HEARINGS COMMITTEE AGENDA

FRIDAY, 21 MARCH 2025, 9.30 AM
Council Chamber, Dunedin Public Art Gallery,
30 The Octagon, Dunedin

MEMBERSHIP: Commissioner Ros Day-Cleavin and Councillors Kevin Gilbert and Cherry Lucas

IN ATTENDANCE: Phil Marshall (Senior Planner/Committee Advisor), Ian McCabe (Associate Senior Planner) and Wendy Collard (Governance Support Officer)

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

1 **RESOURCE CONSENT APPLICATION – SUB-2024-138 & LUC-2024-391, 40 GUY ROAD, DUNEDIN**

Introduction
Applicant to introduce themselves and their team.

Procedural Issues
Any procedural matters to be raised.

Presentation of the Planner's Report
Report from Ian McCabe
Refer to pages 1 - 28

The Applicant's Presentation
Application
Refer to pages 29 - 90

Council Officer's Evidence

- Memorandum from Subdivision Support Officer, City Growth Team
  Refer to pages 91 - 95

- Email from MWH Hazards Team
  Refer to pages 96 - 99

- Email from Stantec
  Refer to pages 100 - 101

The Planner's Review of their Recommendation
The Planner reviews their recommendation with consideration to the evidence presented

The Applicant's Response
The Applicant to present their right of reply

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

RESOLUTION TO EXCLUDE THE PUBLIC

To be moved:

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

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

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

DUNEDIN CITY COUNCIL | kaunihera a-rohe o Ōtepoti

Report

TO:	Hearings Committee
FROM:	Ian McCabe, Associate Senior Planner
DATE:	10 March 2025
SUBJECT:	**RESOURCE CONSENT APPLICATION SUB-2024-148_LUC-2024-391 40 GUY ROAD MOSGIEL**

INTRODUCTION

[1] This report has been prepared based on information available on 10 March 2025. The purpose of the report is to provide a framework for the Committee to consider this resource consent application. The Committee is not bound by any comments made in the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before making a decision.

SUMMARY OF RECOMMENDATION

[2] For the reasons set out in paragraphs188 to 193 below, I consider resource consent for the proposed activity, being a two (2) lot subdivision and associated land use consent for rural residential activity, should be granted.

[3] The proposed activity will have no more than minor effects on the rural residential character and visual amenity of the underlying Rural Residential 1 zone and will maintain the mix of lifestyle blocks and/or hobby farming activities evident in the vicinity of the subject site.

DESCRIPTION OF PROPOSAL

[4] Resource consent is sought for subdivision consent to subdivide the subject site into two (2) new allotments and for an associated land use consent for residential activities on the resulting allotments – one existing rural residential activity with associated ancillary buildings on one allotment, and one potential rural residential activity on a new vacant allotment.

[5] The proposed subdivision will involve subdividing the subject site into two (2) new allotments.

[6] Proposed Lot 1 will involve approximately 1.6ha of land at the southern end of the subject site, containing the existing residential building and curtilage, and the associated accessory buildings. Access will be provided via the existing vehicle access and driveway off Guy Road immediately adjacent to the southern boundary of the subject site.

[7] Proposed Lot 2 will involve approximately 1.98ha of the remainder of the subject site, comprising vacant pasture at the northern end site. The new allotment will have a lengthy frontage along Guy Road, but the applicant has signalled their intention not to construct

any new vehicle access or carry out any development activities on the new allotment for the time being. The new allotment will remain vacant and potentially available for rural residential development in the future.

[8] The proposed new allotments have been configured to align with an existing row of trees along an existing fence line crossing the subject site approximately midway between the northern and southern boundaries.

[9] The proposed land use will involve authorising residential activities for both proposed new allotments – for the existing residential activity on Proposed Lot 1, and for any future residential activity on Proposed Lot 2 that complies with all the relevant rural residential land use and development performance standards for the underlying zone (except the rural residential density standard). The applicant has signalled their intention not to carry out any development of Proposed Lot 2 for the time being. The allotment is to remain vacant and potentially available for rural residential development at some time in the future.

[10] A copy of the application, including a preliminary scheme plan of the proposed subdivision, is contained in Appendix 1 of this report.

DESCRIPTION OF SITE AND LOCATION

[11] The subject site is located at 40 Guy Road, Mosgiel and is legally described as Section 18 Block I East Taieri Survey District held in Record of Title OT210/170. The site comprises 3.5815ha (more or less) and is owned by the applicant.

[12] The subject site is located in what the application describes as a "*lifestyle setting*". It is generally flat with road frontage to Guy Road along the length of the eastern boundary.

[13] There is an existing residential dwelling and associated ancillary buildings located at the south-eastern corner of the site adjacent to the end of Guy Road, and forms part of a cluster of residential and associated ancillary buildings located on immediately adjacent properties. The residential dwelling includes a landscaped curtilage – being a combination of lawns and various stands of mature shrubs, bushes and trees.

[14] The balance of the subject site is a mixture of open pasture and what appears to be fruit trees all separated by fencing and mature shelter belts.

ACTIVITY STATUS

[15] Dunedin has until recently had two district plans: the Operative Dunedin City District Plan 2006 (District Plan 2006), and the Proposed Dunedin City Second Generation District Plan (Proposed 2GP). On 19 August 2024, the Proposed 2GP was made partially operative becoming the Dunedin City Second Generation District Plan 2024 (2GP) superseding the District Plan 2006 except for a limited number of specific provisions and identified areas still subject to appeal. Where these specific provisions and appeals are relevant, the District Plan 2006 must still be considered.

[16] In this instance, no appeals are relevant, so this application has been processed with reference to the 2GP only.

[17] Plan Change 1 (Minor Improvements) to the 2GP was notified in November 2024. Rules that protect areas of significant indigenous vegetation and habitats of indigenous fauna, and that protect historic heritage, have immediate legal effect from notification. Council has recently notified submissions received and called for further submissions, so it remains unclear which Plan Change 1 rules are in effect. None of the rules that have immediate

legal effect are relevant to this application and there are no proposed changes to the rules that are relevant to this application.

Dunedin City Second Generation District Plan 2024 (2GP)

[18] The subject site is zoned **Rural Residential 1 (RR1)** in the 2GP and is located within the **High Class Soils Mapped Area** and **Hazard 3 (flood) Overly Zone**, and is under the **Dunedin Airport Flight Fan**. The northern portion of the subject site (comprising all Proposed Lot 2 and a small portion at the north end of Proposed Lot 1) is also located within the **Taieri Aerodrome Flight Fan Mapped Area**, which establishes a height restriction of 58m.

Subdivision Activity

[19] **Rule 17.3.5.2** lists *general subdivision* as being a restricted discretionary activity subject to performance standards listed in **Rule 17.7**. The scheme plan submitted with this application indicates the proposed subdivision will breach the following performance standards set out in **Rule 17.7**.

[20] **Rule 17.7.5.1** requires a minimum site size for new resultant sites in the RR1 zone of 2ha. Both resultant sites in this proposed subdivision will be less than 2ha.

[21] **Rule 17.7.5.3** specifies that *subdivision activities* that contravene this performance standard are **non-complying activities**.

[22] The rule lists circumstances where the subdivision activity might be considered a discretionary activity, but none apply to this proposed activity.

Land Use

[23] The proposed land use activity falls under the definition of *standard residential activity* in the 2GP.

[24] **Rule 17.3.3.12** lists standard residential activities as permitted activities for RR1 zone subject to meeting land use performance standards listed in **Rule 17.5**.

[25] **Rule 17.5.2.1.a** requires *standard residential activity* in the Rural Residential 1 zone to have a minimum site size per residential unit of 2ha except:

- **Rule 17.5.2.1.a.i** – a single residential activity is permitted on an existing site between 1ha and 2ha created before 26 September 2015 as long as all other performance standards can be met; and,
- **Rule 17.5.2.1.a.ii** – a single residential activity is permitted on a site created by Rule 17.7.5.3 as long as all other performance standards can be met.

[26] Neither the existing residential activity on Proposed Lot 1 or any potential residential activity on Proposed Lot 2 will meet either of the exceptions listed under **Rules 17.5.2.1.a.i** and **17.5.2.1.a.ii**.

[27] **Rule 17.5.2.2** specifies that *standard residential activity* that contravene this performance standard are a **non-complying activity**.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS)

[28] The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) came into effect on 1 January 2012. The NESCS 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 NESCS and/or might require resource consent.

[29] The property is not listed on the ORC HAIL database. However, a Council HAIL Report (HAIL-2024-24) for the subject site concluded the subject site could be a possible HAIL site – the subject site appears to have been used historically for horticultural purposes. As a result, Category A10 on the HAIL may possibly be relevant – being "persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds" – although the report acknowledged that there was "no evidence of actual persistent pesticide storage/use found in Council records".

[30] The HAIL Report also covered concerns in relation to miscellaneous scattered items visible in a 1990 aerial photo, and commented on longer term use of lead based paints, potential earthworks and the use of asbestos in building materials.

[31] The HAIL Report further note the existence of the garages/stables on-site – being one of the existing accessory buildings – which had room for up to nine (9) vehicles. There was no evidence of servicing/manufacturing activity, but if significant motor vehicle repairs had been carried out on-site over an extended period of time, the property may fall under Category H4 – "motor vehicle workshops".

[32] The applicant has supplied a Detailed Site Investigation (DSI) for the subject site carried out by Environmental Consultants Otago Ltd (EC Otago). The DSI concluded that:

> "*… contaminant concentrations across the site are generally consistent with predicted background levels, and the site has not been found to comprise a HAIL site. As all contaminant concentrations were reported to be well below the Rural Residential Soil Contaminant Standards (SCS) and applicable environmental guidelines, the site is highly unlikely to present a risk to human or environmental health under the current and proposed rural residential land use*."

[33] The application suggests that based on the soil testing results, consent under the NESCS is not required.

[34] I consider it more accurate to reflect on the proposed subdivision and residential use of the subject site (being a piece of land) as a permitted activity in accordance with **Regulation 8(4)** of the NESCS. The application includes a site investigation (in this case, a Detailed Site Investigation (DSI)) made available to Council (see **Regs 8(4)(a)** and **(d)**), which states that it is highly unlikely there will be a risk to human health if there is activity on the land (see **Reg 8(4)(b)**), and includes appropriate detail including a site plan (see **Reg 8(4)(c)**).

[35] Council's environmental consultant, Stantec, has reviewed the DSI and concurs with the findings. Stantec also confirm that the proposed subdivision is a permitted activity in accordance with **Regulation 8(4)** of the NESCS.

Overall Planning Status

[36] 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 proposed activity.

[37] In this case, there is more than one rule involved, but the effects are not inextricably linked. However, the relevant rules have the same activity status, so the application is considered a **non-complying activity**.

WRITTEN APPROVALS

[38] No affected persons forms were submitted with this application. This is because for reasons set out in the assessment of effects below, the effects on the environment of the proposed activity are largely internalised to the subject site, and any externalised effects will generally be limited to effects on parties that are likely less than minor.

ENVIRONMENTAL EFFECTS OF ALLOWING THE PROPOSED ACTIVITY

[39] Section 104(1)(a) of the Act requires that Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in Section 3 of the Act as including–

> *(a) Any positive or adverse effect; and*
> *(b) Any temporary or permanent effect; and*
> *(c) Any past, present, or future effect; and*
> *(d) Any cumulative effect which arises over time or in combination with other effects–*
>
> *regardless of the scale, intensity, duration or frequency of the effect, and also includes –*
>
> *(e) Any potential effect of high probability; and*
> *(f) Any potential effect of low probability which has a high potential impact.*

Permitted Baseline

[40] Under sections 95D(b) and 104(2) of the Resource Management Act 1991, Council may disregard any non-fanciful adverse effects of a proposed activity on the environment if the district plan or a national environmental standard permits an activity with that effect, and those effects of activities authorised by resource consents. This is the permitted baseline.

[41] For the subdivision component of this application, there is no relevant permitted baseline as subdivisions cannot be carried out as a permitted activity in any circumstances. All subdivisions are either restricted discretionary activities where the proposal meets all relevant district plan performance standards, or restricted discretionary or non-complying activities where the proposal does not. The subdivision consent application is the mechanism by which Council can ensure all the relevant matters pertinent to a subdivision such as infrastructure, access, amenity and/or density are adequately addressed to Council's satisfaction.

[42] For the land use component of this application, the permitted baseline comprises rural residential activity at a density one (1) *standard residential activity* per 2ha of site area ("*lifestyle blocks*") and farming activities, which in vicinity of the subject site will likely mainly involve what the objective and policies of the 2GP describe as "*hobby farms*".

[43] Also relevant to what Council might consider as part of the permitted baseline is the existing and reasonably foreseeable receiving environment, which 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.

