



16 December 2021

The Policy Planner
Dunedin City Council
PO Box 5045
Dunedin 9058
Jason.Hewlett@asb.co.nz

Attn: Paul Freeland

Dear Paul

**VARIATION 2
SUPPLEMENTARY EVIDENCE
TOM AND LORETTA RICHARDSON**

During the Variation 2 hearing that occurred on Wednesday 8 December 2021, the Committee requested that I present you with a supplementary evidence bundle containing information that is relevant to the submission by Tom and Loretta Richardson relating to the Westacott Heights development land at Dalziel Road.

Specifically, the Committee sought to receive a copy of the Court's consent order that gave effect to the recent residential rezoning and copy of the latest subdivision consent issued by Dunedin City Council.

Please find attached in **Appendix A** a copy of the Court's consent order. This is dated 6 August 2021.

Please find attached in **Appendix B** a copy of the latest subdivision issued by Dunedin City Council. This is dated 20 August 2021.

I do not believe that the Committee is expecting any commentary from me in regard to the above information, simply the provision of these documents to assist the Committee's understanding of the recent planning history at this location. However, should some commentary be of assistance, I would be happy to provide this.

I trust that this is helpful.

Yours faithfully
PATERSON PITTS GROUP

Kurt Bowen
Registered Professional Surveyor

DUNEDIN:

P.O. Box 5933,
Dunedin 9058.
T 03 477 3245

CHRISTCHURCH:

P.O. Box 160094,
Christchurch 8441.
T 03 928 1533

ALEXANDRA:

P.O. Box 103,
Alexandra 9340.
T 03 448 8775

CROMWELL:

P.O. Box 84,
Cromwell 9342.
T 03 445 1826

QUEENSTOWN:

P.O. Box 2645,
Queenstown 9349.
T 03 441 4715

WANAKA:

P.O. Box 283,
Wanaka 9305.
T 03 443 0110

APPENDIX A Consent Order by Environment Court

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First
Schedule of the Act

BETWEEN KEEP HALFWAY BUSH SEMI-
RURAL INCORPORATED

(ENV-2018-CHC-218)

Appellant

AND DUNEDIN CITY COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 6 August 2021

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that Dunedin City Council is directed to make the amendments to the provisions and planning maps of the proposed Dunedin City Second Generation District Plan as shown in Appendix 1, attached to and forming part of this order;
- (2) the part of the appeal concerning the zoning of 33-49 Dalziel Road, allocated DCC reference number 8 is resolved and the appeal is

DCC – 2GP Group 2 Residential - KHBSR v DCC – Consent order



otherwise dismissed.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent order relates to an appeal by Keep Halfway Bush Semi-Rural Incorporated against the decision of the Dunedin City Council approving the proposed Dunedin City Second Generation Plan ('2GP'). The appeal relates to the zoning of 33-49 Dalziel Road.¹

[2] I have read and considered the consent memorandum of the parties dated 3 November 2020 which details the agreement reached by the parties to resolve the appeal. The agreement reached retains the existing Large Lot Residential 1 zoning and imposes additional restrictions on subdivision, clarification of access arrangements by amending the performance standards, and the addition of further detail to the 'Dalziel Road Structure Plan' which is also to be relabelled 'Westacott Heights Structure Plan'.

[3] I have also read and considered the affidavits of Ms Christmas² and Dr Johnson³ who have satisfied me that the proposed amendments sought to resolve this appeal are appropriate and granting the relief sought will not impact on the resolution of any other proceeding.⁴

¹ Now 33, 35, 37, 39, 41, 45 and 49 Dalziel Road, 4 Hawker Lane and 4, 12, and 13 McLeod Avenue.

² Affidavit of E Christmas affirmed 18 March 2021.

³ Affidavit of Dr A L Johnson affirmed 12 April 2021.

⁴ Affidavit of E Christmas affirmed 18 March 2021 [11]-[14], [20]-[29].

Other relevant matters

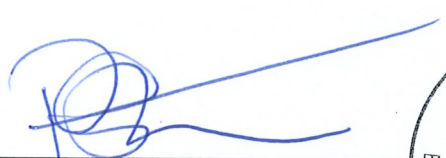
[4] Several parties gave notice of an intention to become a party to the appeal under s274 of the Resource Management Act ('the RMA') and have signed the memorandum setting out the relief sought.

[5] The parties to the appeal agree that costs should lie where they fall and accordingly no order for costs is sought.

[6] The parties advise that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

Outcome

[7] All parties to the proceeding have executed the memorandum requesting the orders. Based on the information before me, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.


P A Steven
Environment Judge



APPENDIX 1

Amend Rule 15.8.13 Dalziel Road Structure Plan performance standards as follows:

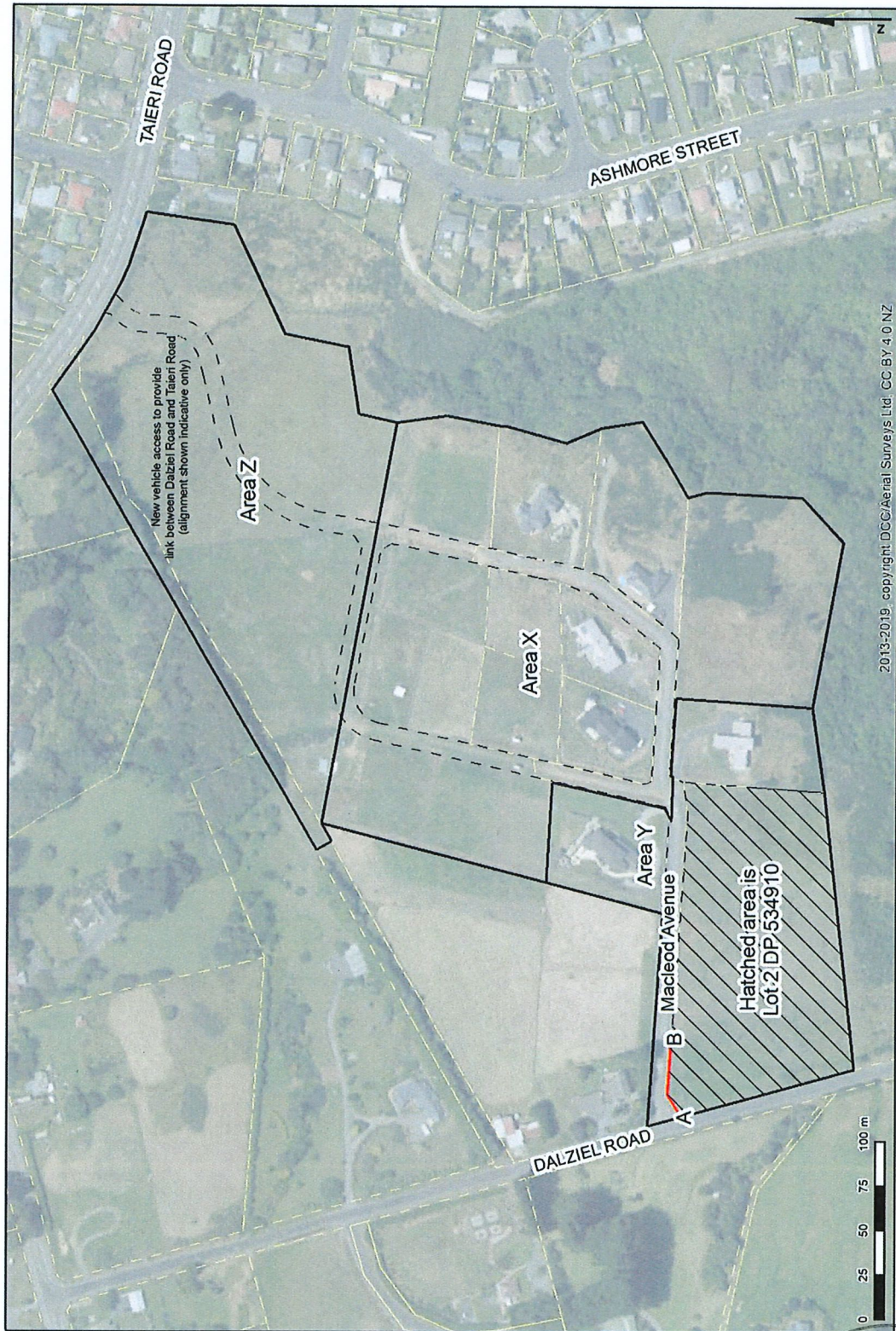
15.8.13 ~~Dalziel Road~~ Westacott Heights Structure Plan Mapped Area Performance Standards

1. All sites in ~~Vehicle access to~~ Area X Z on the ~~Dalziel Road~~ Westacott Heights structure plan (see Figure 15.8.13A) must have access via a road or private way (shared driveway) be provided from Taieri Road.
 2. All sites in ~~Vehicle access to~~ Area Y on the ~~Dalziel Road~~ Westacott Heights structure plan (see Figure 15.8.13A) must have access via a road or private way (shared driveway) be provided from Dalziel Road, except that a site with a boundary adjoining Dalziel Road may access directly onto Dalziel Road.
- X. All sites in Area X on the Westacott Heights structure plan (see Figure 15.8.13A) must have access via a road or private way (shared driveway) be provided from Taieri Road by 21 October 2023 but until then may have access only via a road or private way (shared driveway) from Dalziel Road.
- Y. Within the hatched area on the Westacott Heights structure plan (see Figure 15.8.13A) (Lot 2 DP 534910), a maximum of seven sites with a minimum site size of 1,800m² are allowed.
- Z. Only one site, apart from the access allotment, may have a boundary adjoining Dalziel Road, and that site must have a minimum frontage onto Macleod Avenue of 47.5m, as shown as A-B on the Westacott Heights structure plan (see Figure 15.8.13A).
3. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply, infrastructure is in place for

that stage of the development and connections to future stages, and adjoining sites, are provided for.

4. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.
5. Activities that contravene this performance standard are a non-complying activity.

Replace Figure 15.8.13A: Dalziel Road structure plan with the one below:
 Figure 15.8.13A: Dalziel Road Westacott Heights structure plan



APPENDIX B Subdivision Consent SUB-2021-43

20 August 2021

DN Innovations Ltd
C/- Kurt Bowen
Paterson Pitts Group
PO Box 5933
Dunedin 9054

Via email: kurt.bowen@ppgroup.co.nz

Dear Kurt

RESOURCE CONSENT APPLICATIONS:

**SUB-2021-43 & LUC-2021-170
29 & 49 DALZIEL ROAD, 4 MACLEOD AVENUE
DUNEDIN**

Your application for resource consent was processed on a non-notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. The application was considered by a Senior Planner, under delegated authority, on 20 August 2021.

The Council has granted resource consent with conditions. The assessment of the application, including the reasons for the decision, is set out in the report attached to this letter. The consent certificates are attached to the rear of this letter.

Please note that the processing of this application could not be completed within the 20 working-day time limit prescribed under section 115 of the Resource Management Act 1991. The time limits for the processing of this consent have been extended pursuant to sections 37A(2)(b) and 37A(4)(b)(ii) of the Resource Management Act 1991.

The consent certificates outline the conditions that apply to your proposal. Please ensure that you have read and understand all of the consent conditions.

You may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

Senior Planner - Enquiries
Dunedin City Council
PO Box 5045
Dunedin 9054

You may request that the objection be considered by a hearings commissioner. The Council will then delegate its functions, powers and duties to an independent hearings commissioner to consider and decide the objection. Please note that you may be required to pay for the full costs of the independent hearings commissioner.

Alternatively, there may be appeal rights to the Environment Court. Please refer to section 120 of the Resource Management Act 1991. It is recommended that you consult a lawyer if you are considering this option.

You will be contacted in due course if you are due a partial refund or you have to pay additional costs for the processing of your application.

Development contributions are payable for this resource consent. A development contribution notice will be sent in due course outlining how the development contribution has been calculated and when payment is required.

Please feel free to contact me if you have any questions.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Lianne Darby'.

Lianne Darby
Planner

APPLICATION SUB-2021-43 & LUC-2021-170: 29 & 49 DALZIEL ROAD, 4 MACLEOD AVENUE, DUNEDIN

Department: Resource Consents

BACKGROUND TO APPLICATION

The subject sites have a long and complex consent history with the first relevant consent to this proposal being SUB-2012-92 which created the nine lots of Deposited Plan 470050 on 18 December 2013. As the land was zoned Rural under the Operative District Plan, the application was processed on a notified basis.

A subsequent subdivision, SUB-2015-54, sought to subdivide five of the lots of DP 470050 into 34 residential lots, legal road, three access lots, three lots of public reserve and two private parks. The residential lots were to have areas greater than 2000m². After a significant revision of the subdivision layout (introducing a road to vest through the development and an intersection onto Taieri Road to access the subdivision), the application progressed through a second hearing before being declined by the Hearings Committee. The decision was appealed by four parties, with three parties withdrawing their appeal on 20 October 2020.

The Proposed Plan was notified on 26 September 2015 and sought to change the zoning of the subject land to Large Lot Residential 1. A Structure Plan (Rule 15.8.13), to outline the design requirements for the residential development of this land, was part of the notified Proposed Plan. This zone-change and Structure Plan were subject to submissions, and when the decisions on the Plan Change were released on 7 November 2018, the rezoning was appealed (ENV-2018-CHC-218). This appeal sought to have the land zoned Rural Residential 1. Consequently, both the Operative District Plan zoning (Rural) and the Proposed Second Generation District Plan zoning (Large Lot Residential 1, with consideration also given to the possible Rural Residential 1 zoning) were relevant when considering any subdivision consent application while the appeals were unresolved. This effectively complicated any residential development proposal for this land as it is the Rural zoning which was largely the reason for the declining of SUB-2015-54.

Negotiations between the landowners and the Council have resulted in a Private Development Agreement, dated 18 November 2020. The agreement covers matters of design for a new residential subdivision of the land. The Encumbrance protecting the agreement was registered with the Environment Court with a consent memorandum requesting resolution of the appeal and this was signed by the Court on 6 August 2021.

The applicant's agent submitted this subdivision application in anticipation of the zone change being finalised. As such, although the activity status of the application must take into account the zoning and rules at the time of lodgement, the decision is in respect of the rules in effect at the time of issue. As such, this consent has been processed on a non-notified basis despite its non-complying activity status.

DESCRIPTION OF ACTIVITY

Resource consent is sought for the subdivision of the land at 29 and 49 Dalziel Road and 4 MacLeod Avenue into 28 residential lots (since revised to be 26 residential lots), access lots, and esplanade reserves. The subject sites at the time of lodging the application were:

- 29 Dalziel Road, legally described as Lot 1-5 DP 497792 (RT 443475; 5401m²). This is a long strip of land extending along the northwest side of the development land, between Dalziel Road and Taieri Road.

- 49 Dalziel Road, legally described as Lot 18 DP 534910 (RT 897992; 11.7972ha). This is an irregular shaped site with frontage and access to Dalziel Road (via Lot 14 DP 534910), and frontage to Taieri Road.
- 4 MacLeod Avenue, legally described as Lot 2 DP 534910 (RT 883249; 1.5676ha). This is an almost rectangular parcel with frontage and access to Dalziel Road (via Lot 14 DP 534910).
- Lot 14 DP 534910 (RT 883250; 4886m²). This is a private access held in its own fee-simple title.

Subdivision consent SUB-2018-145 has recently been given effect. This subdivided 49 Dalziel Road into two residential lots and balance land. The subject site of 49 Dalziel Road is now Lot 100 DP 555131 (RT 966313) and has an area of 11.0600ha.

There is one other subdivision consent to be given effect to prior to the undertaking of this subdivision. SUB-2020-139 will subdivide the new 49 Dalziel Road (RT 966313) so as to create Lot 1 adjacent to Dalziel Road. It will also create two esplanade reserves along both banks of Frasers Stream, leaving a very irregular shaped Lot 2 SUB-2020-139. This is the lot which will be subdivided as part of this subdivision consent, and which has an area of approximately 7.35ha.

The total land area for this subdivision following the completion of SUB-2020-139 will be approximately 9.46ha across all the sites (plus 4886m² of Lot 14 DP 534910 which the application seems to miss).

Following the release of the Consent Order on 6 August 2021, the proposed subdivision was revised so as to be in accordance with the new rules of the Dalziel Road Structure Plan. This plan was submitted to Council on 18 August 2021.

The revised application is to be staged as follows:

Stage 1: The subdivision of the new 49 Dalziel Road, Lot 2 SUB-2020-139, into residential lots, Lots 14, 15, 18 to 20; access Lot 100; and balance land Lot 101. An esplanade reserve to the north of those created by SUB-2020-139 is required by the Proposed Plan but there is no intent to create any reserves at this point. Lot 100 will be owned by the applicant.

Stage 2: The subdivision of RT 883249 and RT 883250 into residential lots, Lots 30 to 32, 34 to 36, and 38; and access Lot 200. The main access into the development will become part of Lots 32, 36 and Lot 200, with rights of way being granted to ensure all parties have legal rights of access.

Stage 3: The subdivision of Lot 101 Stage 1 and RT 443475 into residential lots, Lots 40 to 53; access Lot 300; Council reserve, Lot 301; and Esplanade Reserves Lots 302 and 303. It is noted, however, that Council's Parks and Recreation Planner requires the proposed reserve, Lot 301, to be vested as 'esplanade reserve' which is likely to require two or more lots (two banks and the stream bed) to achieve the same purpose. Lot 300 is to be held in shares by Lots 44, 45, and 49 to 52.

The applicant also seeks consent for earthworks for the formation of the rights of way and access lots. The majority of the earthworks will involve the filling of the gully next to Taieri Road in order to achieve a suitable base surface for the new access to Taieri Road. Although this access will be constructed at Stage 3, the filling of the gully will take place over all three stages. Earthworks will involve 10,600m³ of cut and 7900m³ fill over 9000m². Fill in the gully will result in a maximum change in ground level of 6.0m.

REASONS FOR APPLICATION

Dunedin currently has two district plans: the Operative Dunedin City District Plan 2006 (the "Operative District Plan", and the Proposed Second Generation Dunedin City District Plan (the "Proposed Plan"). Until

the Proposed Plan is made fully operative, both district plans need to be considered in determining the activity status and deciding what aspects of the activity require resource consent.

