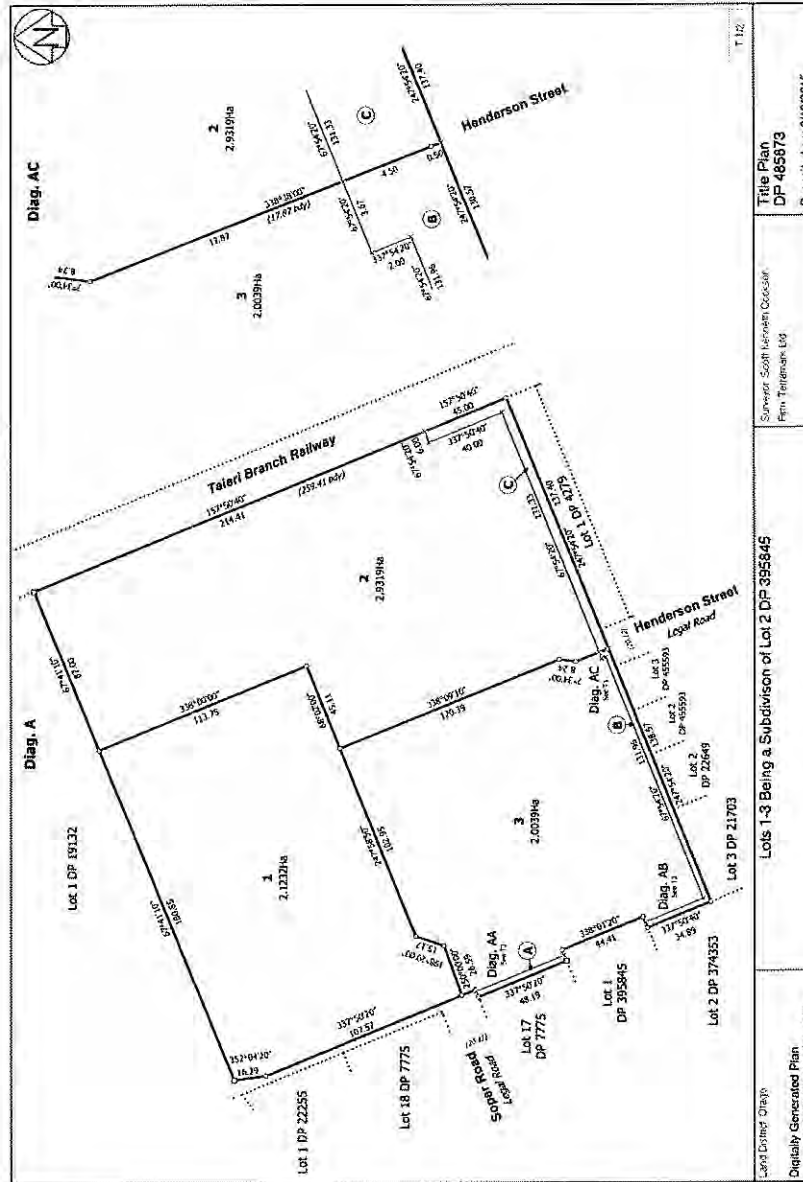
Registered Owners
 Graeme John Anderson

Interests

Subject to a right (in gross) to convey sewage over parts marked A & B & a right (in gross) to pump sewage over marked B all on DP 485873 in favour of Dunedin City Council created by Easement Instrument 7926257.3 - 3.9.2008 at 9:00 am
 The easements created by Easement Instrument 7926257.3 are subject to Section 243 (a) Resource Management Act 1991
 7932299.4 Mortgage to ASB Bank Limited - 3.12.2008 at 9:26 am

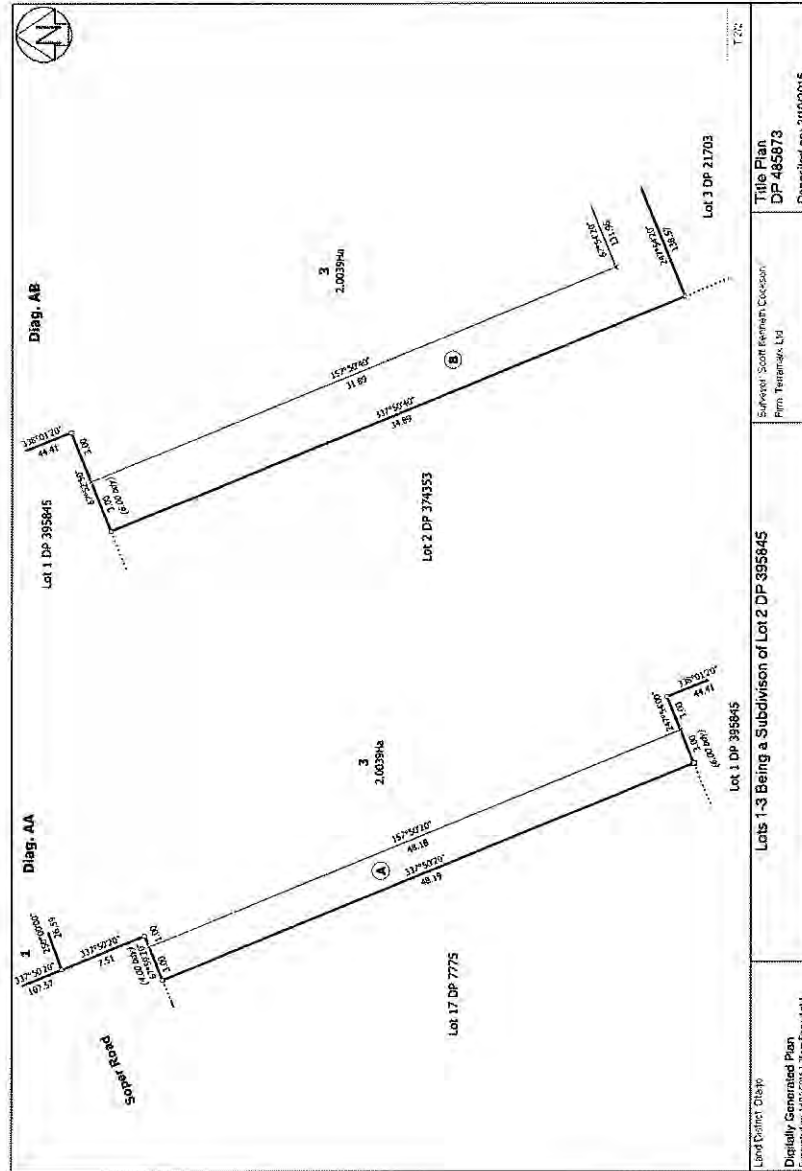
Identifier

691452



Identifier

691452



Appendix 1c: Record of Title 691450 (41 Soper Road).



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy



R. W. Muir
Registrar-General
of Land

Identifier 691450

Land Registration District Otago

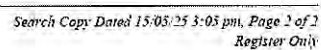
Date Issued 02 October 2015

Prior References

382550

Estate	Fee Simple
Area	2.1232 hectares more or less
Legal Description	Lot 1 Deposited Plan 485873
Registered Owners	B A Building Limited

Interests



Appendix 4a: Assessment of Subdivision Activity Against Performance Standards in Rule 15.3.5.2¹⁴.

Performance Standard in Rule 15.3.5.2	Assessment of Proposed Subdivision Activity
<p>a. Access</p> <p>Directs to Rule 15.7.1 which directs to 6.8.1 which states:</p> <p>1. Every resultant site must have a legal <u>accessway</u>, and where on-site car parking is provided, this must be in the form of a <u>driveway</u> except if the resultant site is:</p> <p>a. an <u>esplanade reserve</u>;</p> <p>b. a reserve, other than an <u>esplanade reserve</u>, which adjoins a site in the same ownership that has a legal <u>accessway</u>; or</p> <p>c. the result of a road stopping process which adjoins a site in the same ownership that has a legal <u>accessway</u>.</p>	<p>Each residential lot will have legal accessway from roads to vest and in some cases also from rights of way. There is sufficient room within each residential lot for car parking in the form of a driveway.</p> <p>Proposed subdivision activity complies with this performance standard.</p>
<p>b. Esplanade Reserves & Strips</p> <p>Directs to Rule 15.7.2 which directs to Rule 10.3.1 which the relevant part states:</p> <p>X. Subdivision activities along the bank of the following rivers, creeks and streams must provide an <u>esplanade reserve</u> with a minimum width of 20m:</p> <p>a. Frasers Creek;</p> <p>b. Kaitiaki Stream;</p> <p>c. Undays Creek;</p> <p>d. Orakau Creek;</p> <p>e. Owhiro Stream;</p> <p>f. Silverstream;</p> <p>g. Lower Tairā River, being the Tairā River downstream from the Outram bridge;</p> <p>h. Waikouaiti River downstream from the bridge on State Highway 1; and</p> <p>i. Water of Leith, except within the Stadium Zone where no <u>esplanade reserve</u> will be required.</p>	<p>The subdivision scheme plan makes provision for a 20m esplanade reserve along the bank of the Owhiro Stream. The esplanade reserve will have a walkway and planting and be vested in Council.</p> <p>Proposed subdivision activity complies with this performance standard.</p>
<p>c. Firefighting</p> <p>Directs to Rule 15.7.3 which directs to Rule 9.3.3 which states:</p> <p>9.3.3 Firefighting</p> <p>1. Subdivision activities must ensure resultant sites have access to sufficient water supplies for firefighting consistent with the SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice, except sites created and used solely for the following purposes are exempt from firefighting requirements:</p> <p>a. <u>reserve</u>;</p> <p>b. scheduled ASBV or QEII covenant;</p> <p>c. access;</p> <p>d. <u>network utilities</u>; or</p> <p>e. <u>road</u>.</p> <p>2. New residential buildings must either:</p> <p>a. have a connection to the public water supply and be located within 135m of a fire hydrant; or</p> <p>b. provide an area of minimum dimensions of 4.5m x 11m with suitable fire engine access, water storage of 45,000 Litres (45m³) or equivalent firefighting capacity, and have the water supply located within 90m of the fire risk or otherwise provide for water supply and access to water supplies for firefighting purposes consistent with the SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.</p>	<p>Fire hydrants will be installed within the road reserves of roads to vest in Council. The spacings of the fire hydrants will be consistent with SNZ/PAS: 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.</p> <p>Proposed subdivision activity complies with this performance standard.</p>

