

24 August 2017

J R Fairweather
C/- Cubitt Consulting Ltd
11 Bedford Street
Dunedin 9012

Dear Sir

RESOURCE CONSENT APPLICATION

LUC-2017-98
533 MOUNT CARGILL ROAD
WAITATI

The above application for resource consent to establish a landscape building platform for residential activity on the property at 533 Mount Cargill Road, Waitati, was processed on a Publicly Notified basis in accordance with Section 95 and 95A of the Resource Management Act 1991. The Consent Hearings Committee, comprising Commissioner Andrew Noone (Chairperson), and Councillors Christine Garey and Andrew Whiley, heard and considered the application at a hearing on 4 July 2017.

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

A site visit was undertaken by the Hearings Committee prior to the date of the hearing on 30 June 2017.

The Committee **granted** consent to the application on 18 July 2017. The timeframe for the issue of this decision was extended pursuant to section 37 and 37A of the Resource Management Act 1991. The full text of this decision commences below with a consent certificate attached to this letter.

The Hearing and Appearances

The applicant was represented by:

- Allan Cubitt (Planning Consultant)
- Mike Moore (Landscape Architect)
- John Fairweather (Applicant)

Council staff attending were:

- Campbell Thomson (Senior Planner/Advisor to Committee),
- Melissa Shipman (Processing Planner),
- Barry Knox (Landscape Architect) and
- Wendy Collard (Governance Support Officer).

Submitters in attendance at the hearing were:

- Hendrik Koch (Trustee for Initial Volco Trust)
- Bill Baker (Trustee for Initial Volco Trust)

Procedural Issues

It was noted by the Chairperson that with two landscape architects present, the timing of the applicant's presentation may be varied in consultation with Mr Cubitt to enable questions about landscape assessment issues to be dealt with in a timely manner.

The Senior Planner, **Mr Thomson** noted that a copy of the submission of the Initial Volco Trust had not been included with the hearing agenda, however, the full details of the submission were set out in the submission summary contained in the sec42A report. Further, he noted that copies of the submission had been circulated to the Committee prior to the hearing, and copies were available to all parties. No concerns were raised with this and no further action was required.

Principal Issues of Contention

The principal issues of contention addressed at the hearing were:

- The density of residential activity in a rural environment
- The visual prominence of development on the proposed platform
- The scope and extent of vegetation to be retained

Summary of Evidence

Introduction from Processing Planner

Mrs Melissa Shipman spoke to a summary of her report, giving an overview of the proposal before commenting on the notification of the application and the submissions received.

Mrs Shipman advised that the proposal is for residential development on an undersized rural zoned site utilising an existing access. She noted that the property is a composite site providing a total area of 11 hectares, and the activity is non-complying under the Operative Plan. The site is located within a visually prominent part of a landscape conservation area.

Mrs Shipman advised that protection of an existing screen planting area and a bush regeneration area were key measures proffered by the applicant to mitigate the adverse effects of the proposal, along with several building design controls.

In relation to the applicant's evidence circulated prior to the hearing, Mrs Shipman considered that the new Development Concept Plan (attached to Mike Moore's evidence) provided a clearer picture of the areas of bush to be retained and areas of forestry to be removed. This also clarified the extent of existing use rights for forestry.

Mrs Shipman identified key issues concerning the visibility of the proposed house site, particularly when viewed from roads to the north of the site, and effect on this visibility once exotic forestry trees are removed. She noted differences of opinion between her and Council's landscape architect regarding the assessment of these effects, and the extent of landscape mitigation practical and necessary.

In the matter of existing use rights for continued forestry on the site, Mrs Shipman noted that the Development Concept Plan now identifies the areas of the site considered to enjoy existing use rights. She suggested that if the Panel is minded to grant consent, and do not seek to further restrain forestry use as mitigation for the proposal, the Panel may elect to re-authorise the existing forestry in Zone E and D1 to remove any uncertainty associated with whether the applicant can continue to rely on existing use rights.

Mrs Shipman confirmed her recommendation is for approval of the proposal subject to mitigation measures secured by way of conditions of consent. She considered that the proposal met both the threshold tests for a non-complying activity and the integrity of the plan would not be undermined by the granting of consent.