[44] For the subject site, the existing and reasonably foreseeable receiving environment comprises a larger rural residential-zoned parcel utilised for an existing rural residential activity. The subject site is likely now the largest of the various sites located in the immediate vicinity (assuming an adjacent subdivision (SUB-2024-22) at 42 Guy Road proceeds and is further developed for residential activity).

[45] For adjacent land, the existing and reasonably foreseeable receiving environment comprises an existing rural residential activity cluster around the end of Guy Road. The application advises that 14 existing or potential residential activities on sites with an average area of approximately 1.6ha exist in the vicinity of the applicant's land. This assumes the adjacent subdivision (SUB-2024-22) at 42 Guy Road proceeds and is further developed for residential activity. See Figure 1 below for the extent of the applicant's analysis.

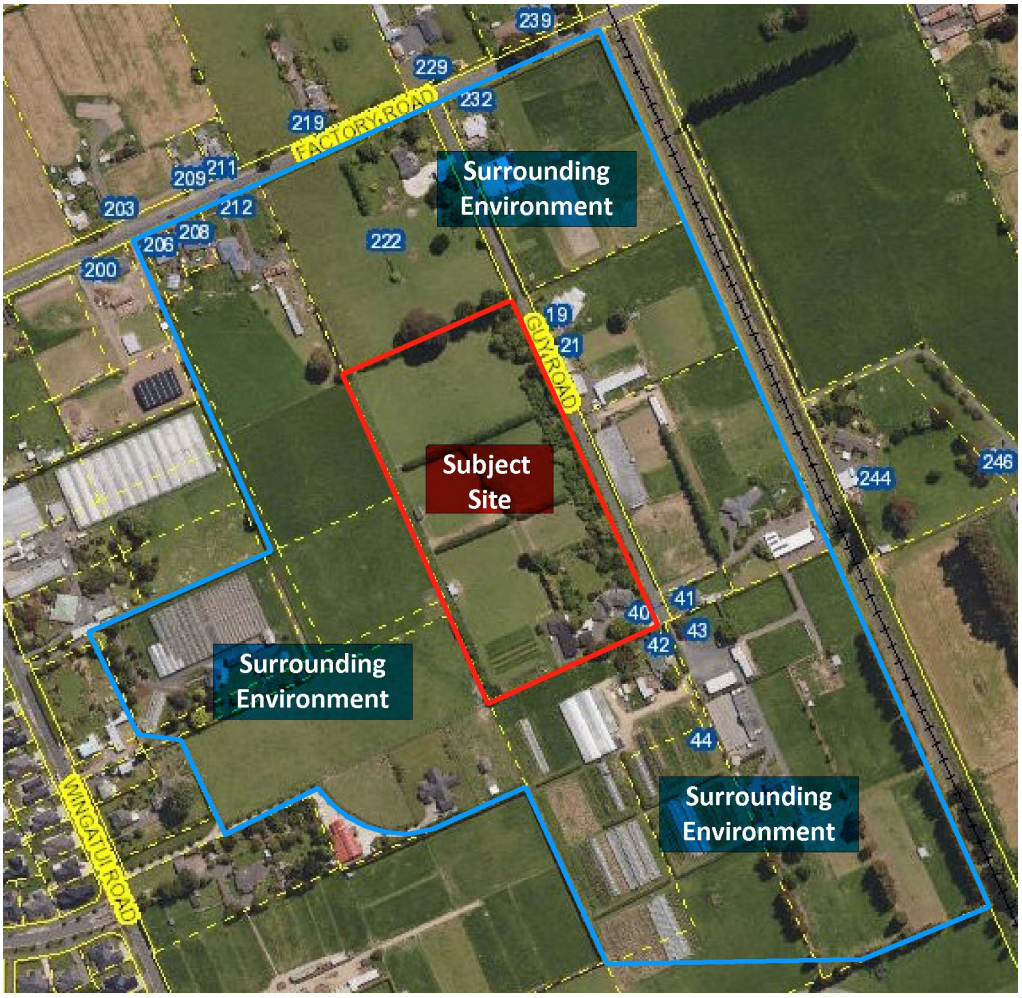


Figure 1 – Receiving Environment for Adjacent Land

Assessment of Effects

[46] The proposed activity is for a non-complying activity. This status provides Council with broad discretion to consider all matters that are relevant to assessing the effects of the activity on the environment. As the proposed activity involves a comparatively minor breach of subdivision and land use rules, this assessment has been framed around the

assessment matters listed in the 2GP as if the proposed activity was for a restricted discretionary activity.

Effects on on-site amenity

[47] This assessment matter seeks for subdivision activities to deliver sites that achieve a high quality of on-site amenity by being of a size and shape that is capable of supporting rural residential development.

[48] The proposed activity involves a two-lot subdivision – Proposed Lot 1 with an area of 1.6ha (subject to survey) and Proposed Lot 2 with an area of 1.98ha (also subject to survey). Proposed Lot 1 will contain the existing residential activity, accessory building and associated curtilage, which is located in the southeast corner of the subject site.

[49] Both new allotments will comprise flat, regular shaped parcels of land with no apparent topographical constraints that would render them unsuitable for rural residential use. The only potential physical constraint is their size – both allotments are less than the 2ha minimum sites size requirement under the RR1 zone.

[50] Proposed Lot 1 is the smaller of the two new allotments at 1.6ha, which the applicant notes equates to the approximate average area for sites in the immediately vicinity. The applicant also notes that the existing residential activity is located on-site such that the balance area of proposed Lot 1 will continue to be usable space for rural residential activities.

[51] The proposed new boundary will align with an existing fence line and adjacent row of trees crossing the site located approximately 70m north of the existing residential dwelling. The balance of the site (which is to become Proposed Lot 2) is effectively hidden from view and has the appearance from the existing residential dwelling of being part of an adjoining property. On-site amenity will generally be governed more by what can be seen and appreciated about the property from the existing residential activity than necessarily from the balance of the property that cannot be seen.

[52] The applicant is not proposing any changes to the overall configuration and appearance of the subject site at time of subdivision. This may of course change in the event that a new landowner develops Proposed Lot 2 for residential purposes. I note however that the existing row of trees are located south of the adjacent fence, which will remain with Proposed Lot 1, and the intent at this stage is to authorise land use consent for residential activity on Proposed Lot 2 that complies with the relevant land use and development performance standards for the underlying RR1 zone. There will be no change to the on-site amenity for Proposed Lot 1 at the time of subdivision, and the relevant land use and development performance standards for the RR1 zone will ensure that any residential development on Proposed Lot 2 reflects the rural residential amenity intended for the surrounding area under the 2GP.

[53] I also note that the existing residential activity on-site is tightly clustered amongst several other residential activities located around the end of Guy Road, all of which are significantly closer to the existing residential activity than is likely for any new residential activity established on Proposed Lot 2.

[54] Proposed Lot 2 is the larger of the two proposed allotments at 1.98ha – 200m^2 less than the minimum 2ha. On-site amenity will be essentially the same as if the new allotment met the 2ha minimum site size. There is unlikely to be any actual and potential effect on on-site amenity, and if there were, it will likely be imperceptible to both residents and casual observers, and therefore likely less than minor, and likely trending toward being *de minimus*.

Effects on rural residential character and visual amenity

[55] This assessment matter considers whether the subdivision is designed to ensure any associated future land use and development will maintain or enhance the character and visual amenity of the rural residential zones.

[56] The applicant argues that the character and visual amenity of the rural residential zone will be maintained if this subdivision and any associated residential development were to proceed. The existing site is double the size of the average site size in the surrounding area and is generally similar in shape. The proposed subdivision layout is logical in terms of the location to the adjoining road, the position of the existing residential dwelling and internal layout of the site (aligning with existing fence lines and mature rows of trees). There will be no change in the character and visual amenity associated with the subject site at time of the subdivision, and potentially limited (if any) need to remove existing trees on-site to provide access, and to eventually establish a new residential activity on the proposed vacant allotment.

[57] I agree with the applicant and consider the proposed activity (both the subdivision and future land use and development) is likely to maintain the overall rural residential character and visual amenity of the surrounding areas.

[58] Clearly, the character and visual amenity of the site, and more particularly, the vacant Proposed Lot 2, may be changed if a future landowner chooses to remove existing trees and/or change the configuration of the site when establishing any new residential activity. However, it seems to me that this is not unanticipated by the 2GP. There are no protections in the 2GP that require any existing trees on-site to be kept, and any changes involving removing trees from the site will continue to reflect the existing mix of vegetated and/or landscaped properties exhibited throughout the surrounding area. It might make sense from an on-site amenity perspective to maintain the existing trees on-site, but there is nothing in the 2GP that compels a landowner to do so. Proposed Lot 2 could be altered significantly at the time of development and still reflect the rural residential character and amenity anticipated by the 2GP and evident in the surrounding area.

[59] There is also ample space to establish a new residential activity (with associated accessory buildings and curtilage) on Proposed Lot 2 whilst complying with all the relevant land use and development performance standards of the 2GP, including boundary setbacks and maximum height.

[60] It also seems to me that any new residential activity established on Proposed Lot 2 is likely to better reflect rural residential character and visual amenity anticipated by the 2GP than the existing residential activity on-site. Any new residential activity on Proposed Lot 2 will be located some distance away from any of its immediately surrounding residential activities, including the existing residential activity on-site. The existing residential activity is clustered amongst several residential activities near each other off the end of the Guy Road, which appears to me more reflective of the character of a Residential zone than the Rural Residential zone. Clearly, Proposed Lot 2 is configured such that any new residential activity on-site cannot contribute to the residential hub that has formed off the end of Guy Road.

[61] One final observation is that despite both allotments being undersized, it seems unlikely that there will be any discernible effect on the rural residential character and visual amenity to casual observers. The effects will in my view be the same or similar to the existing receiving environment.

Effects on long term maintenance of rural land for productive rural activities

[62] This assessment matter considers whether sites are of a shape and size that enable lifestyle blocks or hobby farms, including keeping of livestock, and avoids sites that will be used purely as large lot residential living.

[63] The proposed new allotments will both be rectangular in shape and flat, and there are no apparent natural and/or physical constraints that might prevent either allotment from being used as lifestyle blocks and/or hobby farms.

[64] The applicant notes that Proposed Lot 1 will remain highly usable as a lifestyle block due to the position of the existing residential dwelling and associated vehicle access – the existing residential dwelling is near the southern boundary of the subject site, does not have a large domestic curtilage and is close to Guy Road resulting in there being no long or meandering driveway.

[65] I agree with the applicant's views expressed above – the existing residential activity and associated curtilage is situated in the south-east corner of the subject site. It is currently well defined and well established on-site and appears unlikely to change under current ownership (accepting of course that the new allotment will not always remain in current ownership). There remains a significant portion of the new allotment that appears more pastoral in nature and will continue to remain available for lifestyle block and/or hobby farming, and may even support relatively small horticultural uses.

[66] Proposed Lot 2 (being the vacant allotment) is promoted to be larger than Proposed Lot 1. It will retain the same if not greater potential in terms of ongoing usability for lifestyle and/or hobby farming purposes depending on how the allotment is development. There is sufficient area to allow for a residential activity and associated curtilage to be located on-site in a position that supports usability for lifestyle block and/or hobby farming without breaching the relevant land use and development performance standard of the 2GP (which is what the applicant is promoting in this application). Furthermore, there is extensive road frontage for the new allotment allowing for considerable flexibility around where a vehicle access might be constructed in relation to any future residential activity.

[67] In addition, it is worth noting that there are surrounding sites that demonstrate that it is not essential or necessary for successful lifestyle blocks to have a 2ha minimum size.

Effects on biodiversity values

[68] This assessment matter considers whether the subdivision design will ensure any future land use and development will maintain and enhance biodiversity values on an on-going basis.

[69] The 2GP defines *biodiversity values* as "*the intrinsic values, and values to the community, of indigenous biota, and indigenous or mixed habitats and ecosystems that support indigenous biota*".

[70] The subject site is heavily modified by previous productive agricultural and horticultural uses. There is little (if any) evidence of indigenous biota, or indigenous and/or mixed habitats and ecosystems on-site that support indigenous biota on-site. This could change over time depending on how future landowners might choose to use the subject, but it does not currently exhibit biodiversity values needing to be maintained or enhanced or that will be affected by this proposed subdivision and potential future rural residential land use.

Effects on public access

[71] This assessment matter considers whether the subdivision of land enhances access to the natural environment through, where practicable, providing opportunities for access to other areas where this will enhance recreation opportunities, particularly through connecting to and expanding existing tracks network or utilising adjacent unformed legal roads.

[72] The subject site does not adjoin the coast or any waterbody requiring public access, and is not located near to any recreational opportunities and/or track networks where public access connections would be required or necessary.

Effects of efficiency and affordability of infrastructure

[73] The proposed activity is located within a public water supply area (as defined by Council's Water Bylaw 2011) but is located outside the outside the wastewater services area. For water, this assessment matter considers the extent to which the proposed activity might exceed current or planned capacity of water infrastructure at the time of development or compromise its ability to service permitted activities, and whether unplanned upgrades are likely required to address any capacity constraints.