¹⁴ Plan change 1 proposes to make changes to various of the performance standards in Rule 15.3.2. However, these proposed changes are not yet operative and in any event are not substantive in relation to the proposed subdivision activity.

<p>d. Minimum Site Size</p> <p>Directs to Rule 15.7.4.1 which requires a minimum site size of:</p> <p>1. The minimum site size for new resultant sites is:</p> <p>Zone</p> <p>a. General Residential 1 Zone</p> <p>Minimum site size</p> <p>400m²</p>	<p>All of the residential lots meet the minimum site size of 400m².</p> <p>Proposed subdivision activity complies with this performance standard.</p>
<p>e. Service Connections</p> <p>Directs to Rule 15.7.5 which directs to Rule 9.3.2 which states:</p> <p>1. All subdivision activities must supply service connections to resultant sites in accordance with rules 9.3.2.3 - 9.3.2.6, except for resultant sites created and used solely for the following purposes:</p> <p>a. scheduled ASBV or OELI covenant;</p> <p>b. reserves;</p> <p>c. access;</p> <p>d. network utilities; or</p> <p>e. roads.</p>	<p>Each residential lot will be provided with the following connections:</p> <p>i. A connection to the public water supply laid 600mm into the lot.</p> <p>ii. A connection to the public wastewater supply laid 600mm into the lot.</p> <p>iii. A connection to the stormwater management system for the site.</p> <p>iv. A connection to telecommunications which in this locale is fibre optics.</p> <p>Proposed subdivision activity complies with this performance standard.</p>
<p>f. Shape</p> <p>Directs to Rule 15.7.6 which states:</p> <p>1. Each resultant site must be of a size and shape that:</p> <p>X. ensures all existing development meets the performance standards of the Plan as if it were new, except in relation to pre-existing boundaries; and</p> <p>Y. is large enough to contain a building platform that meets the requirements in Rule 15.7.6.2 and that enables the performance standards of this Plan to be met, except that this requirement does not apply to resultant sites that contain one or more existing buildings with a gross floor area of 70m² or more.</p> <p>2. The building platform required by Rule 15.7.6.1.Y must:</p> <p>X. measure at least 7m by 10m;</p> <p>Y. have a slope of 12° (1:4.7 or 21%) or less; and</p> <p>a. NA</p> <p>b. not contain easements.</p> <p>X. The performance standards relevant to Rule 15.7.6.1 include, but are not limited to:</p> <p>a. outdoor living space;</p> <p>b. maximum building site coverage and impermeable surfaces;</p> <p>c. structure plan mapped area performance standards;</p> <p>d. setbacks from boundaries, water bodies, and scheduled trees; and</p> <p>e. esplanade reserves and strips.</p>	<p>The existing dwelling at 20 Henderson Street will be retained as Lot 99 whilst the existing dwelling at 21 Henderson Street will be removed during the final stage of the development.</p> <p>Rule 15.7.6 requires that the shape of residential lots, in this case:</p> <ul style="list-style-type: none"> Contain a building platform measuring minimum of 7m by 10m with a slope of 12° or less and not contain any easements. Meet outdoor living space & maximum building site coverage & impermeable surfaces performance standards for the zone. Meet any structure plan mapped area performance standards (in this case there are none relating to the shape of residential lots). Meet required setbacks from boundaries (there are scheduled trees) and, in this case, the esplanade reserve provides for more than the required setback from the Owhiro Stream. <p>The site is essentially flat. Both the design of the subdivision, in that all residential lots met the minimum site size and the shape of each residential lot in the subdivision, means that compliance with the requirements in 15.7.6 can be met.</p> <p>Proposed subdivision activity complies with this performance standard.</p>
<p>g. Structure Plan Mapped Area Performance Standards</p>	<p>Rule 15.8.22 requires in relation to subdivision activity that:</p> <ul style="list-style-type: none"> A legal road to be vested in Council linking Soper Road and Henderson

<p>The site is contained within the Henderson Street structure plan mapped area which is governed by Rule 15.8.22.</p>	<p>Street (Rule 15.8.22.2.a):</p> <ul style="list-style-type: none"> • A 4m easement along the western boundary of 41 Soper Road in favour of DCC for stormwater conveyance and associated infrastructure (Rule 15.8.22.2.b). • Provision of an integrated traffic assessment (Rule 15.8.22.3.a). • Provision of a geotechnical investigation report (Rule 15.8.22.3.b). • Provision of a stormwater management plan (Rule 15.8.22.3.c). <p>The subdivision scheme plan shows the legal road to vest in Council. It also shows land to vest in Council as reserve so that there is a reserve link from the public road to the esplanade reserve. This 'reserve link' is provided instead of the 4m wide easement required by Rule 15.8.22.2.b.</p> <p>The application includes an integrated traffic assessment prepared by Modal Consulting Limited, a geotechnical investigation report prepared by GeoSolve and a stormwater management plan prepared by Fluent Solutions. Proposed subdivision activity complies with this performance standard.</p>
<p>h. Setback from National Grid (Subdivision Activities)</p>	<p>Not applicable as there are no national grids in the locale.</p>

Appendix 4b: Assessment of Residential Activity Against Performance Standards in Rules 15.3.3.1 & 15.3.3.3.

Performance Standard	Assessment of Proposed Residential Activity											
<p>15.3.3.1.a Acoustic Noise Insulation (noise sensitive activities only)</p> <p>Directs to Rule 15.5.1 which states:</p> <p><i>"Noise sensitive activities in the following areas must comply with Rule 9.3.1...7. within 70m of a railway line..."</i></p> <p>Rule 9.3.1 states:</p> <p>9.3.1 Acoustic Insulation</p> <p>1. In the locations specified below in clause 4, all rooms to be used for noise sensitive activities (other than those listed in clause 3 below) must have acoustic insulation that achieves a minimum design standard of $D_{nT, w} + Ctr > 30$.</p> <p>2. In the port noise control mapped area, all rooms to be used for noise sensitive activities (other than those listed in clause 3 below) must have a minimum indoor design standard of 40 dBA Ldn.</p> <p>3. The following rooms are not required to have acoustic insulation: bedrooms, laundries, pantries, walk-in wardrobes, corridors, hallways, lobbies, clothes-drying rooms, or other spaces of a specialised nature occupied neither frequently nor for extended periods.</p> <p>...</p> <p>5. Rooms to which this acoustic insulation standard applies must be supplied with a positive supplementary source of ventilation that achieves a minimum of 7.5 litres per second per person, to enable adequate ventilation when windows are closed.</p> <p>6. The schedule in Appendix 9A describes the minimum requirements necessary to achieve an external noise insulation level of $D_{nT, w} + Ctr > 30$.</p>	<p>The subdivision scheme plan shows the line 70m from D420 being the designation for the Taiari Branch Railway Line.</p> <p>The applicant proffers, as a condition of consent, for a consent notice to be placed on the affected titles (Lots 16 – 18, 24 – 37, 43 – 50) making future owners aware of the need for acoustic insulation for rooms within dwellings used for noise sensitive activities.</p> <p>Proposed residential activity complies with this performance standard.</p>											
<p>15.3.3.1.b Light Spill</p> <p>Directs to Rule 15.5.5 which directs to Rule 9.3.5 which states:</p> <p>1. Light spill measured at any point of the vertical plane that marks the boundary of any site within a residential zone, or in any other zone the notional boundary of any residential building must not exceed the following limits:</p> <table><tr><th>Time</th><th>Limit</th></tr><tr><td>a. 7.00am - 10.00pm</td><td>10 Lux</td></tr><tr><td>b. 10.00pm - 7.00am</td><td>3 Lux</td></tr></table> <p>c. This standard does not apply to light spill from the headlights of motor vehicles or trains, or from street lighting.</p> <p>2. Light spill must not be emitted in the angles above the horizontal.</p> <p>3. All outdoor lighting, except street lighting, must be shielded from or directed away from adjacent roads and site boundaries.</p>	Time	Limit	a. 7.00am - 10.00pm	10 Lux	b. 10.00pm - 7.00am	3 Lux	<p>An advice note in the land use consent can make landowners aware of this performance standard. Compliance with this performance standard can also be checked at the time of building consent for dwellings on lots.</p> <p>Proposed residential activity complies with this performance standard.</p>					
Time	Limit											
a. 7.00am - 10.00pm	10 Lux											
b. 10.00pm - 7.00am	3 Lux											
<p>15.3.3.1.c Noise</p> <p>Directs to Rule 15.5.10 which directs to Rule 9.3.6 which states:</p> <p>Zoning of receiving property</p> <table><tr><th rowspan="2"></th><th colspan="3">Noise level measured at the boundary of the receiving property, or in a rural, rural residential or Ashburn Clinic zone at the notional boundary of noise sensitive activities</th></tr><tr><th>i. 7.00am to 7.00pm</th><th>ii. 7.00pm to 10.00pm</th><th>iii. 10.00pm to 7.00am</th></tr><tr><td>a. Recreation, Smith Street and York Place, schools, Duneidin Botanic Garden, Wakarua Hospital, Mercy Hospital and Moana Pool zones</td><td>50 dB LAeq (15 min)</td><td>45 dB LAeq (15 min)</td><td>1. 40 dB LAeq (15 min); and 2. 70 dB LA_{Fmax}</td></tr></table>		Noise level measured at the boundary of the receiving property, or in a rural, rural residential or Ashburn Clinic zone at the notional boundary of noise sensitive activities			i. 7.00am to 7.00pm	ii. 7.00pm to 10.00pm	iii. 10.00pm to 7.00am	a. Recreation, Smith Street and York Place, schools, Duneidin Botanic Garden, Wakarua Hospital, Mercy Hospital and Moana Pool zones	50 dB LAeq (15 min)	45 dB LAeq (15 min)	1. 40 dB LAeq (15 min); and 2. 70 dB LA _{Fmax}	<p>Noise associated with 'normal' use of dwellings for standard residential activity will comply with this performance standard.</p> <p>Proposed residential activity complies with this performance standard.</p>
		Noise level measured at the boundary of the receiving property, or in a rural, rural residential or Ashburn Clinic zone at the notional boundary of noise sensitive activities										
	i. 7.00am to 7.00pm	ii. 7.00pm to 10.00pm	iii. 10.00pm to 7.00am									
a. Recreation, Smith Street and York Place, schools, Duneidin Botanic Garden, Wakarua Hospital, Mercy Hospital and Moana Pool zones	50 dB LAeq (15 min)	45 dB LAeq (15 min)	1. 40 dB LAeq (15 min); and 2. 70 dB LA _{Fmax}									