The activity status of the application is fixed by the provisions in place when the application was first lodged, pursuant to section 88A of the Resource Management Act 1991. However, it is the provisions of the district plans in force at the time of the decision that must be had regard to when assessing the application.

The Proposed Plan was notified on 26 September 2015, and some Proposed Plan rules had immediate legal effect from this date. Some rules became fully operative following the close of submissions, where no submissions were received. Additional rules came into legal effect upon the release of decisions. Those additional rules become fully operative if no appeals are lodged or once any appeals have been resolved.

In this case, the application was lodged on 8 April 2021 when most of the Proposed Plan rules were already in effect. However, in this case, there are two relevant appeals applying to this site:

- ENV-2018-0CHC-218 regarding the mapped area;
- ENV-2018-CHC-2018 regarding the zoning.

It is the rules in effect at the time of lodgement which determine the activity status of an application. Accordingly, the Operative District Plan provisions are relevant when determining the activity status, but the proposal is assessed under the rules in effect at the time of decision. The resolution of the appeal on the 6 August 2021 means that the proposal only need be assessed in terms of the Proposed Plan rules.

Variation 2 of the Proposed Plan was notified on 4 February 2021. It seeks to make the area a new development mapped area, but the revised rules are not currently in effect and need not be considered as part of this assessment.

Proposed Plan

The subject sites are zoned **Large Lot Residential 1**, **Rural Residential 1** and **Recreation**. They are part of the **Dalziel Road Structure Plan Mapped Area** (now referred to as the **Westacott Heights Structure Plan Mapped Area**). Variation 2 seeks to make the land part of a New Development Mapped Area, but this overlay is not currently in effect.

Subdivision

Rule 15.3.5.2 lists general subdivision as being a restricted discretionary activity in the residential zones subject to performance standards. The following matters are relevant:

- Rule 15.7.4.1(f) lists minimum site size for the Large Lot Residential 1 zones as 2000m². Several of the Stage 2 lots will be smaller than 2000m² although Rule 15.8.13.4 notes that where there is conflict between the Structure Plan rules and the zone rules, the Structure Plan rules prevail. Accordingly, the smaller lots of Stage 2 are not considered to be under-sized in this case.
- A number of the Stage 3 lots will own a share of the access lot, Lot 300, which if considered as part of the new sites will mean all Stage 3 sites are larger than 2000m²; if not, then some Stage 3 lots are smaller than 2000m²

On the basis that some lots will be under-sized, the subdivision will be a **non-complying** activity pursuant to Rule 15.7.4.2.

As there is a named watercourse within the subdivided land the following applies:

- Rule 15.7.2 requires subdivision activities to comply with Rule 10.3.1. Rule 10.3.1.1(b)(i) requires an esplanade reserve to be created along Frasers Creek to be created at the time of subdivision. An esplanade reserve will be created but not until Stage 3.

Viewing the subdivision as a whole, the proposal is compliant with this requirement.

Rule 17.3.5.2 lists general subdivision in the Rural Residential 1 zone as being a restricted discretionary activity subject to compliance with the performance standards. The proposal will fail to comply with the following:

- Rule 17.7.5.1 lists the minimum site size for the Rural Residential 1 zone as 2.0ha. Proposed Lot 46 will contain approximately 2300m² of Rural Residential 1-zoned land.

The subdivision will be a **non-complying** activity pursuant to Rule 17.7.5.3.

Rule 20.3.5.1 list general subdivision in the Recreation zone as being a restricted discretionary activity subject to compliance with the performance standards. The proposal will be a **restricted discretionary** activity.

Rule 6.3.2.3 lists new roads where part of a subdivision consent as being a restricted discretionary activity and the definition of 'new roads or additions or alterations to roads' refers to '... the construction of a new road, whether within or outside the legal road reserve ...' which would include private roads. In this case, Lot 300 will be a privately-owned access lot, and Lots 100 and 200 will be private accesses, which the applicant describes as 'private roads'. However, access lots are not considered to be private roads in the usual meaning of the term 'road' and clause 6.3.2.3, and as such, the access lots are not being assessed under Rule 6.3.2.3.

- Rule 15.8.1 requires subdivision of structure plan mapped areas to comply with the relevant structure plan mapped area rules.
- Rule 15.8.13 specifies the requirements for the Dalziel Road Structure Plan mapped area (now Westacott Heights SPMA). The proposal is not fully compliant with this requirement in respect of the length of Lot 30's frontage onto the internal access road. 47.5m is required but only 40.7m is provided.

Activities which contravene this performance standard are considered to be a **non-complying** activity pursuant to Rule 15.8.13.5.

Land Use

The proposal is for residential development within the land area zoned Large Lot Residential 1 and falls under the definition of *standard residential activity, parking, loading and access, and earthworks*. Under the Proposed Plan, activities have both a land-use activity and a development activity component.

Land use

Rule 15.3.3.3 of the Proposed Plan states that standard residential activity is a permitted activity provided that it complies with the relevant performance standards. Rule 15.5.2.1(g) specifies a minimum site area of 2000m² for a residential unit but Rule 15.5.2.4 provides for a residential unit to be built on an existing site of any size. As such, it is possible for residential units to be constructed on all the new residential lots as permitted activities under the density rule. Further assessment against the other performance standards will be made once there are building proposals for the new lots.

Development

Rule 8A.3.2.2 lists earthworks – small scale as being a permitted activity subject to performance standards.

Rule 8A.5.1.1 lists those earthworks considered to always be earthworks – small scale. The proposed construction of the rights of way and filling of the gully are not listed. To be considered earthworks – small

scale, the earthworks have to comply with the scale thresholds set by Rule 8A.5.1. The proposed earthworks will fail to meet the following thresholds:

- Rule 8A.5.1.3(a)(i) specifies a maximum change in ground level in the residential zones of 1.5m. The filling of the gully will involve up to 6.0m of fill.

Accordingly, the earthworks are considered to be earthworks – large scale which are a **restricted discretionary** activity pursuant to Rule 8A.3.2.3.

The following performance standards must also be considered:

- Rule 8A.5.3.1(b) specifies that earthworks must have a maximum fill batter of 2H:1V. The fill batters will be 1.5H:1V where the road passes through the deep gully.

Activities which contravene this rule is considered to be a **restricted discretionary** activity pursuant to Rule 8A.5.3.3.

- Rule 8A.5.5 requires earthworks to comply with Rule 5.6.1.2.
- Rule 5.6.1.2(a) specifies that the maximum depth of earthworks within 12m of the outer edge of a foundation of a National Grid support structure is 300mm. The accessway will be excavated to a depth of 600mm within the grid corridor, although finished level will be approximately 300mm below the existing ground level.

Activities which contravene this rule are considered to be a **restricted discretionary** activity pursuant to Rule 5.6.1.2(b).

- Rule 8A.5.10 requires earthworks to comply with Rule 10.3.3.
- Rule 10.3.3.5 specifies that earthworks must be setback a minimum of 5.0m from a waterbody with a clearly defined bed. Earthworks will be within 5.0m of Frasers Creek which has a clearly defined bed.
- Rule 10.3.3.6(j) specifies that earthworks for the construction of bridges, culverts and fords are exempt from this standard.

The earthworks are not considered to contravene Rule 10.3.3.

Overall, the earthworks are considered to be a **restricted discretionary** activity.

Structure Plan Mapped Area

Rule 15.8.13 sets out the basic requirements for the development of the Dalziel Road Structure Plan Mapped Area (now Westacott Heights SPMA). These have been varied by the Consent Order of 6 August 2021. The proposal will not comply with the following:

- Rules 15.8.13.2 requires the front site (proposed Lot 30) to have at least 47.5m of frontage onto MacLeod Road. Only 40.7m will be provided.

Activities which contravene this rule are considered to be a **non-complying** activity. This rule is subject to the consent order.

Operative District Plan

As the zoning of the subject sites were subject of appeals at the time of lodgement (which have recently been resolved), the zoning of the Operative District Plan is relevant at the time of lodgement but not at the time of decision.

At the time of lodgement, the land subject to the appeals is zoned **Rural**.

Rule 18.5.1(i) specifies that subdivision of the Rural zone is a permitted activity provided each resulting site is at least 15.0ha. None of the new residential lots will meet this requirement. The subdivision is considered to be a **non-complying** activity pursuant to Rule 18.5.2.

Rule 6.5.2(iii) specifies that residential activity is a permitted activity for this zone at a density of one residential unit per site provided the site is not smaller than 15.0ha. The residential use of the new lots is considered to be a **non-complying** activity pursuant to Rule 6.5.7(i).

Rule 10.3.3 is also appealed. Rule 17.7.3(iii)(b) specifies that earthworks are to be set back 7m from any natural surface water body with a clearly defined bed and a continual flow. Earthworks which contravene this rule are considered to be a **restricted discretionary** activity pursuant to Rule 17.7.5(iii)

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.

The applicant has had a search of Council records undertaken previously as part of SUB-2018-145. It was concluded as part of the processing of that consent that, more likely than not, no HAIL activities have been undertaken on the subject sites and, as such, the NES is not applicable to this application.

Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.

The application was lodged on 8 April 2021, after the release of the decisions for the Proposed Plan. Most, but not all, of the relevant rules of the Proposed Plan rules were in effect at that time, and accordingly, the activity status of the application is determined by the Operative District Plan and the Proposed Plan.

The activity status of the proposed subdivision is therefore determined by the Operative District Plan and the Proposed Plan, and is considered to be **non-complying** activity. The activity status of the land use is determined by the Operative District Plan and the Proposed Plan and is considered to be a **non-complying** activity.

WRITTEN APPROVALS AND EFFECTS ASSESSMENT

Affected Persons

No affected party approvals have been submitted with the application. No persons are considered to be affected by this proposal for the reasons given below in the section on the Effects on the Environment. While the subdivision is not in accordance with the Operative District Plan zone and rules (which has led to previous subdivision proposals for this land being notified), the consent will not be given effect to until the Proposed Plan zoning is deemed operative. The form and density of development proposed is based upon the Proposed Plan rules, and in particular the structure plan, and the scheme plan submitted has been modified to comply with outcome of changes agreed to as part of the consent order.

On 19 July 2021, the applicant provided correspondence held with Aurora to show that the power company is working with the applicant to address the powerlines through the property. Although not considered to

be affected party approval, the correspondence is sufficient to show that Aurora is aware of the proposed development and has not raised any concerns.

The question of whether residents on Taieri Road opposite the proposed new access onto this road are adversely affected by potential headlight glare has also been considered. The requirement for an intersection onto Taieri Road is a Structure Plan requirement under the Proposed Plan rules. The appeals regarding the Structure Plan zoning and rules have been resolved by Consent Memorandum by the Environment Court. At the time of issuing this decision, the Structure Plan rules, including the requirement to have an access onto Taieri Road, has progressed fully through the public notification process and is deemed operative. Activities in compliance with the Proposed Plan rules are not considered to have adverse effects on any other party.

Effects on the Environment

Permitted Baseline

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect.

This is the permitted baseline. Neither the District Plan nor the Proposed Plan allows any subdivision to occur as of right. All subdivisions are either restricted discretionary activities where the proposal meets all District Plan requirements, or restricted discretionary or non-complying activities where the proposal does not. Council rarely declines consent for proposals that create new sites meeting the minimum lot size, access, servicing and other requirements of the District Plan. In such cases, the subdivision consent is a means of ensuring to Council's satisfaction that all necessary subdivision matters, e.g. infrastructure, are adequately addressed, and is not an indication that the proposal is deficient in some way.

Under the Proposed Plan rules (which will be deemed operative at the time of giving effect to this consent) residential activity is a permitted activity at a density of not less than 2000m² per residential unit or on an existing site of any size subject to conditions. The construction of residential buildings smaller than 300m² in footprint are also permitted activities.

A certain amount of earthworks is permitted, based in part on the slope of the ground and the proximity of the earthworks in relation to watercourses, boundaries, and infrastructure.

It is considered that this is the appropriate baseline against which the activity should be considered. As a result, it is the effects arising from the proposal, beyond the permitted baseline, that are the crucial elements for consideration.

Receiving Environment

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the existing and reasonably foreseeable receiving environment comprises a lifestyle block of irregular shape currently used as pastoral land and bush, situated on the urban edge of Dunedin.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises medium-density residential activity to the east and rural-residential development to the north and west. The subject sites are arranged around a number of large lot residential properties which have been developed as part of DP 470050. There is reserve to the south.

It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment Matters/Rules

Consideration is required of the relevant assessment matters in the Operative District Plan and the relevant assessment rules in the Proposed Plan, along with the matters in any relevant national environmental standard. This assessment is limited to the matters to which the Council's discretion has been restricted. No regard has been given to any trade competition or any effects of trade competition.

1. Lot Size and Dimensions and Physical Limitations (Operative Plan 18.6.1(q) & 18.6.1(k); Proposed Plan 15.10.5.4)

The subdivision is to be given effect to over three stages, creating a total of ~~28~~26 new vacant sites. The stages will be as follows:

Stage 1: Subdivision of Lot 2 SUB-2020-139 into:

- Lots 14, 15, 18, 19 and 20 (residential lots ranging in size from 2000m² to 2540m²; note, Recreation-zoned land within some lots will add additional area).
- Lot 100 (access lot, 320m²) to be owned by the applicant.
- Lot 101 (balance land).

Stage 2: Subdivision of Lot 2 DP 534910 (RT 883249) and Lot 14 DP 534910 (RT 883250) into:

- Lots 30 to 32, 34 to 36, and 38 (residential lots ranging in size from 1800m² to 4660m²). Lots 32 and 36 will each own a leg-in out to MacLeod Road (there is an error on the plan showing the leg-in of Lot 36 being owned by 37), and a portion of MacLeod Road. These are large lots comprised of a significant portion of access but will still contain more than 1800m² within their nett area.
- Lot 200 (access lot, 3780m²) to be owned by the applicant.

Stage 3: Subdivision of Lot 101 Stage 1 and Lot 1-5 DP 497792 (RT 553574) into:

- Lots 40 to 53 (residential lots ranging in size from 1040m² to 2530m²; note, Recreation-zoned land within some lots will add additional area).
- Lot 300 (access lot, 4150m²) to be held in undivided shares by Lots 44, 47, and 49 to 52.
- Lots 302 and 303 (esplanade reserve).
- Lot 301 (shown as reserve, but which is to become esplanade reserve utilising as many lots as necessary to achieve this).

The Large Lot Residential 1 zoning is applied to the residential portions of this development, and minimum lot size is 2000m² except where the Structure Plan allows 1800m² for the Stage 2 lots.

Within the Large Lot Residential 1 zoning, seven residential lots can be considered undersized (Lots 44, 47, 49-53). However, the applicant has undertaken a density calculation which includes a share of the access lot, Lot 300, with some of the residential lots (hence the usual ownership structure of Lot 300), arguing that the lot owners will own at least 2000m² of land. While this is unlikely to be the intended interpretation of the minimum site size rule, and is not entirely consistent with how density is calculated by Rule 15.5.2 (which excludes access legs but not specifically 'access lots' from density calculations), it is agreed that the overall density of residential development that will result from this subdivision will be compliant for the Large Lot Residential 1 zone. The subdivision will still be a non-complying subdivision under the minimum site size rule. The argument is, however, that the housing

can be built as a permitted activity under the density rule and the subdivision of the houses onto their own lots will create no additional environmental effects regardless of the lot sizes.

The portion of the subject sites zoned Rural Residential 1 requires a minimum site size of 2.0ha. This zoning is confined to the 10.0m wide strip forming the western portion of proposed Lot 46. Because of this zoning, Lot 46 will be considered an undersized site. In fact, all residential development is anticipated to be confined to the Large Lot Residential 1 zoning within Lot 46 which has an area of approximately 2500m² and is therefore a compliant area for this zone.

The Recreation zone applies to the eastern portion of this subject site. This zoning is not under appeal. Part of proposed Lot 19 Stage 1 and Lots 47, 48 and 53 Stage 3 are within the Recreation zone. No development is anticipated for the Recreation-zoned portions of these lots. There is no minimum site size for the Recreation-zoned land, so this zoning (where part of a residential lot) does not change the way the size of the residential lots is viewed.

The 26 residential lots are all of practicable size and shape to accommodate a residential unit. There are potential geotechnical issues applying to Lots 40, 52 and 53 which have the potential to compromise development, as discussed below in the section on Hazards. These issues will be investigated further as part of this subdivision consent and if any of these lots are unable to be developed the subdivision will be modified as required, and the status of the affected land will be clearly identified on the resultant titles. Accordingly, there is no expectation that the completed subdivision will create a site with physical limitations rendering it unsuitable for future residential use.

2. Structure Plan Mapped Areas (Proposed Plan 15.13.5.5)

The proposal will not be entirely in accordance with the Dalziel Road Structure Plan which requires the front site, Lot 30 in this case, to have 47.5m of frontage onto MacLeod Road. The purpose of this rule is unclear given that 40.7m of frontage provides adequate room to form an access onto MacLeod Road clear of the intersection of Dalziel Road, and Rule 15.8.13.2 allows for a driveway to be formed directly onto Dalziel Road. Access is therefore achievable via two routes, and despite the length of frontage to MacLeod Road being specified in the Structure Plan, the position of any future access onto MacLeod Road is not. Access, whether to MacLeod or Dalziel Road, will be assessed by Transport at the time of building consent or resource consent, and safe operation of the transportation networks (both public and private) is unlikely to be compromised by the reduced length by only 6.8m of Lot 30's frontage onto MacLeod Road.

3. Easements (Operative Plan 18.6.1(i))

There are numerous easements registered on the titles of the subject sites, except for 29 Dalziel Road which has no easements. The other properties are subject to the following:

49 Dalziel Road

The present easements registered on this title are likely to change during the giving effect of SUB-2020-139 and therefore cannot be determined with confidence at this point in time. Working from the easements and encumbrances currently registered on RT 966313, while applying what is known about SUB-2020-139, we can conclude the following:

X13823 is a building line restriction which restricts building within 33 feet (10.06m) of the centreline of Dalziel Road. The building line restriction will apply to the roadside edge of the property. As SUB-2020-139 will subdivide Lot 1 from this title (and in doing so separate this subject site from the Dalziel Road frontage), this building line restriction is unlikely to be registered on the title of the new 49 Dalziel Road.