In response to questions from the Committee, Mrs Shipman noted corrections to her report, and clarified her understanding about the location of the macrocarpa trees near the boundary with the Burchell property. She also noted that the location of trees within the road reserve may need to be confirmed as part of the conditions to avoid reliance upon this vegetation as a mitigation measure. In regards to the proposed building platform she confirmed that this could contain buildings and structure additional to a dwelling, but not other dwellings, and that a further resource consent may be required if significant earthworks are proposed.

Technical Officers' Evidence

Mr Barry Knox commented briefly on the technical advice he had provided, and referred to the applicant's evidence circulated prior to the hearing, responding to the Sec42A report. He endorsed the revised development concept, and advised that he was substantially in agreement with the applicant's recommended changes to the draft conditions contained in the Sec42A report. He commented on the form and species of planting appropriate for mitigation purposes on the subject site in response to questions. He also commented in response to a question about the necessity for residential development to support and maintain the landscape improvement proposed for the site.

The Applicant's Case

Mr Allan Cubitt introduced the applicant's case and representatives and acknowledged the advice from the Chair that the Committee had visited the site and were therefore familiar with the location and physical character of the property.

Mr John Fairweather outlined his professional background as a social science researcher at Lincoln University and involvement with running a specialty timber business. He then explained his personal connection to the property and development and management of the forestry activity on site. Mr Fairweather noted that while the consent sought was to facilitate sale of the land, he was not committed to selling the land, and that the forestry activity may continue for some 10-20 years. He observed that a plantation of pines would control weed growth, but planting of other tree species, including native vegetation, would need to be actively managed.

In response to questions from the Committee, Mr Fairweather advised that his father bought the property in the 1950's and that he had acquired the land in the 1970's. He also agreed it could be anticipated that prospective buyers of the site would have similar ideas about the development of the land for a dwelling and a number of accessory buildings, because of the location of the building platform and practical constraints on development.

Mr Mike Moore referred to the drawings and images attached to his statement of evidence. He advised that the pattern of regeneration of native species on the site reflected the pattern of land usage in the past, with the more sunny sheltered areas of the site being more favourable for development of exotic plants and trees. Mr Moore gave a summary of the key points set out in the evidence, and observed that the proposal would result in one house site in a modified natural environment, with any dwelling on the proposed platform being visible at a distance. He considered that the adverse effects were short term and the proposal created opportunities for long term positive effects from regeneration of native vegetation. Mr Moore did not consider some further requirements for screening of the dwelling platform recommended by Mrs Shipman were necessary. This was because viewing distances were long and few in number, other buildings were visible in the same views, and the landform was already modified by exotic vegetation.

The Committee asked Mr Moore a number of questions relating to the status of accessory buildings under landscape rules, the proposed platform dimensions and access, effects of lighting, timing of exotic tree removal, and recommended plant species for native regeneration.

Mr Cubitt noted the background to the existing land use and consent sought, and responded to issues raised by the processing planner and submitters. This included the status of the existing macrocarpa trees in relation to screening of the site, existing access tracks to the property, and potential effects from the timing and scale of exotic tree removal. He affirmed his view that existing use rights applied to the continued forestry activity, irrespective of whether a dwelling is established on the property. In response to questions from the Committee, Mr Cubitt commented on the proposal for a covenant to protect the regenerating bush area, the separation from and effects in relation to the existing dwellings nearby, the concerns raised by a submitter about the impact on Orokouni ecosanctuary and conservation work in the wider area, and the extent of areas depicted and control measures proposed as part of the Proposed Development Concept Plan.

Evidence of Submitters

Mr Koch and Mr Baker explained their involvement with the Initial Volco Trust, and reasons for their submission. They also clarified the situation with the ownership status of the land at 539 Mount Cargill Road adjoining the subject site.

Mr Koch expressed his view that the proposed covenant on the title needs to be legally robust and effective in order to achieve the desired outcome. He outlined the key elements that would need to be addressed, including timeline for implementation of works for regeneration of the bush areas, and management plans for both vegetation and pest control.

Mr Baker explained the conservation work by the Initial Volco Trust and progress towards a QE2 covenant registration. He commented on the perception that natives are slow growing, and considered that in the right conditions, and with appropriate management, a good ground cover could be achieved with natives in 5 to 10 years.