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<p>15.3.3.3.d Ancillary Residential Units</p> <p>Directs to Rule 15.5.14 which states:</p> <p><i>15.5.14.1 Ancillary Residential Units - Design</i></p> <p>a. Ancillary residential units must not exceed a maximum gross floor area of 60m².</p> <p>b. Ancillary residential units that are within the same residential building as a primary residential unit are exempt from this standard.</p>	<p>This is another performance standard for which compliance is assumed. Compliance with this performance standard can also be checked at the time of building consent for dwellings on lots.</p> <p>The proposed residential activity complies with this performance standard.</p>
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Appendix 4c: Assessment of Earthworks Against Relevant Performance Standards.

Rule 8A.3.2.1 Performance Standards		Assessment of Proposed Earthworks														
a.	Archaeological sites Directs to Rule 8A.5.2 which directs to Rule 13.3.3	Not applicable.														
b.	Batter gradient Directs to Rule 8A.5.3.1 which states: 1. Earthworks must: a. have a maximum cut batter gradient of 1h:1v (i.e. rising 1m over a 1m distance); and b. have a maximum fill batter gradient of 2h:1v (i.e. rising 1m over a 2m distance).	<p>The geotechnical report requires that batter gradients be:</p> <p>Table 6.1 – Recommended batters for permanent cuts up to 1.5 m in height</p> <table> <tr> <th rowspan="2">Material type</th><th colspan="2">Recommended maximum batter for permanent cuts less than 1.5 m high (horizontal to vertical)</th></tr> <tr> <th>Dry ground</th><th>Wet ground</th></tr> <tr> <td>Topsoil</td><td>2 : 1</td><td>3 : 1</td></tr> <tr> <td>Fill</td><td>2 : 1</td><td>3 : 1</td></tr> <tr> <td>Alluvial silt and gravel</td><td>*2 : 1</td><td>3 : 1</td></tr> </table> <p>Proposed earthworks comply with this performance standard.</p> <p>Proposed earthworks will comply with this performance standard.</p>	Material type	Recommended maximum batter for permanent cuts less than 1.5 m high (horizontal to vertical)		Dry ground	Wet ground	Topsoil	2 : 1	3 : 1	Fill	2 : 1	3 : 1	Alluvial silt and gravel	*2 : 1	3 : 1
Material type	Recommended maximum batter for permanent cuts less than 1.5 m high (horizontal to vertical)															
	Dry ground	Wet ground														
Topsoil	2 : 1	3 : 1														
Fill	2 : 1	3 : 1														
Alluvial silt and gravel	*2 : 1	3 : 1														
c.	Setback from property boundary, buildings, structures and cliffs Directs to Rule 8A.5.4.1 which states: 1. Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m ² footprint, and the top or toe of any cliff, the following minimum distances: a. Earthworks not supported by retaining walls: i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 8A.5.4A); ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 8A.5.4A); and iii. 300mm, as measured from the crest of any cut (see Figure 8A.5.4A). b. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls (see Figure 8A.5.4B), except: i. retaining walls supporting a cut that have been granted building consent are exempt from this standard. c. Earthworks ancillary to network utility activities, earthworks ancillary to the operation, repair and maintenance of the road network, earthworks ancillary to the operation, repair and maintenance of the rail network, earthworks ancillary to the maintenance or replacement of underground fuel storage systems and earthworks ancillary to forestry are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.	<p>Proposed earthworks comply with this performance standard.</p> <p>Proposed earthworks will comply with this performance standard.</p>														
d.	Setback from National Grid (earthworks) Directs to Rule 8A.5.5 which directs to Rule 5.6.1.2	Not applicable.														
e.	Setback from network utilities Directs to Rule 8A.5.6 which directs to Rule 5.6.2 which states:	<p>The bulk of the earthworks will comply with this performance standard excepting where connection needs to be made with existing water mains or other network utility structures.</p> <p>The earthworks contravene this performance standard.</p>														

Appendix 5: Analysis of s95A & 95B RMA Notification Requirements.

Section 95A of the RMA governs the process for determining if an application is to be publicly notified.

The process contains four steps with criteria set out for each step. The four steps are:

Step 1: mandatory public notification in certain circumstances.

Step 2: public notification precluded in certain circumstances.

Step 3: public notification required in certain circumstances.

Step 4: public notification in special circumstances.

With respect to the criteria for step 1, as listed in subsection (3) of s95A, the applicant has not requested the application be notified; Council has all relevant information, and the application does not include recreation reserve land. Therefore, there is no requirement for mandatory public notification.

With respect to criteria for step 2, the consent application is not for any activities for which a rule or national environmental standard precludes public notification of the proposed activity.

With respect to criteria for step 3, none of the criteria apply, that is, there is no rule or environmental standard requiring notification of the proposed activity and the effects of the proposed activity are demonstrated in the assessment of effects to be less than minor.

With respect to step 4, subsection 9 of s95A, requires a determination as to whether special circumstances exist in relation to the application that warrant the application being publicly notified – if yes, publicly notify the application; if no, determine whether to give limited notification under s95B.

Case law holds that what constitutes 'special circumstances' are circumstances which must be unusual or exceptional but may be less than extraordinary or unique¹⁵ – the circumstances must be out of the ordinary. Although, public opinion may be a contributing factor it is not determinative¹⁶.

There are no 'unusual', 'exceptional' or 'out of the ordinary' circumstances relating to the application. The application is for a residential development of land zoned *General Residential 1*. The proposed activity complies with all relevant performance standards¹⁷ and any adverse effects associated with the proposed activity will be less than minor – see *Assessment of Environmental Effects* for further detail.

Similarly, s95B sets out the steps for determining whether there is a need for limited notification of an

¹⁵ *Peninsula Watchdog Group Inc v Minister of Energy* [1996] 2 NZLR 529.

¹⁶ *Murray v Whakatane District Council* [1997] NZRMA 433.

¹⁷ See Appendices 4a and 4b.

application. Step 1 determines whether there are certain affected groups or affected persons that must be notified. No protected customary rights or marine title groups are affected by the application, nor will the application affect land the subject of a statutory acknowledgement made in accordance with an act specified in schedule 11 of the RMA. None of the circumstances set out in step 2 (s95B(6)) apply, meaning Council is not precluded from limited notification of the application.

Step 3 (s95B(8)) requires determination of any other affected party in accordance with s95E. The only 'other affected party' is the Otago Regional Council due to 2GP Rule 15.8.22.1 which requires that Otago Regional Council receive limited notification of the application if affected party consent has not been obtained from Otago Regional Council. The applicant has not approached Otago Regional Council for affected party consent and requests that Otago Regional Council receives limited notification of the application. There are no other affected parties because any adverse effects will be less than minor as demonstrated by the assessment of environmental effects.