An historic batter rights easement **TE 177793** applies to land of 49 Dalziel Road, and allows the Council to use the frontage of this site to construct and maintain batters for the road. Again, this is unlikely to be registered on the title of new 49 Dalziel Road at the time of this subdivision as the subject site will be separated from the roadside.

There is an easement in gross **EI 9126257.3** in favour of the Dunedin City Council to drain stormwater from Ashmore Road to the watercourse. This will carry down automatically onto Lot 101 at Stage 1 and Lot 53 at Stage 3. It will have no implications for residential development.

The site is subject to the land covenant **9203466.3** which seeks to protect the historic rock walls within 31 Dalziel Road. This covenant is private covenant which the Council does not administer. It is possible it will be relevant to the Stage 1 lots.

Easement Instrument **9203466.4** allows the portion of the subject site relating to the underlying Lot 2 DP 453493 and Lot 4 DP 470050 to convey water over 31 Dalziel Road. This easement is appurtenant to these subject sites, and will apply to all new lots unless specifically cancelled. As the proposal is to have reticulated water supply to the residential lots, and the other lots will become reserve, this easement can be cancelled in full if not already cancelled.

Easement Instrument **9575090.11** lists the easements created at the time of DP 470050. Essentially, these easements for right of way, right to convey electricity, telecommunications and computer media, and the right to drain water, are all over what is now Lot 14 DP 534910 (i.e. the main access into the development), in favour of the relevant lots of DP 470050. These easements will carry down onto proposed Lot 200 in favour of all the new lots. In order for all the new lots to actually take advantage of these easements, it will be necessary for additional easements to be created where the new lots do not abut the existing access.

The consent notice **9575090.14** relates to the land of the former Lot 7 DP 470050 which is an underlying site of 49 Dalziel Road. It refers to a Geolink Land Investigation Report (plan attached to the rear of this consent in Appendix Three) and imposes controls on development according to the four categories of land shown on the associated plan. This is unlikely to have many implications for this subdivision except in respect of those lots which contain portions of land shown as not suitable for development. The consent notice can be cancelled from any new lots not containing land of categories B to D. In fact, the restrictions on development were reimposed on the consent notice 11368715.8 discussed below, and provided they carry down onto the new lots as appropriate in one form or another, this consent notice can be cancelled in full.

A private land covenant **9635087.1** imposes a list of restrictions on the owners of the lots of DP 470050. These include a requirement *'not to use, or permit any other person to use, any access way in Westacott Park other than that for the purpose of access to the Grantee's property'*. While the intent of this covenant is not exactly clear (is the access to be used for access only or can only certain persons use the access?), it is likely to be breached by any public use of the proposed access and walkways. As this a private covenant, this is not an issue for Council, but could raise a few issues for the applicant as it cannot be altered or removed from the subject land without reference to the owners of the other lots of DP 470050 not forming part of this proposal.

Land covenant **11368715.7** is another private covenant dating from 2019. The dominant tenement is 31 Dalziel Road and the servient tenement is Lot 1 DP 526776 (RT 846916) which is an underlying parcel of 49 Dalziel Road. The covenant is in respect to subdivision and development along the boundary of 31 Dalziel Road which has already occurred with DP 555131 and has limited relevance to this subdivision. As a private covenant, it is up to the developer to address, but unless specifically cancelled, will carry down automatically onto the titles of most new lots.

Consent notice **11368715.8** is a new consent notice relating to Lot 1 DP 526776 (the underlying version of 49 Dalziel Road). The consent notice identifies the setbacks, planting and fencing

requirements next to 31 Dalziel Road, the wastewater system to be employed when building a dwelling on-site, and the areas having limitations to development. These limitations coincide with the categories B to D of the Geolink Plan of consent notice 9575090.14 and will affect proposed Lots 40, 52 and 53 in particular, as well as the edges of Lots 19 (plus the Recreation zone of this lot), 20 and 47. Other clauses of the consent notice apply to other lots. This consent notice should be cancelled and the conditions reapplied to the new lots as appropriate.

Easement Instrument **11492665.7** provides Lot 100 DP 555131, being the version of 49 Dalziel Road created by SUB-2018-145, with service rights over Lot 14 DP 534910 (incorrectly shown on the Memorandum of Easements as DP 534010). This is the access lot to Dalziel Road being one of the subject sites of this consent, RT 883250. These services will carry down automatically onto all new lots having Lot 100 DP 555131 as an underlying parcel. This easement document also records the right to drain water over 'B' being a small area of land which is currently within 49 Dalziel Road, but will be contained within Lot 1 SUB-2020-139 and will, therefore, be outside the extent of this subdivision and need not be considered.

Easement Instrument **11492665.8** shows two rights in gross to drain water over the subject site in favour of the property owner (also the applicant of this consent). Again, one easement is 'B' which, as discussed above, will fall outside the extent of this subdivision. The other easement is 'C' which will carry down automatically onto the southern edge of the residential portion of proposed Lot 19 unless specifically changed. It will have no implications for development of this lot.

The title shows Easement Instrument **11492665.9** as providing a private easement to drain water over the same easement 'C' DP 555131 in favour of Lot 14 DP 534910 (the access lot to Dalziel Road).

Easement Instrument **12025806.4** created services easements and a right of way over Lots 9 and 14 DP 534910 (the access lots to Dalziel Road including the additional access lot created at the time of DP 555131) in favour of the subject site of Lot 100 DP 555131. This will carry down automatically onto the new titles.

Finally, **12071242.1** is an encumbrance to the Dunedin City Council. It covers the agreement between the property owner and the Council in respect of the rezoning of the land to Large Lot Residential 1 and the obligations of the property owner to provide certain elements of development. This encumbrance will be carried out in part or in full by this consent. It will, however, remain registered on the title and will carry down automatically onto the new titles of the lots unless removed independently from this consent process.

29 Dalziel Road has no easements or encumbrances registered on its record of title.

4 MacLeod Avenue

X13823 is the same building line restriction as that registered on the title of 49 Dalziel Road and which restricts building within 33 feet (10.06m) of the centreline of road only, in this case, the building line restriction will be applicable. The building line restriction will apply to the roadside edge of this property, therefore affecting proposed Lot 30 at Stage 2. It is not expected to impact significantly or at all (if considering setbacks as well) on the building potential of this lot.

Land Covenants **9203466.3** and **9635087.1** also apply to this land, as discussed above.

Easement Instrument **9203466.4** is discussed above. This subject site is a benefitted party of the easements.

Easement Instrument **11492665.7** created a right to drain water over 'H' DP 534910 in favour of the access lot, Lot 14 DP 534910, which will carry down automatically onto proposed Lots 36 and 38 without any consequence for development potential. The same document records service

easements and right of way over the access lot in favour of the subject site. This will carry down onto proposed Lots 30 to 32, 34 to 36, and 38 at Stage 2.

Easement Instrument **11492665.8** created easements in gross in favour of the property owner (applicant) for the drainage and conveyance of water in two locations. 'H' over the eastern edge of proposed Lots 36 and 38 (as above), and 'N' over a small portion of proposed Lot 30 (next to the access lot). These will carry down automatically and will have few, if any, implications for the development of the new lots.

Easement Instrument **11492665.9** created service easements and rights of way in favour of the subject site over Areas 'A', 'C' and 'M' DP 534910, being most of the access lot, Lot 14 DP 534910. These will carry down automatically onto proposed Stage 2 lots (Lots 30 to 32, 34 to 36 and 38).

Consent notice **9575090.13** relates to Lots 2, 3 and 5 DP 470050 and is concerned with the development of the land (and repeats clauses of consent notices already discussed). With the possible exception of the clause which seeks to prevent damage to the dry-stone rock walls, the consent notice is largely irrelevant once the land is rezoned. This consent notice can be cancelled from the subject site.

The same encumbrance **12071242.1** to the Dunedin City Council is also registered on this title.

Access Lot 14 DP 534910 (RT 883250)

The access lot from Dalziel Road has its own title and provides right of way access and services to the land of the greater development. The building line restriction, **X138233**, and land covenants **9203466.3**, **9635087.1** and **11368715.7** are as described above. The consent notice **11368715.8** is also repeated on this title although it possibly has little relevance given that it is concerned with development and the access lot will not be developed with buildings.

Easement Instruments **9203466.4**, **9575090.11**, **11492665.7**, **11492665.8**, and **11492665.9** are discussed above. Where Lot 14 DP 534910 is the servient tenement (burdened land), there will be additional parcels of benefitted land than those identified above.

Additional easements not already discussed are an easement in gross in favour of Aurora Energy Limited created by Easement Instrument **9976895.2** and additional rights to convey water (private) created by Easement Instrument **11492665.10**. These will carry down automatically onto parts of Lots 32, 36 and new Lot 200 at Stage 2

Consent notice **9575090.13** relates to Lots 2, 3 and 5 DP 470050 and is concerned with the development of the land (and repeats clauses of consent notices already discussed). Subsequent subdivision has placed the access lot into its own title, so most of the clauses of the consent notice are irrelevant to this land. Possibly the clause regarding the maintenance of dry-stone rock walls is relevant, but otherwise, the consent notice can be cancelled from this land.

New Easements

The application identifies new easements in general terms only. These are private easements for access, servicing and drainage over new sites in favour of other new sites; and easements in gross to Aurora Energy Limited, Chorus NZ Limited, and Dunedin City Council. Access and service easements are to be created over those portions of Lots 32 and 36 comprised of MacLeod Road in favour of the applicant's company.

4. Esplanade Reserve (Proposed Plan 10.3.1)

Rule 10.3.1.1 requires a 20m wide esplanade reserve to be created along the banks of Frasers Creek at the time of subdivision. The subdivision SUB-2020-139, which precedes this proposal and will be

completed before this consent is given effect, will create two esplanade reserves along both sides of the stream for most of its length, but not completely. The portion of the watercourse flowing through the Large Lot Residential 1 zone (at that time 'proposed') was excluded on a temporary basis on the understanding that the reserves would be attended to at the time of the following subdivision.

The proposal is to create two esplanade reserves, Lots 302 and 303, at Stage 3 on the southeast side of the new access through to Taieri Road. The crossing of the new access, within Lot 300, will be excluded completely, while the area to the northwest of the access, between Lot 40 and Taieri Road, is proposed to become Council reserve. Council's Parks and Recreation Planner has considered the proposal and finds it acceptable, although all lots should be vested as 'esplanade reserve'.

Theoretically, the creation of the esplanade reserves and reserve should be undertaken at Stage 1 (given that this stage is subdividing the land first), but it is considered acceptable that the reserves be addressed at Stage 3 as this is the stage that creates the access through its midst, and the residential lots in close proximity. Therefore, while the subdivision is a restricted discretionary activity because of the esplanades being taken at Stage 3, the outcome will be the same eventually. It is noted that the applicant has entered into an agreement with the Council, registered on the title as an encumbrance, to undertake Stage 3 within a specified time so there is limited risk that Stage 1 will be given effect but not Stage 3.

5. Infrastructure (Operative Plan 18.6.2(d), (e), (i), (j), (n), (o), & (p); Proposed Plan 15.11.4.1(c), 17.10.4.1(g))

Proposed Infrastructure

The applicant intends to install reticulated water supply, including supply for fire-fighting, as part of each stage. The water infrastructure within the development is to remain privately owned. At Stage 3, the water infrastructure will be connected to the Council-owned reticulated water service within Taieri Road, therefore completing a reticulated loop from Dalziel Road to Taieri Road.

Wastewater is currently addressed by a privately-owned pressure main system which extends from the Council-owned reticulated network in Taieri Road. All of the new lots are to be connected to this existing system. The pressure main will be realigned in several sections to ensure that it coincides with the accessways. This system is to be privately owned within the development.

Stormwater is to discharge to Frasers Stream through piped and open swale facilities. Easements will be provided as necessary to ensure protection of all the stormwater infrastructure which will be privately owned.

Three Waters

The Development Support Officer, Three Waters, has considered the application. A review of Council's GIS records indicates that there is a 225mm diameter water supply pipe on Taieri Road, a 150mm diameter wastewater pipe at the intersection of Taieri Road and Turner Street and a 225mm diameter water supply pipe in Dalziel Road.

There is an existing private 150 mm foul sewer pipe running through the property of 49 Dalziel property which the Development Support Officer advises cannot be used for this subdivision.

Assessment of Effects on Three Waters Infrastructure

The Council has hydraulic models for many of the City's water, wastewater and stormwater networks. The effect of new development on those networks can be evaluated against current performance, and against foreseeable future demand. The Three Waters Hydraulic Modeller has assessed this application as described below.

Water Supply

There is adequate pressure along Dalziel Road and Taieri Road to supply residential buildings with adequate working pressure (between 30m and 90m head) and adequate flows for fire-fighting provided the private infrastructure is designed and built correctly.

Wastewater

The applicant proposes using the existing private wastewater main running through the property for this development. The private wastewater main within the development is not in the wastewater model. There are some downstream wastewater manholes that are predicted to overflow in a 10year AEP rainfall event. The nearest downstream manhole is near the intersection of Taieri and Wakari Road. Additional wastewater loading on this wastewater network has the potential to exacerbate this existing issue, therefore 3Waters recommends that water saving devices are installed during the construction of new housing.

Stormwater

There is no stormwater modelling for this catchment but there are known flooding issues downstream in the Kaikorai Valley.

Infrastructure requirements

Dunedin Code of Subdivision & Development 2010

All aspects of this development shall be undertaken in accordance with the requirements of the Dunedin Code of Subdivision and Development 2010.

Water services

The Dunedin City Council Water Bylaw 2011 sets out the requirements for connections to the water supply network.

New water connections are required for all 26 proposed lots. For a new water connection or any change to an existing water connection, an "Application for Water Supply" is required. Proposed Plan Rule 9.3.7 requires that all services are laid at least 600mm into resultant sites. Therefore, when the connections are established, the water supply pipe must be laid at least 600mm into the lots.

Firefighting requirements

All aspects relating to the availability of water for firefighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies.

Wastewater services

To order to reduce water consumption and therefore the volume of wastewater generated, the developers of the new sites are recommended to install water saving devices, including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers.

Stormwater services

Three Waters advises that, in order to allow adequate pervious area for natural stormwater drainage, the maximum site coverage specified in the District Plan should be complied with when the sites are developed or redeveloped. Please note that there are new site coverage rules in the Proposed Plan for both building coverage and maximum site imperviousness, and any contravention of these rules will require additional resource consent.

There is no stormwater model for this catchment, but there are known flooding issues down Kaikorai Valley and Frasers Gully where the stormwater discharge will progress. It will also pass through an “Area of Significant Biodiversity Value” (Proposed Plan mapped layer). Therefore, a Stormwater Management Plan (SWMP) is required.

A Stormwater Management Plan (SWMP) prepared by a suitably qualified person must be submitted to Dunedin City Council including the following:

- a) Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and
- b) An assessment of the current and proposed imperviousness of the site; and
- c) Secondary flow paths; and
- d) Any watercourses located within the property; and
- e) Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and
- f) An assessment of the current network and its ability to accept any additional flow from the proposed development.

The SWMP must be submitted and accepted by 3 Waters prior to any construction commencing.

New infrastructure

The consent holder shall provide detailed engineering design (plans, long-sections and calculations) for the proposed new water and wastewater infrastructure to the Dunedin City Council well prior to any works commencing on site. The engineering plans and associated calculations must meet the requirements of the Dunedin Code of Subdivision and Development 2010 and the NZS4404:2004 standard.

Construction and installation of infrastructure shall be undertaken in accordance with the approved engineering plans, the Dunedin Code of Subdivision and Development 2010 and NZS4404:2004 standard.

On completion of construction of the servicing infrastructure, as-built plans shall be submitted to the Dunedin City Council, for approval. The as-built plans shall be accompanied by a quality assurance report.

Seepage Control

Private Drainage

The Technical Support Officer, Seepage Control Unit, has considered the application. He advises that there are currently no Council-owned foul or stormwater sewers located within the subject sites. There is a marked stream (Frasers Stream) located within 49 Dalziel Road.

Lots 1 to 28

There is an existing foul pressure pump-line connected to a Dunedin City Council foul sewer in Taieri Road currently servicing the existing neighbouring dwellings. A plan and detailed specifications will be required for assessment by the Dunedin City Council’s 3 Waters department on how wastewater is to be managed.

The head of the Frasers Stream is located within the site of 49 Dalziel Rd. A reticulation plan with detailed specifications and a stormwater management plan will be required for assessment by 3 Waters.

Summary

Overall, Three Waters and Seepage Control have no issues with the proposal subject to conditions consistent with the above.

6. **Waste Management**

The proposal has been reviewed by Council's Waste and Environmental Solutions in respect of the collection of refuse. The contractor undertaking the collection can collect refuse and recycling from this development via the private accesses provided appropriate easements in gross are created as part of the subdivision.

7. **Transportation (Operative Plan 18.6.1(c); Proposed Plan 15.11.2.1(b), & 15.11.4.1(d))**

Proposed Access

The development currently has a private shared access (Lot 14 DP534910) from Dalziel Road which is held in its own title. This has recently been extended by Lot 99 DP 555131 which also has its own title, RT 966312.

Additional access is to be constructed as part of this subdivision so as to link the ends of the two present accesses and to connect them to Taieri Road. The application describes these as 'private roads' although they are more correctly termed 'access lots' or simply as 'lots'. The accesses are to be constructed in a manner consistent with the present private accesses. Typical cross-sections are shown on the plans, Sheet 6 of 6, and shown the total width of the access as being 10.0m, with a metal carriageway width of 6.0m. There is a 1.0m metalled footpath shown on one side and a drainage swale on the other.