[74] For wastewater, this assessment matter considers whether any subdivision and/or development activity will lead to future pressure and unplanned expansion.

[75] In terms of stormwater, there is no stormwater infrastructure or kerb and channel discharge points available for the subject site. Stormwater disposal must be to water tables and/or watercourses on-site, or to suitably designed on-site soak-away infiltration and/or rainwater harvesting system. This assessment matter therefore considers whether stormwater likely generated by the proposed subdivision (or future development enabled by the subdivision) has the capacity to absorb additional stormwater with no more than minor adverse effects on the resulting allotments or on other sites, including but not limited to, adverse effects from an increase in overland flow or ponding.

[76] Council's City Growth Team provided comments on the application on behalf of Council's Three Water Department. They confirmed that there is a 50mm diameter water supply pipe located in Guy Road which runs adjacent to the subject site to the end of the road (adjacent to the existing vehicle access). There is no Council wastewater or stormwater infrastructure available to the subject site.

Water Services

[77] Three Waters note that neither of the two new allotments will meet the minimum site size. As the proposed subdivision (and potential future residential activity) is located within the water boundary and adjacent to a water main, Three Waters do not support the application. Three Waters would further recommend that the application be rejected if the applicate promoted connecting the new vacant allotment to the reticulated potable water supply.

[78] The applicant has not stated any preference about water supply, and I suspect may not have delved too deeply into how this might be achieved for any future residential development of the vacant allotment (Proposed Lot 2). The applicant may wish to expand on this at the hearing. I would note however, that there are options available to the applicant (and any future landowner) to address water supply that need not involved connecting to the public infrastructure, and despite being undersize, neither allotment presents any constraints to adopting an appropriate on-site solution. In my view, being undersized or over dense and/or simply requesting a connection does not provide sufficient grounds to reject the application.

[79] Three Waters note that the subject site has an existing water connection/supply. This supplies the existing residential dwelling and will be retained with Proposed Lot 1.

[80] Three Waters notes that the water connection/supply does not comply with Council's Water Bylaw and advise the connection will need to be altered by retrofitting a RPZ boundary backflow prevention device and a water meter to meet the requirements for a "*non-domestic*" water supply. Building consent will be required to fit a RPZ unless the applicant obtains an exemption. Three Waters were a little vague as to exactly what the non-compliance was except a brief reference in their comments to say "*non-domestic water connections include any service [exceeding] 25mm*".

[81] Council's Water Bylaw 2011 defines non-domestic use as water used for extraordinary supply for:

> *"… residential dwelling or properties with:*
> *(i) spas in excess of 10m^3 capacity;*
> *(ii) swimming pools in excess of 10m^3 capacity;*
> *(iii) fixed garden irrigation systems;*
> *(iv) **water service(s) in excess of 25mm** [my emphasis];*
> *(v) any other nomination use as provided by a decision pursuant to Clause 7.1.1(b)(i) [relating to on demand or restricted flow or emergency supply]."*

[82] Presumably, the existing water connection/service exceeds 25mm.

[83] The question in my mind is whether the subdivision or land use consent process is the most appropriate mechanism for addressing this apparent non-compliance of Council Water Bylaw. From a resource management perspective, the water connection/supply exists and there will be no change either to the connection or more importantly the effects. As a matter of principle, conditions of consent should be responding to effects determined to be more than minor as a consequence of potentially granting consent. This does not appear to be the case in this instance, so I am unconvinced it would be fair and reasonable to impose a condition in response to this matter.

[84] Although not an expert, it seems likely to me that there will be tools available to Three Waters via the bylaw and under the Local Government Act to require a RPZ to be retrofitted to the existing connection without involving another department of Council via a potentially tenuous mechanism.

[85] However, if the Hearings Committee are of a mind to support Three Water request, draft conditions have been included as a requirement of s224(c) certification along with a supporting advice note for the Committee's further consideration.

[86] On the question of water supply for the new vacant allotment (Proposed Lot 2), Three Waters comment that when the 50mm main was installed, it was only anticipated to service the existing properties and not support further subdivision. Three Waters suggest that if subdivision consent is granted for the subject site, a consent notice is registered on the record of title for Proposed Lot 2 advising that it is not eligible for a water supply.

[87] Neither the applicant nor Three Waters have provided any detail about whether or not there is capacity in the water main to support this subdivision and potential future residential development and Three Waters has not expanded on how the proposed new vacant allotment would not qualify for a connection under the Water Bylaw when located in the water supply area. I would however, note that it is not unusual for rural residential activities to be expected to provide for on-site supply of water, both potable water for domestic use and sufficient storage for firefighting.

[88] I am satisfied that a consent notice advising that no new water connections can be established to the new vacant allotment can be formulated, but it would be useful to be clear about why such a consent notice is necessary. Is it an eligibility issue or a capacity issue or both? Three Waters advice on the nature and scale of the effects of an additional residential dwelling is necessary if this related to a capacity issue.

[89] It would also be useful if Three Waters could confirm that Council has the authority to refuse a water connection in a water supply area under the Water Bylaw 2011.

Firefighting Requirements

[90] Firefighting requirements have not been canvassed by the applicant and Three Waters has not provided any detailed comments other than to note that all aspects relating to the availability for firefighting need to be in accordance with SNZ PAS 4509:2008, New Zealand Fire Service Firefighting Water Supplies Code of Practice – there are some exceptions that do not apply to this proposed subdivision.

[91] Rule 9.3.3.1 of the 2GP requires that subdivision activity must ensure resultant sites have access to sufficient water supplies for firefighting consistent with the code of practice. For sites with access to water mains, this usually involves access to at least two (2) fire hydrants with certain distances (one within 135m and a second within 270m). The nearest fire hydrant to the subject site is located on Factory Road, approximately 170m away from the norther boundary of the site, and approximately 403m from the existing residential dwelling on-site.

[92] Rule 9.3.3.2 requires that new residential buildings must either have access to fire hydrants in accordance with the Fire Service Code of Practice, or provide sufficient water storage within a certain distance of the dwelling for firefighting purposes consistent with code of practice.

[93] Plan Change 1 proposes removing Rule 9.3.3.1 and making changes to Rule 9.3.3.2, but both rules continue to have full weight for the purposes of this assessment.

[94] If the existing residential dwelling does not meet the performance standard under Rule 9.3.3.1, it will be necessary to require on-site water storage capacity for firefighting purposes as a condition of s224(c) certification. The standard requires 45,000 litres located within 90m of any residential buildings. The applicant might consider advising the Hearings Panel on what, if any, water storage capacity is available on-site to fight fires.

[95] As the intention for Proposed Lot 2 is for it to remain vacant, there is little benefit in seeking firefighting storage capacity on-site as a condition of subdivision. This would unnecessarily potentially fetter any discretion to locate a future residential activity on-site to best suit the needs of the landowner (within the parameters of the relevant land use and development performance standards of the district plan). The applicant is however proposing any future new residential be established in accordance with the relevant land use and development performance standards of the district plan. Rule 9.3.3.2, however it is worded at the time of building consent, is one of the relevant performance standards that will need to be met.

[96] Firefighting water supply and access requirements as they are set out under Rule 9.3.3.2 will need to be met at the time of building consent or further resource consents will potentially be required and Council will have the opportunity to consider whether it would be appropriate for the landowner to potentially do something different. Compliance with the rule will be assessed at building consent stage.

Stormwater Services

[97] Three Waters has commented on stormwater, and more particularly stormwater management on the basis that the applicant has provided a stormwater management assessment or plan and has been committed or required to implement the outcome. In Three Waters estimation, the proposed subdivision may result in new residential development on a site located within a flood zone, will likely have secondary flow paths through private property (which I suspect already exist) and a stormwater catchment with constraints (I am unsure what the constraints are, but I suspect they have to do with the lack of stormwater infrastructure). Three Waters suggest some form of stormwater management assessment and/or plan will be required at some point in the development process. The consent holder should be required to implement any expectations and/or requirements of that process agreed in consultation with Three Waters.

[98] While Three Waters has framed their comments to reflect having reviewed a stormwater management assessment and agreed a stormwater management strategy, they remain relaxed about whether the process is completed pre-application or post-decision and the process set out as a condition of consent.

[99] Interestingly, Three Waters has signalled that attenuation will not likely be required, but they remain anxious to know how stormwater will be managed (i.e. what will be going where in terms of any system establish on-site).

[100] As there are no changes anticipated for managing stormwater for the existing residential dwelling on-site, Three Waters focus is primarily on any new residential development on the new vacant Proposed Lot 2.

[101] I am sceptical of the nature and scale of any stormwater constraints in the wider catchment and the significance or otherwise of any actual and potential stormwater effects of the associated with this proposed activity. There does not seem to be any suggestion that the subject site will not have the capacity to absorb additional stormwater using suitably designed on-site soak-away infiltration and/or rainwater harvesting system. The resulting new allotments generally reflect the nature and scale of the rural residential allotments in the generally vicinity of the subject site and Three Waters appear to be suggesting that there are not likely to be any significant impediment to installing a suitable and appropriate on-site stormwater management system.

[102] I do however appreciate Three Waters point about needing to assess the significance or otherwise of any potential changes in effects, particularly for neighbouring properties. New residential buildings and/or associated accessory building can influence ephemeral overall flow paths (including overland stormwater flows, as will on-site soak-away infiltration and/or rainwater harvesting systems that not appropriately designed and constructed.

[103] My suggestion is that in this instance, stormwater management only becomes an issue when any activity authorised by the land use consent commences. This is because there will be no change in effects because of the subdivision. A stormwater management assessment and/or plan can be required as a condition of the land use consent for all new residential buildings. Any system will likely require building consent, so the stormwater management assessment and/or plan will ideally form part of the process to apply for and obtain a building consent.

[104] Stantec, Council's environmental consultant also highlights the need to properly account for flood flows and overland ephemeral and stormwater flows when constructing new buildings on-site. They advise these matters can generally be properly and appropriately determined in accordance with the requirements and obligations of the Building Act 2006

and the New Zealand Building Code in consultation with Council's Building Control Department at time of building consent. Stantec has not suggested how this might be achieved except to suggest the detail should be promoted by suitably qualified and experienced people. The mechanism for delivering the detail necessary in Stantec's mind may or may not involve the stormwater management assessment/plan envisaged by Three Waters.

[105] I have included in the draft conditions for the land use consent (Attachment 2) a condition requiring a stormwater management assessment/plan to be prepared and approved prior to any new residential building commencing on-site. Whatever system is employed on-site must have been agreed with Three Waters as part of that assessment. This process has the benefit of providing a response in terms of location and design commensurate to any future residential development on-site, and presumably will reflect detail that is necessary to progress through the building consent process.

[106] Three Waters has signalled an interest in setting a limit for stormwater flows off-site. I also have an interest in this approach, but more for urban settings where stormwater is collected on-site and discharged through a point source connection into Council owned and operated stormwater network. This approach involves defining an environmental outcome intended to influence the effect of any given stormwater discharge on the efficiency and affordability of the stormwater network. In this instance, stormwater management does not involve any point source discharges into a Council owned and operated stormwater network – technically, there is no effect on the efficiency and affordability of stormwater infrastructure. The more pertinent expectation is that new residential buildings not cause any nuisance to adjacent surrounding properties. A new building could potentially change a flow such that it causes a nuisance without necessarily changing the amount of existing natural stormwater flow across the boundary into adjacent properties. I can also imagine this scenario in circumstances involving less flow.

Wastewater Services

[107] The applicant has not commented on wastewater, either in relation to the existing residential activity or the proposed new vacant allotment, and any comments by Three Waters tend to reflect what might be required in terms of connections if there were public wastewater infrastructure available to connect to.

[108] I think it likely that existing residential activity has on-site wastewater disposal and I suspect the applicant anticipates something similar for the new vacant allotment.

[109] Both new allotments are of sufficient size to accommodate on-site disposal, and as any potential disposal system will need to have been designed and installed by suitably qualified and experience people, I would anticipate any potential effects will be appropriately avoided or mitigated. The location and detail of any new wastewater disposal system will be reviewed at time of building consent.

Effects on the safety and efficiency of the transport network.

[110] This assessment matter seeks to consider whether subdivision activities will lead to land use and development activities where there may be adverse effects on the safety and efficiently of the transport network, and where there are actual effects, how they might be avoided and/or mitigated.

[111] Council's Transport Department has reviewed and commented on the application.

[112] Transport confirm Guy Road is classified as a Local Road in the 2GP Road Classification Hierarchy. It is a no-exit road providing access to a small number of rural residential

properties (which Transport estimates to be 10 properties in total). Transport further advises the average daily traffic along Guy Road to be 50 vehicles per day (vpd) – refer to MobileRoads.