Step 4 (s95B(10)) requires that the application be notified on a limited basis if special circumstances exist which warrant limited notification. No such special circumstances exist.

The application can be dealt with by Council on a **non-notified basis excepting limited notification to the Otago Regional Council**.

Appendix 6a: Assessment of Subdivision Activity with Respect to Matters of Discretion Pursuant to Rule 15.11.4.

Matter of Discretion	Assessment of Proposed Subdivision Activity
1.a Effects on neighbourhood residential character and amenity	<p>All of the proposed lots for residential activity meet the minimum lot size of 400m² for the General Residential 1 zone. The proposed development includes provision of reserve areas with indigenous planting and street tree planting within road reserve and the two right of way cul-de-sacs as set out in the landscape proposal.</p> <p>The proposed development reflects the intended future residential character and amenity of the neighbourhood is located in. As such, any adverse effects resulting from the proposed subdivision activity will be negligible.</p>
1.b Risk from natural hazards	<p>The site is located in the <i>Hazard 3 (flood) Overlay Zone</i> (Flood Hazard Area 22) and the <i>Hazard 3 (alluvial fan) Overlay Zone</i> (Hazard Area 22 Alluvial fans from coastal hills) both of which have a risk of 'low'.</p> <p>A stormwater management plan is included with the application and will mitigate any risks associated with storm-water.</p> <p>A geotechnical assessment is included with the application and assesses the risk from natural hazards (seismic, liquefaction, ground instability) as very low to low.</p> <p>With respect to seismic risk the geotechnical report states that: <i>"The nearest potentially active fault (as mapped by GNS Science) is the Titri Fault which runs through the site. We have reviewed the relevant reporting by GNS Science that was commissioned by the Otago Regional Council and the existing MfE guidance standard. Based on this, residential activity in the vicinity of the Titri Fault is expected to be considered a permitted activity."</i></p> <p>The risk from natural hazards is no more than low which equates to less than minor.</p>
1.c. Effects on efficiency and affordability of infrastructure	<p>The site is zoned General Residential 1 and, therefore, the existing public infrastructure (transport and 3 waters) is deemed to have sufficient capacity for residential activity following subdivision.</p> <p>The developer will pay for 'internal to the site' infrastructure (roading, 3 waters, electricity and telecommunications) to connect to surrounding infrastructure. Some of this infrastructure will then vest to Council or other entities.</p> <p>Any adverse effects resulting from the proposed subdivision activity will be negligible.</p>
1.d Effects of stormwater from future development	<p>A stormwater management plan is included in the application. It is anticipated that a condition of consent will require implementation of the stormwater management plan.</p> <p>Any adverse effects resulting from the proposed subdivision activity will be less than minor.</p>
1.e and 2.a Effects on the safety and efficiency of the transport network	<p>An integrated traffic assessment is included in the application. The ITA makes several recommendations which the applicant accepts – these are:</p>

	<ul style="list-style-type: none"> Detailed engineering design plans, showing all proposed construction details for all new roads to vest, shall be submitted to and approved by the Council prior to construction. The plans must specifically include: <ul style="list-style-type: none"> Typical road cross section details, with design provided in accordance with the NZS 4404:2010 including the E11 and E12 cross sections contained within. A new footpath shall be provided on the western side of Henderson Street linking to the existing footpath on Gladstone Road North. <p>The ITA concludes at paragraph 38 that: <i>"Based on the assessments described in this report, it is concluded that the proposed subdivision can be supported from a transport perspective, and that vehicle and active travel movements to and from the site can be safely and easily accommodated. Furthermore, effects on the wider network are assessed as being in accordance with the current zoning of the development site and are, therefore, appropriate."</i></p> <p>Any adverse effects resulting from the proposed subdivision activity will be less than minor.</p>
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Appendix 6b: Assessment of Earthworks Activity with Respect to Matters of Discretion.

Assessment of Proposed Earthworks	
a. Effects on health and safety	Any affected network utility operators will be contacted and necessary permits obtained. Any adverse effects resulting from the proposed earthworks on health & safety will be in the range negligible to less than minor .
	Any affected network utility operators will be contacted and necessary permits obtained. Any adverse effects resulting from the proposed earthworks on efficient and effective operation of network utilities will be in the range negligible to less than minor .
b. Effects on efficient and effective operation of network utilities	Any affected network utility operators will be contacted and necessary permits obtained. Any adverse effects resulting from the proposed earthworks on efficient and effective operation of network utilities will be in the range negligible to less than minor .
	Any affected network utility operators will be contacted and necessary permits obtained. Any adverse effects resulting from the proposed earthworks on efficient and effective operation of network utilities will be in the range negligible to less than minor .
Assessment of Proposed Earthworks	
a. Effects on visual amenity	There will be potentially a short-term adverse effect on visual amenity of the site resulting from the earthworks. However, any such adverse visual amenity effects will be temporary and will cease once roads are formed and exposed earth re-grassed. The site is essentially flat which will also help to mitigate any temporary adverse effects on visual amenity from the earthworks. Any adverse effects resulting from the proposed earthworks on visual amenity will be in the range negligible to less than minor .
	Likewise, any adverse effects of the earthworks on the amenity of the surrounding properties will be temporary and limited in nature due to the developer's requirement that earthworks contractors use industry best practice in relation to the earthworks (dust suppression, sediment control, compliance with 2GP construction noise standards, etc). Any adverse effects resulting from the proposed earthworks on amenity of surrounding properties will be in the range negligible to less than minor .
b. Effects on amenity of surrounding properties	Likewise, any adverse effects of the earthworks on the amenity of the surrounding properties will be temporary and limited in nature due to the developer's requirement that earthworks contractors use industry best practice in relation to the earthworks (dust suppression, sediment control, compliance with 2GP construction noise standards, etc). Any adverse effects resulting from the proposed earthworks on amenity of surrounding properties will be in the range negligible to less than minor .
	Likewise, any adverse effects of the earthworks on the amenity of the surrounding properties will be temporary and limited in nature due to the developer's requirement that earthworks contractors use industry best practice in relation to the earthworks (dust suppression, sediment control, compliance with 2GP construction noise standards, etc). Any adverse effects resulting from the proposed earthworks on amenity of surrounding properties will be in the range negligible to less than minor .
c. Effects on the stability of land, buildings, and structures	Due to the essentially flat topography of the site, the geotechnical report has assessed that: <i>"The risk of global slope instability in this terrain is considered to be very low."</i> Earthworks will comply with relevant setback provisions. Any adverse effects resulting from the proposed earthworks on stability of land, buildings and structures will be less than minor .
	Due to the essentially flat topography of the site, the geotechnical report has assessed that: <i>"The risk of global slope instability in this terrain is considered to be very low."</i> Earthworks will comply with relevant setback provisions. Any adverse effects resulting from the proposed earthworks on stability of land, buildings and structures will be less than minor .

Continued overleaf...

Matter of Discretion Pursuant to Rule 8A.7.2.3	Assessment of Proposed Earthworks
a. Effects on biodiversity values and natural character of riparian margins...	<p>The riparian margin of the Owhiro Stream is of very low biodiversity value and very low natural character. The subdivision scheme plan provides for an esplanade reserve in relation the Owhiro Stream with provision of pedestrian access and plantings of indigenous species. The earthworks will form the stormwater infrastructure and pedestrian access within the esplanade reserve and adjacent reserve.</p> <p>The proposed earthworks will have a positive effect with respect to biodiversity values and natural character in that the earthworks pave the way for the esplanade reserve, stormwater infrastructure, pedestrian access and planting of indigenous species.</p>
b. Effects on public access	<p>The subdivision scheme plan provides for an esplanade reserve in relation the Owhiro Stream with provision of pedestrian access and planting of indigenous species.</p> <p>Proposed earthworks will have a positive effect with respect to public access in that the earthworks will form infrastructure within the esplanade reserve.</p>
Matter of Discretion Pursuant to Rule 8A.7.3.5	Assessment of Proposed Earthworks
a. Risk from natural hazards	<p>The geotechnical report states:</p> <p><i>"A risk of seismic activity has been identified for the region as a whole, as discussed in Section 5.1.2 and appropriate allowance should be made for seismic loading during detailed design of the proposed development, but there are no site-specific constraints.</i></p> <p><i>The site is mapped by GNS Science as Domain A with respect to liquefaction, i.e. 'ground predominately underlain by rock or firm sediments'. Therefore, no deep testing or liquefaction analysis has been carried out. Owing to the density and type of soil encountered the risk of liquefaction is expected to be low."</i></p> <p>Section 6 of the geotechnical report provides advice in relation to the proposed earthworks.</p> <p>Risk from natural hazards to/from the earthworks is considered to be low which equates a to a less than minor effect.</p>

Appendix 7: Assessment of Relevant 2GP Policy Framework.