It is noted that on page five of the application the access and footpaths through the development are to be 'metal', but page nine of the Integrated Traffic Assessment prepared by Stantec for the applicant and submitted to the Council on 22 June 2021 states that the accesses are to be sealed. Transport requires all the vehicle accesses to be hard surfaced and recommends that the footpaths through the property be sealed but notes that, as the footpaths will be privately owned and not maintained by Council, a metalled surface will be acceptable.

At Stages 1 and 2, access is to be provided via Dalziel Road. It is part of the agreement of Encumbrance 12071242.1 that this is acceptable provided the link at Stage 3 is formed within the timeframe specified in the agreement (being 21 October 2023 or nine months from the installation of new power lines by Aurora). The detailed design of the Taieri Road connection will need to be submitted to the Council for approval. Traffic calming measures are to be constructed to discourage through-traffic.

Stage 2 will involve two new rights of way over Lot 32 and Lot 36 in favour of the applicant's company or as necessary to achieve legal access to Dalziel Road for all lots.

Additional Information requested

The Council's Planner – Transport considered the application and requested an Integrated Traffic Assessment (ITA) to be submitted to Council to enable an assessment of effects on the safety and efficiency of the transportation network, and the appropriateness of traffic calming measures.

Stantec

An ITA was prepared for the applicant by Stantec, and was submitted to the Council on 22 June 2021. The report discusses the existing transport infrastructure, existing travel patterns, the proposed subdivision layout, expected travel demands created by the proposed development, and the expected transport effects.

The report concludes that the proposed subdivision could generate an additional 25vph (vehicles per hour) on Taieri Road during the peak commuter period, or one vehicle movement every two minutes on average. This is not expected to generate any noticeable effects on the operation of the existing roading network. As the subdivision accesses will be narrow carriageways and small radius circles to promote a low-speed environment, Stantec considers that the accesses will operate safely, and concludes that, overall, the subdivision can be supported from a transport perspective.

Transport

The Council's Planner – Transport has considered the application and the ITA prepared by Stantec. He notes that Dalziel Road is classified as a Collector Road in the Proposed Plan classification hierarchy and Taieri Road is a Strategic Road. The site has frontage to Taieri Road on its northeast side, and Dalziel Road on its western.

The Planner – Transport notes that existing transport environment in the vicinity of the site is detailed within Section 2.0 of the ITA. The road characteristics of Taieri Road, from which primary access to the site is intended, are as follows:

- *A legal road width of 20m along the frontage of the development site.*
- *A formed and sealed carriageway generally 14.8m wide; accommodating one traffic lane in each direction, parking lanes, a centre flush median, and edge line markings.*
- *A sealed footpath on the north side of Taieri Road, and an unsealed footpath/shoulder on the south side adjacent to the site.*
- *An average daily traffic volume of 5100vpd in the vicinity of the site, with a peak hour volume estimated to be less than 600vph.*

While not specifically mentioned within the ITA, Transport notes that Taieri Road/Three Mile Hill Road is a secondary route from Mosgiel into Dunedin City. This is relevant because there has been a significant level of residential development in Mosgiel in recent years and the ADT on Taieri Road/Three Mile Hill Road has increased commensurately. For instance, a 2016 traffic count on this road where it passes the development site revealed an ADT of 4,775vpd.

Taieri Road is located on the Halfway Bush/Brockville/City bus route, with bus stops being located near the site on Taieri Road. Non-motorised road users are generally not provided with specific separated infrastructure within the transport network, particularly on Dalziel Road given the narrow legal width and lack of shoulder space provided on that road.

The site's frontage to Taieri Road coincides with the end point of the Strategic Cycle Network, which is defined in the Dunedin City Integrated Transport Strategy (ITS). This route does not feature specific cycling infrastructure at this point in time, and it has not yet been investigated how such infrastructure might be provided on this route in the future.

The site's frontage to Taieri Road is also just beyond the Strategic Pedestrian Network as defined in the ITS, though an unsealed footpath/shoulder is provided past the site in this location, continuing to the north-east along Taieri Road/Three Mile Hill Road. Transport considers it reasonable for the applicant to seal the footpath along the Taieri Road frontage of their site, as the development will directly increase the use of this pedestrian infrastructure. A condition is recommended to that effect.

The applicant proposes that the transport infrastructure within the subdivision be held in private ownership. The report writer is cognisant that this approach was accepted by Transport under SUB-2015-54 (a similar subdivision proposal that was eventually declined by the Council, though it is understood that this was not for transportation related reasons). As such, this is considered acceptable; however, it was also noted under SUB-2015-54 that Transport expressed a desire for the applicant to provide public access through the site for non-motorised road users. It is considered

appropriate for the applicant to provide a public non-motorised access plan for the site which adequately provides for public non-motorised access through the site.

Traffic generation:

Assuming a peak hour traffic generation rate of one movement per hour per lot, the ITA has assessed that the subdivision could generate about 36 vehicle movements on the road network during the peak hour. Note, this accounts for the existing sites within the subdivision that have been created through previous subdivision consents. In terms of trip distribution, the ITA has assessed that 25vph will use the Taieri Road access and about 11vph will use the existing Dalziel Road access. Hence, the TA has anticipated that in the peak hour about 30% of traffic movements will occur at the Dalziel Road access and 70% will occur at the Taieri Road access. Provided that the access roads are appropriately designed, Transport considers that the assumptions made in the ITA with respect to trip distribution are reasonable.

As there are twelve residential sites currently with established legal access to Dalziel Road, the final peak hour traffic generation rate at the Dalziel Road access is expected to be similar to what is already occurring.

Transport is, however, concerned that the subdivision layout may create a risk of rat-running between Dalziel Road and Taieri Road, noting that the access-way (albeit proposed to be a privately owned and maintained access) will eventually provide for a through connection. It is understood that the primary reason for creating a loop-road through the site is because there are already several sites located within 'Area X' of the Structure Plan area that have established legal access to Dalziel Road. Transport understands that there are legal issues associated with removing such legal access rights, and the solution is therefore to create a through road giving all sites the option of using Taieri Road or Dalziel Road for access.

To reduce the risk of rat-running through the subdivision it will be important to ensure that the access is designed with suitable traffic-calming infrastructure to ensure that a low-speed environment is created and that drivers are consequently deterred from cutting through the development. This can be addressed at the detailed design stage.

Since the subdivision will be staged, it should also be noted that there may be potential for additional vehicle movements at the Dalziel Road vehicle access on an interim basis. The ITA does not appear to have considered this. Since the Taieri Road connection will not be installed until the Stage 3 of the development, Stages 1 and 2 combined appear to create a maximum potential of 25 residential sites accessed from Dalziel Road. This is inclusive of the already established sites.

The mediated agreement (which at the time of the Transport Planner's comments was yet to be signed off by the Environment Court) requires the Taieri Road connection to be constructed and operational by either 21 October 2023; or within 9 months from the date Aurora Energy Limited has installed new power lines across 49 Dalziel Road, whichever date is earlier. Hence, any increase in use at the Dalziel Road vehicle access will be temporary. While not an ideal outcome from a transportation perspective, the matter was agreed during Environment Court Mediation after noting the physical constraints associated with constructing the Taieri Road vehicle access (steep gully requiring substantial engineering works to enable road construction and undergrounding of existing power lines). For completeness, and in line with the mediated agreement, a condition is recommended requiring the Taieri Road Connection to be constructed by 21st October 2023 or within 9 months from the date Aurora Energy Limited has installed new power lines across 49 Dalziel Road, whichever date is the earlier.

Overall, from a traffic generation perspective, the subdivision as proposed is considered to be generally consistent with the mediated agreement and is therefore accepted in this instance.

Site Access:

There is an existing vehicle access to the site from Dalziel Road, which will be extended under each stage to ensure that each new lot is provided with legal and physical access, as per Rule 6.8.1. As noted above, a new access to Taieri Road will be constructed under Stage 3 of the development.

Taieri Road Access:

A new vehicle access will be established to the site from Taieri Road. The ITA notes that this will be located about 70m west of the Turner Street intersection and the report author considers this to be a sufficient level of separation such that driver confusion is unlikely to occur as a result of intersection spacing. Transport accepts this assessment.

The ITA has assessed that the available sight distance is about 100m in either direction and that this complies with Austroads Design guidelines for Safe Intersection Sight Distance. The Planner – Transport notes that the ITA appears to have based this statement on the posted speed of 50km/h on Taieri Road and has not made mention of the operating speed. It is noted that a previous assessment undertaken in support of SUB-2015-54 by Traffic Design Group assessed the available sight distance as being approximately 150m in both directions, and that Transport accepted that the available sight distance as being acceptable under that consent. Following a site visit, the Planner – Transport is of the view that the sight distance to the west exceeds 150m and to the east is in the vicinity of 135-145m.

Overall then, it is considered that the location of the proposed access point will enable compliance with Austroads Design guidelines for Safe Intersection Sight Distance, even when allowing for an operating speed of between 60km/h and 70km/h on Taieri Road based on a reaction time of 2 seconds.

Since the vehicle access will be privately owned and maintained, it is appropriate that the connection point to Taieri Road is designed and constructed as a standard heavy-duty vehicle crossing. There shall be no kerb returns and the private property/road boundary point should be clearly delineated with appropriate surfacing treatment so that maintenance obligations are clear. Such details can be addressed at the detailed design stage.

Subject to above recommendations and preceding comments, the proposed access to Taieri Road is assessed as being acceptable from an overall Transport perspective.

Internal Road Design:

The ITA proposes that all roads will have a 6.0m sealed carriageway within a 10m wide legal access corridor. It states that a wide shoulder will be provided on one side of the new access to provide an all-weather surface for pedestrians. There is no kerb and channel proposed, and the ITA proposes that instead, open swales will be used for roadside drainage to be more consistent with what they describe as ‘the rural, open space nature of the large lot subdivision’. Reference has been made in the ITA that this design philosophy is broadly consistent with E2 rural road type as contained within NZS4404:2010 – Land Development and Subdivision Infrastructure.

Transport has considered these design principles. Firstly, the Planner – Transport notes that there appears to be an inconsistency between what is stated under Section 4.2 of the ITA (summarised above) and what is shown on the unlabelled plan on page 24 of the ITA (noting that a 1.5m wide footpath is shown). Transport considers that pedestrians should be provided with physical grade separation from the vehicle traffic lanes to reduce the risk of an errant vehicle striking a pedestrian. Furthermore, if only a shoulder is provided there is increased potential for vehicles to park on it and block the pedestrian lane.

These issues can be remedied by installation of kerb and channel or a grassed berm, for example. Additionally, it is recommended that the footpath width be increased to a minimum width of 1.8m, which is the minimum standard that has recently been adopted by DCC Transport for public roads. Again, these matters can be addressed at the detailed design stage. Parking is considered in more detail under 'Parking and Manoeuvring', below.

Since the internal accesses will remain in private ownership, it is recommended that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities. It is further recommended that the applicant make adequate provision for refuse collection within the site in order to reduce the effects of concentrating a collection point on Taieri Road or Dalziel Road. In that regard, the processing planner may wish to obtain the views of the Council's Solid Waste department.

Road safety:

The ITA includes a review of the reported crash history of the roads surrounding the development site. This includes Dalziel Road, Three Mile Hill Road and Taieri Road (past Ashmore Street). The Waka Kotahi Crash Analysis System (CAS) was used for this purpose and the search was undertaken over the past five years as is standard practice.

The Planner – Transport notes that the ITA does not draw any solid conclusions on road safety following the discussion of the reported crash history. However, the analysis shows a concentration of crashes at the Dalziel Road/Taieri Road intersection and also at the curve where Three Mile Hill Road becomes Taieri Road. It is considered that these reported crashes indicate that there is an existing trend of reported crashes at these two locations. These are considered to be pre-existing issues and it is considered unlikely that the proposed development would exacerbate these issues to any significant degree since the traffic generated by the subdivision is anticipated to be relatively modest, and that the new intersection with Taieri Road will achieve compliant sight distances. Hence, while these trends are noted, it is not considered reasonable in this instance to require the developer to address this.

Parking and manoeuvring:

The demand for on-road parking within the private way is expected to be low because the subdivision will be relatively low density. As per the Dunedin Code of Subdivision and Development 2010, it is appropriate that parking be provided along the private accesses at a rate one space per four dwelling units. Based on the number of lots proposed, it is therefore appropriate that on road parking is provided for up to nine vehicles. This may require adjustment of the boundaries to be able to accommodate the car parking and indented parking would be the appropriate design philosophy to ensure that the carriageway does not appear as a wide road. This will ensure that operating speeds within the subdivision are appropriately managed but will also ensure that the movement lane does not become obstructed by parked vehicles which is an important consideration come time for refuse collection or emergency vehicle access.

Parking for the individual sites will be assessed by Transportation at the time of future development. This would normally occur at the resource consent/building consent stage. Since the sites are large lots, Transport does not anticipate any issues with respect to complying with onsite manoeuvring requirements.

Subject to the above, the parking and manoeuvring provisions are assessed as being acceptable.

Headlight glare

The ITA has provided an assessment of headlight glare associated with the proposed access onto Taieri Road. Such effects are amenity effects, which generally will not impact on road users. The

Planner – Transport advises that amenity-type effects are not within Transport’s expertise to comment on.

Conclusion

Transport considers the effects of the proposed development on the transportation network to be less than minor, subject to conditions and advice notices consistent with the following.

8. Hazards (Operative Plan 18.6.1(t); Proposed Plan 15.11.4.1(b))

Section 6(h) of the Resource Management Act 1991 requires the Council to recognise and provide for the management of significant risks from natural hazards, as a matter of national importance. In addition, under section 106 of the Resource Management Act 1991, the Council may decline the subdivision consent, or it may grant the subdivision consent subject to conditions, if there is a significant risk from natural hazards.

The assessment of the risk from natural hazards requires a combined assessment of:

- (a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
- (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
- (c) *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*

Previous geotechnical investigations on this land were undertaken by Geolink Land Investigations Ltd in an undated report submitted for the subdivision of SUB-2015-54. The findings of this report and the plan (attached to this consent as Appendix Three) have been carried through onto consent notices which restrict development in certain locations within the greater property, most notably the gully system.

Council’s Consulting Engineer, Stantec, has reviewed the application in relation to the Hazards Register, street files and available aerial photography. The Hazards Register identifies this portion of this land (mostly within proposed Lots 19 and 20) as being subject to:

- Hazard ID 11965: Land Stability – Land Movement

The underlying geology consists of second main eruptive phase volcanics and the majority of the developable land is sloping by less than 15°. There are steep slopes within the eastern stream reserve area that are not intended to be modified.

The Consulting Engineer notes that the underlying lithology is generally globally stable at moderately steep slope angles (<20°) unless over-excavated or subject to weathering/ground water. Instability is generally limited to the overlying superficial deposits (loess). He comments:

‘We have reviewed several previous consent applications for this site that did not have earthworks plans or final layouts. We have reviewed the proposed earthworks plans which primarily consists of fill within the northern stream crossing to provide access, and cut within the proposed roading alignments. There are no major global earthworks to modify the lots.

‘The application proposes to use suitable stormwater management processes as prescribed by an engineer to control the hazards of the stormwater channel changes.

‘As the proposed new lots are within a relatively flat area of the site, less than 15 degrees, and no major earthworks are required, we recommend that the application not be declined on the ground of known natural hazards. The large scale earthworks and culvert installation associated with the stream should be designed and certified by an engineer.

‘There are no general potential instabilities of concern and the proposal does not appear to create or exacerbate instabilities on this or adjacent properties.’

Stantec recommends that the application not be declined on the ground of known natural hazards, subject to conditions regarding the identification of fill areas, and general earthworks conditions. The underlying consent notices should be replaced with new notices (or retained in a revised form if appropriate) to carry down onto the new lots as needed. It is noted that this will impose development restrictions on proposed Lots 40, 52 and 53 which are predominantly or fully situated within Category B of Geolink’s plan.

The situation was discussed with Council’s Consulting Engineer, Stantec. He considers the land is at a low slope angle and has relatively strong geology in the vicinity of these three lots. He recommends that there be a consent notice registered on the titles highlighting possible limitations to development and the need for specific foundation design for new buildings on these lots.

The matter was also discussed with the applicant’s agent. It was agreed that further geotechnical investigation would be undertaken as part of the s224(c) certification, and an appropriate consent notice registered on the titles to advise purchasers of the lots of the requirements for building or to state where building was not practicable within the affected lots. If necessary, the layout of the subdivision can be varied so as to include the land of Lot 40 and/or Lot 52 into adjoining lots (should there be no building options available for this land), but Lot 53 is separated from all the other residential lots by the esplanade reserves. If there is no building site available on Lot 53, this cannot be rectified through a boundary adjustment, and it is possible that Lot 53 will be left without any options for building. It is unacceptable to Council that this lot be held in its own title if it cannot be developed. Therefore, should the scenario arise that there are no development options for Lot 53, the site will need to be either vested as reserve (to supplement the adjacent esplanade reserve), or be held as a private reserve by the company, or held by amalgamation or covenant condition with a private lot.

9. Earthworks – (Operative Plan 17.7; Proposed Plan 8A.6)

The applicant seeks earthworks consent to construct the accessways at each stage of subdivision. No earthworks are proposed within the new residential sites except where affected by the access construction. Any development earthworks within the new residential lots will be left to the new owners to address when there is a definite development proposal for each lot.

While the application is staged, the earthworks will progressively fill up the gully in order to construct the new access through to Taieri Road at Stage 3. The application states that, overall:

- Area of earthworks (cut and fill): 9000m²
- Volume of topsoil to be stripped and retained on site for later reinstatement: 1800m³
- Volume of topsoil to be stripped and removed off-site: 900m³
- Volume of clay material to be cut-to-fill within the site: 6100m³
- Volume of clay material to be excavated and removed off-site: 1800m³.

A new culvert will be constructed under the new access to provide for Frasers Stream’s present flow path. The size and form of this culvert will be detailed in the engineering plans to be submitted to Council prior to works commencing. Appropriate sediment management will be undertaken to avoid sediment entering the stream during the works.