[113] The formed carriageway of Guy Road narrows from approximately 5m wide off the intersection with Factory Road down to a formed width of around 4m for approximately the last 100m of carriageway. Transport note that the road has been constructed with wide berms on both sides of the carriageway allowing for vehicles to pass safely in the event that vehicles traveling in opposing directions meet each other.

[114] I would also note that the road is comparatively short, is likely to be a relatively low speed environment and has excellent visibility. Vehicles traveling in opposing directions will have plenty of warning of the oncoming vehicle and sufficient time to enable safe passing manoeuvres.

[115] Once developed for residential activity, the proposed new allotment will generate 6-8vpd. Transport is satisfied this does not represent a significant increase in the volume of traffic using the road and that it is unlikely the small increase with result in any noticeable or additional safety concerns.

[116] Transport also notes the proposed subdivision and land use are unlikely to result in any additional road maintenance – the road is appropriately constructed and maintained to accommodate any likely additional volume of traffic without requiring improvements and any changes to the regular maintenance routine.

[117] Transport commented on access noting there are no proposed changes to the existing access to Proposed Lot 1. The existing access is of sufficient width and is adequately formed to continue providing appropriate access to the existing residential activity on-site, and Transport therefore conclude it will be acceptable.

[118] Transport also commented that it was appropriate to defer establishing a vehicle access for Proposed Lot 2 until any future development of the new allotment takes place. The new allotment will have a sizable road frontage all of which can accommodate a new vehicle access. Transport concluded that it was therefore sensible to allow any future developer the flexibility to potentially establish a vehicle access that is appropriately located to best suit the future development.

[119] Transport commented on parking and manoeuvring advising the existing on-site parking and manoeuvring area adjacent to the existing residential activity on Proposed Lot 1 was well established, suitable and need not be changed. Proposed Lot 2 has sufficient space on-site to establish suitable on-site parking and manoeuvring areas.

[120] Transport noted that they will have further opportunities to assess vehicle access, parking and manoeuvring when at any time in the future, Proposed Lot 2 is further developed.

[121] Having regard to Transports assessment and comments, I have reached a view that the adverse effects of the proposed activity on the safety and efficiency of the transport network are likely to be less than minor.

Risk from natural hazards

[122] Section 6(h) of the Resource Management Act 1991 requires 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, 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.

[123] 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).*

[124] The subject site is annotated in Council's Hazard Register for the following:

- Hazard ID: 10106 – Land Stability – Land Movement (Alluvial Fans);
- Hazard ID: 10111 – Seismic – Intensified Shaking (Earthquake Likely Amplification);
- Hazard ID: 11582 – Flood – Overland Flow Path (Flood Hazard Area 21); and,
- Hazard ID: 11407 – Seismic – Liquefaction (Domain A).

[125] Council's consulting engineer, Stantec, has reviewed the application and subject property in relation to Council's Hazards Register, relevant street files, available aerial photography and any relevant correspondence, but has not visited the site.

[126] Site investigation reports have not been provided with the application.

[127] Stantec advise that the underlying geology of the subject site consists of alluvial material, and the subject site is located in a flat [rural] residential setting. This suggests there are unlikely to be any general potential instabilities of concern or any slope related hazards specific to the subject site likely to be affected by the proposed subdivision or any subsequent land use activity. The proposed subdivision or any subsequent land use activity are unlikely to create or exacerbate instabilities on this or adjacent properties.

[128] Stantec has briefly commented on liquefaction, noting the subject site is mapped as being in Domain A, which is characterised by GNS Science[1] as having little or no likelihood of damaging liquefaction.

[129] Stantec have not commented on liquification as being a potential hazard requiring any attention in terms of the design of any proposed new residential buildings. However, they do note that Council's Building Control Authority will request verification that Proposed Lot 2 is 'good ground' in accordance with NSZ3604 at time of building consent.

[130] In terms of flood hazard, Stantec notes that there is existing flood protection for the subject site for a 100 year (1% AEP) flood event – being the flood banks along the southern (true left) side of the Silver Stream – and that floor levels should be set 200mm above flood level. This means any new residential dwelling should be set 200mm above any known localised ponding levels.

[131] Flood risk for the subject site is characterised as generally involving limited exposure to the flooding from the Silver Stream. The flood banks along the southern (true left) side of

[1] GNS Science Consultancy Report 2014/068 – *Assessment of liquefaction hazards in the Dunedin City district* – May 2014

the Silver Stream are designed to contain flows that have an assessed return period of approximately 100 years[2].

[132] While Stantec notes that the subject site is located in a known flood hazard zone and will likely require specified floor levels for habitable areas, there is not sufficient flood risk to recommend the application (involving the proposed subdivision and presumably any subsequent potential rural residential development) be declined. Flood hazard effects and minimum floor levels can be properly and appropriately determined at building consent time in consultation with Council's Building Control Department in accordance with the requirements and obligations of the Building Act 2006 and the New Zealand Building Code.

[133] Finally, Stantec comments briefly on overland flows for stormwater simply noting that any post subdivision development must account for the path of stormwater and ensure it is not displaced from ephemeral flow paths into neighboring properties. Stantec further comments that development requirements exist to ensure that overland stormwater flows are not interrupted, and that dwellings be situated to avoid any adverse effects from local ponding during storm rainfall events. As with the flood hazard, the requirement on any development to meet these expectations can be appropriately determined at the time of building consent.

[134] Stantec recommends that the application not be declined based on any known natural hazards. The primary hazard of the site is flood and overland flows. Both hazards can be mitigated by the requirements for building consent approval to address inundation and routine design, for example minimum floor levels.

[135] Having regards to this assessment, I consider there are no significant risks from natural hazards that need addressing as part of this application and that the risk of natural hazards will be no more than minor. What responses might be required in the future to address any risks associated with natural hazards are not significant and can be appropriately canvassed at building consent stage.

Cumulative Effects

[136] The concept of cumulative effects, as defined in Dye v Auckland Regional Council and Rodney District Council [2001] NZRMA 513, is:

> *"… one of a gradual build up of consequences. The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite effect D. All of these are effects which are going to happen as a result of the activity which is under consideration".*

[137] Similarly, some effects may not presently seem an issue, but after having continued over time those effects may have significant impact on the environment. In both scenarios, the effects can be considered 'cumulative'.

[138] While the proposed activity involved undersize allotments and potentially new future residential activity, they reflect the broader size and shape of existing properties in the immediate vicinity. They are also of sufficient size to allow for lifestyle blocks and/or hobby farms – there are in my view no constraints on either new allotment that would encourage them to be used more for low density residential activity. Both new allotments are significantly bigger than the minimum site size for low density residential activity in the District Plan.

[2] Otago Regional Council – *Taieri Plain, Review of Dunedin City District Plan: Natural Hazards* (First Revision) August 2015

[139] Perhaps more importantly, the proposed activity will maintain the rural residential character and visual amenity of the underlying rural residential zone, and I suspect it unlikely the new allotments and the rural residential activity that will take place on them will appear out of character to the casual observer.

[140] Any potential cumulative effects of the proposed activity are in my view likely no more than minor, likely trending to less than minor.

Effects Assessment Conclusion

[141] After considering the likely effects of this proposed activity above, I consider the effects of the proposed activity to be no more than minor. Conditions of consent, particularly as they relate to stormwater, will ensure the proposed activity as authorised will maintain the outcomes anticipated for the underlying zone by the 2GP in the immediate vicinity of the subject site.

NOTIFICATION ASSESSMENT

Public Notification

[142] 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

- 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.

Limited Notification

[143] 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.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

[144] Section 104(1)(ab) of the Resource Management Act 1991 requires that Council have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

[145] In this case, no offsetting or compensation measures have been proposed or agreed to by the applicant.

OBJECTIVES AND POLICIES ASSESSMENT

Assessment of Objectives and Policies of the District Plan (Section 104(1)(b)(vi))

[146] In accordance with Section 104(1)(b) of the Resource Management Act 1991, Council must have regard to the relevant objectives and policies of any plan or proposed plan when assessing this application.

[147] The 2GP was made partially operative on 19 August 2024. No consideration of the objectives and policies of the District Plan 2006 is required, unless the proposed activity involves any of the specific provisions and identified areas of the 2GP that remain subject to appeal. In this instance, none of the appeals are relevant to this application.

[148] **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.

[149] Council's Transport Department is satisfied the safety and efficiency of the transport network will be maintained. The existing transport infrastructure involves a low-speed low volume 'rural' road that has sufficient capacity to comfortably accommodate the proposed subdivision and any associated new residential development.

[150] The proposed activity is consistent with this objective and these policies.

[151] **Objective 11.2.1** and **Policies 11.2.1.3, 11.2.1.5** and **11.2.1.12** (Natural Hazards), which seek to ensure the risk from natural hazards, including climate change, is minimised, in the short to long term.

[152] While the subject site is recorded as being subject to several identified potential natural hazards, Council's consultant engineer has recommended that the application not be

declined on the grounds of any known natural hazards. The hazards identified are considered low risk and/or there are measures in place both in terms of protective measure and expectations around construction methods that will minimise the risk.

[153] The proposed activity is consistent with this objective and these policies.

[154] **Objective 17.2.1** and **Policies 17.2.1.1** and **17.2.1.2** (Rural Residential Zones), which seek to ensure the rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur, and provide for a limited range of other compatible activities.

[155] The 2GP does not define what is meant by lifestyle blocks or hobby farms other than to set a minimum site size threshold and to seek to allow for sufficient area so that lifestyle blocks or hobby farms might be precluded in favour of low density residential activity. How a property is used in terms of lifestyle blocks or hobby farming is a matter of choice for the landowner. Both proposed new allotments will be undersized in terms of the minimum site size performance standard, but they are both flat rectangular allotments with no topographical or physical constraints preventing them being used for lifestyle blocks or hobby farm, or small-scale horticulture. They are also of sufficient size to mitigate against these uses being automatically precluded in favour of low density residential activity.

[156] The proposed activity (being both the subdivision and land use) is consistent with this objective and these policies.

[157] **Objective 17.2.2** and **Policies 17.2.2.1, 17.2.2.3** and **17.2.2.8** (Rural Residential Zones), which seek to ensure activities in rural residential zones maintain a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces.

[158] The proposed activity (being both the subdivision and associated future residential activity) will likely maintain the existing level of amenity for surrounding rural residential properties. The surrounding rural residential properties represent a mix of rural residential and/or lifestyle activities that will be appropriately reflected on the new allotments promoted by this application, and any future residential activity constructed in accordance with the relevant land use and development performance standards of the 2GP.

[159] The proposed activity is consistent with this objective and these policies.

[160] **Objective 17.2.3** and **Policies 17.2.3.1** and **17.2.3.5** (Rural Residential Zones), which seek to ensure the character and amenity of the rural residential zones are maintained.

[161] The area surrounding the subject site includes a diverse range of uses, a mix of areas, both under and over the 2ha minimum, and a mix of typologies, ranging from open pastoral land use with minimal landscaping to extensive landscaping and mature trees and shelter plantings. The applicant is promoting the subdivision of the subject site and authorising a new residential activity that is intended to reflect the rural residential character and amenity anticipated in the 2GP and reflected in the immediately surrounding area.

[162] Furthermore, the proposed residential activity is likely to be more representative of the rural residential character and visual amenity than the existing residential activity on-site.

[163] The proposed activity is therefore consistent with this objective and these policies.

[164] **Objective 17.2.4** and **Policy 17.2.4.3** (Rural Residential Section), which seek to ensure the productive potential of the rural residential zones for lifestyle blocks or hobby farms is maintained.

[165] Both new allotments will be rectangular in shape and flat, and will have no apparent constraints that might prevent either allotment from being used as lifestyle blocks and/or hobby farms. Any future residential development will be required to comply with the relevant land use and development performance standards of the 2GP and can be positioned on the vacant allotment (Proposed Lot 2) to maintain the productive potential for lifestyle blocks and hobby farming.

[166] The proposed activity is consistent with this objective and associated policy.

Objectives and Policies Assessment Conclusion

[167] Having regard to the relevant objectives and policies individually, and considering them collectively, this assessment indicates to me that the application is consistent with, and not contrary to, the objectives and polices of the 2GP.

Assessment of Regional Policy Statements (Section 104(1)(b)(v))

[168] Section 104(1)(b)(v) of the Act requires that Council take into account any relevant regional policy statements. The Regional Policy Statement for Otago 2019 was made operative in March 2024.

[169] There are no objectives and policies in the regional policy statement directly relevant to this application. However, Council is required to set objectives, policies and methods in a district plan to implement policies in the regional policy statement as they relate to Council areas of responsibility. The 2GP was made partially operative in August 2024, five (5) months after the regional policy statement.

[170] As the proposed activity is considered consistent, and not contrary to, the objectives and polices of the 2GP, the proposed activity is considered broadly consistent with the objectives and policies of the reginal policy statement.

