

**Before a Hearings Committee
appointed by the Dunedin City Council**

Under

the Resource Management Act
1991

And

In the Matter of

an application under section 88 of
the Act by Cargill Contracting
Limited for the establishment,
including associated earthworks,
and use of a contractors yard and a
building yard

**Statement of Evidence of James
Frederick Murray White for Cargill
Contracting Limited**

Dated: 22 May 2019

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INTRODUCTION

1. My name is James Frederick Murray White, and I work as Planning and Projects Leader at Survey Waitaki in Oamaru. I hold a Master of Planning degree from the University of Otago. I have previously worked as a Planner for 5 years at the Waitaki District Council, run my own Planning consultancy business, and most recently worked as an Education and Liaison Officer at the Otago Regional Council for 4 years providing advice regarding ORC's Plans and Policies to the people and businesses of Otago before relocating to Survey Waitaki.
2. I prepared the application on behalf of the applicant, Cargill Contracting Ltd.
3. Prior to preparing this evidence, I reviewed Mr Henderson's S42A report, the Council officer comments, submissions and relevant planning instruments.
4. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses and, while this is not an Environment Court hearing, I agree to comply with the Code. I confirm I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

SCOPE OF EVIDENCE

5. My evidence is structured as follows:
 - (a) description of the site and the applicant's proposal;
 - (b) rules assessment;
 - (c) assessment of effects;
 - (d) objectives and policies of the Operative District Plan (**ODP**);
 - (e) objectives and policies of the Proposed Second Generation District Plan (**2GP**);
 - (f) section 104 assessment;

- (g) Part 2 assessment; and
 - (h) conclusion.
6. Attached to my evidence as **Appendix 1** are recommended conditions of consent. These have been updated since lodgement of the application in response to matters raised by the Council, NZTA and Kāti Huirapa Rūnaki ki Puketeraki.

THE SITE AND THE PROPOSAL

7. The application seeks to establish (including associated earthworks) and use a contractors yard (including ancillary retail sales) and a builders yard (constructing relocatable buildings) on the applicant's land accessed from King Street in Evansdale. The proposal is described in detail both the application and the S42A report. The key aspects are:
- (a) The applicant proposes to undertake earthworks and place clean fill to create a flat and level site approximately 1m high above the existing ground level and 1.15ha in area. Particular care will be taken to buffer the site from the nearby Careys Creek, including being set back from the creek and rock reinforcing. An earth bund will be created and planted around the perimeter of the site to visually screen the site from most views.
 - (b) The site will be hardsurfaced with gravel and will be developed to provide workable space for Cargill Contracting Ltd's daily operations, ancillary sales of bulk materials and a builder's yard constructing small relocatable buildings of a limited quantity.
 - (c) A 12mDx14.4mWx3.9mH building will be constructed and be used as a workshop, cloak room, ablutions area and smoko room. A further small site office will be used as part of the builders yard.
 - (d) Other notable features of the yard will be designated car and truck parks, storage areas for bulk materials and building materials, and stormwater filtration ponds.
 - (e) The ancillary retail sales will entail the storage and public sale of a limited range of bulk rural-use materials such as: fencing materials, gravels, rock, aggregates, bark and chipped wood, pipes, culverts,

head walls, sumps, water troughs and tanks, and other such bulk materials useful to the rural area of Blueskin Bay as demand dictates.

- (f) Hours of construction will be between 6am to 8pm Monday to Saturday and 10am to 2pm Sunday (with limits on noisy activities to align with the relevant New Zealand Standard). Hours of operation will be between 6am to 8pm Monday to Saturday and 10am to 2pm Sunday (contractors yard) and 7am to 5.30pm Monday to Saturday (builders yard), with limits on noisy activities to align with the relevant District Plan limits.
 - (g) Many of the proposed activities are rural activities, or will support rural activities in the Blueskin Bay area and Eastern Otago. As explained in the application, approximately 60% of the applicant's business is undertaken in and around the local Blueskin Bay area, 30% of its operations are also undertaken in rural areas across the wider Otago region, and 20% are undertaken in urban environments.
8. For clarification, I confirm that the proposed retail sales will be ancillary to the contractors yard, rather than being a standalone retailing business.
 9. The applicant's land is legally described as Lot 1 DP 452251, with the whole landholding being 4.1ha in area and is largely flat. The property is effectively split in two by the incised Careys Creek running approximately through the middle of the site (from west to east). The property has been used for small-scale grazing, and is covered in exotic grass, with no indigenous flora present.
 10. The southern end of the property (the subject of this application) has had a quantity of fill placed on it that has raised the ground level by approximately 1.2m. The remainder of the southern end is low-lying, boggy, prone to ponding and pugging and is effectively landlocked from other rural land due to the creek to the north, a high railway embankment to the east, neighbouring land uses and the State highway (**SH 1**) to the west, and King Street to the south.
 11. The land is currently zoned Rural in the Operative District Plan (**ODP**) on Planning Map 12. Under the current Plan the broader property is subject to

Indigenous Vegetation and Fauna, and High Class Soils overlays – although the site subject to this application is entirely outside the High Class Soils area. Around the site, the area to the south is zoned Residential 5, the area to the north is zoned Rural.

12. The land is proposed to be zoned Rural Coastal in the Proposed Second Generation District Plan (**2GP**), with a Wāhi tūpuna overlay, and Natural Coastal Character overlay. Parts of the site are also subject to Hazard 1 – Flood, Hazard 2 – Flood, and Hazard 3 Coastal. Around the site, the area to the south is zoned Township and Settlement. Parts of the land to the west and further south are zoned Rural Residential 2.
13. While zoned Rural, the quality and character of the rural environment surrounding the site is low compared to other rural environments in Otago. The site is not dominated by pastoral farming, nor does it have a low density of development and a sense of openness. The land immediately to the west has had considerable business association over time, with the remnants of many past businesses still obvious alongside SH 1. Past uses of the site to the south-west include a service station dating back to the 1960's. Uses of the Braestone Ltd site (adjacent Lot 2 DP 27816) include a service station, grocery store, tea-rooms, café and bar, and show home retailing. A recent non-notified resource consent (LUC-2016-502) was granted by the Council to allow a licenced café operation and a brewery on the site. At the time of my last site visit, a number of 40ft shipping containers were also being stored on the Braestone Ltd land.
14. The area is located near a major intersection where Coast Road turns off SH 1 towards Warrington, and is also at the bottom of a major hill section of SH 1. Due to its location, the area is also used by road maintenance companies for stock piling aggregate, as well as truck stops and other traffic-related activities. To the south of the site on land currently zoned Residential 5 is a firewood and timber milling operation (proposed to become Township and Settlement Zone in 2GP). The Main Trunk Railway is immediately to the east and sits on top of a high man-made embankment. Further to the north, across Coast Road and beyond, are bigger land holdings that are more traditionally rural in character.

RULES ASSESSMENT

15. The proposal requires consent under the ODP for the following reasons:
16. As explained above, the land is zoned Rural in the ODP on Planning Map 12. Under the Plan the land is subject to Indigenous Vegetation and Fauna, and High Class Soils overlay.
17. The proposed activities are captured by the following definitions in the ODP:

Rural Contractors yard definition(s):

Service Activity - means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods, the hire of commercial and industrial equipment and machinery, and includes offices and staff facilities which are accessory to the primary activity on the site.