Earthworks – large scale, effects on visual amenity (Proposed Plan 8A.7.2.1(a))

The proposed earthworks will involve the filling of the gully in order to construct an access to Taieri Road. This will involve a change in ground level of up to 6.0m. The adverse effects of earthworks tend to be temporary in nature as, whatever the form of the earthworks, the subsequent development and revegetating of the land will mitigate the visual effects. In this case, the gully is to be filled using material from Stages 1 and 2, and the works will not be finalised until the completion of Stage 3. As such, it is likely that the earthworks will have effects on visual amenity over a period of some years but will, eventually, be incorporated into the landscape in an unobtrusive way. It is noted that the gully is below the level of Taieri Road and is not readily visible from other public viewpoints; therefore, any visual effects of the change in ground level will be mitigated by the limited visibility of the works.

Earthworks – large scale, effects on amenity of surrounding properties (Proposed Plan 8A.7.2.1(b))

The proposed earthworks in the gully will be visible from a number of residential properties, predominantly those situated on Ashmore Street. The works will, however, be only a small component of a large-scale redevelopment of the subject sites and, as noted above, the proposed earthworks will eventually be incorporated into the landscape. There will be contraventions of setback distances and the batters relating to the fill in the gully will have no adverse impact on any neighbouring property.

The works are expected to have some impact on the immediate neighbours due to potential noise, vibration and dust effects. In this case, the volume of earthworks being undertaken does not contravene the scale thresholds for small scale earthworks because of the overall scale of the project (the volume calculation being in respect to the area of the proposed earthworks), and it is only the change in ground level through the gully which contravenes the small scale thresholds. These earthworks will be some distance from any residential property.

Any adverse noise, dust and/or vibration effects will be the result of the construction works needed for the subdivision of the site into residential properties. Rule 4.5.4.1 of the Proposed Plan deals with construction noise within the residential zones and specifies acceptable hours of works and volumes. It also addresses vibration from construction by setting performance standards. These are designed to minimise adverse effects on neighbours, and the applicant must comply with these requirements during the earthworks phase or obtain further resource consent. Dust will be minimised by appropriate management by the construction workers.

Effects on the stability of land, buildings and structures (Proposed Plan 8A.7.2.1(c) & 8A.6.3.1)

The proposed filling of the gully for the construction of the new access to Taieri Road will result in a maximum change of ground level of approximately 6.0m, and a fill batter of 1.5H:1V, presumably on both sides of the new access. The proposed fill will have no effect on the stability of any building as it neither supports the foundations of any building, nor will it collapse upon any building should the batter fail. The earthworks for the access will be engineered appropriately and the proposed fill will not affect the stability of any other land.

Setback from National Grid (Proposed Plan 5.7.4.1).

The existing overhead transmission lines passing through the site are to be upgraded by the applicant and Aurora Energy Ltd prior to or as part of the Stage 3 works. The works will replace three wires with two, at a greater height and over longer spans.

The earthworks to construct the new access, Lot 300, will occur, in part, within the National Grid corridor. The earthworks involve the excavation of material up to 600mm deep, and the reinstatement of suitable material so that the finished level will be approximately 300m below existing ground level. Any earthworks exceeding the maximum depth of 300mm within a National

Grid corridor requires consent. While the depth of earthworks exceeds the maximum permitted, the finished depth is expected to be compliant with Rule 5.6.1.2(a).

The earthworks are unlikely to impact upon the health and safety given that Aurora Energy Ltd will be a party to the works. The earthworks are for the construction of an access and is not expected to impact on the efficient and effective operation of the powerlines.

Setback from Water (Operative Plan 17.7.5(iii))

The proposed earthworks involve the piping of Frasers Stream as part of the construction of the access. While earthworks for bridges, culverts and fords are exempt from the setback requirements in the Proposed Plan, this rule is appealed, and the relevant Operative District Plan rule must be considered. The Operative District Plan restricts Council's discretion to sedimentation of the waterbody, and the inundation or erosion of the land as a result of the alteration of the direction, rate or depth of flow of the waterbody.

The proposed works will install a culvert for the watercourse and will therefore maintain the present flow albeit via a pipe under the new access. Sedimentation of the watercourse will not be acceptable to Council and the developer will be required to manage runoff from the exposed earthworks so as to avoid this situation occurring. No inundation or erosion of the land is anticipated as a result of the proposed earthworks within 7.0m of Frasers Stream as there is no actual change to the rate or flow of the present watercourse except that it will be piped for a short distance. Any consents required from the Otago Regional Council must be obtained prior to works commencing.

10. Amenity Values and Character (Operative Plan 8.13.5; Proposed Plan 15.11.4.1(a))

This consent is not to be given effect until the rezoning of the land to Large Scale Residential 1 has been finalised and deemed operative. At that time, the proposal will be for a residential subdivision in a residential area, and in this respect, the effects of the proposal are anticipated by the Plan.

One means by which the District Plans seek to maintain and enhance amenity values is through the density provisions. In this case, the land to be developed with residential housing is to be zoned Large Lot Residential 1, with small portions of Recreation and Rural Residential 1 zoning also part of the proposal but not subject to residential development per se. The Proposed Plan treats sites with a zone boundary as two sites, so the non-residential land within Lots 19, 46 and 53, in particular, need not be considered when assessing density.

The applicant has undertaken a density calculation which takes into account the land held in the shared access of Lot 300 as part of the available land. Rule 15.5.2.2(b) excludes access legs from the calculation of density but does not specifically address access lots which are held in shared ownership. Regardless, the land could be developed with the number of units proposed without subdivision, and the subsequent subdivision of the houses onto individual lots would not introduce any additional effects irrespective of the resulting lot sizes. No additional development potential will be created by the proposed subdivision so, although the subdivision layout is considered to be a non-complying activity, the overall density of development is considered to be compliant.

The more specific elements of development and their effects on amenity values and character will be assessed for each lot at the time of building consent or resource consent application once a building proposal is known.

The proposed construction of an intersection onto Taieri Road has the potential to introduce headlight glare towards the houses opposite, thereby adversely affecting the residents' amenity. This subject was considered at the time of SUB-2015-54 following submissions from a number of the potentially affected residents. The matter was assessed in the Traffic Design Group Ltd report dated 16 December 2015, submitted as part of the application for SUB-2015-54. The Traffic Design Group

considered the number of vehicles exiting the subject site onto Taieri Road during dark hours and the sweep of headlights. The report concludes:

‘The vertical and horizontal alignment of the new road has been designed to minimise the potential effects of headlight glare as vehicles depart from the subdivision. Planting along Taieri Road and the subdivision road is also proposed to provide screening of headlight glare. While these design features will mitigate the potential for headlight glare effects, it is considered possible that some glare effects could still be noticeable because there is no existing development on the subdivision land that would generate any vehicle movements onto this section of Taieri Road.’

While the situation has not changed significantly (except that the proposed road is now to be a private access), it is the Proposed Plan rules now in effect rather than the Operative District Plan. Rule 15.8.13.1 of the Dalziel Road Structure Plan (now the Westacott Structure Plan) requires access to be provided from Taieri Road. The Proposed Plan was notified and the appeals regarding the Dalziel Road Structure Plan have been resolved through a consent order issued by the Environment Court. As such, the neighbours on Taieri Road opposite the development are not considered to be affected parties as the access onto Taieri Road is a Proposed Plan requirement.

NOTIFICATION ASSESSMENT

Public Notification

Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification. Each step is considered in turn below.

Step 1: Mandatory public notification in certain circumstances

- Public notification has not been requested.
- There has been no failure or refusal to provide further information.
- There has been no failure to respond or refusal to a report commissioning request.
- The application does not involve the exchange of recreation reserve land.

Step 2: If not required by Step 1, public notification precluded in certain circumstances

- There are no rules or national environmental standards precluding public notification.
- The application does not involve: a controlled activity, nor a boundary activity. As a result, public notification is not precluded under Step 2.

Step 3: If not precluded by Step 2, public notification required in certain circumstances

- There are no rules or national environmental standards requiring public notification.
- The activity will not have, or be likely to have, adverse effects on the environment that are more than minor.

Step 4: Public notification in special circumstances

- Previous applications to subdivide this land have been notified, and sometimes declined, mostly because of the underlying Rural zoning. The circumstances have now altered in that the zoning is to change, and the proposed subdivision no longer presents the challenges to the District Plan that previous proposals have. Under the Large Lot Residential 1 zoning, there are no special circumstances that warrant the application being publicly notified. There is nothing exceptional or unusual about the application that makes public notification desirable, given that the land to be developed as residential land is now zoned Large Lot Residential 1.

Limited Notification

Section 95B of the Resource Management Act 1991 sets out a step-by-step process for determining limited notification. Each step is considered in turn below.

Step 1: Certain affected groups and affected persons must be notified

- The activity is not in a protected customary rights area; the activity is not an accommodated activity in a customary marine title area; and, the activity is not on or adjacent to, or might affect, land that is the subject of a statutory acknowledgement.

Step 2: If not required by Step 1, limited notification precluded in certain circumstances

- There are no rules or national environmental standards precluding limited notification.
- The application does not involve a controlled activity that is not a subdivision.

Step 3: If not precluded by Step 2, certain other affected persons must be notified

- The application does not involve a boundary activity.
- There are no persons where the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

Step 4: Further notification in special circumstances

- There are no special circumstances that warrant the application being limited notified. There is nothing exceptional or unusual about the application that makes limited notification to any other persons desirable.

SUBSTANTIVE DECISION ASSESSMENT

Effects

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. It is considered that the adverse effects on the environment arising from the proposal are no more than minor.

Offsetting or Compensation Measures

In accordance with section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Operative District Plan and the Proposed Plan were taken into account when assessing the application.

Operative District Plan

Under the Operative District Plan, the subject sites are zoned Rural. As such, the proposal is considered to be inconsistent with the following objectives and policies:

- **Objective 4.2.1 and Policy 4.3.1 (Sustainability)** seek to maintain and enhance the amenity values of Dunedin.
- **Objective 5.3.7 and Policy 4.3.8 (Sustainability)** seek to provide for uses and development which are compatible with the zoning.
- **Objective 6.2.1 and Policy 6.3.1 (Rural)** seek to maintain the ability of the land resource to meet the needs of future generations.

- **Objective 6.2.2 and Policy 6.3.5 (Rural)** seek to maintain and enhance the amenity values associated with the character of the area.
- **Objective 6.3.6 and Policy 6.3.11 (Rural)** seek to avoid, remedy or mitigate the adverse effects of buildings, structures and vegetation on the amenity of adjoining properties.
- **Objective 6.2.5 and Policy 6.3.3. (Rural)** seek to avoid or minimise conflict between different land use activities in rural areas.
- **Objective 18.2.3 (Subdivision)** seeks to ensure that the potential uses of land and water are recognised at the time of subdivision activity.

The proposal is considered to be consistent with the following objectives and policies:

- **Objective 4.2.4 and Policy 4.2.4 (Sustainability)** seek to ensure that significant natural and physical resources are appropriately protected.
- **Objective 6.2.4 and Policy 6.3.8 (Rural)** seek to ensure that development in the rural area takes place in a way that provides for the sustainable management of roading and other public infrastructure.
- **Policy 6.3.14 (Rural)** seeks that subdivision or land use activities should not occur where they result in cumulative adverse effects.
- **Objective 17.2.1 and Policy 17.3.3 (Hazards)** seek to ensure that the effects on the environment of natural and technical hazards are avoided, remedied or mitigated.
- **Objective 17.2.3 and Policy 17.3.9 (Earthworks)** seek to ensure earthworks are undertaken in a manner that does not put the safety of people or property at risk and minimises adverse effects on the environment.
- **Objective 18.2.1 and Policy 18.3.1 (Subdivision)** seek to ensure that subdivision activity takes place in a coordinated and sustainable manner.
- **Objective 18.2.2 and Policy 18.3.5 (Subdivision)** seek to ensure that physical limitations are identified and taken into account at the time of subdivision activity.
- **Objective 18.2.7, Policy 18.3.7 and Policy 18.3.8 (Subdivision)** that seek to ensure that provision is made at the time of subdivision activity for appropriate infrastructure, including management of associated subdivision and development.
- **Objective 20.2.2 and Policy 20.3.2 (Transportation)** seek to ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.
- **Objective 20.2.4 and Policy 20.3.6 (Transportation)** seek to maintain and enhance a safe, efficient and effective transportation network.

Proposed Plan

On the basis that the land to be developed with residential lots is zoned Large Lot Residential 1, the proposal is considered to be consistent with the following Proposed Plan objectives and policies:

- **Objective 6.2.3 and Policies 6.2.3.3, 6.2.3.4 and 6.2.3.9 (Transportation)** which seek to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.
- **Objective 6.2.1 and Policy 6.2.1.3 (Transportation)** seek to ensure that transport infrastructure is designed and located to ensure the safety and efficiency of the transportation network.
- **Objective 9.2.1 and Policy 9.2.1.1 (Public Health)**
These seek to have land use, development and subdivision maintain and enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.
- **Objective 9.2.2 and Policy 9.2.2.7 (Public Health)**
These seek to have land use, development and subdivision activities maintain or enhance people's health and safety.
- **Objective 11.2.1 (Hazards)** seeks to have land use and development located and designed in a way that ensures the risks from natural hazards is low in the short to long term.

- **Objective 15.2.1 (Residential)** seeks to ensure that residential zones are primarily reserved for residential activities.
- **Objective 15.2.2 (Residential)** seeks to ensure residential activities, development, and subdivision activities provide high quality on-site amenity for residents.
- **Objective 15.2.3 and Policy 15.2.3.1 (Residential)** seek to ensure activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.
- **Objective 15.2.4 (Residential)** seeks to ensure that subdivision activities and development maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.
- **Objective 17.2.2 and Policy 17.2.2.8 (Rural Residential)** seek subdivisions to deliver resultant sites with a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development.
- **Objective 17.2.3 and Policy 17.2.3.5 (Rural Residential)** seek to only allow subdivision where it is designed to ensure any future land use and development will maintain or enhance the character and amenity of the rural residential zones.
- **Objective 20.2.2 and Policy 20.2.2.11 (Recreation)** seek to only allow subdivision activities where the subdivision does not adversely affect the efficient and effective operation of the recreation area.

Objectives and Policies Assessment

As the Large Lot Residential 1 zoning of the residential land is now beyond challenge, the Rural zoning of the Operative District Plan is no longer be relevant to this proposal. Therefore, greater weight has been given to the objectives and policies of the Proposed Plan and the development is considered to be consistent with the objectives and policies of the Proposed Plan.

Other Matters

Section 104(1)(c) of the Resource Management Act 1991 requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matters of precedent and Plan integrity are considered relevant here. These issues have been addressed by the Environment Court (starting with *Russell v Dunedin City Council* C092/03) and case law now directs the Council to consider whether approval of a non-complying activity will create an undesirable precedent. Where a plan's integrity is at risk by virtue of such a precedent, the Council is required to apply the 'true exception test'. This is particularly relevant where the proposed activity is contrary to the objectives and policies of the district plan and/or the proposed district plan.

In this case, the proposal is non-complying under the Operative District Plan because of the Rural zoning of the residential lots. This no longer applies, and therefore can be disregarded.

The proposal is non-complying under the Proposed Plan because the subdivision will result in lots smaller than minimum site size and the proposal is not entirely consistent with the Structure Plan. The overall density of development is, however, compliant with the expectations of the zone and the smaller lot sizes do not allow the land to be developed to an increased degree. The change to the Structure Plan is relatively minor and is unlikely to have any impact on the nature of the development.

Section 104D

Section 104D of the Resource Management Act 1991 specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the district plan and the proposed district plan. It is considered that the proposal meets both limbs as any adverse effects arising from this proposed activity will be no more than minor, and the activity will not be contrary to the objectives and policies of the Proposed Plan. Therefore, the Council can exercise its discretion under section 104D to grant consent.

Part 2

Based on the findings above, it is evident that the proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of consent would promote the sustainable management of Dunedin's natural and physical resources.

RECOMMENDATION

After having regard to the above planning assessment, I recommend that:

1. This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.
2. The Council grant consent to the proposed activity under delegated authority, in accordance with sections 104, 104B and 104D of the Resource Management Act 1991.
3. The time limits for the processing of this consent be extended pursuant to sections 37A(2)(b) and 37A(4)(b)(ii) of the Resource Management Act 1991.



Lianne Darby
Planner

Date: 20 August 2021.

DECISION

I have read both the notification assessment and substantive decision assessment in this report. I agree with both recommendations above.

Under delegated authority on behalf of the Dunedin City Council, I accordingly approve the granting of resource consent to the proposal:

Subdivision: SUB-2021-43

*Pursuant to Part 2 and sections 34A(1), 104, 104B and 104D of the Resource Management Act 1991, and the provisions of the Proposed Second Generation Dunedin City District Plan and Operative District Plan, the Dunedin City Council **grants** consent to a **non-complying** activity being staged subdivision of the land held in RsT 443475, 897992, 883249 and 883250 into 26 residential lots, access, and esplanade reserves, in a manner not fully consistent with the structure plan, at 29 & 49 Dalziel Road, & 4 MacLeod Avenue, Dunedin, subject to conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.*

Land Use: LUC-2021-170

*That pursuant to section 34A(1), 104, 104B and 104D and after having regard Part 2 and the provisions of the Proposed Second Generation Dunedin City District Plan and the Operative District Plan, the Dunedin City Council **grants** consent to a **non-complying** activity being:*

- *Large scale earthworks for Stages 1 to 3 SUB-2021-43 contravening maximum change in ground level;*
- *Earthworks at Stages 1 to 3 SUB-2021-43 contravening maximum fill batter gradient; and*
- *Earthworks within 7.0m of Frasers Stream;*

subject to conditions imposed under section 108 of the Act, as shown on the attached certificate. No consent is granted for residential activity on Rural-zoned land.

That, having taken into account:

- *The interests of any person who may be adversely affected by the time extension,*
 - *The interests of the community in achieving an adequate assessment of effects of a proposal, policy statement or plan, and*
 - *Its duty under section 21 to avoid reasonable delay,*
- the Council has, pursuant to sections 37A(2)(b) and 37A(4)(b)(i) of the Resource Management Act 1991, extended the requirement outlined in section 115 regarding the time in which notification of a decision must be given after the date the application was first lodged with the Council.*



Campbell Thomson
Senior Planner

Date: 20August 2021.