Mr Koch identified the location of the Trust's properties in relation to the subject site and observed that a substantial gain could be achieved from replanting of cleared areas in front of the proposed building platform.

Mr Koch and Mr Baker were the only representatives of submitters in attendance at the hearing. However, the concerns of all submitters set out in their written submissions were noted by the Committee during the hearing and considered during the subsequent deliberations held on 18 July.

Processing Planner's Review of Recommendation

Mrs Shipman reviewed her recommendation in light of the evidence presented at the hearing, maintaining her recommendation to grant consent. She commented on changes recommended or required to the conditions set out in her report in the light of evidence given at the hearing.

Applicant's Right of Reply

Mr Cubitt commenced the reply for the applicant at the hearing, but requested that the hearing be adjourned so that he could complete the reply in writing following further consultation with Mrs Shipman with regard to the final wording and detail of conditions and the related Development Concept Plan. Mr Cubitt noted that some flexibility was sought by the applicant between requirements for replanting on the site versus improvement through natural regeneration. In regard to this, Mr Fairweather explained some of the issues with management of the site. Mr Cubitt commented on the requirements of other conditions, such as the need for road entrance improvement, where he could not see the need for physical works, but was willing to meet with the roading engineer.

Statutory and Other Provisions

In accordance with Section 104 of the Resource Management Act 1991, the Planner's Sec42A report detailed in full the relevant statutory provisions and other provisions the Committee considered. Regard was given to the relevant provisions of the Dunedin City District Plan: In particular Section 6 (Rural and Rural Residential Zones), and 14 (Landscape), and the relevant provisions of the proposed Dunedin City District Plan. Consideration was also given to the Regional Policy Statement for Otago and Proposed Policy Statement for Otago.

Main Findings on Principal Issues of Contention

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

Decision

The final consideration of the application, which took into account all information presented at the hearing, was held during the public-excluded portion of the hearing. The Committee reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991. In addition, a site visit was undertaken prior to the hearing on 30 June 2017. The Committee inspected the site and the relationship to the neighbouring sites of the submitters, as well as viewing the proposed platform location from a range of off-site viewpoints, including those identified in the landscape assessment by Mr Moore. It was noted by the Committee that this enabled Committee members to hear evidence presented at the hearing with a clear understanding of the physical reality of the site and environmental setting.

*That pursuant to section 34A(1) and 104B and after having regard to sections 104 and 104D of the Resource Management Act 1991 and where relevant Part 2 matters, and to the provisions of the Operative Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non-complying** activity being the establishment of a landscape building platform for residential activity on an undersized rural site at 533 Mount Cargill Road, legally described as Section 5 Block VII North Harbour & Blueskin Survey District (Computer Freehold Register CT OT79/251) and Section 6 Block VII North Harbour & Blueskin Survey District (Computer Freehold Register CT OT260/294), subject to the conditions below, imposed under Section 108 of the Act, as shown on the attached certificate.*

Reasons for this Decision

1. The Committee determined that the consent applied for is a non-complying activity in accordance with the assessment of the activity status in the Sec42A report. The Committee notes that in making its decision, it was therefore able to consider any environmental effects that it considered to be relevant to the facts of the proposal.

EFFECTS ON ENVIRONMENT

2. The Committee concluded that the likely adverse effects arising from the proposed activity will be no more than minor, taking into account the mitigation measures and controls offered up by the applicant and incorporated in the conditions of consent recommended by the processing planner. The Committee were satisfied that with appropriate changes the conditions were clear and enforceable.

CONSISTENCY WITH RELEVANT PLANS

3. The Committee took into account the objectives and policies of the Operative Dunedin City District Plan and the Proposed Dunedin City District Plan. The Committee considered that the assessment of the processing planner identified the relevant objectives and policies, and they agreed with the conclusions of the planner's assessment. They were comfortable with the analysis that the proposal was inconsistent with, but not contrary to key objectives and policies of the plans that were applicable to the proposal.