18. *Commercial Activity - means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or service and includes any Commercial Office or restaurant, and excludes service stations.*

Building construction yard definition(s):

Construction Work - means any work in connection with the construction, erection, installation, carrying out repair, maintenance, cleaning, painting, renewal, alteration, dismantling or demolition of:

- *any building, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above or below ground;*
- *any road, motorway, harbour works, railway, cableway, tramway, canal or aerodrome;*
- *any drainage, irrigation or river control work;*
- *any electricity, water, gas, telephone or telegraph reticulation;*
- *any bridge, viaduct, dam, reservoir, earthworks, pipeline, aqueduct, culvert, drive, shaft, tunnel or reclamation;*

- *any scaffolding;*
- *and includes any work in connection with any excavation, site preparation or preparatory work carried out for the purpose of any construction work; and also includes use of any plant, tools, gear or materials for the purpose of any construction work.*

Industrial Activity - means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing or associated storage of goods, and includes offices and staff facilities which are ancillary to the primary activity on the site.

19. Rule 6.5.7(ii) Non-Complying Activities states that any activity not specifically identified as permitted, controlled, discretionary or prohibited by the rules in the Rural zone or in the rules of Sections 17 to 22 of the ODP is non-complying.
20. Neither of the two proposed activities are specifically identified as permitted, controlled, discretionary or prohibited by the rules in the Rural zone or in the rules of Sections 17 to 22 of the Plan, therefore both activities require a Non-Complying Activity Resource Consent under the ODP.
21. The volume and scale of the proposed earthworks means the proposal cannot comply with either Rule 17.7.3(ii) Scale Thresholds or Rule 17.7.4(iii) in the Plan. Therefore, the earthworks fall to be considered under Rule 17.7.5(iii) and require a Discretionary Activity (Restricted) Resource Consent.
22. Overall, the activity is Non-Complying under the ODP.
23. The application was first lodged with the Council on 6 November 2018. On 5 March 2019 an updated application was provided to the Council. The updated application did not make any changes to the proposed activity. In the intervening period one party who had originally given written approval withdraw that approval. The updated application addressed the effects of the proposal on that party. In the intervening period, on 7 November 2018, the Council released its decisions on the 2GP.

24. Out of an abundance of caution, if the 5 March 2019 version is treated as a new application, the applicant also seeks resource consent under the 2GP rules that had legal effect as of 7 November 2018.
25. As explained above, the land is proposed to be zoned Rural Coastal in the Second-Generation District Plan, with a Wāhi tūpuna overlay, and Natural Coastal Character overlay. Parts of the site are also subject to Hazard 1 – Flood, Hazard 2 – Flood, and Hazard 3 Coastal.
26. In my opinion the proposal does not sit comfortably within one 2GP definition. In paragraph 20 of the s42A report, Mr Henderson records his understanding of the definition of a Rural Contractors' yard as being a 'site that supports rural based activities'. I note that the proposal does support rural based activities to a large extent, as explained above. In my view the proposal is finely balanced between wholly meeting the definition of a Rural Contractor and Transport depot (provided for in the Rural zone as a discretionary activity) and partially being considered as an Industrial Activity due to some non-rural components.
27. Equally, the retail aspect of the proposal involves ancillary sales that are directly related to the rural contracting business, rather than being a standalone retailing business.
28. I agree with Mr Henderson's assessment that the builders construction yard component should be defined as an industrial activity and therefore is a non-complying activity. That activity status applies to the proposal overall under the 2GP and the application requires resource consent as a non-complying activity pursuant to Rule 16.3.3(46) of the 2GP.
29. The application also requires a restricted discretionary activity resource consent for earthworks under Rule 8A.5.1.2 (and 8A.5.1.4(iil) and 8A.5.1.5) of the 2GP.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

30. I provided a full assessment of the effects of the proposal in the application. I generally agree with the assessment of effects in the S42A report and the conclusion that, with appropriate conditions put in place, there will be no adverse effects that are more than minor. In this part of my evidence I briefly set out my conclusions on effects and address several

matters raised in Mr Henderson's report which require clarification or further response.

31. The applicant has obtained the written approval of most of the surrounding landowners and landowners from a wider area – aside from Braestone Ltd, the owner of 1870 Waikouaiti-Waitati Road. The application contains details of the background to the withdrawal of Braestone Ltd's initial written approval.
32. The applicant has also obtained the written approval of the following parties:
 - (a) Kāti Huirapa Rūnaka ki Puketeraki.
 - (b) New Zealand Transport Agency (NZTA).
33. Section 104(3) of the Act states that the Council must disregard any effects on a person who has given written approval to the application.
34. Consideration also needs to be given to development on the land that is currently authorised or allowed as of right. The application of the 'permitted baseline test' is at the Council's discretion and allows the effects of a proposal to be compared to permitted activities that could be carried out on the site without a resource consent.
35. There are currently no resource consents held against the land; however a range of activities are permitted on the land and provided for in the ODP and 2GP, subject to compliance with the permitted activity conditions. In my view the permitted baseline is relevant to this application.
36. Under the ODP and 2GP, activities that are provided for in the Rural (and Rural Coastal) zone include farming, forestry, recreational activity, mineral prospecting and mineral exploration, rural processing activities, and accessory buildings for permitted activities. The Rural Zone description in the ODP notes that: *"As well as primary activities based on livestock, horticulture and forestry, various other activities are associated with the use of the resources of the rural area. These activities include rural processing industries, factory farming, mining, recreation, tourism ventures and horse training and breeding. Rural processing industries include*

sawmills and dag crushing operations, whereas with respect to factory farming there are a number of piggeries and poultry farms”.

37. Each of the activities above, and all the effects that are associated with these activities may be undertaken as-of-right on the site now. Effects from these activities can include dust, noise, odour, fumes, lighting, visual, and amenity effects. Notwithstanding, this sets the permitted baseline and any effects the same or similar in scale to the permitted effects may be discounted by the Council. For example, the effects resulting from a sawmilling operation on the site, within the permitted activity limits, could amount to actual and potential effects on the neighbour’s rural amenity, including noise, dust, odour and visual effects. The ODP and 2GP allow these effects now, and many other such effects in these zones.
38. The ODP is reasonably permissive in terms of non-residential building developments in the Rural Zone. The ODP specifies a 10-metre height limit for buildings, a 20 metre setback from road boundaries, and a 6m setback from internal boundaries. Furthermore, aside from residential dwellings (1 per 15ha), there is no restriction on the number of buildings on any given property, and there are no controls imposed over building design, colour, cladding, or landscaping. These potential buildings also constitute the baseline of what is permitted in the Rural Zone under the ODP.

Positive Effects

39. The positive effects are an important consideration for the overall assessment of the proposal.
40. In particular, economic effects can be a relevant consideration for resource consent applications and the definition of environment in section 2 of the Act includes the economic conditions which affect people and communities.
41. The proposal will positively contribute to the Blueskin Bay community and Otago Regional economy through the provision of:
 - More sustainable energy efficiency and economic viability for the local community due to not having to travel far for employment, supplies and services.