Consent Type: Subdivision Consent

Consent Number: SUB-2021-43

Purpose: Three-stage subdivision to create 26 residential lots, access, and esplanade reserves.

Location of Activity: 29 & 49 Dalziel Road, 4 MacLeod Avenue & Lot 14 DP 534910.

Legal Description: Lot 1-5 DP 497792 (RT 443475); Lot 2 SUB-2020-139 (currently part of Lot 100 DP 555131, RT 966313); Lot 2 DP 534910 (RT 883249); and Lot 14 DP 534910 (RT 883250)

Lapse Date: 20 August 2026, unless the consent has been given effect to before this date. Note, this date remains the same regardless of when the consent commences. For clarity, the lapse date applies to all three stages of the consent so that the giving effect of one stage does not give effect to the others.

Conditions:

Stage 1: Subdivision of Lot 2 SUB-2020-139 into Lots 14, 15, 18 to 20 (residential lots), Lot 100 (access lot) and Lot 101 (balance land).

1. *The proposed activity must be undertaken in general accordance with the revised plan prepared by Paterson Pitts Group, entitled, 'Proposed Subdivision of Westacott Heights Block,' Sheet 2 of 6, dated 18 August 2021, attached to this certificate as Appendix One, and the information provided with the resource consent application SUB-2021-43, received by the Council on 8 April 2021, except where modified by the following conditions.*
2. *Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:*
 - a) *If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.*
 - b) *That an easement in gross in favour of the Dunedin City Council must be created over any stormwater detention pond created as part of the stormwater management of this development, and must be shown on the survey plan in a Memorandum of Easements in Gross. The easements must be created in accordance with the relevant section of the Dunedin Code of Subdivision and Development 2010. The stormwater detention pond, if created, must have its own lot.*
 - c) *That easements for services in favour of the lots of DP 470050, DP 534910 and/or DP 555131 must be created wherever the services for these lots have been rerouted as a result of this subdivision and/or existing easements are inadequate to provide full legal access to services. The new easements, if any, must be shown on the survey plan in a Memorandum of Easements.*

- d) *That Easement A DP 453493, created by Easements Instrument 9203466.4, for the right to convey water over Lot 1 DP 453493 in favour of Lot 2 DP 453493 should be cancelled if possible, and if so, should be shown on the survey plan in a Schedule of Easements to be Cancelled.*
- e) *That a right of way in gross for public pedestrian access only in favour of the Dunedin City Council must be duly created or reserved over the footpath through Lot 100, Lot 14 DP 534910 and Lot 99 DP 555131, and must be shown on the survey plan in a Memorandum of Easements in Gross. The dimensions and position of the right of way in gross must be approved by Transport at rcmonitoring@dcc.govt.nz prior to its creation.*
- f) *That a right of way in gross over Lot 100, Lot 14 DP 534910 and Lot 99 DP 555131 must be duly created or reserved in favour of the Dunedin City Council for waste collection, and must be shown on the survey plan in a Memorandum of Easements in Gross.*

3. *Prior to works commencing, the subdivider must complete the following:*

- a) *The consent holder must provide notice to the Resource Consent Monitoring team by email to rcmonitoring@dcc.govt.nz advising who their representative shall be for the design and execution of the engineering works required in association with this subdivision and shall confirm that this representative will be responsible for all aspects of the works covered under NZS4404:2004 "Code of Practice for Urban Land Subdivision" in relation to this development.*
- b) *That detailed engineering plans, long-sections, and associated calculations for new and relocated water and wastewater infrastructure installed as part of Stage 1 must be submitted to rcmonitoring@dcc.govt.nz for approval prior to any works commencing on the site. The engineering plans and associated calculations must meet the requirements of the Construction Plan Check List, the Dunedin Code of Subdivision and Development 2010, and the NZS4404:2004 standard.*
- c) *A Stormwater Management Plan ("SWMP") for the entire development (all three stages) must be prepared by a suitably qualified person and be submitted to Three Waters at rcmonitoring@dcc.govt.nz for approval. The SWMP must include the following:*
 - (i) *Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow;*
 - (ii) *An assessment of the current and proposed imperviousness of the site;*
 - (iii) *Secondary flow paths;*
 - (iv) *Any watercourses located within the property;*
 - (v) *Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and*
 - (vi) *An assessment of the current network and its ability to accept any additional flow from the proposed development.*
- d) *That detailed engineering plans shown in the details of the construction of the Stages 1 and 2 access infrastructure must be submitted to rcmonitoring@dcc.govt.nz for approval by Transport. The plans must be designed in accordance with the details of the ITA and with the following design principles:*
 - (i) *A 6.0m wide sealed road carriageway.*
 - (ii) *A 1.8m wide grade-separate (i.e. stepped), all-weather surfaced footpath on one side of the carriageway.*
 - (iii) *Indented parking for up to 9 vehicles across entire development.*

- (iv) *Carriageway widening on small radius curves to ensure two-way movement of a truck and a light vehicle can be maintained.*
- (v) *Adequate drainage provisions.*
- (vi) *A target operating speed of no greater than 30km/h, including managed intervention (traffic calming) to reduce the risk of rat-running through the subdivision.*
- (vii) *A maximum gradient of 1 in 8 for the first 5.0m of the vehicle access within the site, measured from the property boundary.*
- (viii) *Designed to minimise longitudinal gradients, with a maximum change in gradient without transition for all vehicular access no greater than 1 in 8 for summit grade changes or 1 in 6.7 for sag grade changes.*

4. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*

Earthworks

- a) *All earthworks for this subdivision must be undertaken in accordance with the rules in Section 8A of the Proposed Plan and the conditions of LUC-2021-170, or any further resource consent for earthworks obtained for this development.*
- b) *The earthworks must be undertaken in accordance with the details of the approved SWMP of condition 3(c) above and the conditions of any resource consent obtained for earthworks.*

Infrastructure:

- c) *Stormwater management for Stage 1 must be undertaken in accordance with the approved SWMP of condition 3(c) above. If necessary, a consent notice must be prepared in consultation with Council's Subdivision Planner for registration on the titles of Lots 14, 15, 18, 19 and/or 20 for any on-site retention required.*
- d) *Construction and the installation of the service infrastructure must be undertaken in accordance with the approved engineering plans of condition 3(b) above, the Dunedin Code of Subdivision and Development 2010, and the NZS4404:2004 standard.*
- e) *That a consent notice is prepared in consultation with Council's legal team for registration on the titles of Lots 14, 15, and 18 to 20 for an on-going condition. The consent notice is to state that the property owners are responsible for the maintenance and management of all private stormwater, foul sewer and water infrastructure within the development. The wording of the consent notice must be approved by Council's legal team.*
- f) *A separate water service must be installed for each residential lot. An "Application for Water Supply" must be submitted to the Council's Water and Waste Services Business Unit for the new connections. Details of how each lot is to be served for water must be provided to the Three Water Group for approval. This detail can accompany the application for water supply.*
- g) *New water connections must be installed for each residential lot at least 600mm inside the boundary of each lot.*
- h) *Stormwater and wastewater laterals for each residential lot must be installed at least 600mm inside the boundary of each lot. This work will require a building consent under Section 40 of the NZBC 2004.*

- i) *The consent holder must confirm that all aspects relating to the availability of the water for fire-fighting are in compliance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless an alternative is approved by the New Zealand Fire Service. Details of any alternative approval must be provided to Dunedin City Council.*

Transport:

- j) *Construction of the access and footpath must be undertaken in accordance with the approved detailed design of condition 3(d) above. The footpath must be constructed over Lot 100, Lot 14 DP 534910 and Lot 99 DP 555131 in alignment with the right of way in gross to be created by condition 2(e) above. The new vehicle access need only be created over Lot 100 (although upgrading of the access through Lots 32, 36, and 200 Stage 2 will also be required at Stage 2 if not up to standard).*
- k) *Upon completion of the access and footpath, the works must be certified by a suitably qualified person as having been constructed in accordance with the approved plans of condition 3(d) above.*

Geotechnical:

- l) *That a plan must be prepared showing the extent of Categories B to D as shown on the Geolink Land Investigations Plan attached to this consent as Appendix Three (also depicted on the plan of consent notice 11368715.8) which are contained within Lots 19 and 20 of this subdivision so as to show the portions of these lots which have limitations for development. The plan must be clearly labelled and dimensions. It must be attached to the consent notice of condition 4(m) below.*
- m) *That a consent notice be prepared for registration on the title of Lots 19 and 20 for the following on-going condition:*
 - (i) *'A geotechnical report prepared by a suitably qualified person must be submitted to the Council with any building consent application for development occurring on this site within the area identified on the attached plan as having limitations for development.'*

General

- n) *That the existing consent notice 957090.14 must be cancelled in respect of the lots of this stage only (excepting Lot 101).*
- o) *That the existing consent notice 11368715.8 must be cancelled in respect of the lots of this stage only (excepting Lot 101).*
- p) *That the boundaries of Lots 19 and 20 next to the esplanade reserve of SUB-2020-139 must be fenced with a post and wire fence for their entire length.*
- q) *That a consent notice must be prepared for registration on the titles of Lots 14, 15, 18 to 20 for the following on-going conditions:*
 - (i) *'Any dry-stone rock walls within this lot must not be damaged or removed, but must be maintained in perpetuity as a landscape amenity feature.'*

- (ii) *'Where any part of the dwelling platform is positioned on engineered fill, then the earthworks must be specified, supervised and certified by an appropriately qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development.'*

Following the completion of subdivision works:

- r) *That as-built plans of the servicing infrastructure must be prepared and submitted to the Council for approval. The as-built plans must be accompanied by a quality assurance report.*

Stage 2: Subdivision of Lot 2 DP 534910 and Lot 14 DP 534910 into Lots 30 to 32, 34 to 36, and 38 (residential lots) and Lot 200 (access lot);

- 5. *The proposed activity must be undertaken in general accordance with the revised plan prepared by Paterson Pitts Group, entitled, 'Proposed Subdivision of Westacott Heights Block,' Sheet 3 of 6, dated 12 August 2021, received at Council on 18 August 2021, attached to this certificate as Appendix One, and the information provided with the resource consent application SUB-2021-43, received by the Council on 8 April 2021, except where modified by the following conditions.*
- 6. *Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:*
 - a) *If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.*
 - b) *That an easement in gross in favour of the Dunedin City Council must be created over any stormwater detention pond created as part of the stormwater management of this development, and must be shown on the survey plan in a Memorandum of Easements in Gross. The easements must be created in accordance with the relevant section of the Dunedin Code of Subdivision and Development 2010. The stormwater detention pond, if created, must have its own lot.*
 - c) *That easements for services in favour of the lots of DP 470050, DP 534910 and/or DP 555131 must be created wherever the services for these lots have been rerouted as a result of this subdivision and/or existing easements are inadequate to provide full legal access to services. The new easements, if any, must be shown on the survey plan in a Memorandum of Easements.*
- 7. *Prior to works commencing, the subdivider must complete the following:*
 - a) *The consent holder must provide notice to the Resource Consent Monitoring team by email to rcmonitoring@dcc.govt.nz advising who their representative shall be for the design and execution of the engineering works required in association with this subdivision and shall confirm that this representative will be responsible for all aspects of the works covered under NZS4404:2004 "Code of Practice for Urban Land Subdivision" in relation to this development.*
 - b) *That detailed engineering plans, long-sections, and associated calculations for new and relocated water and wastewater infrastructure which is to be constructed as part of Stage 2 must be submitted to rcmonitoring@dcc.govt.nz for approval prior to any works commencing on the site. The engineering plans and associated calculations must meet the requirements of the Construction Plan Check List, the Dunedin Code of Subdivision and Development 2010, and the NZS4404:2004 standard.*

8. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*

Earthworks

- a) *All earthworks for this subdivision must be undertaken in accordance with the rules in Section 8A of the Proposed Plan and the conditions of LUC-2021-170, or any further resource consent for earthworks obtained for this development.*

Infrastructure

- b) *Stormwater management for Stage 2 must be undertaken in accordance with the approved SWMP of condition 3(c) above (for stage 1). If necessary, a consent notice must be prepared in consultation with Council's Subdivision Planner for registration on the titles of Lots 30 to 38 (as appropriate) for any on-site retention required.*
- c) *Construction and the installation of the infrastructure must be undertaken in accordance with the approved engineering plans of condition 7(b) above, the Dunedin Code of Subdivision and Development 2010, and the NZS4404:2004 standard.*
- d) *That a consent notice is prepared in consultation with Council's legal team for registration on the titles of Lots 30 to 32, 34 to 36, and 38 for an on-going condition. The consent notice is to state that the property owners are responsible for the maintenance and management of all private stormwater, foul sewer and water infrastructure within the development. The wording of the consent notice must be approved by Council's legal team.*
- e) *A separate water service must be installed for each residential lot. An "Application for Water Supply" must be submitted to the Council's Water and Waste Services Business Unit for the new connections. Details of how each lot is to be served for water must be provided to the Three Water Group for approval. This detail can accompany the application for water supply.*
- f) *New water connections must be installed for each residential lot at least 600mm inside the boundary of each lot.*
- g) *Stormwater and wastewater laterals for each residential lot must be installed at least 600mm inside the boundary of each lot. This work will require a building consent under Section 40 of the NZBC 2004.*
- h) *The consent holder must confirm that all aspects relating to the availability of the water for fire-fighting are in compliance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless an alternative is approved by the New Zealand Fire Service. Details of any alternative approval must be provided to Dunedin City Council.*

Transport:

- i) *That any upgrading of the access needed to bring the existing driveway through Lots 32, 36 and 200 and Lot 99 DP555131 up to the standard required by the detailed plans of condition 3(d) above for Stage 1 be undertaken accordingly.*
- j) *Upon completion of any upgrade works for the access of Lot2 32, 36, and 200 and/or Lot 99 DP 555131, the works must be certified by a suitably qualified person as having been constructed in accordance with the approved plans of condition 3(d) above for Stage 1.*

- k) *That access to the private leg-ins of Lots 32 and 36 must be formed to a minimum width of 3.0m and be hard surfaced and adequately drained for a distance of at least 5.0m from the edge of MacLeod Road carriageway.*

General:

- l) *Consent notice **9575090.13** must be cancelled from RsT 883249 and 883250 only.*
- m) *That a consent notice must be prepared for registration on the titles of Lots 30 to 32, 34 to 36, and 38 for the following on-going conditions:*
- (i) *'Any dry-stone rock walls within this lot must not be damaged or removed, but must be maintained in perpetuity as a landscape amenity feature.'*
- (ii) *'Where any part of the dwelling platform is positioned on engineered fill, then the earthworks must be specified, supervised and certified by an appropriately qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development.'*
- n) *That the existing consent notice 957090.13 must be cancelled in respect of Lot 2 DP 470050 (the subject site of Stage 2) only.*

Following the completion of subdivision works:

- o) *That as-built plans of the servicing infrastructure must be prepared and submitted to the Council for approval. The as-built plans must be accompanied by a quality assurance report.*

Stage 3: Subdivision of Lot 101 Stage 1 and Lot 1-5 DP 497792 (RT 443475) into Lots 40 to 53 (residential lots), Lot 300 (access lot), Lot 301+ (Esplanade reserves)

9. *The proposed activity must be undertaken in general accordance with the revised plan prepared by Paterson Pitts Group, entitled, 'Proposed Subdivision of Westacott Heights Block,' Sheet 2 of 6, dated 12 August 2021, attached to this certificate as Appendix One, and the information provided with the resource consent application SUB-2021-43, received by the Council on 8 April 2021, except where modified by the following conditions.*
10. *Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:*
- a) *If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.*
- b) *That the following amalgamation condition must be endorsed on the survey plan:*
- i) *That Lot 300 hereon (legal access) be held as to one hundred undivided 1/100th shares by the owners of Lots 44 and 49 (12/100 shares each), Lot 47 (11/100 share), Lot 50 (23/100 share), Lot 51 (20/100 share) and Lot 52 (22/100 share) hereon as tenants in common in the said shares, and that individual record of title be issued in accordance therewith (see CSN Request 1717755).'*
- c) *That an easement in gross in favour of the Dunedin City Council must be created over any stormwater detention pond created as part of the stormwater management of this*

development, and must be shown on the survey plan in a Memorandum of Easements in Gross. The easements must be created in accordance with the relevant section of the Dunedin Code of Subdivision and Development 2010. The stormwater detention pond, if created, must have its own lot.