Strategic Directions Policy Framework		Analysis of Proposed Activity
<p>Objective 2.2.2</p> <p>Dunedin reduces its environmental costs and reliance on non-renewable energy sources as much as practicable, including energy consumption, water use, and the quality and quantity of stormwater discharge, and is well equipped to manage and adapt to changing or disrupted energy supply by having:....b. reduced reliance on private motor cars for transportation;....d. housing that is energy efficient.</p> <p>Policy 2.2.2.4</p> <p>Support transport mode choices and reduced car dependency through policies and rules that: a. restrict the location of activities that attract high numbers of users, and to which access by a range of travel modes is practicable, to where there are several convenient travel mode options, including private vehicles, public transport, cycling and walking...c. allow the highest development densities in the most accessible locations, being in the central city and suburban centre zones...</p> <p>Objective 2.2.4</p> <p>Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations.</p> <p>Policy 2.2.4.2</p> <p>Encourage new residential housing development in the central city and larger centres, through rules that:</p> <p>a. provide for residential development in the central city and centres...</p>	<p>The proposed activity provides 97 new freehold titles on which residential activity can be established in an existing General Residential 1 zone.</p> <p>Proposed activity is consistent with these objectives and policies.</p>	
<p>Objective 2.2.6</p> <p>The risk to people's health and safety from contaminated sites, hazardous substances, and high levels of noise or emissions is minimised.</p> <p>Policy 2.2.6.1</p> <p>Protect people from noise, light or offensive emissions that may create adverse effects on health or well-being through rules that:...f. restrict activities that generate high levels of noise from locating in residential zones.</p>	<p>The site is not registered on the Otago Regional Council HALL database and the applicant is not aware of any contamination of the site.</p> <p>The proposed activity is consistent with this objective and policy</p>	
<p>Objective 2.4.1</p> <p>The elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. These include:...e. the amenity and aesthetic coherence of different environments...</p> <p>Policy 2.4.1.5</p> <p>Maintain or enhance the attractiveness of streetscapes, public open spaces and residential amenity by using rules that manage building bulk and location, site development and overall development density.</p>	<p>Although representing a change from its current state, the proposed activity gives effect to the intended character and amenity of this General Residential 1 zoned site.</p> <p>The subdivision design provides for an esplanade reserve with public access along Owihoro Stream and for landscape planting in both the reserve and road reserve areas including the two right of way cul-de-sacs.</p> <p>The proposed activity is consistent with this objective and policy.</p>	

Strategic Directions Policy Framework continued...		Analysis of Proposed Activity
<p>Objective 2.6.1 There is a range of housing choices in Dunedin that provides for the community's needs and supports social well-being.</p> <p>Policy 2.6.1.1 Provide for housing development necessary to meet the future housing needs of Dunedin, through zones and rules that provide for an appropriate mix of development opportunities, including: infill development, redevelopment, and greenfield development; and that support Objective 2.2.4. Identify housing needs based on population projections and analysis of housing types required.</p>		<p>The development provides for freehold title to each of 98 residential sites within the development with 97 new residential lots and 1 lot containing the existing dwelling currently located at 20 Henderson Street. The sites range in size from 400m² to 1,280m². The proposed activity is consistent with this objective and policy.</p>
<p>Objective 2.7.1 Public infrastructure networks operate efficiently and effectively and have the least possible long term cost burden on the public.</p> <p>Policy 2.7.1.1 Manage the location of new housing to ensure efficient use and provision of public infrastructure through: a. rules that restrict development density in line with current or planned public infrastructure capacity...d. assessment rules that require consideration of whether any discretionary or non-complying activities would consume public infrastructure capacity provided for another activity intended in the zone and prevent it from occurring; and e. rules that control the area of impermeable surfaces in urban areas to enable stormwater to be absorbed on-site, and reduce the quantity of stormwater run-off.</p>		<p>The site is zoned General Residential 1, and the proposed activity complies with the minimum site size for subdivision and density performance standards for the zone and, therefore, it is deemed that 3 waters infrastructure has sufficient capacity to service the proposed development. The proposed activity is consistent with this objective and policy.</p>
Transportation Policy Framework		Analysis of Proposed Activity
<p>Objective 6.2.3 Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.</p> <p>Policy 6.2.3.9 Only allow land use and development activities or subdivision activities that may lead to land use or development activities, where:</p> <ol style="list-style-type: none"> 1. adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated; and 2. any associated changes to the transportation network will be affordable to the public in the long term. <p>Policy 6.2.3.Z Only allow multi-unit development and subdivision activities where the activity is designed to ensure:</p> <ol style="list-style-type: none"> 1. the safe and efficient operation of waste collection vehicles; and 2. any on-street solid waste collection will not obstruct footpaths, private accessways or roads. 		<p>The subdivision design provides for connectivity between Soper Road and Henderson Street as well as pedestrian connectivity within the development. The proposed activity is consistent with this objective and these policies.</p>

Earthworks Policy Framework	Analysis of Proposed Activity
<p>Objective 8A.2.1 Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on: a. visual amenity and character; b. the stability of land, buildings, and structures; and c. surrounding properties...</p> <p>Policy 8A.2.1.1 Require earthworks, and associated retaining structures, to be designed and located to avoid or minimise, as far as practicable, adverse effects on the stability of land, buildings, and structures by: a. being set back an adequate distance from property boundaries, buildings, structures and cliffs...</p> <p>Policy 8A.2.1.2 Require earthworks and any associated retaining structures, to be designed, located and undertaken in a way that minimises, as far as practicable, adverse effects on surrounding sites and the wider area, including from: a. sediment run-off onto any property, or into any stormwater pipes, drains, channels or soakage systems; and b. dust nuisance on the amenity of surrounding sites. continued overleaf...</p> <p>Policy 8A.2.1.3 Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where the following effects will be avoided or, if avoidance is not practicable, adequately mitigated: a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.</p>	<p>The earthworks can be managed regarding land stability, sedimentation, dust and drainage. Once the site is fully developed, the earthworks will not be visible. Any adverse effects associated with the earthworks are ultimately temporary.</p> <p>The proposed activity is consistent with this objective and these policies.</p>
Public Health & Safety Policy Framework	Analysis of Proposed Activity
<p>Objective 9.2.1 Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.</p>	<p>3 waters infrastructure has capacity for zoned demand including intensification within the <i>General Residential 1</i> zone.</p> <p>The proposed activity is consistent with this objective.</p>
<p>Objective 9.2.2 Land use, development and subdivision activities maintain or enhance people's health and safety.</p>	<p>The site is not registered on the Otago Regional Council HALL database and the applicant is not aware of any contamination of the site.</p> <p>The proposed activity is consistent with this objective.</p>
<p>Objective 9.2.2 Land use, development and subdivision activities maintain or enhance people's health and safety.</p> <p>Policy 9.2.2.1 Require activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant.</p>	<p>Provided the maximum noise levels are not exceeded for both the construction and then use of dwellings therein, the public health of neighbours will not be affected over the long term.</p> <p>The proposed activity is consistent with this objective and policy.</p>

Natural Hazards	Analysis of Proposed Activity
<p>Objective 11.2.1 Land use and development is located and designed in a way that ensures that the risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in the short to long term.</p> <p>Policy 11.2.1.12 In all hazard overlay zones, the swale mapped area, the dune system mapped area, or in any other area that the DCC has information to suspect there may be risk from a natural hazard, only allow subdivision activities where there is a reasonable level of certainty that any future land use or development will meet policies 11.2.1.1 - 11.2.1.11.</p>	<p>The risk within the <i>Hazard 3 (flood) Overlay Zone (Flood Hazard Area 22)</i> and the <i>Hazard 3 (alluvial fan) Overlay Zone (Hazard Area 22 Alluvial fans from coastal hills)</i> are both stated in the 2GP to be 'low'.</p> <p>The proposed activity is consistent with this objective and policy.</p>
Residential Zones Policy Framework	Analysis of Proposed Activity
<p>Objective 15.2.2 Residential activities, development, and subdivision activities provide high quality on-site amenity for residents.</p> <p>Policy 15.2.2.1 Require residential development to achieve a high quality of on-site amenity by: a. providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, green space or recreation; b. having adequate separation distances between residential buildings; c. retaining adequate open space uncluttered by buildings; and d. having adequate space available for service areas.</p>	<p>The proposed development is deemed to provide high quality on-site amenity for developments due to:</p> <ul style="list-style-type: none"> Compliance with minimum site size and density performance standards. Subdivision design including provision of esplanade reserve and a linking reserve. Provision of road and pedestrian access connectivity. Provision of esplanade walkway and planting and street tree planting. <p>The proposed activity is consistent with this objective and policy.</p>
<p>Objective 15.2.4 Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.</p> <p>Policy 15.2.4.6 Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will:</p> <ol style="list-style-type: none"> maintain the amenity of the streetscape reflect the current or future intended character of the neighbourhood; provide for development to occur without unreasonable earthworks or engineering requirements; and provide for quality housing. 	<p>The proposed activity represents a good example of development which is the intended future character of this <i>General Residential 1</i> zoned site.</p> <p>The proposed activity is consistent with this objective and this policy.</p>

Lianne Darby

From: Emma Peters <sweepconsultancy@gmail.com> on behalf of Emma Peters <Emma@sweepconsultancy.co.nz>
Sent: Monday, 20 October 2025 09:52 a.m.
To: Lianne Darby
Subject: Re: FW: 41 Soper Road, 20-21 Henderson Street, Wingatui - SWMP Area and Esplanade Strip

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lianne,

I have sought instructions from my client. They are wanting to retain the current location of the SWM infrastructure for a number of reasons including fall. Please ask 3 Waters to proceed with their assessment of the SWMP.