- Providing efficient and affordable services and materials to the surrounding rural community (contracting, landscaping, and building).
 - Continued employment of more than 22 people in the Blueskin Bay area and the positive flow-on effects for their families and the community.
 - Enabling the provision of eco-friendly and sustainable buildings.
 - The productive use of low-quality rural land, which would be difficult to use for traditional agricultural purposes.
42. Another significant positive effect is the establishment of native vegetation on the land where there is currently none. This is shown on the planting plan attached to the application.

Landscape

43. The visual effects from the proposed buildings, earthworks and activities on the site will largely be internalised by the characteristics of the site and the proposed bunding and landscaping, with both the buildings and earthworks able to be visually integrated into the surrounding landscape. On this basis, the adverse visual and landscape effects of the proposal will be less than minor. This is addressed in detail at paragraphs 78-88 of the application. The proposed planting will contribute positively to views of the site from various locations.
44. The application contains a landscape plan, which is recommended to be referenced in the conditions of consent at **Appendix 1**.

Natural Coastal Character

45. I consider that the proposal meets the intent of the Rural Coastal and Natural Coastal Character area provisions contained within the 2GP. These provisions largely relate to proposed buildings on sites, in this case, the limited buildings (and their design) will serve to preserve the natural character values of the area. This is addressed at paragraphs 89-100 of the application.

Ecology

46. I consider that the proposal will not have any adverse effects on indigenous vegetation and fauna, because there is none currently present on the land. Positive effects will occur due to the proposed native planting around the site perimeter.
47. I note that the proposal has also taken a preventative approach to any potential impacts on the ecology of Carey Creek and Blueskin Bay by providing a setback from the bank of the creek and incorporating rock reinforcing of the toe of the fill area. The applicant will implement the accepted industry standards for the control of stormwater and sediment and continue to monitor the effectiveness of these measures.

Cultural Effects

48. Written approval was given by Kāti Huirapa Rūnaka ki Puketeraki, the kaitiaki Rūnanga whose takiwa includes the site the application relates to.
49. The conditions of consent requested by the Rūnanga have been included in **Appendix 1**.
50. It is my opinion that, with the recommended conditions in place, any potential adverse effects on cultural matters will be less than minor as a result of the proposal.

Noise

51. While there will be some noise effects associated with the proposal, there will be limited noise effects beyond the boundaries of the site, due to the site characteristics and proposed bunding and planting, and certainly no significant noise effects resulting from the proposed activities beyond the boundaries of those properties that have provided their written approval to the application. In my view these noise effects will be less than minor. This is addressed in detail at paragraphs 65-69 of the application.
52. Turning to potential noise effects on the submitter Braestone Ltd, it is my view that any potential noise effects will be no more than minor for the reasons presented in the application, being largely the distance to the submitter's operations and the bunding and planting in between.

53. The S42A report recommends reducing the hours of operation to ensure noise limits are not breached. The application did not seek to breach the noise limits on the basis that they would be complied with due to the distance between the subject site and nearby land uses and the proposed bunding and planting. Should the Committee consider reduced hours of operation to be appropriate, my view is that the appropriate mechanism would be a condition limiting the use of high noise-generating activities to the ODP's daytime noise hours (7am to 7pm) and allowing the quiet use of the site outside of those hours (as applied for in the application). This is set out in the conditions in **Appendix 1**.

Effects on Amenity Values

54. The quality of the rural amenity and character of the environment surrounding the site is low compared to other rural environments in Otago. The site is not dominated by pastoral farming, nor does it have a low density of development and a sense of openness. The immediate site and surrounds are not enhanced by ecological, landscape and recreation values arising from the natural resources of the rural area (unless the scope of these considerations is widened to include the surrounding hillsides). The reasons for the low quality of rural amenity and character in the area essentially arise from the presence of SH 1, the rail corridor (and large embankment), the location near a major junction of road networks, historical and existing commercial and industrial developments in the area, low-lying land on a flood plain, and proximity to the coast and tidal influence.
55. The proposal is for activities that will largely be compatible with, and support the rural zone in Blueskin Bay; and combined with the existing rural environment in the area, it is my view that the proposal will have less than minor adverse effects on rural amenity.
56. In particular there will be no more than minor effects on the rural amenity experienced by the submitter Braestone Ltd. This is addressed at paragraphs 63-64 of the application. The submitter's site has a long history of commercial development that has not relied on, or been related to, the surrounding rural amenity. The current operations, as well as previous businesses, have been front-facing SH 1 or Coast Road, and the afternoon sun. There are no publicly accessible views towards the subject site from

buildings on the submitter's property and once planting establishes activities on the site will not be visible at all.

Intensity of Operation

57. I consider that the effects resulting from the intensity of the proposal will be no more than minor due to the nature of the site, distance from nearby properties, and the actual activities that are proposed.
58. I note that one of the recommended conditions of consent would allow the Council to review the condition relating to noise in the event that the proximity of the truck parking next to the boundary, or other noise effects, were more than anticipated or predicted.

Transportation

59. Written approval to the application was given by NZTA. NZTA stated that it had '*no particular concern, except to ensure that the existing access on the State highway is permanently and physically closed*'. The conditions of consent recommended by NZTA are included in the proposed conditions. In addition, the applicant has obtained the written approval of most of the surrounding landowners (aside from Braestone Ltd) – therefore any adverse traffic effects on these parties can be disregarded.
60. As explained in the application at paragraphs 102-112, the combined level of traffic generation from all aspects of the proposal is well within anticipated levels for the surrounding road network. As such, with the recommended conditions of consent in place, there will be no more than minor adverse transportation effects.
61. In regard to the small parcel of land between the applicant's site and King Street (Paragraph 72 of the S42A report), the applicant is seeking to resolve this via a separate process via the Land Transfer Act and the Public Trust. One of the recommended conditions of consent specifies that the consent is not able to be given effect to until legal access is obtained.

Infrastructure

62. The details of the servicing aspects of the proposal are most practicably dealt with at the time of building consent, following the resource consent process. Given the site can be serviced practically (subject to conditions), I

consider that any potential adverse effects will be no more than minor in regard to infrastructure.

Signage

63. For the reasons provided in the application, it is my opinion that there will no more than minor adverse effects arising from the proposed sign on the site.
64. A condition is recommended requiring the final design and layout of the sign be subject to Council approval to ensure it is appropriately located.

Hazards/Earthworks

65. I consider that the actual and potential adverse effects of the proposed earthworks on the environment, and any potential hazard effects will be no more than minor, given the proposed mitigation measures and appropriate conditions of consent. This is addressed in detail at paragraphs 126-181 of the application.
66. The conditions recommended by Stantec (on the Council's behalf) regarding the batter slopes and submitting appropriate engineering design for both cut and fill and stormwater management are included in **Appendix 1**.