DECISION MAKING FRAMEWORK

Part 2 Matters

[171] I am satisfied there is no invalidity, incomplete coverage or uncertainty within the 2GP as it relates to this proposed activity. As a result, there is no need for an assessment in terms of Part 2 of the Resource Management Act 1991.

Other Matters

[172] Section 104(1)(c) requires Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.

[173] The matters of precedent and Plan integrity are considered relevant in determining this application. Where a plan's integrity is at risk by virtue of any potential precedent, Council can consider whether the proposed activity is a 'true exception'. 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.

[174] Case law indicates that for Council to grant consent to a non-complying activity, the application needs to be a 'true exception', otherwise an undesirable precedent may be set, and the integrity of the District Plan may be undermined.

[175] In this case, the proposed activity is non-complying because *general subdivision* of sites into new allotments of less than 2ha and any existing or new *standard residential activity* carried out on any new undersized allotments are both listed as being non-complying activities in the Rural Residential 1 zone under the 2GP.

[176] I do not consider that the proposed activity represents a challenge to the integrity of the 2GP. In my view, the proposed activity is relatively unique in the sense that it involves subdivision and land use activities reflective of an environment confined to a comparatively small, narrowly defined area within the wider Rural Residential zone. The proposed activity also arguably epitomises the nature and scale of the Rural Residential 1 zone in the "*Wingatui*" area, which is described in the 2GP as having "*a settled and mature character, with mature trees and shelter plantings, and a diverse range of rural uses including hobby farming, horse grazing and horticultural uses*."

[177] I consider that potentially approving this application us unlikely to undermine public confidence in the 2GP's provisions.

[178] For the above reasons, I consider that approving the proposed activity will not undermine the integrity of the 2GP as the activity will produce only localised and minor effects, if any. I therefore do not consider that the Committee needs to be concerned about the potential for an undesirable precedent to be set in this regard.

Section 104D

[179] Section 104D of the Act specifies that a resource consent for a non-complying activity must not be granted unless the proposal can meet one of two limbs. The limbs of Section 104D require either that the adverse effects on the environment will be no more than minor, or that the application is for an activity that will not be contrary to the objectives and policies of either the relevant district plan or proposed plan.

[180] Only one of the two tests outlined by Section 104D need be met for Council to be able to assess the application under Section 104 of the Act.

[181] As discussed above in the assessment of effects, I consider the overall effects of the proposed activity to be no more than minor, and in some respects are likely trending toward being less than minor. Conditions of consent, particularly as they relate to stormwater, will ensure the proposed activity (if authorised by this Committee) will maintain the outcomes anticipated by the District Plan for the underlying zone in the immediate vicinity of the subject site. In my view, the conditions need not be imposed to ensure actual and potential effects associated with the proposed activity remain no more than minor.

[182] The proposed activity therefore meets the first 'gateway' test of Section 104D.

[183] In terms of the second test of Section 104D, the activity will fail if it is considered contrary to the objectives and policies of the District Plan. To be deemed contrary, an application needs to be repugnant to the intent of the District Plan and abhorrent to the values of the zone in which the proposed activity is to be carried out.

[184] In this instance, the proposed activity is assessed as being consistent with and not contrary to the relevant objectives and policies of the Transportation, Natural Hazards and Rural Residential Zones sections of the 2GP.

[185] The proposed activity is therefore considered to also satisfy the second 'gateway' test outlined by Section 104D.

[186] I am satisfied the application passes both the threshold tests in Section 104D of the Act and therefore, in my opinion, it is appropriate for the Committee to carried out a full assessment in accordance with Section 104 of the Act, and Council can consider granting consent.

CONCLUSION

[187] Having regard to the above assessment, I recommend that the application be granted subject to appropriate conditions.

[188] Should the Committee be of a mind to grant consent, recommended conditions are included in Attachments 1 and 2 to this report.

RECOMMENDATION

That the Hearings Committee:

Notification

*1 **approves** this application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.*

Subdivision – SUB-2024-148

*2 **grants** subdivision consent to a **non-complying activity** for a two (2) lot subdivision of the land at 40 Guy Road, Mosgiel, legally described as Section 18, Block I, SO 21557, East Taieri Survey District, held on Record of Title OT210/170, pursuant to Part 2 and sections 34A(1), 104, 104B and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City Second Generation District Plan 2024, subject to conditions imposed under sections 108 and 220 of the Act (listed in Attachment 1).*

Land Use – LUC-2024-391

*3 **grants** land use consent to a **non-complying activity** to establish and/or carry out residential activity involving a single residential dwelling and associated ancillary buildings on new allotments created by SUB-2024-148 at 40 Guy Road, Mosgiel, legally described as Section 18, Block I, SO 21557, East Taieri Survey District, held on Record of Title OT210/170, pursuant to Part 2 and sections 34A(1), 104, 104B and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City Second Generation District Plan 2024, subject to conditions imposed under sections 108 and 220 of the Act (listed in Attachment 2).*

REASONS FOR RECOMMENDATION

[189] The actual and potential effects on the environment of the proposed activity are considered no more than minor and recommended conditions of consent will assist in maintaining the outcomes anticipated by the District Plan for the underlying zone in the immediate vicinity of the subject site, and will assist with ensuring any potential adverse effects will remain no more than minor.

[190] The proposed activity is considered consistent with, and not contrary to, the relevant objectives and policies of 2GP.

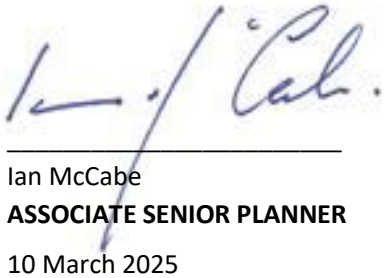
[191] The proposed activity is considered consistent with the objectives and policies of the Regional Policy Statement for Otago.

[192] As the proposed activity is considered likely to give rise to adverse effects that will be no more than minor, and will not be contrary to the objectives and policies of the District Plan, the proposed activity is considered to meet both 'limbs' of the Section 104D 'gateway test'. Council can therefore consider granting consent to this proposed activity.

[193] The proposed activity is considered a true exception in the sense that it involves an activity confined to a small and narrowly defined area within the wider Rural Residential 1 zone. The proposed activity epitomises the nature, scale and intensity of existing rural residential activities located within this defined area.

[194] Overall, the proposed development has been assessed as not being likely to give rise to adverse effects to those elements of the Rural Residential 1 zone that the 2GP is seeking to maintain and potentially enhance, particularly in terms of ensuring the subject site can continue to enable lifestyle blocks or hobby farms, including keeping of livestock, and avoid sites that will be used purely as large lot residential living.

Report prepared by:



Ian McCabe
ASSOCIATE SENIOR PLANNER
10 March 2025

Report checked by:

Phil Marshall
SENOR PLANNER
10 March 2025

ATTACHMENT 1

Subdivision Consent – Proposed Conditions and Advice Notes

Consent Type:	Subdivision Consent
Consent Number:	SUB-2024-148

Purpose:	A two lot subdivision
Location of Activity:	40 Guy Road, Mosgiel
Legal Description:	Section 18 Block I East Taieri Survey District (Record of Title OT210/170)
Lapse Date:	Day Month 2030, unless the consent has been given effect to before this date.

Conditions:

1 *The proposed activity must be carries out generally in accordance with the approved plan attached to this certificate as Appendix One, and the information provided with the resource consent application received by Council on 16 October 2024, 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, those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.

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

(a) A RPZ boundary backflow prevention device and meter must be installed on the existing non-domestic water connection servicing the Lot 1.

(b) Once the RPZ boundary backflow prevention device and associated meter required under Condition 3(a) has been installed, the consent holder must supply to Three Water a completed "Notification of a New Boundary Backflow Prevention Device" form.

Advice Notes:

Transport

1 The consent holder is advised that any works within legal road are required to be undertaken by a Council approved contractor and will require an approved corridor access request.

Infrastructure

2 All aspects of any further development of the subject site shall comply with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.

3 Non-domestic water connections require a RPZ boundary backflow prevention device and a meter. A RPZ boundary backflow prevention device requires building consent, or be exempted from requiring a building consent (see Boundary-backflow-Building-Consent-exemption-form-editable.pdf (dunedin.govt.nz)) prior to the device being installed. Three Waters must be advised the device is installed so that the installation can be approved. A "Notification of a New Boundary Backflow Prevention Device" form must be supplied to Three Waters for any new RPZ. Further information is available at http://www.dunedin.govt.nz/services/water-supply/backflow.

General

4 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.

5 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.

6 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.

7 The lapse period specified above may be extended on application to Council pursuant to section 125 of the Resource Management Act 1991.

8 This is a resource consent. Please contact Council's Building Services Department, about the building consent requirements for the work.

ATTACHMENT 2

Land Use Consent – Proposed Conditions and Advice Notes

Consent Type: Land Use Consent

Consent Number: LUC-2024-391

Purpose: To establish and/or carry out residential activity, being a single residential dwelling and associated ancillary buildings

Location of Activity: 40 Guy Road, Mosgiel

Legal Description: Section 18 Block I East Taieri Survey District (Record of Title OT210/170)

Lapse Date: LUC-2024-391 shall lapse five (5) years after the date that the s223 certificate for SUB-2024-148 is issued unless the consent has been given effect to before this lapse date.

Conditions

1 *The proposed activity must be carried out on the sites defined in the approved plans attached to this certificate as Appendix One (as detailed by subdivision authorised by SUB-2024-148), and generally in accordance with the information provided with the resource consent application received Council on 16 October 2024, except where modified by the following conditions.*

2 *All new residential buildings and associated accessory building must comply with the relevant land use and development performance standards of the Dunedin City Second Generation District Plan 2024 including but not restricted to setbacks, maximum height for buildings, access, parking and manoeuvring, and fire-fighting.*

3 *For any new residential dwelling, a Stormwater Management Plan (SWMP) must be prepared by a suitably qualified person and submitted to Council at rcmonitoring@dcc.govt.nz for certification prior to any earthworks or construction commencing. The SWMP must include (but may not limited to):*

(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; and,

(g) Measures to ensure acceptable level of stormwater quality being discharged from the site.

The SWMP must be submitted to and approved by Three Waters prior to commencing construction on the new residential dwelling and/or new associated accessory building.

4 Stormwater management for new residential dwellings and associated accessory buildings, including installation of any detention tanks that might be required, must be carried out in accordance with the approved Stormwater Management Plan required under Condition 3 above.

Advice Notes

Transport

1 The consent holder is advised that any works within legal road are required to be undertaken by a Council approved contractor and will require an approved corridor access request.

2 The vehicle crossing, between the road carriageway and the property boundary, is within legal road and will therefore require a separate Vehicle Entrance Approval from Council's Transport Department to ensure that the vehicle crossing is constructed/upgraded in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).

3 The consent holder is advised that in the event of any future development on-site, Council's Transport Department will assess any proposed access, parking and manoeuvring at the time of any resource consent/building consent application.

General

4 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.

5 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.

6 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.

7 The lapse period specified above may be extended on application to Council pursuant to section 125 of the Resource Management Act 1991.

This is a resource consent. Please contact Council's Building Services Department, about the building consent requirements for the work.

APPENDIX 1:
THE APPLICATION

APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We Christopher Joseph Willis

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

✓ Land Use Consent ✓ Subdivision Consent

I opt out of the fast-track consent process: ✓ Yes ○ No
(only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity:

Two lot subdivision and LUC matters (residential activity on both lots).

Have you applied for a Building Consent? ○ Yes, Building Consent Number ABA ✓ No

Site location/description

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

Street address of site: 40 Guy Road Mosgiel

Legal description: SEC 18 BLK I SO 21557 EAST TAIERI SD

Certificate of Title: OT 210/170

Contact details

Name: Conrad Anderson (○ applicant ✓ agent (tick one))

Address: PO Box 5933, Dunedin

Postcode: 9058

Phone (daytime): 027 252 0141 Email: conrad_a@xtra.co.nz

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

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

Ownership of the site

Who is the current owner of the site? the Applicant

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

Address:

Postcode:

Phone (daytime): tba Email:

Planning Application Fees Payment Details (Who are we invoicing)

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

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

Deposit Payment Payee Details:

Full Name of Deposit Payee (Person or Company): Christopher Joseph Willis

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

c/- PO Box 5933 Dunedin 9058

Email Address of Deposit Payee: conrad_a@xtra.co.nz

Daytime contact phone number: tba

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

Fees

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

Development contributions

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

Occupation of the site

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

See attached AEE

Monitoring of your Resource Consent

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

tba (month and year)

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

Detailed description of proposed activity

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

See attached AEE

Description of site and existing activity

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

See attached AEE

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? See attached AEE

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

See attached AEE

Breaches of district plan rules

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

See attached AEE

Affected persons' approvals

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

Name:

Address:

Name:

Address:

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

Assessment of Effects on Environment (AEE)

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

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

See attached AEE

(Attach separate sheets if necessary)

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

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

Assessment of Objectives and Policies

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

See attached AEE

Declaration

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

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

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

Signature of: ○ Applicant ✓ Agent (tick one): 

Date: 15/10/2024

Privacy – Local Government Official Information and Meetings Act 1987

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

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

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

What happens when further information is required?