- d) That a right of way in gross for public pedestrian access only in favour of the Dunedin City Council must be duly created or reserved over the footpath through Lot 300, and must be shown on the survey plan in a Memorandum of Easements in Gross. The dimensions and position of the right of way in gross must be approved by Transport at rcmonitoring@dcc.govt.nz prior to its creation.*
- e) That a right of way in gross over Lot 300 must be duly created or reserved in favour of the Dunedin City Council for waste collection, and must be shown on the survey plan in a Memorandum of Easements in Gross.*
- f) That easements for services in favour of the lots of DP 470050, DP 534910 and/or DP 555131 must be created wherever the services for these lots have been rerouted as a result of this subdivision and/or existing easements are inadequate to provide full legal access to services. The new easements, if any, must be shown on the survey plan in a Memorandum of Easements.*
- g) That Lots 301 (or multiple lots if necessary), 302 and 303 must vest with the Council as esplanade reserve. The esplanade reserves must be at least 20.0m wide.*

11. Prior to works commencing, the subdivider must complete the following:

- a) The consent holder must provide notice to the Resource Consent Monitoring team by email to rcmonitoring@dcc.govt.nz advising who their representative shall be for the design and execution of the engineering works required in association with this subdivision and shall confirm that this representative will be responsible for all aspects of the works covered under NZS4404:2004 "Code of Practice for Urban Land Subdivision" in relation to this development.*
- b) That detailed engineering plans, long-sections, and associated calculations for new and relocated water and wastewater infrastructure which is to be constructed as part of Stage 3 must be submitted to rcmonitoring@dcc.govt.nz for approval prior to any works commencing on the site. The engineering plans and associated calculations must meet the requirements of the Construction Plan Check List, the Dunedin Code of Subdivision and Development 2010, and the NZS4404:2004 standard.*
- c) That detailed engineering plans of a 2.0m wide footpath, kerb and channel along the Taieri Road frontage of the subject site must be submitted to rcmonitoring@dcc.govt.nz for approval by Transport.*
- d) That detailed plans and engineering details for a standard DCC heavy-duty vehicle crossing at the Lot 300/Taieri Road intersection must be submitted to rcmonitoring@dcc.govt.nz for approval by Transport.*
- e) That detailed engineering plans shown in the details of the construction of the Stage 3 access infrastructure must be submitted to rcmonitoring@dcc.govt.nz for approval by Transport. The plans must be designed with the following design principles:*
 - (ix) A 6.0m wide sealed road carriageway.*
 - (x) A 1.8m wide grade-separated (i.e. stepped) all weather surfaced footpath on one side of the carriageway.*

- (xi) *Indented parking for up to 9 vehicles across entire development.*
- (xii) *Carriageway widening on small radius curves to ensure two-way movement of a truck and a light vehicle can be maintained.*
- (xiii) *Adequate drainage provisions.*
- (xiv) *A target operating speed of no greater than 30km/h, including managed intervention (traffic calming) to reduce the risk of rat-running through the subdivision.*
- (xv) *A maximum gradient of 1 in 8 for the first 5.0m of the vehicle access within the site, measured from the property boundary.*
- (xvi) *Designed to minimise longitudinal gradients, with a maximum change in gradient without transition for all vehicular access no greater than 1 in 8 for summit grade changes or 1 in 6.7 for sag grade changes.*

12. *Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:*

Earthworks

- a) *All earthworks for this subdivision must be undertaken in accordance with the rules in Section 8A of the Proposed Plan and the conditions of LUC-2021-170, or any further resource consent for earthworks obtained for this development.*

Infrastructure

- b) *Stormwater management for Stage 3 must be undertaken in accordance with the approved SWMP of condition 3(c) above for Stage 1. If necessary, a consent notice must be prepared in consultation with Council's Subdivision Planner for registration on the titles of Lots 40 to 52 (as applicable) for any on-site retention required.*
- c) *Construction and the installation of the services infrastructure must be undertaken in accordance with the approved engineering plans of condition 11(b) above, the Dunedin Code of Subdivision and Development 2010, and the NZS4404:2004 standard.*
- d) *That a consent notice is prepared in consultation with Council's legal team for registration on the titles of Lots 40 to 53 for an on-going condition. The consent notice is to state that the property owners are responsible for the maintenance and management of all private stormwater, foul sewer and water infrastructure within the development. The wording of the consent notice must be approved by Council's legal team.*
- e) *A separate water service must be installed for each residential lot. An "Application for Water Supply" must be submitted to the Council's Water and Waste Services Business Unit for the new connections. Details of how each lot is to be served for water must be provided to the Three Water Group for approval. This detail can accompany the application for water supply.*
- f) *New water connections must be installed for each residential lot at least 600mm inside the boundary of each lot.*
- g) *Stormwater and wastewater laterals for each residential lot must be installed at least 600mm inside the boundary of each lot. This work will require a building consent under Section 40 of the NZBC 2004.*
- h) *The consent holder must confirm that all aspects relating to the availability of the water for fire-fighting are in compliance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for*

Fire Fighting Water Supplies, unless an alternative is approved by the New Zealand Fire Service. Details of any alternative approval must be provided to Dunedin City Council.

Transport:

- i) That the public footpath along the Taieri Road frontage of the subject site must be constructed in accordance with the approved plans of condition 11(c) above.*
- j) That the heavy-duty vehicle crossing at the intersection of Lot 300 and Taieri Road must be constructed in accordance with the approved plans of condition 11(d) above.*
- k) Upon completion of the construction of the public roading assets (the public footpath and heavy-duty vehicle crossing), the works must be certified by a suitably qualified professional as having been constructed in accordance with the approved plans and specifications, and as-built plans, along with associated asset data, must be provided to Council.*
- l) That the construction of the access and footpath through Stage 3 must be undertaken in accordance with the approved detailed design of condition 11(e) above. The footpath must be constructed over Lot 300 in alignment with the right of way in gross to be created by condition 10(d) above.*
- m) Upon completion of the access and footpath, the works must be certified by a suitably qualified person as having been constructed in accordance with the approved plans of condition 11(e) above.*

Geotechnical:

- n) Further geotechnical investigation must be undertaken by a suitably qualified person to assess the stability of the building sites within Lots 40, 52 and 53. The report must confirm that the Lots 40, 52 and 53 are suitable for residential development, or clearly state otherwise if not, and how the subdivision development is to address this issue through redesign of the subdivision if necessary or the imposition of an amalgamation conditions or a covenant. The report must be submitted to the Council at rcmonitoring@dcc.govt.nz to be approved prior to subdivision works commencing.*
- o) That a plan must be prepared showing the extent of Categories B to D as shown on the Geolink Land Investigations Plan attached to this consent as Appendix Three (also depicted on the plan of consent notice 11368715.8) which are contained within Lots 40, 47, 52 and 53 of this subdivision so as to show the portions of these lots which have limitations for development. The plan must be clearly labelled and dimensions. If appropriate, it should also identify a specific building platform should it be necessary to confine development to a specific location on the lot/s. The plan must be attached to the consent notice of condition 12(p) and 12(q) below.*
- p) That a consent notice be prepared for registration on the title of Lot 47 for the following on-going condition:*

‘All residential buildings constructed on this site must be clear of the area having limitations for development as shown on the attached plan, unless a geotechnical report prepared by a suitably qualified person confirms that an alternative building location is acceptable.’
- q) That a consent notice be prepared for registration on the title of Lots 40, 52 and 53 for an on-going condition that:*

- (i) Refers to the geotechnical investigation report of condition 12(n) above;
- (ii) Refers to the plan of condition 12(o) above;
- (iii) Imposes appropriate controls on residential development within the lots including, if appropriate, a restrictive building platform.

The wording of the consent notice must be determined in consultation with Council's Subdivision Officer following the receipt at Council of the geotechnical investigation report of condition 12(n) above. If the geotechnical report shows that any or all of the lots are unsuitable for development, then this should be clearly stated.

General

- r) *That the existing consent notice 957090.14 must be cancelled in respect of the lots of this stage only.*
- s) *That the existing consent notice 11368715.8 must be cancelled in respect of the lots of this stage only.*
- t) *That a consent notice must be prepared for registration on the titles of Lots 40 to 53 for the following on-going conditions:*
 - (i) *'Any dry stone rock walls within this lot must not be damaged or removed, but must be maintained in perpetuity as a landscape amenity feature.'*
 - (ii) *'Where any part of the dwelling platform is positioned on engineered fill, then the earthworks must be specified, supervised and certified by an appropriately qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development.'*
- u) *That the existing consent notice 957090.14 must be cancelled in respect of the lots of this stage only.*
- v) *That the boundaries of Lots 40, 47, 48, 52 and 53 next to the esplanade reserve of SUB-2020-139 and/or the new esplanade reserves created as part of this stage must be fenced with a post and wire fence for their entire length within these lots.*

Following the completion of subdivision works:

- w) *That as-built plans of the servicing infrastructure must be prepared and submitted to the Council for approval. The as-built plans must be accompanied by a quality assurance report.*

Advice Notes:

Transportation

1. It is advised that the heavy-duty vehicle crossing onto Taieri Road between the road carriageway and the property boundary is within legal road, and will therefore require a separate vehicle entrance approval from DCC Transport (pursuant to the Local Government Act 1974), in order to ensure that the vehicle crossing is constructed in accordance with Council's Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).

2. The provisions for access, parking and manoeuvring on each of the new lots will be assessed by Transport at the time of building consent or resource consent application for any new development proposal.
3. It is recommended that the owners and users of the shared accesses enter into a formal agreement in order to clarify the maintenance responsibilities.
4. It is advised that the new accesses/access extensions may require naming. Please contact DCC Transport for further information on these requirements.

Earthworks

5. This consent does not address future earthworks associated with the development of Lots 14, 15, 18 to 20, 30 to 32, 34 to 36, 38, or 40 to 53. Should future earthworks for the development of the building platforms or internal access, etc. contravene the rules of Rule 8A of the Proposed Plan, additional resource consent will be required.
6. 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).

Watercourses

7. Any work within a watercourse (including piping) or discharge of stormwater to the watercourse must comply with the requirements of the Regional Plan: Water, and with any building consent requirements for related structures. It is recommended that the applicant contacts the Otago Regional Council to discuss permitted rules in regards to the watercourse, and whether regional council consent is required.
8. Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.
9. Where a watercourse passes through private property, the property owner is responsible for:
 - Ensuring that there are no obstructions or impediments in the watercourse which may inhibit the flow of water.
 - Ensuring that any grates or outlets within your property are kept clear of debris at all times.
 - Any work you undertake in relation to a watercourse to meet your responsibilities must comply with the Regional Plan: Water.
10. More information on watercourses can be found at:
http://www.dunedin.govt.nz/data/assets/pdf_file/0008/338552/Watercourse-Information-2014v2.pdf

Infrastructure

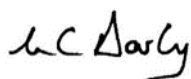
11. All water, wastewater and stormwater infrastructure within this development is privately owned. The

12. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
13. Detail of the water supply application process can be found at:
<http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
14. All aspects relating to the availability of 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.
15. It is noted that some proposed lots will have new servicing infrastructure (to vest in Council) located within the lots. Any buildings constructed on these lots must meet the requirements of Section 5.5 of the Dunedin Code of Subdivision and Development (2010) in relation to building in close proximity to Council infrastructure, unless otherwise approved by the Three Waters Group.
16. Requests for required infrastructure inspections shall be made to Three Waters with at least three working-days' notice provided.

General

17. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
18. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
19. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the 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.
20. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
21. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 20 August 2021.



Lianne Darby
Planner

Consent Type: Land Use Consent

Consent Number: LUC-2021-170

Purpose: Large scale subdivision earthworks for SUB-2021-43, contravening maximum change in ground level and maximum fill batter gradient.

Location of Activity: 29 & 49 Dalziel Road, 4 MacLeod Avenue & Lot 14 DP 534910.

Legal Description: Lot 1-5 DP 497792 (RT 443475); Lot 2 SUB-2020-139 (currently part of Lot 100 DP 555131, RT 966313); Lot 2 DP 534910 (RT 883249); Lot 14 DP 534910 (RT 883250)

Lapse Date: LUC-2021-170 shall lapse five years from the date that the s223 certificate for Stage 1 of SUB-2021-43 is issued, unless given effect prior to this date.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the plans and cross sections prepared by Paterson Pitts Group, entitled, 'Proposed Subdivision of Westacott Heights Block,' Sheets 4 to 6, dated 12 March 2021, , attached to this certificate as Appendix Two, except where modified by the revised plans received at Council on 18 August 2021, attached to this consent as Appendix One, and the information provided with the resource consent application LUC-2021-170, received by the Council on 8 April 2021, except where modified by the following conditions.*

The following conditions are to be repeated for each stage of the subdivision except where specifically identified as relevant to a particular stage only.

Conditions for earthworks to be met prior to works commencing:

2. *The consent holder must provide notice to the Resource Consent Monitoring team by email to rcmonitoring@dcc.govt.nz of the start date of the works. This notice must be provided at least five (5) working days before the works are to commence.*
3. *The consent holder must provide notice to the Resource Consent Monitoring team by email to rcmonitoring@dcc.govt.nz advising who their representative shall be for the design and execution of the earthworks and shall confirm that this representative will be responsible for all aspects of the works covered under NZS4404:2004 "Code of Practice for Urban Land Subdivision" in relation to this development.*
4. *That an Erosion and Sediment Control Management Plan (ESCMP) must be prepared by a suitably qualified person with a view to mitigating erosion and to control sediment-laden stormwater run-off from the site during all stages of site disturbance. The ESCMP must be submitted to Council for its records prior to works commencing.*
5. *That detailed engineering design plans must be submitted to rcmonitoring@dcc.govt.nz for the installation of the culvert within Frasers Stream for approval. Any consents required by the Otago Regional Council for this work must be obtained prior to works commencing and be submitted to rcmonitoring@dcc.govt.nz for its records.*

Conditions to be met at the commencement of, or during, site works or construction

6. *The consent holder must establish a construction phase vehicle access point to the site and ensure it is used by construction vehicles. The access is to be stabilised by using a geotextile fabric and either topped with crushed rock or aggregate. The access is to be designed to prevent runoff.*
7. *The earthworks and construction work must be under the control of a nominated and suitably qualified person (civil/environmental engineer or technician).*
8. *The installation of the culvert must be undertaken in accordance with the detailed engineering drawings of condition 5 above.*
9. *Any earth fill intended to support foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development. If cut material is used on site for fill purposes then moisture controls may be required to meet this standard.*
10. *If fill is to be reused on the site it is to be deposited in accordance with best practice and keyed into any slopes.*
11. *Any batter slopes constructed on the site as part of the earthworks must comply with the setback requirements of Rule 8A of the Proposed Plan in relation to land owned by other parties or the Council, or a further land use consent will be required.*
12. *Slopes must not be cut steeper than 1H:1V (45°) or be more than 2.0m high without specific engineering design and construction.*
13. *Except where authorised by this consent, slopes must not be filled steeper than 2H:1V (27°) or be more than 2.0m high without specific engineering design and construction. Any slopes steeper than 2H:1V (27°) must have a geotechnical engineer confirm in writing to rcmonitoring@dcc.govt.nz that the batters are suitably stable, and will not create or exacerbate instability on any property.*
14. *Any change in ground levels is not to cause a ponding or drainage nuisance to neighbouring properties.*
15. *Any fill material to be introduced to the site must comprise clean fill only.*
16. *The consent holder's engineer must be engaged to determine any temporary shoring requirements at the site during earthworks construction and the consent holder must install any temporary shoring recommended by the engineer.*
17. *Any modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events*
18. *The earthworks must be undertaken with the principles of industry best practice applied at all stages of site development including site stability, stormwater management, traffic management, along with dust and noise controls at the sites.*
19. *All earthworks must be managed as much as practicable to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged from the subject site either to land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge does occur, all earthworks shall cease immediately except for emergency works to address the discharge. Discharge damage must be rectified where possible, or otherwise be mitigated. A report confirming the mitigation measures undertaken,*

or to be undertaken, must be submitted to rcmonitoring@dcc.govt.nz, no later than seven days following the discharge event, for approval by the Resource Consent Manager (or equivalent position).

20. No soil disturbance or soil shifting, unloading, loading will take place if wind speed is higher than 14 metres per second if the soil is dry and prone to becoming airborne, unless a dust suppressant is applied.
21. All loading and unloading of trucks with excavation or fill material is to be carried out within the subject site.
22. Surplus of unsuitable material is to be disposed of away from the site to a Council approved destination.
23. The consent holder must:
 - a) be responsible for all contracted operations relating to the exercise of this consent; and
 - b) ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to all associated erosion and sediment control plans and methodology; and
 - c) ensure compliance with land use consent conditions.
24. Should the consent holder cease, abandon, or stop work on site for a period longer than 6 weeks, the consent holder must first take adequate preventative and remedial measures to control sediment discharge/run-off and dust emissions, and must thereafter maintain these measures for so long as necessary to prevent sediment discharge or dust emission from the site. All such measures must be of a type and to a standard which are to the satisfaction of the Resource Consent Manager (or equivalent position).
25. If during the earthworks operations, any public road, footpath, landscaped area, reserve, or service structure is adversely affected or damaged, the consent holder must attend to its repair or cleaning as soon as practicably possible. The Council must be advised at rcmonitoring@dcc.govt.nz as soon as the adverse effect or damage is identified so that mitigation and remediation works are approved. Any mitigation or remediation works must be completed at the expense of the consent holder.
26. If the consent holder:
 - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:
 - i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
 - ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) *discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:*
 - i) *stop work within the immediate vicinity of the discovery or disturbance; and*
 - ii) *advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and*
 - iii) *arrange for a suitably qualified archaeologist to undertake a survey of the site.*

Site work may recommence following consultation with the Consent Authority.

- 27. *The contractors must undertake all due care not to damage the historic dry stone walls within the subject property as part of the earthworks. Any damage to the walls must be reported to the Council at rcmonitoring@dcc.govt.nz as soon as it occurs, and must be repaired at the consent holder's expense in consultation with the Council.*

Conditions to be met following the conclusion of site works or construction

- 28. *At the end of each main earthwork stage (or earlier, if conditions allows) the affected areas must be immediately developed as access with an appropriate all-weather surface or be adequately top-soiled and vegetated (e.g. hydro-seeded) as soon as possible to limit sediment mobilisation.*
- 29. *At the end of Stage 3, the entire height of the fill batters in the gully must be planted in low-height native grasses within three months of completing the earthworks.*
- 30. *Any areas of certified or uncertified fill must be identified on a plan, and the plan and certificates submitted to Council to be recorded against the property file.*

Advice Notes:

Earthworks

- 1. Proposed Plan Change 8 of the Regional Plan: Water for Otago was notified on 8 April 2020 and has been given legal effect. Rule 14.5.1.1 of this Plan Change specifies those earthworks for residential development which are considered to be permitted activities. It is likely that the proposed earthworks for this subdivision will contravene at least one of these and resource consent from the Otago Regional Council will be required. The consent holder is advised to contact the Otago Regional Council to determine any requirements this regional council might have regarding this development proposal.
- 2. This consent does not address the deposit of soils on another site. If any rules of Section 8A of the Proposed Plan or the NES are contravened, then additional resource consent will be required.
- 3. All measures (including dampening) should be undertaken to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary.
- 4. Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.

5. All construction noise should comply with the following noise limits as per New Zealand Standard NZS 6803:1999 refer G:\Planning\RMA\Processing Resource\Current Templates\Standard Conditions\Noise Condition Guidance.docx

Heritage

6. Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check whether a site is an archaeological site, the consent holder is advised to discuss their proposal with Heritage New Zealand.

General

7. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
8. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
9. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the 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.
10. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
11. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 20 August 2021.