Sustainability

67. The S42A report refers to the Sustainability section of the ODP when considering the effects of the proposal. Specifically, it refers to the 'Principal Reasons for Adopting Policies' in the Sustainability section of the ODP. In full that section reads:

The policies seek to protect amenity and separate activities with incompatible effects from each other. The objectives relating to amenity are also implemented by the objectives, policies and rules of the spatial zones.

The policies recognise that the best means of ensuring that the effects of activities are avoided, remedied or mitigated is to adopt a zoning approach where activities with similar effect can be provided for in a particular area. It is also recognised that new activities not provided for, or of which the effects are unknown, must be assessed on a case by case basis.

Access to resources is an important issue for the community. The policies provide for this while ensuring any adverse effects of such access are avoided, remedied or mitigated. The policies also provide for the natural and physical resources of the City to be managed in a

sustainable manner in order that they may provide for future generations.

68. In paragraph 42 of the S42A report Mr Henderson states that there is a 'clear distinction' between the residential zone to the south and the rural zone to the north. In my view, the character of the subject site and surrounding area is already substantially 'blurred' due to historic and existing land uses in the vicinity. In my view, once the landscaping around the proposed site is established, the proposed activities will sit appropriately and comfortably in their location.
69. In my view the proposal is aligned with the Sustainability section of the ODP as the proposal can be viewed as a new activity where it is appropriate to assess it on its merit (case by case basis). The proposal will allow the rural community of Blueskin Bay to have access to resources (employment, materials, services) in a sustainable way, while at the same time the adverse effects will be appropriately avoided, remedied or mitigated.

Summary of Effects

70. Overall, my assessment (which aligns with that of Mr Henderson) is that, with appropriate conditions in place, there will be no adverse effects that are more than minor resulting from the proposal.
71. This means that the proposal passes the 'effects' threshold test under section 104D of the Act.

ASSESSMENT OF OBJECTIVES AND POLICIES OF THE OPERATIVE DISTRICT PLAN

72. I agree with the identification of the relevant ODP objectives and policies in the S42A report. These provisions are assessed in the application. That assessment is summarised and expanded on, in response to the S42A report below.
73. In the Sustainability section, Objective 4.2.1 states "*Enhance the amenity values of Dunedin*". Underlying Policy 4.3.1 states "*Maintain and enhance amenity values*". I consider the proposal to be consistent with these objectives and policies because the effects of the proposal will be no more than minor – including the effects on amenity. The proposed landscaping

and planting will also enhance current levels of amenity. I note that the S42A report also concludes that the proposal is not contrary to these provisions.

74. Objective 4.2.3 states “*Sustainably manage infrastructure*” while Policy 4.3.5 states “*Require the provision of infrastructure services at an appropriate standards*”. I consider the proposal to be consistent with these objectives and policies because the site can be serviced practically (subject to conditions) and the potential adverse effects will be no more than minor in regard to infrastructure.
75. Objective 4.2.5 states “*Provide a comprehensive planning framework to manage the effects of use and development of resources*”. The S42A report addresses this objective and I agree with Mr Henderson where he states that the structure of the Plan allows for applications to be made for non-complying activities. I consider the proposal to be consistent with this objective.
76. Policy 4.3.7 states “*Use zoning to provide for uses and developments which are compatible within identified areas*”. Policy 4.3.8 states “*Avoid the indiscriminate mixing of incompatible uses and developments*”. Policy 4.3.10 states “*Adopt an holistic approach in assessing the effects of the use and development of natural and physical resources.*” I consider the proposal to be consistent with these policies as the proposal is appropriate for the zone due to its strong rural linkages and no more than minor adverse effects. The proposal will serve to support the rural community of Blueskin Bay.
77. Turning to the Rural Section, Objective 6.2.2 states “*Maintain and enhance the amenity values associated with the character of the rural area.*” I consider the proposal to be consistent with this objective. Elements of rural character include (but are not limited to):
 - A predominance of natural features over human made features.
 - High ration of open space relative to the built environment,
 - Significant areas of vegetation in pasture, crops, forestry and indigenous vegetation,

- Presence of large numbers of animals,
- Noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes,
- Low population densities relative to urban areas,
- Generally unsealed roads,
- Absence of urban infrastructure.

78. The site does not naturally exhibit any of the above listed attributes. The site lends itself to activities as proposed due to the already highly modified state of the site and surrounding environment (railway, SH 1, absence of native vegetation, relatively densely built environment, existing and consented non-rural activities). Following development of the site and establishment of the native vegetation surrounding the site, there will be an improvement in terms of indigenous vegetation and the overall rural character. The effects assessment has also concluded that any potential adverse effects on rural amenity will be no more than minor.
79. Objective 6.2.4 states “*Ensure that development in the rural area takes place in a way which provides for the sustainable management of roading and other public infrastructure.*” Given appropriate conditions of consent and subsequent site works, along with NZTA’s position on the application and the benefits that will result from the location of the activity within the community it is intended to serve, I consider the proposal is consistent with this objective.
80. Objective 6.2.5 states “*Avoid or minimise conflict between different land use activities in the rural areas.*” I consider the proposal to be consistent with these policies as the proposal will not result in any conflicts between other rural uses in the area.
81. Policy 6.3.1 states “*Provide for activities based on the productive use of rural land.*” The land is not currently used for productive purposes and is unlikely to ever support traditional rural productive uses – yet the proposal will enable productive use of other land in the Blueskin Bay area as well as being a productive use of the site. I therefore consider the proposal is consistent with this policy.

82. Policy 6.3.2 states “*Sustain the productive capacity of the Rural Zone by controlling the adverse effects of activities.*” I consider that the proposal is consistent with this policy as the proposal will result in a productive use of the land where there is currently none. The small area of land that will be used is poor quality production land.
83. Policy 6.3.6 states “*Avoid, remedy or mitigate the adverse effects of buildings, structures and vegetation on the amenity of adjoining properties*”. I consider the proposal to be consistent with this policy due to the appropriately sited buildings, already low-lying unobtrusive characteristics of the site, and the proposed landscaping. The proposal will not adversely affect the openness and visual amenity of the rural environment from neighbouring and publicly accessible viewpoints.
84. Policy 6.3.8 states “*Ensure development in the Rural and Rural Residential zones promotes the sustainable management of public services and infrastructure and the safety and efficiency of the roading network*”. I consider the proposal to be consistent with this policy as no adverse effects relating to infrastructure or roading have been identified provided appropriate conditions of consent are implemented.
85. Policy 6.3.10 states “*Protect area that contain ‘high class soils’ as shown on District Plan Maps 75,76 and 77, in a way which sustains the productive capacity of the land*”. I consider the proposal to be consistent with this policy as the subject site is part of a larger parcel of land that does contain some high class soils; however the proposal is to not undertake the activities within the High Class Soils area.
86. Policy 6.3.11 states “*Provide for the establishment of activities that are appropriate in the Rural Zone if their adverse effects can be avoided, remedied or mitigated*”. The explanation to Policy 6.3.11 identifies that activities associated with the mineral resources of the area may be more appropriate in the Rural Zone than in urban areas and recognises that these activities may make an important contribution to rural communities. Both the contractor’s yard and the builder’s yard are appropriate land uses given the unique characteristics of the rural site (while avoiding, remedying, and mitigating any adverse effects) and both activities make an important contribution to the rural communities. A large percentage of the work to be carried out from the site is rurally based and is supportive of the rural

economy – particularly the unique rural economy of Blueskin Bay. The contractors yard and building yard are businesses both servicing and reliant on the rural zone resources. I therefore consider that the proposal is consistent with this policy.