4. The Committee were satisfied that the proposal would not undermine the policy direction of the Operative Dunedin City District Plan or Proposed Plan with respect to development in the rural zone, despite the non-compliance with the rule provisions for residential density. In reaching this conclusion, the Committee were mindful of the existing land use and character of the subject site, and the existing environment where the site is located. It was considered that the amalgamation of existing titles, together with the measures to provide for regeneration of native vegetation on the subject site, would with the benefit of on-site management from occupation facilitate a more sustainable environmental outcome with respect to rural amenity values.
5. The Committee had particular regard to the location and environmental setting of the proposed building platform, in regard to the policy provisions of the Operative and Proposed Plan relating to the landscape classifications applying to the land in each Plan. The Committee were satisfied that with controls proposed on development within the platform, views towards the future buildings on the site would be limited and distant. The landscape values of the site and locality would remain dominated by the trees and existing vegetation, with the proposal enhancing the potential for native vegetation to become a more dominant element in the landscape, consistent with conservation work on other sites within the locality, such as the land being developed by the Initial Volco Trust. The Committee considered that conditions offered by the applicant, including the setting aside of additional bush regenerating areas on the north and north eastern sides of the platform, and a requirement to covenant the protected areas would contribute to the enhancement of the natural character of the landscape.
6. The Committee considered the application in relation to the objectives and policies of the Sustainability Section of the Dunedin City District Plan. In relation to those objectives and policies seeking to maintain or enhance amenity values, the Committee were satisfied for the reasons noted above that the proposal will result in an environmental outcome that will enhance amenity values of the rural area.
7. The Committee further considered that the proposal is consistent with the objectives and policies of both the Operative and Proposed Regional Policy Statement for Otago.

SECTION 104D

8. As the Committee determined that the proposal is likely to give rise to adverse effects that will be no more than minor, and will not be contrary with the objectives and policies of the Operative and Proposed District Plan, they were satisfied that the proposal met both 'limbs' of the Section 104D 'gateway test'. Consideration could therefore be given to the granting of consent to the proposal.

OTHER MATTERS

9. The Committee were satisfied that the proposal is a true exception for the following reasons:
 - The site is a composite site joining two significantly undersized allotments in the rural zone.
 - The land is generally of steep topography and contains soils of poorer quality, with limited productive potential other than forestry.
 - The proposed building platform is on the northern margin of an area containing a number of small rural landholdings with existing dwellings, including properties which are below the minimum site area promoted by the Plans. The property also has an existing formed vehicle access.

- The proposed building platform is situated in a location where, subject to conditions, the potential impact on landscape values will be limited. The proposal represents an opportunity for the enhanced protection of elevated regenerating bush areas within a visually prominent area of the site.
 - The site has existing use rights for forestry activity.
10. The Committee noted that the present direction from caselaw indicates that an assessment with regard to the purpose and principles set out in Part II of the Resource Management Act 1991 is not required. However, the Committee were satisfied that should an assessment of those matters apply, the proposal would still be compatible with the Act. The Committee concluded that the granting of the consent, subject to conditions, would be consistent with the purpose of the Resource Management Act 1991 to promote the sustainable management of natural and physical resources.

Commencement of Consent

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

Right of Appeal

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

The Registrar
Environment Court
PO Box 2069
CHRISTCHURCH 8140

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

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

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

Please direct any enquiries you may have regarding this decision to Campbell Thomson, whose address for service is City Planning, Dunedin City Council, PO Box 5045, Dunedin 9058.

Monitoring

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

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

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

Yours faithfully

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

Andrew Noone
Chair, Hearings Committee

Consent Type: Land Use Consent

Consent Number: LUC-2017-98

That pursuant to section 34A(1) and 104B and after having regard to sections 104 and 104D of the Resource Management Act 1991 and where relevant Part 2 matters, and to the provisions of the Operative Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non-complying** activity being the establishment of a landscape building platform for residential activity on an undersized rural site, subject to the conditions below, imposed under Section 108 of the Act:

Location of Activity: 533 Mount Cargill Road, Dunedin

Legal Description: Section 5 Block VII North Harbour & Blueskin Survey District (Computer Freehold Register CT OT79/251) and Section 6 Block VII North Harbour & Blueskin Survey District (Computer Freehold Register CT OT260/294)

Lapse Date: 24 August 2022, unless the consent has been given effect to before this date.