Lianne Darby
Planner

LAYOUT PLAN

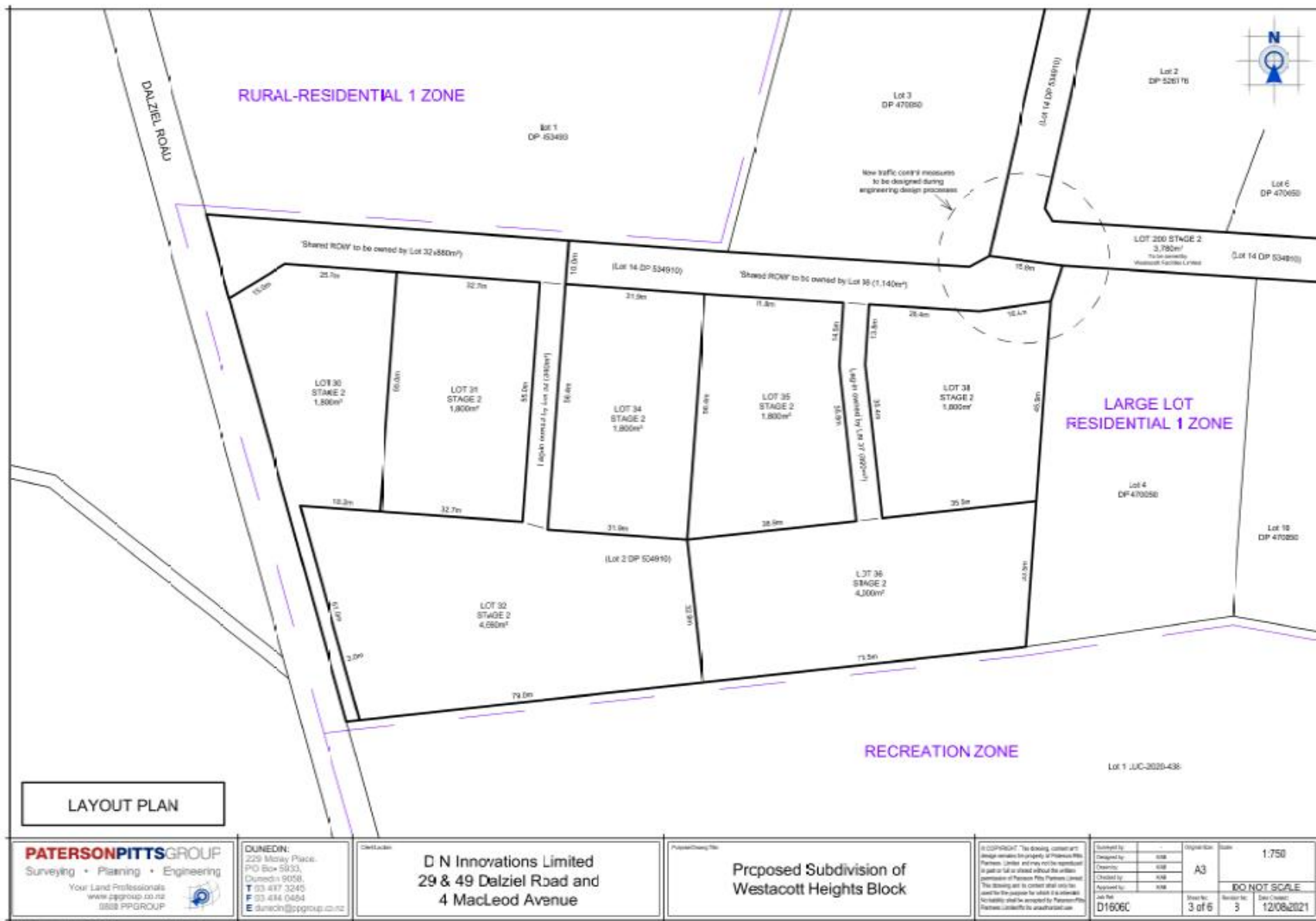
PATERSONPITTS GROUP
Surveying • Planning • Engineering
Your Land Professionals
www.ppgroup.co.nz
0800 PPGROUP

DUNEKIN
229 Macey Place
PO Box 5933
Dunedin 9058
T 03 437 3245
F 03 434 0484
E info@ppgroup.co.nz

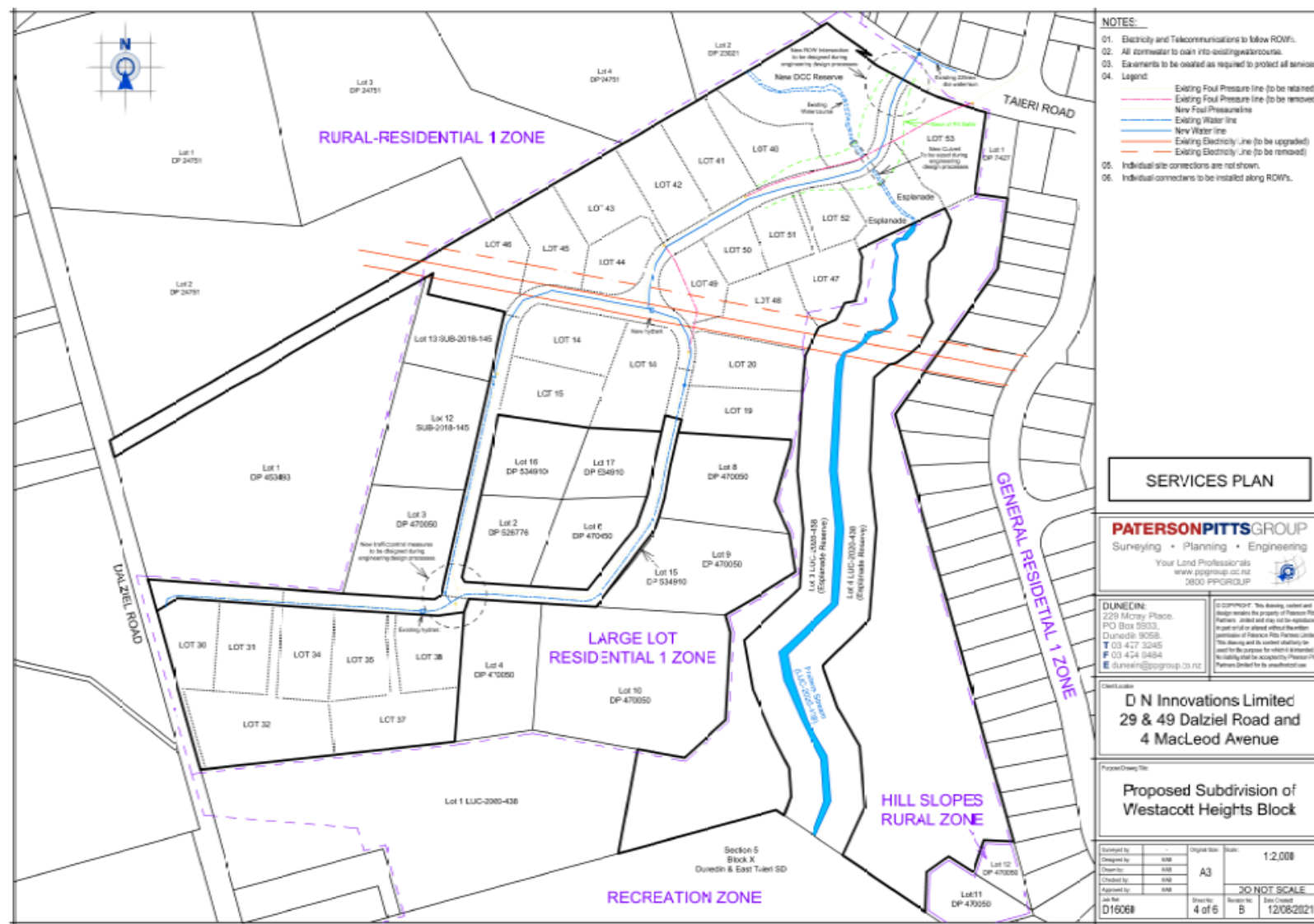
D N Innovations Limited
29 & 49 Dalziel Road and
4 MacLeod Avenue

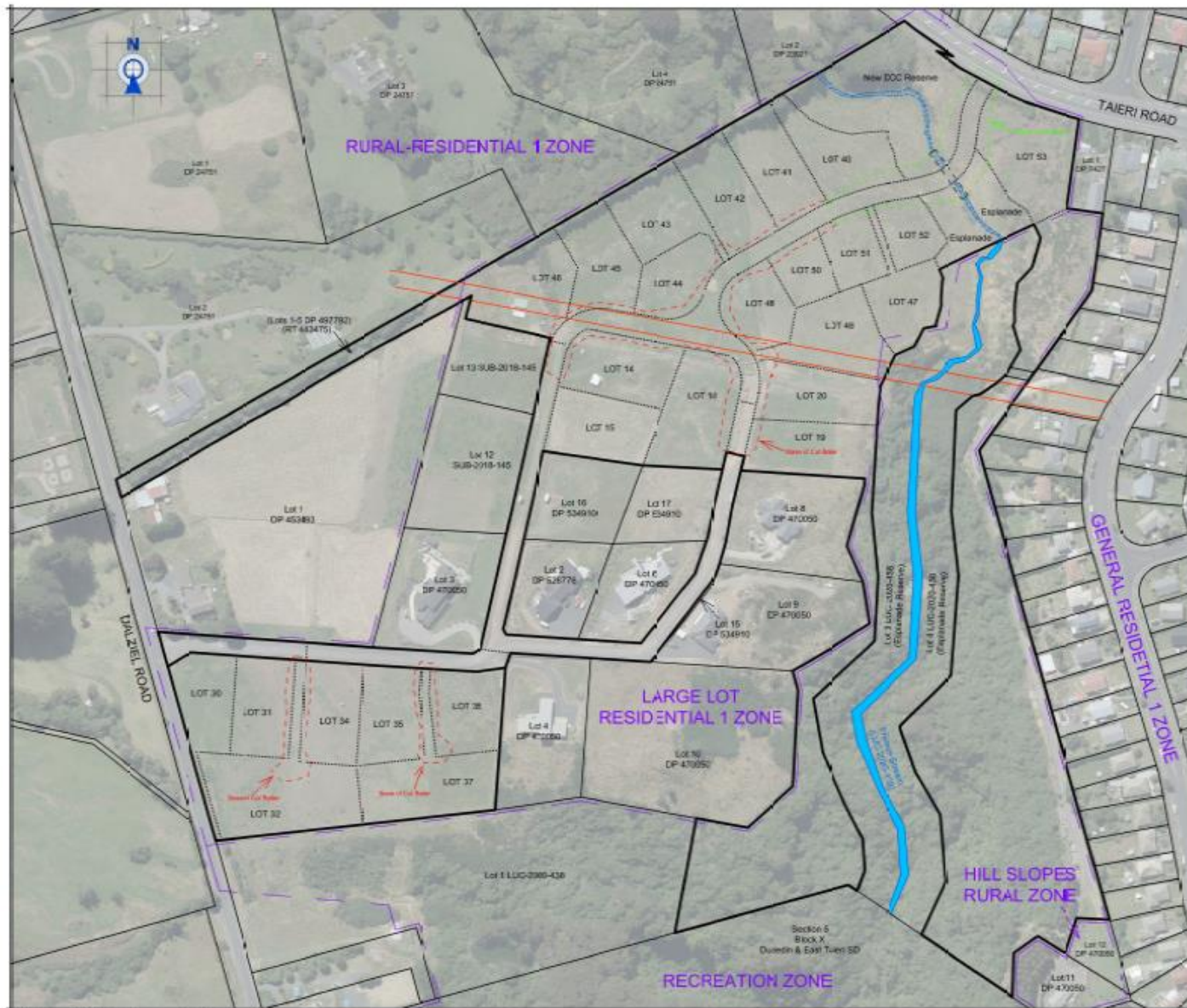
**Proposed Subdivision of
Westcott Heights Block**

Drawn by: A3
Checked by: A3
Reviewed by: A3
Scale: 1:2000
Date: 12/08/2021
Sheet: 1 of 6
Block: B
Section: 5
Dunedin & East Tynes SD
NOT SCALE
D16068



Appendix Two: Approved Plans for LUC-2021-170 (Scanned image, not to scale)





- NOTES:**
01. Area of topsoil to be stripped (cut and fill areas): 0.000m²
 02. Volume of topsoil to be retained on-site: 1,800m³
 03. Volume of topsoil to be removed off-site: 900m³
 04. Volume of clay material cut-to-fill on-site: 6,100m³
 05. Volume of clay material cut-to-wash off-site: 1,800m³
 06. Legend:
 - - - - - Proposed areas of cut processes
 - - - - - Proposed areas of fill processes
 07. Banker slopes (cut and fill) will not exceed 1:1 (1.5 horizontal to 1 vertical).

EARTHWORKS PLAN

PATERSONPITTS GROUP
 Surveying • Planning • Engineering
 Your Land Professionals
 www.ppgroup.co.nz
 0800 PPGROUP

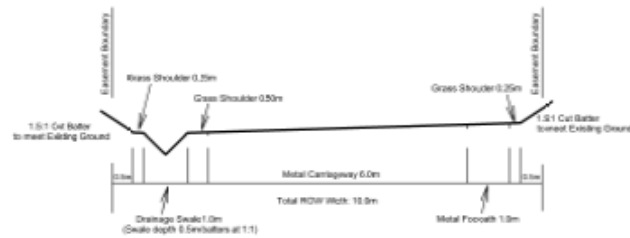
DUNEDIN:
 229 Mccoy Place,
 PO Box 5553,
 Dunedin 9058.
 T 03 477 3245
 F 03 474 9484
 E dunn@ppgroup.co.nz

© COPYRIGHT: This drawing, content and design remains the property of Paterson Pitts Partners. All rights reserved. It may not be reproduced in part or in whole without the written permission of Paterson Pitts Partners Limited. This drawing and its content shall not be used for any purpose for which it is not intended, its validity shall be accepted by Paterson Pitts Partners limited for its intended use.

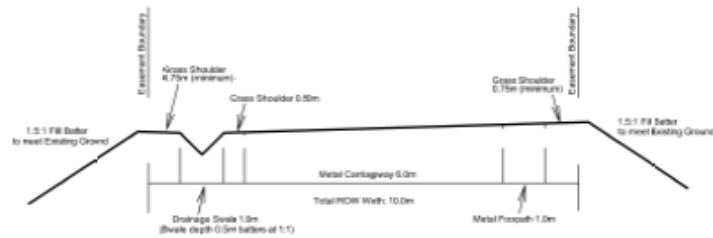
D N Innovations Limited
 29 & 49 Dalziel Road and
 4 MacLeod Avenue

**Proposed Subdivision of
 Westcott Heights Block**

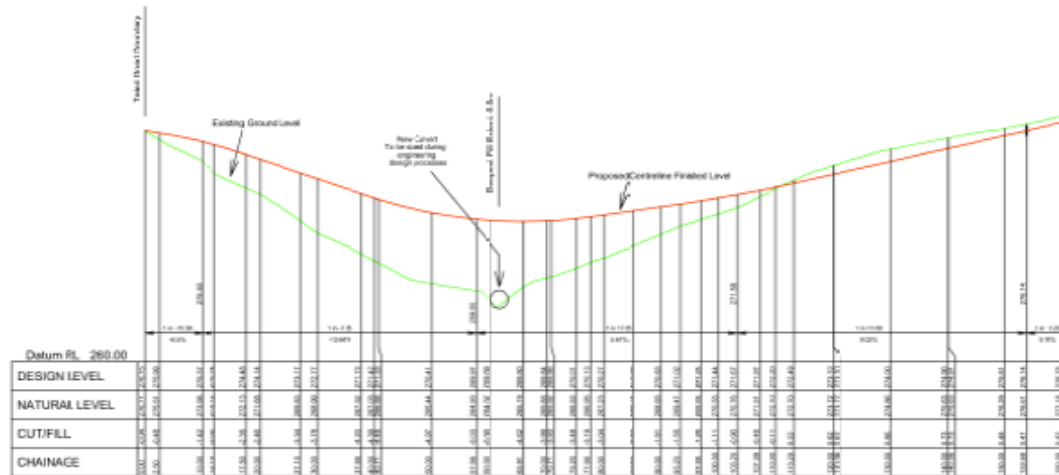
Drawn by:	0108	Original Size:	Scale:	1:2,000
Checked by:	0108	A3		
Approved by:	0108			
Job No:	D1606#	Sheet No:	5 of 6	Base Created: 12/08/2021



PROPOSED ROW ACCESS: TYPICAL X-SECTION THROUGH CUT AREAS
SCALE 1:100



PROPOSED ROW ACCESS: TYPICAL X-SECTION THROUGH DEEP FILL
SCALE 1:100



PROPOSED ROW ACCESS: LONGSECTION FROM TAERI ROAD HZ SCALE 1:750

NOTES:

EARTHWORKS PLAN

PATERSONPITTS GROUP
Surveying • Planning • Engineering
Your Land Professionals
www.ppgroup.co.nz
0800 PPGROUP

DUNEDIN:
229 Mccay Place,
PO Box 5533,
Dunedin 9058.
T 03 437 3245
F 03 434 5484
E dunein@ppgroup.co.nz

DISCLAIMER: This drawing, whether or not it is a final design, is the property of Paterson Pitts Group Limited. It is not to be used for any other purpose without the written permission of Paterson Pitts Group Limited. The drawing and its contents shall not be used for any purpose for which it is not intended, and no liability shall be accepted by Paterson Pitts Group Limited for its use for any other purpose.

Client:
D N Innovations Limited
29 & 49 Dalziel Road and
4 MacLeod Avenue

Purpose/Drawn Title:
**Proposed Subdivision of
Westacott Heights Block**

Designed by:	Drawn by:	Original Size:	Scale:
Checked by:	Approved by:	A3	As Shown
DO NOT SCALE			
Drawn No:	Revision No:	Drawn Date:	Drawn By:
D1606#	6 of 6	B	12/08/2021

Appendix Three: Geolink Land Investigations Ltd geotechnical plan 2012 (scanned image, not to scale)