87. Policy 6.3.12 states “*Avoid or minimise conflict between differing land uses which may adversely affect rural amenity, the ability of rural land to be used for productive purposes, or the viability of productive rural activities*”. I consider the proposal to be consistent with this policy as the proposal will not result in any of these effects to a more than minor degree, for the reasons stated above in my evidence.
88. Turning to the Transportation Section, Objective 20.2.2 states “*Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network*”; while Objective 20.2.4 states “*Maintain and enhance a safe, efficient and effective transportation network*”. Underlying Policy 20.4.3 states “*Ensure traffic generating activities do not adversely affect the safe, efficient and effective operation of the roading network*”. Policy 20.3.4 states “*Ensure traffic generating activities do not adversely affect the safe, efficient and effective operation of the roading network*”. Policy 20.3.5 states “*Ensure safe standards for vehicle access*”. Lastly, Policy 20.3.8 states “*Provide for the safe interaction of pedestrians and vehicles*”. I consider the proposal to be consistent with these objectives and policies as both NZTA and the Council Transportation experts have assessed the application and found that any potential adverse effects will be no more than minor (subject to appropriate conditions).
89. In regards to key applicable objectives and policies in the Environmental Issues section, Objective 21.2.2 states “*Ensure that noise associated with the development of resources and the carrying out of activities does not affect public health and amenity values*”. Underlying Policy 21.3.3 states “*Protect people and communities from noise and glare which could impact upon health, safety and amenity*”. I consider the proposal to be consistent with these objectives and policies as the potential adverse effects of these matters will be no more than minor. Any effects can be effectively managed via conditions of consent and ongoing monitoring.

90. Turning to the Signs section, Objective 19.2.1 states “*Avoid, remedy or mitigate the adverse effects of signs on amenity values*”; while Objective 19.2.2 states “*Ensure that signs do not adversely affect the safe and efficient functioning of the road network*”. Objective 19.2.4 states “*Promote the efficient use of signs by managing the adverse effects of visual clutter*”. Underlying these objectives, Policy 19.3.1 states “*Ensure that signs do not detract from the amenity values of the area in which they are located and the amenity values of areas where they are visible*”. Policy 19.3.2 states “*Control the design, location, size and number of signs erected at any given location to avoid, remedy or mitigate any adverse effects*”. Policy 19.3.4 states “*Promote simplicity and clarity in the form of the sign and the message the sign conveys*”. Overall, I consider the proposal to be consistent with these objectives and policies because signage will be wholly within the site boundaries and will be designed in a way that is simple, does not affect the road network, and does not create amenity effects.
91. In summary, based on my assessment above, I maintain that there is considerable support from the relevant objectives and policies within the ODP and conclude that the proposal is consistent with the key provisions applying to its assessment.

ASSESSMENT OF OBJECTIVES AND POLICIES OF THE PROPOSED DISTRICT PLAN

92. I generally agree with the identification of the relevant 2GP objectives and policies in the S42A report. Below I assess those provisions and respond to some aspects of the assessment in the S42A report. I note that the weight to be afforded to the provisions of the ODP and 2GP is a matter for the Committee as decision-makers. Given that the 2GP is still subject to appeal processes, this may limit the amount of weight that should properly be placed on it in the context of this application.
93. Objective 2.3.1 states “*Land and facilities important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities; and productive rural land are:*

a. Protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity...”.

94. I consider the proposal to be consistent with this objective because the land is not currently supporting productive rural use and is unlikely to in the future given its particular characteristics. The proposal will be important for economic productivity and social well-being in the Blueskin Bay area.

95. Policy 2.3.1.2 states “*Maintain or enhance the productivity of farming and other activities that support the rural economy through:*

b. rules that provide for rural industry and other activities that support the rural economy...

h. rules that restrict commercial and community activities in the rural zones to those activities that need a rural location or support rural activities.”

96. I consider the proposal to be consistent with this policy as the proposal is for activities that both need and support the unique rural economy of Blueskin Bay.

97. Objective 16.2.1 states “*Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.*” I consider the proposal to be consistent with this objective as the proposal is for activities that both need and support the unique rural economy of Blueskin Bay. The application addressed this comprehensively (paragraphs 202-234), describing the estimated percentage split of CCL’s activities across Otago and the majority (60%) is rural work in and around Blueskin Bay and the uniqueness of the rural character of Blueskin Bay. Further, there are considerable cost and energy use implications for these rural communities as well as the businesses subject to this application. As an example, it is approximately a 50km round trip from South Dunedin (as an alternative location) to Evansdale, negotiating not just the steep Dunedin Northern Motorway but also Dunedin City itself, and would take a considerable amount of time and energy for each individual movement – be it staff travel, service vehicle or customer transaction. I consider that

these businesses not only need the rural location proposed, but they also support the rural activities in the vicinity to be productive.

98. Further, the land subject to this application is not suitable to traditional rural uses. While I am not an expert soil scientist or agronomist, I lean heavily on my experiences and knowledge gained with the Otago Regional Council across the Region of Otago, and understand that the land is small in area, boggy, marshy, prone to ponding and pugging, effectively landlocked, contains no known native flora and fauna, and in my view is not productive in the traditional sense. However, the land is suited to enabling productive rural uses elsewhere in the Blueskin Bay and Eastern Otago area by providing for services and materials that support these activities either directly (machinery, gravel for tracks, fencing materials, culverts) or indirectly (employment, transport infrastructure, community services, housing).
99. Policy 16.2.1.3 states “*Provide for rural activities, veterinary services, rural industry, rural contractor and transport depots, community activities, emergency services, cemeteries and crematoriums in the rural zones where the effects will be adequately managed in line with objectives 16.2.2 and 16.2.3, 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.*” I consider that this policy is relevant to the extent that the proposed activity can substantially meet the definition of a rural contractor and transport depot – and is therefore substantially provided for in the rural zone (as a discretionary activity) where the effects can be adequately managed. I therefore consider the proposal to be consistent with this policy.
100. Policy 16.2.1.8 states “*Avoid supported living facilities, commercial activities, industrial activities, and major facility activities, unless otherwise provided for, in the rural zones.*” In my view, for the reasons set out above and for the detailed reasons given in paragraphs 202-236 of the application (the unique character of Blueskin Bay rural area, strong rural elements to the proposal, appropriate scale and intensity, and no viable alternatives), the application is not contrary to this policy.
101. Objective 16.2.2 states “*The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:*

- a. *the potential for reverse sensitivity in the rural zones is minimised;*
- b. *the residential character and amenity of adjoining residential zones is maintained; and*
- c. *a reasonable level of amenity for residential activities in the rural zones.”*