Conditions:

- 1 The proposed site development shall be undertaken in general accordance with the plans and relevant details submitted with the resource consent application received by Council on 3 March 2017, additional information received on 13 March 2017, as amended by the submissions and evidence presented by the applicant to the hearing on 4 July 2017, and in accordance with the conditions below:*

Landscape

- 2 Prior to commencing any development within the approved building platform, a land covenant shall be registered on the Certificates of Title requiring the allotments within the composite site area to be amalgamated. The covenant shall specify the following:*

"Section 5 Block VII North Harbour & Blueskin Survey District (Computer Freehold Register CT OT79/251) and Section 6 Block VII North Harbour & Blueskin Survey District (Computer Freehold Register CT OT260/294) shall be amalgamated together prior to any residential occupation to reduce the fragmentation of land within the Flagstaff- Mt Cargill Landscape Conservation Area (VPA) with the establishment of residential use on the site".

- 3 All buildings, including accessory buildings and residential curtilage, are to be located within the identified 30m by 30m building platform depicted on the approved Development Concept Plan attached as Appendix 1, approximately 20m at the closest point from the nearest (southern) boundary. For clarity, the platform is situated between the 290 and 300m contour levels shown on the Dunedin City Council's GIS database (derived from Aerial Photography) and is referred to in the application as being at approximately the 295 contour.*
- 4 All buildings shall be a maximum of 5m in height above existing ground level.*

- 5 All buildings shall be finished in naturally weathered timber or locally appropriate stone, or in colours that have low levels of contrast with the colours of the wider bushland setting. Painted surfaces will have light reflecting ratings of no more than 15%.
- 6 All services shall be located below ground, with the exception of the above ground fixtures (including tanks) necessary for water supply and effluent disposal.
- 7 The driveway is to retain an informal rural character with gravel surface and soft edges (i.e. no kerbs) with the exception of the area subject to condition 14. Monumental gates and driveway lighting are not permitted.
- 8 An outdoor lighting plan for any buildings proposed within the approved building platform shall be prepared by a suitably qualified person, with the objective of ensuring the occupation and use of the buildings will have a low visibility of domestication when seen from distant views to the north along Mount Cargill Road and Green Road. The plan shall be submitted to the Planning Manager for certification within 1 month of construction of any building within the approved building platform.

The lighting plan shall include the following design considerations:

- (i) Outdoor lighting shall be down lighting only and shall be shielded from above in such a manner that the edge of the shield shall be below the whole of the light source; and
 - (ii) All outdoor lighting shall be of low luminance. Any exterior lighting shall be limited to the approved building platform only; and
 - (iii) Outdoor lighting shall be motion activated or subject to a timer controlled motion sensor.
- 9 All areas of existing indigenous vegetation located within Zones A1 and A2 of Mike Moore's Figure 8: Development Concept Plan are to be retained and managed in accordance with the Pest Management Strategy to be prepared under condition 12 to protect and enhance their extent and quality.
- 10 The vegetation within the screen planting area (Area C of Mike Moore's Figure 8: Development Concept Plan) shall be managed to ensure that effective screening of the building platform area from Mt Cargill Road to the south, and the visual effect of a strongly planted backdrop to the building platform area from viewpoints to the north and north-east, is maintained. Management may include removal of trees provided that replacement planting of new trees is undertaken to ensure that the overall density of the screen planting area is maintained on a consistent basis over time.
- 11 Prior to commencing any development within the approved building platform, a Bush Regeneration Management Plan (BRMP) shall be prepared by a suitably qualified person and submitted to the Planning Manager for approval setting out the methods and timeframes for managing the identified Bush Regeneration Areas (located within Zones B and B1 of Mike Moore's Figure 8: Development Concept Plan) to encourage regeneration of indigenous species and regrowth, to maintain the native trees and bush and to control the establishment of exotic species. The BRMP shall detail the actions to be undertaken by the property owner to:
 - (i) Set out the processes to protect and enhance the indigenous vegetation in Zone B; and
 - (ii) Set out the processes to establish, protect and enhance indigenous vegetation in Area B1 following harvesting of the exotic trees so as to facilitate the regeneration and / or restoration of indigenous forest cover to assist in minimising the visual impact of buildings on the building platform as viewed

from beyond the site, whilst also providing appropriately for the amenity and usability of the area within the building platform (in terms of levels of enclosure by vegetation, views out and sunlight access in); and