Cheers,

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214
www.sweepconsultancy.co.nz

On 15/10/2025 4:46 pm, Lianne Darby wrote:

Hi Emma,

Feedback from 3 Waters. They are wanting a stormwater management area but suggest relocating it to maintain a full size esplanade reserve (thus, no hearing required) plus an appropriately sized stormwater management area.

Can you please advise what you want to do; relocate the stormwater area or reduce the esplanade reserve width? By the sounds of it, 3 Waters will wait to hear before continuing to assess the present layout so the sooner we sort this one out, the better.

Have a good evening.

Lianne



If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination, distribution or reproduction of this material by you is prohibited..

From: Andrew Budd <Andrew.Budd@dcc.govt.nz>
Sent: Wednesday, 15 October 2025 3:55 p.m.
To: Lianne Darby <Lianne.Darby@dcc.govt.nz>
Cc: Bruce Saunders <Bruce.Saunders@dcc.govt.nz>; Jakub Kochan <Jakub.Kochan@dcc.govt.nz>; Thomas Harris <Thomas.Harris@dcc.govt.nz>; Mike Cartwright <Mike.cartwright@dcc.govt.nz>; Elizabeth Schonwald <Elizabeth.Schonwald@dcc.govt.nz>
Subject: 41 Soper Road, 20-21 Henderson Street, Wingatui - SWMP Area and Esplanade Strip

Hi Lianne.

Had a chat with Bruce and I can confirm 3 Waters requires a stormwater management area for this development (I'm sure we're all shocked to hear this revelation). The stormwater management area is required to offset both this development (which is located within an NDMA) and the Anscombe development located to the south-east. The stormwater management area needs to be vested in DCC 3 Waters, and cannot overlap with the Esplanade Strip.

Considering PARs do not support a reduction in the Esplanade Strip, it would seem like the best solution would be to relocate the stormwater management area to maintain both the full strip and an appropriately sized stormwater management area.

Considering the impact this will have on the proposal, do you want Bruce to continue his assessment of the stormwater management area as it currently stands, or should he hold fire until a resolution has been reached with the applicant?

Happy to work through this one with you as required to get a good outcome.

Regards

Andrew Budd
Junior Subdivision Engineer
City Growth Team

P 03 474 3702 | C 021 328 736 | E Andrew.Budd@dcc.govt.nz
 Dunedin City Council, 50 The Octagon, Dunedin
 PO Box 5045, Dunedin 9054
 New Zealand
www.dunedin.govt.nz



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Landscape Proposals

Esplanade Reserve: area a

Extending along the upper north/west and south/west site boundaries, approximately 20m in width and including approx. 8800m² in area.

Owhiro Stream marks the upper boundary and is met with a stop bank that extends 7m into the site in a south/east direction and at a similar height to the final proposed residential site contour. A walking path and a shallow storm water berm lies between the stop bank and the proposed residential boundary. Details for the esplanade reserve are shown on figure 2.

Street Tree Planting: areas b - d

There are three hierarchies of street within the development. These include a larger through road from Soper Road to Henderson Street, area b, two larger cul de sac streets, areas c, and two smaller cul de sac streets, area d.

The tree species proposed are intended to match the scale and capacity of the streets and include medium to large trees, area b, medium sized trees, area c, and smaller and more ornamental species and varieties for area d.

All street trees are exotic and have been selected for wind hardness, potential to survive in dry conditions and for having a good structure, foliage change and effect, and some floral character to mark the seasons.

Planting rates are at 15m (linear centres) for area b and area c and 10m centres for area d. All street trees are to be supplied at minimum pb size of 35- 45 litres.

Area b 43 trees proposed:

- Zelkova serrata - Japanese elm
- Pyrus calleryana 'Bradford' - Ornamental Pear
- Acer freemanii 'Jeffers Red' - Freeman's Maple

Area c1 20 trees proposed + Area c2 16 trees proposed:

- Fraxinus ornus - 'Mans Ash'
- Prunus serrulata 'Tai Haku' - Great White Cherry

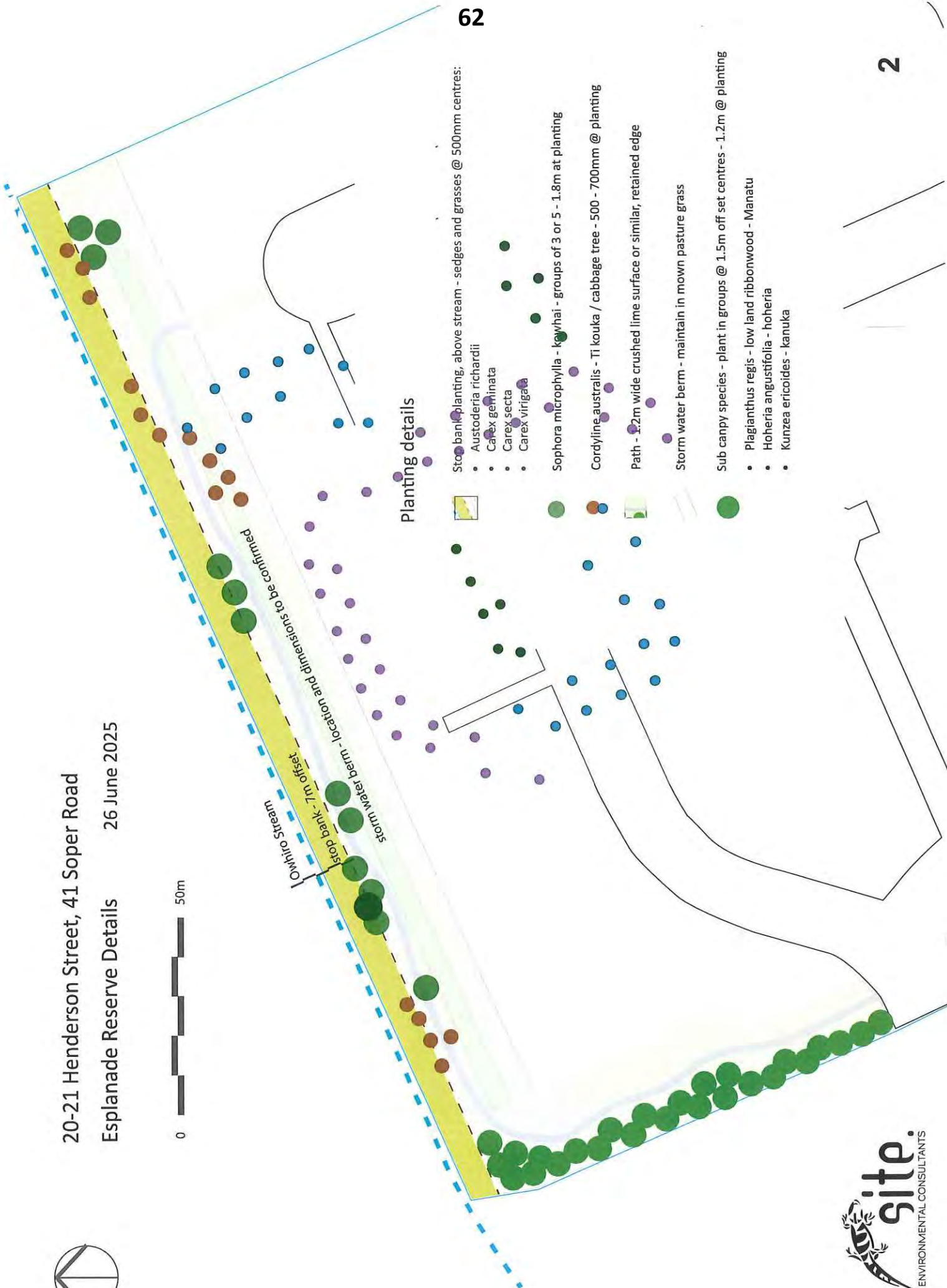
Area d1 15 trees proposed + Area d2 13 trees proposed:

- Prunus subhirtella autumnal 'Southern Gem'
- Prunus yedoensis - Yoshino Blossoming Cherry

Survey details are set out on 'Proposed Subdivision of 20 & 21 Henderson Street and 20 Soper Road, Wingatui', Cookson Land Surveying, Ref CL525-6, 27 June 2025.