102. I consider the proposal to be consistent with this policy as the effects can be adequately managed such that they will be no more than minor and the proposal will not give rise to reverse sensitivity effects. In this regard I agree with the conclusion set out in the S42A report regarding this policy.
103. Policy 16.2.2.3 states “*Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.*” I consider the proposal to be consistent with this policy as the buildings are appropriately located and are small in bulk and number. They will not have adverse amenity effects on adjoining sites.
104. Policy 16.2.2.5 states “*Only allow rural tourism - large scale, rural research - large scale (outside the Invermay Farm mapped area), rural contractor and transport depots - large scale, community and leisure - large scale, sport and recreation, veterinary services, visitor accommodation, cemeteries, crematoriums, intensive farming, domestic animal boarding and breeding (including dogs), rural industry, mining, service stations, or landfills where adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated.*” And, further, Policy 16.2.3.5 states “*Only allow intensive farming, rural tourism - large scale, rural industry, rural research - large scale (outside the Invermay Farm mapped area), rural contractor and transport depots - large scale, mining and landfills where adverse effects from large scale development on rural character and visual amenity will be avoided or minimised as far as practicable.*” I consider that these policies are relevant to the application. They provide an indication of the types of activities and the corresponding effects that could establish in the area. Many of these effects are the same or similar in nature to what will or may result from the proposal.

105. I consider Policies 16.2.2.5 and 16.2.3.5 are relevant to the extent that the proposed activity can substantially meet the definition of a rural contractor and transport depot – and is therefore substantially provided for in the rural zone (as a discretionary activity) where the effects can be adequately managed. Because of this, I also consider that a comparison is relevant when considering the effects (both on the environment and the Plans' Objectives and Policies) of the application versus those of rural industry, mining, and intensive farming operations where the effects can be adequately managed.
106. The applicant's ancillary retailing has already been discussed above as suiting the operation of the rural contractor's yard and the scale and intensity is of a nature such that it will blend in to the overall yard operations.
107. The building yard activity is at the lower end of industrial activity in terms of the actual and potential effects of some (if not most) industrial activities. The proposed operator is a small company, proposing to produce a small number of relocatable buildings at the rear of a rural contracting and transport yard. For all intents and purposes, it will also blend in with the applicant's operation and will almost be indistinguishable from the overall site operations. The building yard activity, in my view, is not far removed from the scale and effects of a small 'sawmill' or 'timber treatment plant' or a 'firewood operation'.
108. For the reason that the proposal is well within the scale and intensity of the anticipated activities in the rural zone and the effects are the same or similar and will be no more than minor, I consider that the proposal is not contrary to Policies 16.2.2.5 and 16.2.3.5 in the 2GP.
109. Objective 16.2.3 states "*The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:*
- a. a predominance of natural features over human made features;*
 - b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;*
 - c. buildings that are rural in nature, scale and design, such as barns and sheds;*

- d. *a low density of residential activity, which is associated with rural activities;*
- e. *a high proportion of land containing farmed animals, pasture, crops, and forestry;*
- f. *extensive areas of indigenous vegetation and habitats for indigenous fauna; and*
- g. *other elements as described in the character descriptions of each rural zone located in Appendix A7."*

I consider the proposal to be consistent with this policy as the site does not naturally exhibit any of the listed attributes. The site lends itself to activities such as that proposed due to the already highly modified state of the site and surrounding environment (railway, SH 1, absence of native vegetation, relatively densely built environment, existing and consented non-rural activities). Following development of the site and establishment of the native vegetation surrounding the site, there will be an improvement in terms of indigenous vegetation, buildings and the overall rural character. The effects assessment has also concluded that any potential adverse effects on rural amenity will be no more than minor. I consider that the proposal is not contrary to this objective.

- 110. Policy 16.2.3.1 states "*Require buildings and structures to be set back from site boundaries and of a height that maintains the rural character values and visual amenity of the rural zones.*" I consider the proposal to be consistent with this policy as the proposed buildings and their locations are appropriate for the rural zone.
- 111. Objective 16.2.4 states "*The productivity of rural activities in the rural zones is maintained or enhanced.*" And, underlying this, Policy 16.2.4.1 states "*Require earthworks in a high-class soil mapped area to retain soils on the site.*" While Policy 16.2.4.2 states "*Only allow activities other than farming on highly productive land where:*"
 - a. *the scale, size and nature of the activity means that any loss of current or potential future rural productivity would be:*
 - i. *insignificant in any high-class soils mapped area; and*

- ii. *no more than minor in other areas of highly productive land; unless*
- b. *for mining, the activity must locate on highly productive land due to operational requirements and there are no practicable alternative locations.”*

112. I consider the proposal to be consistent with these objectives and policies as the land is not highly productive. It is low lying and susceptible to ponding of water. This fact combined with its small overall area and landlocked nature means that the land is unsuitable for traditional productive rural activities. To reach the site, farm machinery and implements must negotiate SH 1 after travelling on Coast Road or beyond. Until now, and during dry periods only, the land has been used for limited grazing for a small number of horses and small-scale making of baleage to keep the land tidy. Pasture growth is slow and of poor quality. Pugging of the soil is a constant feature. Traditionally, if this land was part of a larger farm unit, the owner may have undertaken land drainage activities to help convert the land to more productive uses. However, given the small land area this is uneconomic. The land also exhibits no values that would be considered worthy of conservation, for example, because of its landlocked nature and unique characteristics, the land is not suitable to develop as a wetland. The remainder of the land (aside from a small area at the northern end – adjacent to Coast Road), is more suited to grazing and the small-scale baling of hay as it has better soil attributes. This land will continue to be used for these activities and will be unaffected by the proposal.
113. Conversely, the proposal will go some way to enabling farming and grazing in the Blueskin Bay and Eastern Otago area by providing for services and materials that support these activities either directly (machinery, gravel for tracks, fencing materials, culverts) or indirectly (employment, transport infrastructure, community services, housing).
114. Turning to the relevant Natural Environment objectives and policies, Objective 10.2.3 states “*Areas of outstanding natural coastal character (ONCC), high natural coastal character (HNCC), and natural coastal character (NCC) are protected from inappropriate use and development and their values, as identified in Appendix A5, are preserved or enhanced.*” I consider the proposal to be consistent with this objective as any potential

adverse effects on the surrounding environment, including the NCC will be no more than minor.