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

Further assistance

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

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

City Planning Staff can be contacted as follows:

IN WRITING: Dunedin City Council, PO Box 5045, Dunedin 9054

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

BY PHONE: (03) 477 4000

BY EMAIl: planning@dcc.govt.nz

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

Information requirements

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

In addition, subdivision applications also need the following information:

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

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

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information)? ○ Yes ○ No

Application: ○ Received ○ Rejected

Received by: ○ Counter ○ Post ○ Courier ○ Other:

Comments:

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

Planning Officer: Date:

RESOURCE CONSENT APPLICATION

(Subdivision and residential activity)

Updated

Assessment of Environmental Effects Including Commentary of the Relevant Provisions of the Dunedin City District Plan

Application by Chris Willis at 40 Guy Road Mosgiel

Anderson & Co Resource Management
Advising on Planning and Resource Management
www.RMApro.co.nz *your RMA professionals*
P O Box 5933
Dunedin 9058

Ref:\3044

Table of Contents

Contents

AUTHOR:

1. My name is Conrad Anderson and I am a director of Anderson & Co (Otago) Limited.

2. I hold a Masters in Planning from the University of Otago. I have over 10 years of professional experience in planning, and I am a member of the New Zealand Planning Institute.

3. I completed this Assessment of Environmental Effects (AEE).

SUMMARY:

4. The subject site is a lifestyle block on the Taieri, almost 3.6ha with an existing dwelling at the southern end of the site.

5. This application is seeking a two lot subdivision and residential use of/on each lot.

6. Resource consent is required due to:
    - Land Use Activities:
        i. Density
    - Development Activities:
        i. -
    - Subdivision Activities:
        i. Subdivision
        ii. Site size
    - Hazards:
        i. -
    - Earthworks
        i. -
    - HAIL
        i. -

7. The proposal has a **non-complying** activity status.

THE APPLICANT

8. The Applicant:

Name:	Chris Willis
Address: (for the purposes of this application)	C/- Anderson & Co, PO Box 5933, Dunedin 9058

DESCRIPTION OF THE SITE AND LOCATION

9. Site Summary

Site address:	40 Guy Road Mosgiel
Legal description:	SEC 18 BLK I SO 21557 EAST TAIERI SD
Title:	OT 210/170
Size:	3.5815ha
Owner:	The Applicant (address as per above)
Occupier:	The Applicant (address as per above)

10. The site is located within a lifestyle setting, to the east of the Mosgiel township.

11. The immediate area has the Mosgiel township to the west, the rail line to the east, and arterial road (Factory Road) to the north and lifestyle blocks to the south.

12. In terms of the surrounding area the following is noted:
    - To the north and west are lifestyle blocks around 2ha.
    - To the south are larger lifestyle blocks (circa 4ha), noting SUB-2024-22 provides for the subdivision of 42 Guy Road (currently 4.0469ha).

- To the east there are 2ha blocks and one 1.3ha block. While, 41 Guy Road (across the road from the subject site) is 1,012m2 and contains a residential dwelling.
- In addition, the wider area includes a number of lifestyle blocks under 2ha (including 244 Factory Road at 1.18ha, 208 Factory Road at 0.1ha, 206 Factory Road at 0.1ha, 200 Factory Road at 1.2ha).

13. In terms of the surrounding area[1] (outlined in blue below), but excluding the subject site:
    - Has an area of 22.9308ha
    - Contains 13 properties, but as noted above 42 Guy Rd has been granted consent for subdivision. Assuming the 42 Guy Road resource consent is implemented, then the surrounding area will contain 14 dwellings.
    - Hence the average density of the surrounding area is 22.9308ha/14 dwellings, which resulting in an average site size of 1.64ha.

Above: The subject site and surrounding area identified.

14. The above assists to identify that the subject site is twice the size of the average density of the surrounding area.

15. The following table details the above information:

40 Guy Road
Resource consent application - supporting information - re surrounding properties

Address	Size (ha)	Number of dwellings	Notes
222 Factory Road	2.0791	1	
212 Factory Road	2.2241	1	
208 Factory Road	0.1074	1	
206 Factory Road	0.1012	1	
108 Wingatui Road	2.4076	1	
100 Wingatui Road	2.7692	1	
232 Factory Road	1.9678	1	
21 Guy Road	1.2880	2	
31 Guy Road	2.0004	1	
41 Guy Road	0.1012	1	
43 Guy Road	3.8379	1	
42 Guy Road	4.0469	2	Has RC for 2 lot sub, hence 2 dwelling anticipated
	22.9308	14	
Average density	1.637914	ha	

[1] See table below for details.

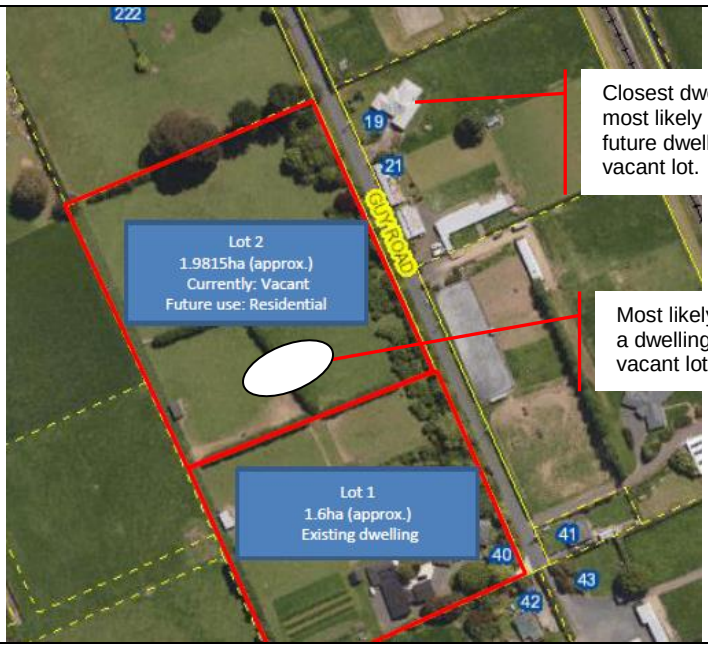
DESCRIPTION OF THE PROPOSAL:

16. This application seeks a two lot subdivision (and residential use on each lot), as shown in the attached plan:
    - Lot 1 will contain the existing dwelling and be 1.6ha (approx.)
    - Lot 2 will be a vacant lot (for future residential activity) and will be 1.9815ha (approx.)

17. The above lot sizes has been selected to align with an existing row of trees that crosses the site (refer plan of subdivision). Also, it is noted the smaller of the two sites at a proposed 1.6ha, aligns with the average density of the surrounding area (which is 1.64ha). However, if council has a preference for either (a) the resulting sites of equal size, or (b) for one of the sites to be at least 2ha, then the Applicant can accommodate that.

18. With regards to the proposal, the following is noted:
    - The lifestyle use of the land is not changing.
    - The resulting site sizes are not out of character with the surrounding area, which has a mix from of lot sizes from 1,012m2 to 4ha, with a number of undersized lots in the area.
    - On the site is only 10%[2] undersized.
    - The proposal has no impact on infrastructure.
    - Reticulated power / water / phone lines are available adjacent to the site.
    - The site is accessed from a sealed no-exit road, and will result in only one additional dwelling, hence the proposal raises no additional traffic / safety concerns.
    - The proposed lots are already defined by existing trees and driveway access.
    - The local amenities in proximity to the site (schools etc) are more than sufficient to support just one additional dwelling.

19. While not included on the plan of subdivision, if required a building platform on Lot 2 can be included. The most likely position for a future dwelling on the vacant lot is towards the southern end, and mid-width, as shown below:



Above: The most likely position for a future dwelling on the vacant lot.

[2] 10.4625% to be exact.

RELEVANT SITE HISTORY / BACKGROUND TO THE APPLICATION

20. The title dates from 1925, and a dwelling has been associated with the site since at least 1947.

ACTIVITY STATUS

21. From 19 August 2024 the Proposed Second Generation Dunedin City District Plan (the "2GP") was made 'partially operative'.

22. The parts of the 2GP which were not made operative from 19 August 2024, relate to a limited number of specific sites, none of which have relevance to this application.

23. Therefore for the purposes of this application, only the 2GP needs to be considered in determining the activity status and deciding what aspects of the activity require resource consent.

24. To follow is consideration of the activity status under the 2GP, and the activity status applied by the National Environmental Standard is also considered.

Second Generation Dunedin City District Plan (the "2GP")

25. The 2GP maps shows the site is zoned Rural Residential 1, with the following overlays:
    - Taieri Aerodrome Flight Fan Mapped Area (part site only)
    - High Class Soils Mapped Area
    - Hazard 3 (flood) Overlay Zone
    - Dunedin Airport Flight Fan

26. The road adjacent to the site is a local road.

27. In terms of the Land Use Activity Performance Standards that apply to all land uses, none are relevant to this application.

28. Residential activity is a permitted activity (Rule 17.3.3.12.a), subject to Performance Standards. The relevant standards are discussed below:

29. Rule 17.3.3.12.a.i Density links to Rule 17.5.2. The relevant part is Rule 17.5.2.1.a which provides for one residential activity per site of at least 2ha (the exceptions are not relevant to the proposal). Neither of the proposed sites will be 2ha[3]. Therefore, in keeping with Rule 17.5.2.2 the proposal is **non-complying**.

30. Overall, in terms of Land Use Performance Standards the proposal is **non-complying.**

31. In terms of the Development Activity Performance Standards, the proposal does not include development on the vacant lot. Any future development on the proposed vacant site will either comply with the development rules, or if not a further resource consent will be required, which can be assessed on its merits[4].

32. In terms of the Subdivision Activity Status Table, all subdivisions are a **restricted discretionary** activity (Rule 17.3.5.2.a), and the relevant performance standards are discussed below:
    - Access – Each lot will have direct access to Guy Road. This is complying.

[3] Unless council requires one to be at least 2ha.

[4] This is a logical way to manage the proposal, as the proposal does include the residential activity on the vacant lot, but there are no dwelling plans available for the vacant lot. i.e. assuming this resource consent application is granted and the proposed dwelling on the vacant lot is complying, then no further resource consent will be required. If this raises a concern for council, then the Applicant is open to a condition of consent requiring the future dwelling (but not its residential use) to require the approval of the Council in terms of its position and design.

- Firefighting – Compliance with Rule 9.3.3 is anticipated.
- Minimum Site size – the required minimum size is 2ha (Rule 17.7.5.1). The proposal does not comply, and in-keeping with Rule 17.7.5.3 the proposal is **non-complying**.
- Service connections - Compliance with Rule 9.3.2 is anticipated.
- Shape – proposal complies.

33. In terms of the Hazard Activity Status Table, this is not applicable to the site.

34. In terms of earthworks, none are anticipated as part of this application.

Resource management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the "NES")

35. The proposal is not seeking to disturb soil nor introduce a new activity (as the site is already associated with residential activity); however the proposal does include subdivision.

36. A Council HAIL report (HAIL-2024-45) has been received, which concludes the site is a possible HAIL site.

37. A DSI (attached) concludes that based on the soil testing results, consent under the HAIL regulations is not required.

National Policy Statement for Highly Productive Land 2022 (HPS-HPL)

38. The HPS-HPL applies to land mapped by the ORC (as per clause 3.4 of the HPS-HPL). However, as an interim measure (until the mapping has been completed), the land relevant to the HPS-HPL is defined as per clause 3.5(7), being land that:
    - Is zoned general rural or rural production; and LUC 1, 2, or 3 land; but
    - Is not identified for future urban development; or subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

39. The 2GP zones the site Rural Residential, which is not a rural zone. Therefore, it is concluded the HPS-HPL does not apply.

Overall Activity Status

40. Overall, the proposal is a **non-complying** activity.

NOTIFICATION

41. The matter of both public and limited notification are discussed below:

Public Notification (s95A)

42. In terms of 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.

    Therefore Step 2 is to be considered.

43. In terms of 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.

Therefore Step 3 is to be considered.

44. In terms of 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.

    Therefore, Step 4 is to be considered.

45. In terms of Step 4: Public notification in special circumstances
    - 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.

Limited Notification (s95B)

46. In terms of 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.

    Therefore, Step 2 is to be considered.

47. In terms of 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.

    Therefore, Step 3 is to be considered.

48. In terms of 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).

    Therefore, Step 4 is to be considered.

49. In terms of 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.

EFFECTS ON THE ENVIRONMENT

50. To follow is a review of both the permitted baseline and the receiving environment. That review informs the assessment of effects.

Permitted Baseline

51. 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 called the permitted baseline.