- (iii) Progressively remove all exotic trees within Zone B using methods appropriate for minimising damage to surrounding native species and the timeframe to carry out this work; and*
- (iv) Prevent any future stock damage, in the event that part of the site is converted for grazing.*

12 Prior to commencing any development within the approved building platform, a Pest Management Strategy (PMS) shall be prepared by a suitably qualified person for the entire site and submitted to the Planning Manager for approval. As a minimum, the PMS shall set out the following:

- i. methods and timeframes for managing animal and pest plants within the property to enhance native vegetation cover; and*
- ii. monitoring methods to assess the success of controls put in place to achieve (i) above; and*
- iii. A reporting process to Council that identifies the outcomes of the monitoring and any management recommendations that arise from the monitoring.*

13 The consent holder shall enter into a covenant with the Council to protect the proposed bush regeneration areas identified by the applicant, located within Zones B and B1 of Mike Moore's Figure 8: Development Concept Plan, and existing areas of indigenous vegetation protected in accordance with condition 9 above (located within Zones A1 and A2 of Mike Moore's Figure 8: Development Concept Plan). The covenant shall be prepared at the consent holders expense, and shall be registered on the titles of the subject site before building consent is issued for any new dwelling on the property.

The covenant shall specify the relevant matters of conditions 11 and 12 above.

The covenant is intended to provide for the ongoing legal protection of the regenerating and existing bush areas within the site.

Such a covenant need not be entered into with Council if the consent holder enters into a private covenant with the QEII Trust to the same effect. Any such signed covenant with the QEII Trust shall be provided to Council for its record and approval prior to the issue of building consent for any new dwelling on the property.

Transport

14 The existing vehicle access shall be hard surfaced from the edge of the carriageway of Mount Cargill Road for a length not less than 10.0m, and be adequately drained. Such works shall be constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (available from the DCC Transport Group).

15 The consent holder shall ensure that the vehicle access contains clear sight triangles at all times, being triangles either side of the access, each triangle having as one side the 10-m length of the access centre line and another side being 10 m along the road boundary measured from the centre line of the access. The clear sight triangle shall be on the road side of any gate and visibility shall not be obstructed by fences, structures, vegetation or any barrier above a height of 800 mm.

Review Clause

16 The Dunedin City Council may, serve notice on the Consent Holder of its intention to review, in whole or in part, the conditions of this consent, to deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage. In particular, Council may review the following conditions:

- Condition 11(ii) to ensure the objective of that condition is achieved.*
- Condition 14 (Pest Management Strategy) at 5-year intervals in respect to the effectiveness of the strategy.*
- Condition 17 at any time in relation to the need for additional sight distance to be provided at the vehicle access.*

Advice Notes:

1. In addition to the conditions of resource consent, the Resource Management Act establishes through Sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
2. Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
3. The lapse period specified above may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.
4. It is the responsibility of any party exercising this consent to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.
5. This is resource consent. Please contact the Building Control Office, Development Services, about the need for building consent for the work.
6. Fire-fighting Requirements

All aspects relating to the availability of the water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.

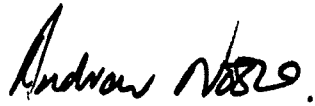
7. Erosion and Sediment Control

The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:

- Environment Canterbury, 2007 "Erosion and Sediment Control Guideline 2007" Report No. R06/23.
 - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).
8. Any effluent disposal shall be to a septic tank and effluent disposal system which is to be designed by an approved septic tank and effluent disposal system designer. Due to the topography of the site, a geotechnical engineer may need to be consulted to provide an on-site effluent disposal assessment.

The Otago Regional Council (ORC) require consent for a septic tank where a disposal field will be located within 50 metres from any surface water body (Regional Plan: Water – rule 12.A.1.4). It is recommended that the applicant consults with the ORC as to whether consent is required.

Issued at Dunedin this 24th day of August 2017

A handwritten signature in black ink, appearing to read 'Andrew Noone'.

Andrew Noone
Chair, Hearings Committee

Appendix 1: Copy of Approved Plan for LUC-2017-98
(Scanned image, not to scale)

Development Concept Plan July 2017 – (as amended in conjunction with applicants reply)



Figure 8 : Development Concept Plan, 533 Mt Cargill Road
 Scale 1:2000 (A3)