115. Policy 10.2.3.5 states *“Only allow mining, landfills, crematoriums, large buildings and structures, forestry, earthworks - large scale and indigenous vegetation clearance - large scale in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix A5 will be avoided or, if avoidance is not practicable, no more than minor.”* I consider the proposal to be consistent with this policy as any potential adverse effects on the surrounding environment resulting from the earthworks will be no more than minor.
116. Policy 10.2.3.9 states *“Require buildings and structures in a Natural Coastal Character Overlay Zone (NCC) to have exterior colours and materials that avoid or minimise, as far as practicable, adverse visual effects caused by reflectivity.”* I consider the proposal to be consistent with this policy as the buildings are of a scale and design that will avoid adverse visual effects.
117. Policy 10.2.3.10 states *“Provide for small buildings (no larger than 60m²) in the Natural Coastal Character Overlay Zone (NCC) but limit the number of these clustered together with each other or existing large buildings to a level that avoids or, if avoidance is not practicable, ensures cumulative visual effects are no more than minor.”* Again, I consider the proposal to be consistent with this policy as the buildings are of a scale and design that will avoid adverse visual effects.
118. Policy 10.2.3.11 states: *“Require ancillary signs in coastal character overlay zones to be located and designed so that any adverse effects on natural character values, as identified in Appendix A5, are insignificant.”* I consider the proposal to be consistent with this policy as the proposed sign will be of a scale, design and location that will avoid adverse visual effects.
119. Turning now to the relevant Natural Hazards objectives and policies, Objective 11.2.1 states *“Land use and development is located and designed in a way that ensures that the risk from natural hazards, including climate change, is no more than low, in the short to long term.”* Underlying this objective, Policy 11.2.1.4 states *“In the hazard 1, hazard 1A and 2 (flood) overlay zones, only allow new buildings, and additions and*

alterations to buildings, where the scale, location and design of the building or other factors mean risk is avoided, or is no more than low.” While Policy 11.2.1.6 states “In the Hazard 2 (flood) Overlay Zone, only allow natural hazards sensitive activities and natural hazards potentially sensitive activities where:

- a. the activity has a critical operational need to locate within the Hazard 2 (flood) Overlay Zone and risk is minimised as far as practicable; or*
- b. the scale, location and design of the activity or other factors means risk is avoided or is no more than low.”*

120. Further, Policy 11.2.1.7 states “*Only allow large quantities of hazardous substances in hazard 1, hazard 1A and 2 overlay zones where they are stored in a manner that ensures risk from natural hazards is avoided or is no more than low.*” Lastly, Policy 11.2.1.14 states “*Require buildings, structures, storage and use of hazardous substances, network utility activities, and earthworks - large scale to be set back an adequate distance from water bodies to ensure that the risk from natural hazards, including from erosion and flooding, is avoided, or is no more than low.*”

121. I consider the proposal to be consistent with these objectives and policies as any potential adverse effects resulting from the proposal in terms of risk from (or to) hazards will be no more than minor.

122. Lastly, I turn to consider the Manawhenua objectives and policies. Objective 14.2.1 states “*The relationship between Manawhenua and the natural environment is maintained or enhanced, including the cultural values and traditions associated with:*

- a. wāhi tūpuna;*
- b. mahika kai; and*
- c. occupation of original native reserve land through papakāika.”*

123. Underlying Policy 14.2.1.4 states “*Only allow activities that are identified as a threat to wāhi tūpuna in Appendix A4, where adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided, or if avoidance is not practicable, are no more than minor.*”

124. I consider the proposal to be consistent with these objectives and policies as written approval was given by Kāti Huirapa Rūnaka ki Puketeraki, the kaitiaki Rūnanga whose takiwa includes the site the application relates to.
125. Overall, in my view, the proposal is generally consistent with the relevant 2GP objectives and policies, and not so inconsistent so as to be contrary to them. On this basis, I consider that the threshold test under section 104D is met.

SECTION 104 ASSESSMENT

126. Having passed the threshold tests under section 104D of the Act, I can consider the application under section 104.
127. I have discussed the effects, including positive effects, of the proposal and the assessment against the objectives and policies of the ODP and PDP above. The proposal is also consistent with the relevant Regional Policy Statement provisions.
128. In terms of section 104(1)(c), any other matters relevant and reasonably necessary to determine the application, the S42A report focuses on precedent effects. For the reasons discussed above and those outlined in paragraphs 202-234 of the application, I consider that there are characteristics of the site that have been identified which set it aside as being uniquely able to support the proposed activity, apart from convenient proximity to the State Highway.
129. The S42A report discounts the applicant's reasons for not pursuing the vacant land in the new 2GP Rural Centre zone at Waitati (paragraphs 111 and 112). While an alternatives assessment is not required for this application, I have considered the matter in any case. It is my understanding that the applicant has seriously considered this land for the proposed business but for the reasons presented in the application, was forced to discount it due to its unsuitability.
130. I have visited the Rural Centre site and, while I acknowledge I am not a traffic expert, I consider that the available vehicle access onto the site is unsuitable for large vehicle movements due to the proximity of the very busy intersection of Harvey Street and SH 1. Figure 1 below shows the

approximate zone boundary overlaid with property information and an aerial photograph; the available vehicle access is marked with a red arrow.



Figure 1: Showing an aerial photograph with the approximate Rural Centre zone boundary overlaid (blue lines) with property information; the available vehicle access is marked with a red arrow.

PART 2 MATTERS

131. In my view the proposal meets the sustainable management purpose of the Act because it will enable the social and economic wellbeing of the Blueskin Bay and wider rural communities, while avoiding, remedying or mitigating any adverse effects of the proposed activities on the environment.
132. In regards to section 6(a), Careys Creek will be protected from inappropriate development because the site design has been selected to be an appropriate distance away from this waterbody.
133. In regards to section 7(b), the establishment of rural activities that are productive on the site is highly unlikely due to the nature and characteristics of the site itself, as described above, and because the site

has already been substantially modified by the historic and existing built environment such that it is unsuitable for productive land uses of the traditional type. The proposal is accordingly an efficient use and development of existing resources. The proposed planting and other mitigation will also serve to maintain and enhance amenity values (section 7(c)) and maintain and enhance the quality of the environment (section 7(f)).

134. Consultation has been undertaken with Kāti Huirapa Rūnaka ki Puketeraki, the kaitiaki Rūnanga whose takiwa includes the site the application relates to, and conditions imposed in response to that consultation, in accordance with section 8.

CONCLUSION

135. The application passes both of the threshold tests in section 104D of the Act.
136. In regard to the second threshold test of 104D of the Act, in my view, the proposed activities (rural contractor's yard, ancillary retail, and small relocatable buildings construction yard) are either compatible with both the ODP and 2GP objectives and policies, or not so incompatible with them that they will be contrary to these provisions.
137. Consideration can therefore be given to the granting of consent under section 104.
138. It is my opinion, based on the assessment above and in the application, that the Committee should grant consent to the application and that there will be no precedent set in doing so.



James White
Planning and Projects Leader
MPlan

Appendix 1

Recommended conditions of consent *UPDATED – 22 May 2019*

GENERAL:

1. All works and activities under this consent shall be carried out in general accordance with the consent application received by the Council on 6 November 2018 and updated on 5 March 2019, except where modified below.
2. The consent holder is liable for the Council's costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.
3. Hours of operation are restricted to:

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

Operation of contractors yard (and ancillary retail):
6am to 8pm Monday to Saturday, 10am to 2pm Sunday

Operation of builders yard:
7am to 5.30pm Monday to Saturday
4. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
 - a. to deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage;
 - b. to deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered; and
 - c. to avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

CONSTRUCTION:

Earthworks:

5. Prior to commencing any earthworks on site, the consent holder shall submit an Earthworks Management Plan to the Council for approval.