52. For the subject site, the use of the site for residential purposes is anticipated, along with a family flat.

53. The following are all permitted land use activities (subject to performance standards):
    - Domestic animal boarding and breeding (not including dogs)

- Rural ancillary retail
- Working from home
- Community and leisure - small scale
- Emergency services

54. The following are all permitted development activities (subject to performance standards):
    - Buildings up to 10m tall, with no restriction in terms of footprint.
    - A working from home shed up to 100m2 of gross floor area.
    - Outdoor storage.

55. Hence the Permitted Baseline could include 2 residential units (one being a family flat), multiple large sheds, along with outdoor storage.

56. Examples of permitted uses includes: very large sheds for storing car collections, shed/outdoor storage associated with a trade related work from home situation, and large commercial glasshouses.

57. As a result, the permitted built environment is significant.

58. However all subdivisions require a resource consent application.

Receiving Environment

59. 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.

60. The receiving environment includes the existing residential activity, and the surrounding residential density at 1.64ha.

61. In terms of the surrounding built environment, the following is noted:
    - 108 Wingatui Road has a 3,000m2 (approx.) glasshouse, and multiple outbuildings.
    - 100 Wingatui Road has a 450m2 (approx.) shed
    - 42 Guy Road has a 1,500m2 (approx.) glasshouse, and multiple outbuildings.
    - 43 Guy Road has multiple large outbuildings.

Above: Notable built environment within the surrounding area.

Assessment of Effects

62. The relevant matters are: density, subdivision and site size. Both density and site site are non-complying, while subdivision is a restricted discretionary activity. The non-complying activities are discussed first:

Rule 17.12.2.1 All non-complying activities

Standard	Details	Comment
17.12.2 Assessment of all non-complying activities 17.12.2.1 All non-complying activities		
Relevant objectives and policies (priority considerations):		
17.12.2.1.a	Objective 17.2.1 The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur, and provide for a limited range of other compatible activities. Objective 17.2.2 The potential for conflict between activities within the rural residential zones, and between activities within the rural residential zones and adjoining residential zones, is minimised through measures that ensure: • the potential for reverse sensitivity is minimised; and • a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces.	Objective 17.2.1 The proposal results in two lifestyle lots. In terms of the resulting sites being a suitable sizes for lifestyle blocks or hobby farms, this is shown via: • The proposed smallest site (1.6ha) aligns with the surrounding average site size, which supports a number of lifestyle blocks. • Noting, if council considers 1.6ha too small, then as noted earlier, the site sizes can equalised in size to almost 1.8ha each (at 1.79075ha). • The proposed 1.6ha site is only 20% smaller than the required 2ha, while the equalised sites of 1.79ha is only 10.5% smaller than the required size – this is relevant, as the site is highly usable as a lifestyle block due to the position of the existing dwelling (i.e. near a boundary, so no large domestic curtilage available), the access to the road network (i.e. close to the road, so no long meandering access required), and lack of any site specific features which would reduce the usability of the site as a lifestyle site. Objective 17.2.2 Potential for reverse sensitivity (from the proposed additional residential activity) is minimised because: • The future dwelling will have complying setbacks (or a resource consent will be required, which can be considered on its merits). • The most likely location of the new dwelling will be at the

		southern end of the proposed vacant lot – and approx. mid width. That will result in setbacks around 40m (when only 12m is required). • As the surrounding land is already in lifestyle use, there is no existing (and unlikely to be) highly intensive farming activity. • The site has existing buffers available via internal shelter belts and bush/shelter belts on the boundaries. In terms of the proposal resulting in a good level of amenity on surrounding rural residential properties, the matters above are relevant, along with the fact there is only one surrounding property (21 Guy Road) that has a dwelling near the likely future dwelling area, and separation is provided by the road and existing boundary plantings (refer earlier in this AEE).
	Objective 17.2.3 The character and amenity of the rural residential zones are maintained, elements of which include: • a high presence of natural features such as trees, bush, gully systems and water bodies; • a semi-rural level of development, with a higher proportion of open space and lower density of buildings than in urban areas; and	Objective 17.2.3 The RR1 zone anticipates dwellings on at least 2ha sites. The resulting sites are, on average, almost 90% of that required size. In terms of bush, the proposal will result in limited removal of bush, the bush is associated with the road boundary, and a driveway already exists. In terms of open space/lower density of the built environment, as explained earlier in this AEE: • a number of the surrounding sites have large structures and/or a number number of outbuildings. • The permitted environment includes a family flat and no real limits on the built environment. • Hence, when compared to both the wider receiving environment and the permitted environment, the proposal will have no real effect on these matters. • However, if required, a condition of consent can be considered to limit the total footprint of the future dwelling and any outbuildings.

	• land maintained and managed for farming, grazing, conservation and rural residential activities. Objective 17.2.4 The productive potential of the rural residential zones for lifestyle blocks or hobby farms is maintained.	The proposal is will result in the bulk of the site continuing to be available for these activities. Overall, due to the near complying site sizes, along with the character and amenity of the immediate environment, the proposal is in keeping with Objective 17.2.3. Objective 17.2.4 Due to the resulting lots being close to the required size, along with the site characteristics not limiting productivity, the productive potential is maintained.
17.12.2.1.b	The activity is consistent with the strategic directions, including but not limited to: • Objective 2.2.4 • Objective 2.7.1 • Objective 2.3.2 and Policy 2.3.2.2 • Objective 2.4.3 and Policy 2.4.3.4	Objective 2.2.4 is in regards to being a compact city. Given the sites proximity to the residential zone and amenities, the proposal is in keeping with a compact city. Objective 2.7.1 is in regards to public infrastructure. It is anticipated the site will be self-sufficient in terms of waste water (and water if required). In terms of transportation, the proposal is for one additional dwelling, which is accessed from a local road. Therefore no infrastructure matters are anticipated. Objective 2.3.2 and Policy 2.3.2.2 is in regards to centres, which is not applicable. Objective 2.4.3 and Policy 2.4.3.4 is in regards to the CBD and centres, which are not applicable.
General assessment guidance:		
17.12.2.1.c	In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.	n/a
Relevant guidance from other sections (priority considerations):		
17.12.2.1.d	For activities taking place within the radio transmitters mapped area…	n/a
17.12.2.1.e	See Section 6.13 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.	n/a as the proposal will result in only one additional dwelling, which will have access to a formed local road.

17.12.2.1.f	See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety	n/a as the proposal raises no health and safety concerns.
17.12.2.1.g	For activities that may have effects on biodiversity values, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1.	n/a as the proposal raises no biodiversity matters.
17.12.2.1.h	For activities adjacent to water bodies and the coast, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.2.	n/a as the proposal is not adjacent to a water body or the coast.

Rule 17.12.6.1 Density

Standard	Details	Comment
17.12.6 Assessment of non-complying performance standard contraventions 17.12.6.1 Density		
Relevant objectives and policies (priority considerations):		
17.12.6.1.a	Objective 2.6.1 There is a range of housing choices in Dunedin that provides for the community's needs and supports social well-being. Policy 2.6.1.5 Use the following criteria to assess the appropriateness of rural residential zoning when considering any proposal for rezoning under Policy 2.6.1.4…	The proposal will provide an additional semi-rural housing choice. n/a as this application is not for rezoning.
17.12.6.1.b	Objective 17.2.1 See above.	See above
17.12.6.1.c	Residential activity in the rural residential zone is at a density that enables lifestyle blocks and hobby farms (Policy 17.2.1.2).	The proposal is aligned with this Policy. See comment above.
Relevant guidance from other sections (priority considerations):		
17.12.6.1.d	See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.	N/a. See above.

Rule 17.12.6.5 Minimum Site size

Standard	Details	Comment
17.12.6 Assessment of non-complying performance standard contraventions 17.12.6.5 Minimum Site size		
Relevant objectives and policies (priority considerations):		
17.12.6.5.a	Objectives 2.2.4 and 2.6.1 Refer above	Objectives 2.2.4 and 2.6.1 Refer above
17.12.6.5.b	Policy 2.2.4.4 Avoid subdivision that provides for residential activity of a fundamentally different type than provided for in the	Policy 2.2.4.4 The average site size (almost 1.8ha) is on a lifestyle scale not an urban scale.

	various zones … Policy 2.6.1.5 Refer above	 Policy 2.6.1.5 Refer above
17.12.6.5.c	Objectives 17.2.2, 17.2.3, 17.2.4 Refer above	Objectives 17.2.2, 17.2.3, 17.2.4 Refer above
17.12.6.5.d	Policy 17.2.2.8 Require subdivisions to deliver resultant sites that will achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development. Policy 17.2.3.5 Only allow general subdivision where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the character and amenity of the rural residential zones. Policy 17.2.4.2 Only allow land use, development, or subdivision activities that may lead to land use and development in a high class soils mapped area where any adverse effects on high class soils are avoided or, if avoidance is not practicable, are no more than minor. Policy 17.2.4.3 Only allow general subdivision where resultant sites are of a shape and size that will enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid use purely as large lot residential living.	The proposal is aligned with this policy - as discussed above under Objective 17.2.1. Due to the resulting average site size being almost 90% of the required site size, it is considered the character and amenity of the rural residential zone will be maintained, and in terms of the immediate environment, this includes a number of smaller sites. Due to the resulting average site size being almost 90% of the required site size, it is considered there will be no material impact on the high class soils. Due to the resulting average site size being almost 90% of the required site size, it is considered the resulting sites will be sufficiently large to enable lifestyle blocks or hobby farms.
Relevant guidance from other sections (priority considerations):		
17.12.6.5.e	See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.	N/a. Refer earlier in this AEE.

Rule 17.10.4 Assessment of restricted discretionary subdivision activities

Standard	Details	Comment
17.10.4 Assessment of restricted discretionary subdivision activities 17.10.4.1 General subdivision		
Matters of discretion 17.10.4.1.a **Effects on on-site amenity**		
Relevant objectives and policies:		
17.10.4.1.a.i	Objective 17.2.2 Refer earlier in this AEE.	Refer earlier in this AEE.
17.10.4.1.a.ii	Subdivisions deliver sites that achieve a high quality of on-site	Refer earlier in this AEE.

	amenity through being large enough and of a shape that is capable of supporting rural residential development (Policy 17.2.2.8).	
Matters of discretion 17.10.4.1.b **Effects on rural residential character and visual amenity**		
Relevant objectives and policies:		
17.10.4.1.b.i	Objective 17.2.3 Refer earlier in this AEE.	Refer earlier in this AEE.
17.10.4.1.b.ii	Subdivisions are designed to ensure any associated future land use and development will maintain or enhance the character and visual amenity of the rural residential zones (Policy 17.2.3.5).	Refer earlier in this AEE.
Potential circumstances that may support a consent application include:		
17.10.4.1.b.iii	Sites are designed to respond to the topography and characteristics of the land and surrounding environment;	The subdivision layout is logical in terms of the location to the road and the position of the existing dwelling.
17.10.4.1.b.iv	Building platforms are located to respond to land form and avoid significant visual effects;	Not required.
17.10.4.1.b.v	Driveways, network utilities and services are designed and located to minimise the need for significant earthworks.	No significant earthworks envisaged.
Matters of discretion 17.10.4.1.c **Effects on long term maintenance of rural land for productive rural activities**		
Relevant objectives and policies:		
17.10.4.1.c.i	Objective 17.2.4 Refer earlier in this AEE.	Refer earlier in this AEE.
17.10.4.1.c.ii	Subdivisions are designed to ensure sites are of shape and size that enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid sites that will be used purely as large lot residential living (Policy 17.2.4.3).	Refer earlier in this AEE.
Matters of discretion 17.10.4.1.d **Effects on biodiversity values and natural character of riparian margins and the coast**		
	n/a	
Matters of discretion 17.10.4.1.e **Effects on public access**		
	n/a	
Matters of discretion 17.10.4.1.g **Effects on efficiency and affordability of infrastructure**		
	Discussed above.	
Matters of discretion 17.10.4.1.h **Effects on the safety and efficiency of the transport network**		
	Discussed above.	
Matters of discretion 17.10.4.1.i **Risk from natural hazards**		
	Discussed above.	

Effects Assessment Conclusion

63. For a number of reasons, including the following, there are no effects of concern:
64. In terms of the subdivision itself:

- The proposal has a non-complying activity status only because the site is 10% undersized. That 10% is considered minimal when considered in light of the surrounding lots – four of which (almost 30% of the surrounding sites) range from 0.1ha to 1.3ha.
- That reduced size does not comprise the expected rural use because the site is fully usable (i.e. rural use if not compromised by land form, streams/rivers, hazards etc), and as demonstrated by some of the surroundings sites, lifestyle blocks and hobby farms in this area do not require a minimum of 2ha.

65. In terms of the residential activity on the undersize lots:
    - Average density of the surrounding area is 1.64ha, and the smallest site of the proposal is aligned with that average density.
    - Due to a combination of the following no reverse sensitivity matters are expected: lot dimensions, the internal and boundary plantings, the surroundings area being lifestyle blocks (rather than intensive farming), and actual location of adjacent dwellings.