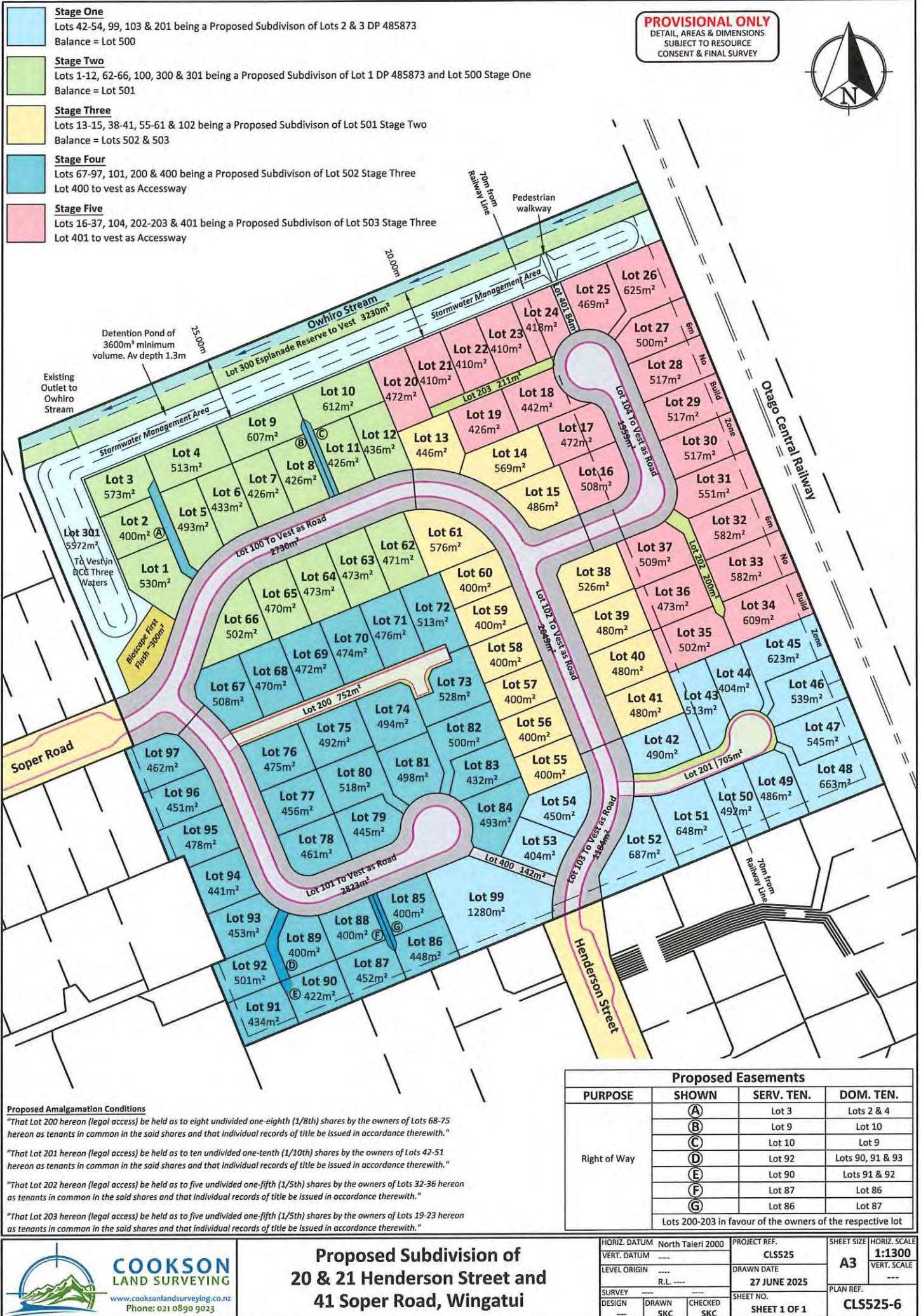


20-21 Henderson Street, 41 Soper Road
Esplanade Reserve Details 26 June 2025



Planting details

- Stop bank planting, above stream - sedges and grasses @ 500mm centres:
- Austroderia richardii
 - Carex geminata
 - Carex secta
 - Carex virigata
- Sophora microphylla - kowhai - groups of 3 or 5 - 1.8m at planting
- Cordyline australis - Ti kouka / cabbage tree - 500 - 700mm @ planting
- Path - 1.2m wide crushed lime surface or similar, retained edge
- Storm water berm - maintain in mown pasture grass
- Sub canopy species - plant in groups @ 1.5m off set centres - 1.2m @ planting
- Plagianthus regis - low land ribbonwood - Manatu
 - Hoheria angustifolia - hoheria
 - Kunzea ericoides - kanuka



APPENDIX B
COUNCIL OFFICERS' REPORTS

Memorandum

TO:	Lianne Darby
FROM:	Elizabeth Schonwald (Senior Planner, Parks and Recreation Services)
DATE:	21 November 2025
SUBJECT:	SUB-2025-166_HENDERSON STREET, MOSGIEL - PARS COMMENTS

Kia ora Lianne,

Thank you for the opportunity to comment on the above subdivision consent application. The proposed application seeks resource consent for a five-stage subdivision of 21 and 22 Henderson Street and 41 Soper Road, Wingatui. The subdivision will create 97 new residential lots ranging in size from 400 m² to 1,280 m².

Description of Site and Proposed Development

The subject site comprises 7.059 ha of predominantly flat land with incomplete earthworks, two existing dwellings, and various outbuildings. The proposed subdivision aligns with the Henderson Street Structure Plan and will be completed in five stages:

- **Stage 1:** Subdivision of Lots 2 and 3 DP 485873 (20 and 21 Henderson Street) into Lots 42–54 and Lot 99 (residential lots), Lot 103 and 201 (road), and Lot 500 (balance area).
- **Stage 2:** Subdivision of Lot 1 DP 485873 (41 Soper Road) and Lot 500 (balance Stage 1) into Lots 1–12 and 62–66 (residential lots), Lot 100 (road), Lot 300 (esplanade reserve), Lot 301 (stormwater management area to vest), and Lot 501 (balance area).
- **Stage 3:** Subdivision of Lot 501 into Lots 13–15, 38–41, and 55–61 (residential lots), Lot 102 (road), and Lots 502 and 503 (balance areas).
- **Stage 4:** Subdivision of Lot 502 into Lots 67–97 (residential lots), Lot 101 (road), Lot 200 (access lot), and Lot 400 (accessway to vest).
- **Stage 5:** Subdivision of Lot 503 into Lots 16–37 (residential lots), Lot 104 (road), Lots 202 and 203 (access lots), and Lot 401 (accessway to vest).

The proposed esplanade reserve (Lot 300), included in Stage 2, will have a reduced width to accommodate stormwater retention. This reserve will vest in Dunedin City Council (DCC). Please refer to the scheme plans in Schedule 1 for further detail.

Stormwater Management

The development will utilise the site's gentle topography to direct rainfall runoff along road corridors to the north. Stormwater from the existing Anscombe Close subdivision to the south will connect into the proposed reticulation for this site. A secondary overland flow path will be directed into the northern accessway.

A Stormwater Detention Pond (SDP) adjacent to the esplanade reserve will manage runoff from both primary and secondary flow paths. The pond will generally remain dry and is designed with a shallow depth of 1.4 m from base to overflow. An existing outlet structure will control discharge rates and dissipate energy to prevent erosion as water enters the drain. Modifications to the outlet structure

will likely be required to regulate discharge into the Ōwhiro Stream (identified as the O-drain) to pre-development levels for 2-year, 10-year, and 100-year ARI storm events.

Ōwhiro Stream Catchment

The Ōwhiro Stream catchment extends from the Chain Hills, Wingatui, and Saddle Hill areas, flowing through residential and industrial areas of Mosgiel and the Taieri Plains before joining the Taieri River at Allanton. The Ōwhiro Stream is classified as a river. Although it is artificially channelised in some areas and utilised by the Otago Regional Council (ORC) as flood protection infrastructure, it is identified as having moderate ecological value.

Despite being listed among the region's most degraded waterways in ORC's State of Environment monitoring, recent surveys have found the stream to be ecologically diverse, supporting a range of aquatic life, including at-risk (declining) populations of longfin eel, inanga, and giant kōkopu.

Regulatory Context of the Esplanade Reserve

PARS notes that a large portion, if not all, of the proposed esplanade reserve falls within ORC's East Taieri Drainage Scheme. Any works within these areas—including planting—may require bylaw approval from ORC.

Appendix 10C of the Dunedin City Council's Second-Generation District Plan (2GP) identifies the following values for Ōwhiro Stream:

- **Conservation values:** Longfin and shortfin eel habitat, possibly inanga.
- **Recreation and access values:** Mahika kai values and potential transportation/recreation corridor.

Under the Resource Management Act 1991 (RMA), there is a statutory requirement for an esplanade reserve with a minimum width of 20 m along both banks of Ōwhiro Stream, implemented by Rule 10.3.1.X.e of the 2GP. This requirement supports key objectives of the Dunedin City Council Parks and Recreation Strategy (2017), which aims to ensure parks, natural landscapes, and biodiversity are treasured by the community.

The relevant matters of discretion for an application not providing the full 20 m width are:

- **10.5.3.2.a:** Effects on biodiversity and natural character values of riparian margins and the coast.
- **10.5.3.2.b:** Effects on public access.

Guidance for assessing these includes:

- Considering effects on conservation values, natural functioning of the water body, and biodiversity enhancement measures.
- Ensuring public access and recreation opportunities are maintained, including consideration of sea-level rise impacts on reserve width.