6. The Earthworks Management Plan shall detail the procedures and protocols that will be implemented when earthworks are undertaken on site for the effective management of potential adverse effects, including:
 - a. measures for the control of dust and prevention of dust nuisance, for example using sprinklers and water carts;
 - b. measures to control stormwater flows and silt and sediment during earthworks, including:
 - i. using silt traps (in the form of fabric filter dams or straw bales);
 - ii. using site drainage paths to address the potential for egress of water from the site via secondary flow paths;
 - iii. ensuring that the path of stormwater is not displaced from ephemeral flow paths into neighbouring properties;
 - iv. minimising exposed areas;
 - v. using processes to stabilise the site in preparation for inclement weather;
 - c. measures to minimise the risk of contamination of waterways, including:
 - i. controlling discharges of wet concrete;
 - d. measures for the safe and efficient management of traffic, for example:
 - i. temporary signage advising of the works;
 - ii. parking instructions for site workers;
 - iii. provision of site worker parking on site where construction activities permit;
 - e. making contact details of the site manager available to the public and maintaining and regularly responding to a complaints register.
7. All earthworks must be undertaken in accordance with the Earthworks Management Plan.
8. The Earthworks Management Plan must be reviewed at two monthly intervals during the earthworks period and, if necessary, amended and submitted to the Council for approval so as to ensure the effective management of potential adverse effects.
9. The Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol should be adhered to in undertaking earthworks.
10. All practical measures must be undertaken to minimise the risk of contamination to the waterway.
11. All practical measures must be undertaken during the works to minimise sedimentation in the waterway.
12. All machinery must be clean and well maintained before entering the work site.
13. Any rock/gravel/soil to be used for the works must be clean and placed rather than dumped into position.
14. There must be no works undertaken within Careys Creek.
15. The toe of the fill must be sufficiently armoured against erosion and sediment loss to Careys Creek.

16. Slopes may not be cut steeper than 1:1 (45°) without specific engineering design and construction, approved by the Council.
17. Slopes may not be filled steeper than 2h:1v (27°) without specific engineering design and construction, approved by the Council.
18. At the completion of the earthworks, as-built records of the final extent and thickness of any un-engineered fill must be recorded and made available to the Council on request.

Site Design:

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

Construction Noise:

21. Noise generated from construction activities must comply with the limits for long term duration construction in the New Zealand Standard Acoustics – Construction Noise NZS 6803:1999.
22. Higher construction noise-generating activities are only permitted between 6.30am and 8pm Monday to Friday, 7.30am and 6pm Saturday, and 10am and 2pm Sunday. Outside these hours (but within the general hours of operation), only quiet activities are permitted.

Construction Lighting:

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

State Highway:

26. Prior to the site becoming operational, the existing site access onto the State Highway shall be permanently closed by removing the gate and reinstating the fence and water channel in this location.

27. At least seven working days prior to any works being undertaken that may affect the State Highway road reserve, the consent holder must prepare and submit an *Agreement to Work on State Highways* and a Traffic Management Plan to the NZ Transport Agency's network outcomes contractor.
28. Once the existing site access onto the State Highway has been closed the consent holder shall obtain written confirmation from NZ Transport Agency's network outcomes contractor that the works have been completed to meet the NZ Transport Agency requirements. This confirmation shall be provided to the Council.

Roading and Access:

29. The vehicle access into the site must be a maximum 9.0m formed width, hard surfaced from the edge of seal of King Street, to a distance of not less than 5.0m inside the property boundary, and be adequately drained for its duration.
30. The vehicle access must be constructed to the Council's Specifications for the Construction of Industrial Vehicle Entrances.
31. The signage for the site must be located wholly within the site boundaries.
32. The first 45.0m of King Street, beginning at the edge of the existing seal, must be upgraded to achieve a 6.0m wide carriageway, comprising two 3.0m vehicle lanes with appropriate pavement construction and water tables.
33. Detailed engineering plans showing the upgrades of the first 45.0m of King Street, beginning at the edge of the existing seal, must be submitted to the Council's Transport Group for approval.
34. Upon completion of the upgrade of King Street, the consent holder must test all works to demonstrate that they met the acceptance requirements of the Council's Code of Subdivision and Development, or alternative appropriate engineering guidelines.
35. Upon completion of the testing, the consent holder must obtain certification that all works have been constructed in accordance with the approved plans and Code of Subdivision and Development or alternative guidelines, and as built plans must be provided to the Council's Transport Group for approval.
36. The site must not become operational prior to the consent holder acquiring ownership of the parcel of land between the consent holder's property and King Street.

POST CONSTRUCTION:

Planting Plan:

37. Landscaping and planting of the site must be undertaken in accordance with the plan title "Planting Plan, Cargill Contracting Yard, Evansdale" prepared by Sally Brown Garden Design, which was provided to the Council with the consent application.
38. All landscaping and planting must be implemented within 12 months of completion of construction works on site.
39. All landscaping and planting must be maintained in accordance with the Planting Plan, including by replacing within 12 months any dead tree or plant.

Site Management Plan:

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

Infrastructure:

42. The on site wastewater disposal system must be serviced regularly recording the time, date and any maintenance undertaken, with these details provided to the Council on request.

Noise:

43. Noise generated from activities on site must comply with the relevant noise limits under the District Plan.
44. Higher noise-generating activities are only permitted between 7am and 7pm Monday to Saturday. Outside these hours (but within the general hours of operation), only quiet activities are permitted.

Lighting:

45. Light spill measured 1.5m above ground level at the boundary of the site must not exceed one Lux between 8pm and 7am, Monday to Sunday.

46. All site lighting (except from headlights of vehicles) must be cut-off or fully shielded to avoid shining or deflecting light directly onto adjoining or nearby properties.
47. All site lighting (except from headlights of vehicles) must be directed away from roads and any adjacent properties.

Advice notes:

All aspects of the works on site must be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.

Private drainage issues and requirements (including any necessary works) are to be addressed via the building consent process.

Certain requirements for building on the site may be stipulated via the building consent process and are likely to include the following points:

- *Stormwater from driveways, sealed areas and drain coils is not to create a nuisance on any adjoining properties.*
- *Surface water is not to create a nuisance on any adjoining properties.*
- *For secondary flow paths, the finished floor level shall be set at the height of the secondary flow plus an allowance for free board.*
- *As required by the New Zealand Building Code E1.3.2, surface water resulting from an event having a 2% probability of occurring annually shall be set at the height of the secondary flow plus an allowance for free board.*
- *The site lies in an area where underlying soils have been identified as having potential for amplified movement and liquefaction during a significant seismic event.*
- *The cases for seismic loading are normally addressed at building consent stage.*
- *The Council's Building Control Authority will ask for verification that the site is 'good ground' in accordance with NZS3604, Section 3.1.*

The vehicle crossing, between the road carriageway and the property boundary, is within legal road and will therefore require a separate vehicle entrance approval from DCC Transport to ensure that the crossing is constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this is not included in the resource consent process).

As the proposed site preparation works (earthworks) will not affect the normal operating hours of the transportation network, the consent holder will not require a traffic management plan (TMP). If that position changes, the consent holder will require a TMP prepared by a suitably qualified person. The TMP would need to be approved by DCC Transport prior to any works commencing.