The purpose of an Esplanade Reserve as identified under section 229 of the RMA is that an esplanade reserve or strip aims to:

- Protect conservation values by maintaining natural functioning, water quality, aquatic habitats, and mitigating natural hazards.
- Enable public access along waterways.
- Support recreational use compatible with conservation values.

Effective riparian management—including pest plant removal and revegetation with appropriate species—can improve ecological values, species diversity, and water quality. Esplanade reserves also enable monitoring and water quality testing.

Conservation Value

A 20 m wide esplanade reserve minimises edge effects and supports self-sustaining vegetation. Anything less will require ongoing management to restore biodiversity. The proposed reduced-width reserve largely overlaps with ORC's drainage scheme area, limiting DCC's ability to manage the riparian margins effectively.

Recreation and Access Values

Aukaha planning staff advise that mahika kai values should be supported by:

- Appropriate stormwater attenuation and natural filtering before discharge to Ōwhiro Stream.
- Maintaining public access.
- Avoiding hard infrastructure within the esplanade reserve.

Concept plans includes a walkway within the esplanade reserve, but the reduced width will limit this opportunity and will come at the cost of improving the conservation value of Ōwhiro Stream. The proposed walkway only connects internally and does not provide external linkages. A continuous walkway parallel to Ōwhiro Stream is recommended to enable future connectivity.

Policy Alignment

The National Policy Statement for Freshwater Management 2020 and the National Policy Statement for Indigenous Biodiversity 2023 emphasise restoring freshwater ecosystems and indigenous biodiversity. The proposed reduction in esplanade width does not align with these directives or with Section 230 of the RMA.

It also fails to meet the following 2GP objectives and policies:

- Objective 10.2.2 and Policies 10.2.2.1, 10.2.2.6, 10.2.2.7
- Objective 10.2.4 and Policy 10.2.4.3

Recommended Conditions

PARS suggest the following conditions to be included in the consent decision.

1. *All cost associated with the creation and vesting of the esplanade reserve in the Dunedin City Council will be covered by the applicant (including DCC's legal costs).*
2. *All survey costs will be covered by the applicant unless agreed otherwise.*
3. *Applicant will provide a connecting path from the eastern boundary of the site to the western boundary.*
4. *The applicant to plant the esplanade reserve with appropriate trees and shrubs set out in one of the Otago Regional Council's "Otago Native Planting Guides" appropriate to site. [Otago Native Planting Guide \(arcgis.com\)](https://arcgis.com)*
5. *A planting plan and schedule to be approved by PARS prior to planting the esplanade reserve.*
6. *The applicant to maintain the planting within the reserve for a period of 3 years.*

7. *The applicant to obtain the appropriate bylaw approval from the Otago Regional Council for any works, including planting within the area identified as the East Taieri Drainage Scheme.*
8. *Plants will be sourced from a nursery that provides ecologically sourced plants suitable to the ecological district of the site.*

If the Hearings Committee decide to support the application for an esplanade reserve of reduced width the following additional conditions are recommended:

- 1 *The applicant shall provide an ecological assessment and a detailed management plan for the future maintenance and enhancement of the esplanade reserve. The plan must:*
 - a) *Identify existing ecological values and potential restoration opportunities.*
 - b) *Outline measures to protect and enhance the conservation value of the Ōwhiro Stream, including riparian planting with indigenous species, pest plant control, and habitat improvement.*
 - c) *Include monitoring and maintenance requirements to ensure long-term ecological outcomes.*
- 2 *The applicant shall implement the measures as identified above in 1(b).*
- 3 *The stormwater detention pond shall be planted with appropriate indigenous species that are tolerant of periodic inundation, rather than pastoral grass or turf, to enhance ecological values and riparian resilience.*
- 4 *No hard stormwater infrastructure (e.g., pipes, headwalls, concrete structures) shall be located within 20 metres of the Ōwhiro Stream to maintain riparian integrity and support natural functioning of the waterway.*
- 5 *Public access shall be provided to the edge of the Ōwhiro Stream within the esplanade reserve to enable recreational use and support mahika kai values, consistent with Section 229 of the Resource Management Act 1991.*

The primary focus of the proposed esplanade reserve is to contribute to the protection of the conservation values of Ōwhiro Stream, while supporting its recreation (including mahika kai) and access values. This will enable the future development of the reserve as a recreation and active transportation corridor.

Please do not hesitate to contact me if you wish to discuss the above further.

Regards,
Elizabeth Schonwald

Schedule 1



Lianne Darby

From: Zoe Lunniss
Sent: Wednesday, 15 October 2025 08:46 a.m.
To: Lianne Darby
Subject: RE: sub-2025-166 Henderson Street

Follow Up Flag: Follow up
Flag Status: Flagged

Kia ora Lianne,

No comment from me on this one. May feed in some specifics to PARs/Landscape if required.
 Sorry for the delayed response – I have been away.

Hei konā mai,
 Zoe

From: Lianne Darby <Lianne.Darby@dcc.govt.nz>
Sent: Wednesday, 8 October 2025 10:51 a.m.
To: Resource Consents WWS-BC Comments <resconsent.wwsbc-comments@dcc.govt.nz>; Transport <Transport@dcc.govt.nz>; Parks, Recreation & Aquatics - Consents <par.consents@dcc.govt.nz>; mwhhazardsteam@stantec.com; City Development - Consent Comments <Citydevelopmentconsentcomments@dcc.govt.nz>
Cc: Elizabeth Schonwald <Elizabeth.Schonwald@dcc.govt.nz>; Zoe Lunniss <Zoe.Lunniss@dcc.govt.nz>; Andrew Robinson <Andrew.Robinson@patersons.co.nz>; Anna Johnson <Anna.Johnson@dcc.govt.nz>; Karen Heathman <Karen.Heathman@dcc.govt.nz>
Subject: FW: sub-2025-166 Henderson Street

Hi All,

I have an applicant wanting to know where we are at with this one. My four questions for the three departments below still stand.

I am also waiting for comments from basically everyone except Transport at this stage. Can you please give this consent a bit of attention given that it has been out with departments for seven weeks now.

Many thanks.

Lianne

From: Lianne Darby
Sent: Wednesday, 20 August 2025 12:18 p.m.
To: Resource Consents WWS-BC Comments <resconsent.wwsbc-comments@dcc.govt.nz>; Transport <Transport@dcc.govt.nz>; MWH Hazards Team <MWHHazardsTeam@stantec.com>; Parks, Recreation & Aquatics - Consents <par.consents@dcc.govt.nz>; City Development - Consent Comments <Citydevelopmentconsentcomments@dcc.govt.nz>; Karen Heathman <Karen.Heathman@dcc.govt.nz>; Waste & Environmental Solutions <waste.environmental.solutions@oa.dcc.govt.nz>
Cc: Elizabeth Schonwald <Elizabeth.Schonwald@dcc.govt.nz>; Zoe Lunniss <Zoe.Lunniss@dcc.govt.nz>; Luke McKinlay <Luke.McKinlay@dcc.govt.nz>; Anna Johnson <Anna.Johnson@dcc.govt.nz>; Regan Climo <Regan.Climo@dcc.govt.nz>
Subject: sub-2025-166 Henderson Street

Lianne Darby

From: Andrew Budd
Sent: Tuesday, 18 November 2025 02:49 p.m.
To: Lianne Darby
Cc: Elizabeth Schonwald; Thomas Harris; Bruce Saunders
Subject: RE: Comments for Henderson Street esplanade reserve hearing ...

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lianne.

As per our discussion, it is difficult at this time for 3 Waters to provide comment on the reduction of the esplanade strip. The applicant has provided minimal information on the stormwater management area, and no information as to the storage volume of the detention ponds. 3 Waters therefore has no reference point as to how large or wide a stormwater management area would need to be to function. I can say that while the stormwater management area likely needs to be located at the northern end of the site, it is not required to be located within the esplanade strip. Until the applicant provides further detail on the proposed stormwater management system, I am unable to provide further comment.

Hope that helps. Please let me know if we need to discuss further.

Regards

Andrew Budd
Junior Subdivision Engineer
City Growth Team

P 03 474 3702 | **C** 021 328 736 | **E** Andrew.Budd@dcc.govt.nz
 Dunedin City Council, 50 The Octagon, Dunedin
 PO Box 5045, Dunedin 9054
 New Zealand
www.dunedin.govt.nz



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From: Lianne Darby <Lianne.Darby@dcc.govt.nz>
Sent: Monday, 17 November 2025 11:15 a.m.
To: Andrew Budd <Andrew.Budd@dcc.govt.nz>; Elizabeth Schonwald <Elizabeth.Schonwald@dcc.govt.nz>; Thomas Harris <Thomas.Harris@dcc.govt.nz>
Subject: Comments for Henderson Street esplanade reserve hearing ...

... by 5pm Thursday please. I have a week to write this report.

Many thanks.

Lianne Darby
ASSOCIATE SENIOR PLANNER
RESOURCE CONSENTS

APPENDIX C

PHOTOS

Left: The Owhiro Stream, looking northeast. The fence and plantings of 39A Soper Road are on the left. The subject site is to the right. Railway line is in the distance.



Left: The subject site as viewed from the northeast corner of 41 Soper Road, looking east over the area of earthworks. The Owhiro Stream is to out of sight, 45° to the left.