66. In terms of the future development of the lots:
    - This is to be seen in terms of the permitted baseline (provides for a number of uses and development of the existing site) and the receiving environment (significant structures in the immediate environment).
    - Due to a combination of the following the residential development of the lots will maintain a good level of amenity to the surrounding properties: limited (if any) bush is required to be removed to provide the access, open space/low built environment is envisaged, lot dimensions, the internal and boundary plantings, the surroundings area being lifestyle blocks (rather than intensive farming), and actual location of adjacent dwellings.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

67. None.

OBJECTIVES AND POLICIES ASSESSMENT

68. In accordance with Section 104(1)(b) of the RMA, the objectives and policies of the 2GP were are assessed below:

69. Within the 2GP the key section that has relevance in terms of the Objectives and Policies is Section 17. The relevant items are included below:

Rural Residential (Section 17):

Objective	Supporting Policy	Comment
Objective 17.2.1 Refer earlier in this AEE.	Policy 17.2.1.2 Refer earlier in this AEE.	All Refer earlier in this AEE.
Objective 17.2.2 Refer earlier in this AEE.	Policy 17.2.2.8 Refer earlier in this AEE.	All Refer earlier in this AEE.
Objective 17.2.3 Refer earlier in this AEE.	Policy 17.2.3.5 Refer earlier in this AEE.	All Refer earlier in this AEE.
Objective 17.2.4 Refer earlier in this AEE.	Policy 17.2.4.2 Refer earlier in this AEE. Policy 17.2.4.3 Refer earlier in this AEE.	All Refer earlier in this AEE.

70. In terms of the above table, it refers back to earlier parts of this AEE, because the 2GP has been designed so that assessment matters directly link to Objectives and Policies.

71. To avoid unnecessary repetition, I have not 'copy and pasted' the Objectives/Policies and related comments from earlier in this AEE which were required in terms of the assessment matters required by the 2GP.

72. However, I note that in terms of the relevant policy matters, there is no policy direction that seeks to avoid undersized lots, but there are three directive policies, which are:
    - Policy 17.2.1.2 - Require residential activity in the rural residential zones to be at a density that enables lifestyle blocks and hobby farms.
    - Policy 17.2.2.8 - Require subdivisions to deliver resultant sites that will achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development.
    - Policy 17.2.3.5 - Only allow general subdivision where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the character and amenity of the rural residential zones.

73. In terms of the above, I note:
    - The proposed smallest lot of 1.6ha is of sufficient density to enable lifestyle and/or hobby farm use because the site is fully usable (i.e. rural use if not compromised by land form, streams/rivers, hazards etc), and as demonstrated by some of the surroundings sites, lifestyle blocks and hobby farms do not require a minimum of 2ha.
    - In terms of amenity, the proposed lots are of a highly practical shape (square/rectangle) and of sufficient size (as per above). Hence, as a result, the residential development of the lots will maintain a good level of amenity to the surrounding properties because limited (if any) bush is required to be removed to provide the access, open space/low built environment is envisaged, lot dimensions, the internal and boundary plantings, the surroundings area being lifestyle blocks (rather than intensive farming), and actual location of adjacent dwellings.
    - In terms of character and amenity, amenity is discussed above, and in terms of character, the surrounding area is associated with lifestyle blocks that has a density of 1.64ha. The proposal is for lifestyle lots, with the smallest site being 1.6ha – hence the proposal must align with the character to the area.

74. In summary, there are three directive policy matters, to which the proposal is well aligned.

Operative and Proposed Regional Policy Statement for Otago

75. The Operative and Proposed Regional Policy Statement for Otago raises no matter of concern.

DECISION MAKING FRAMEWORK

Part 2 Matters

76. It is considered that there is sufficient assessment guidance within the 2GP. As a result, there is no need for an assessment in terms of Part 2 RMA.

Actual and Potential Effects

77. As noted above, the effects of the proposal are limited, and assessed as being less than minor, with the anticipated use resulting in an enhanced use of the land resource.

Any Relevant Provision

78. The only relevant provisions relate to the district plans, and it is concluded the proposal is not contrary to any directive 2GP policy.

The Gateway Test

79. S104D RMA requires an application for a non-complying activity to pass at least one of the s104D 'gateways' to allow for its consideration: either the effects will be no more than minor, or the proposal is not contrary to the relevant objectives and policies.

80. As detailed above, the proposal does pass the policy gateway and also passes the effects gateways. Therefore, consideration to granting consent can be given under s104D.

Other Matters

81. S104(1)(c) RMA requires regard to be given to any other matters considered relevant and reasonably necessary to determine the application, such as precedent and Plan integrity. Case law now directs consideration of whether approving a non-complying activity will create an undesirable precedent. If a plan's integrity is at risk by such a precedent, then the 'true exception test is to be applied'.

82. In terms of effects, overall these are assessed as being less than minor. Therefore, any precedent is unlikely to be 'undesirable'.

83. Further, in terms of policy, the proposal is not contrary to a directive policy. Therefore, any precedent is unlikely to be 'undesirable'.

84. However, if required, the subject site has a somewhat unique characteristics, because it is only 10% undersized and is surrounding by lifestyle blocks that have a density less than that is being proposed.

Specific Considerations

85. Details of any permitted activity that is part of the proposal: Not applicable

86. S124 / S165ZH91(e): Not applicable

87. S85 of the Marine and Coastal Area: Not applicable

88. Subdivision Consent – Additional Information: Not applicable

89. Reclamation Consent – Additional Information: Not applicable

Written Approvals

90. Due to the conclusion of this assessment, the application does not include any written approvals.

AEE CONCLUSION

91. The subject site is located in an area with a wide variety of site sizes, including a 1,012m2 residential site.

92. The site is only 10% under the complying size for a subdivision. That scale is not overlay significant, and the resulting sites are not fundamentally different from that proposed by the 2GP or the surrounding area.

93. Overall the proposal is assessed as having less than minor effects, being aligned with the policy direction, and unlikely to result in an undesirable precedent.

94. The proposed residential activity is likely to represents a more efficient use of that land.

95. The overall conclusion that this application is suitable for consent to be granted.

Anderson & Co (Otago) Ltd

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Guaranteed Search Copy issued under Section 60 of the Land Transfer Act 2017

R.W. Muir
Registrar-General
of Land

Identifier **OT210/170**

Land Registration District **Otago**

Date Issued 07 July 1925

Prior References
OT194/191

Estate Fee Simple

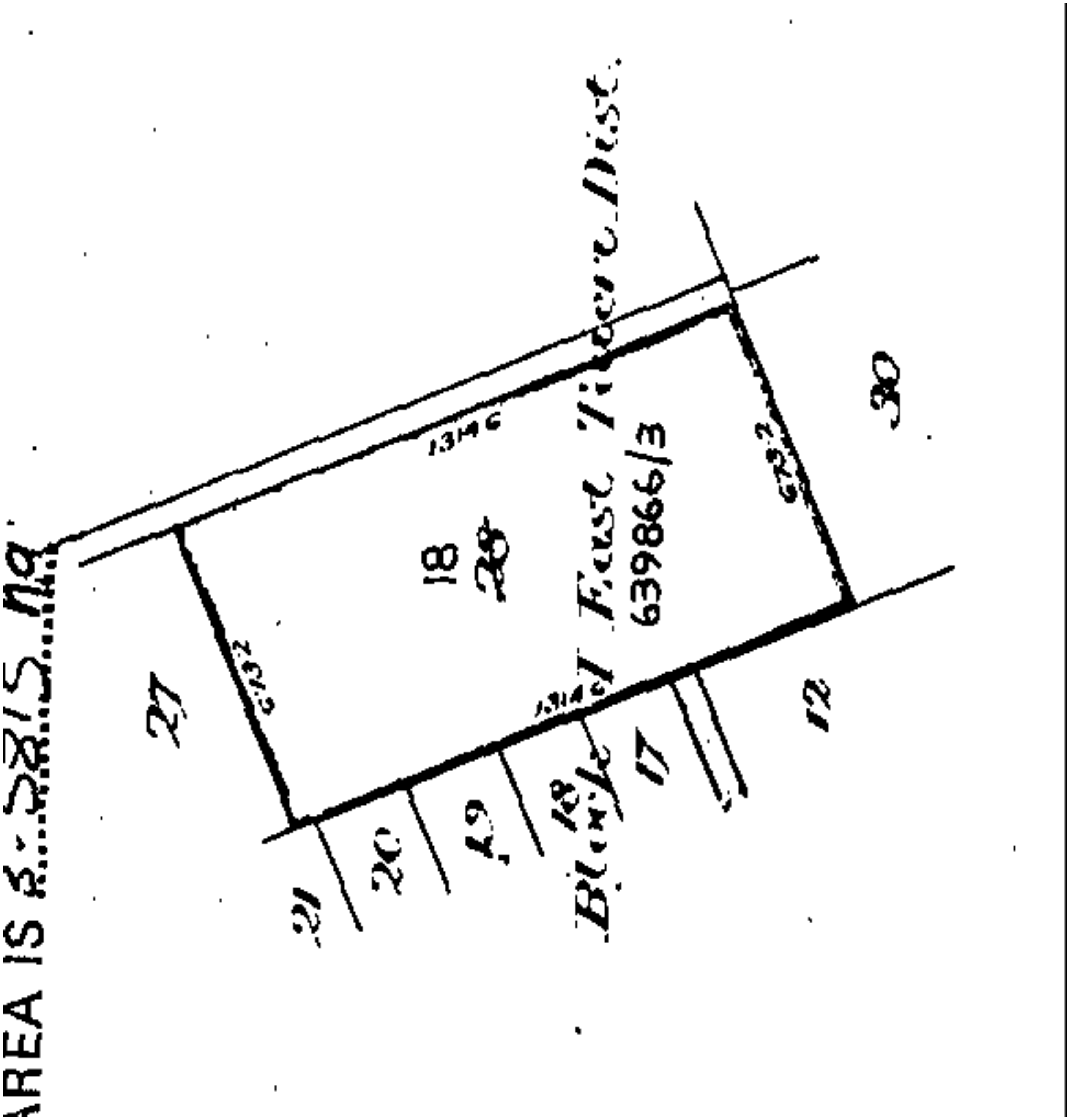
Area 3.5815 hectares more or less

Legal Description Section 18 Block I East Taieri Survey District

Registered Owners
Christopher Joseph Willis and Perpetual Trust Limited

Interests

10472372.4 Mortgage to Westpac New Zealand Limited - 15.8.2016 at 1:07 pm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40 Guy Road

Plan of Subdivision v1.2

ECOtago

Environmental Consultants Otago Ltd

Detailed Site Investigation

40 Guy Road
Mosgiel

for
Christopher Willis

October 2024

Task	Responsibility	Signature
Project Manager:	Ciaran Keogh, MBA, MRRP	
Prepared By:	Aleasha King, MSc	
Reviewed By:	Bernice Chapman, CEnvP, PhD, MEIANZ	
Approved For Issue By:	Ciaran Keogh, MBA, MRRP	

Prepared By:
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Client: Christopher Willis
Job Ref.: 551-24 40 Guy
Date: 7 October 2024

Executive Summary

Environmental Consultants Otago Limited (EC Otago) was commissioned by Christopher Willis to undertake a Detailed Site Investigation (DSI) of the property at 40 Guy Road, Mosgiel, in accordance with the *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011* (NES). The purpose of this report is to confirm whether Hazardous Activities and Industries List (HAIL) activities have occurred on the property, resulting in soil contamination. The entire property forms the site extent for this report.

The property at 40 Guy Road is not listed on the Otago Regional Council (ORC) HAIL Database. However, the Dunedin City Council (DCC) HAIL Report (HAIL-2024-45) indicates that the whole property is a possible HAIL site due to previous horticultural use of the property, and HAIL Category A10 (*Persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds*) may apply. The report notes that aerial imagery from the 1990s shows "miscellaneous" materials to be scattered on the site, and floor plans of the garage indicate that a "servicing area" is present, along with room for at least nine cars, and HAIL Categories G4 (*Scrap yards including automotive dismantling, wrecking or scrap metal yards*) and F4 (*Motor vehicle workshops*) may also apply. Due to the early occupation of the site, with a dwelling present since at least 1942, there is potential for contaminants from building materials to have been released to site soils, such as asbestos or flaking lead paint, and HAIL Categories I (*Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment*) and E1 (*Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition*) may apply to the site. Additionally, the DCC HAIL Report notes that earthworks and potential filling may have occurred on the property. If any of the fill material does not comprise clean fill, HAIL Category G3 (*Landfill sites*) may apply.

The property currently contains a single dwelling and large garage/shed. It is proposed to subdivide the approximately 3.6 ha site into two lots, with one lot containing the existing dwelling and garage, and a second lot to be developed for rural residential use. As a result of the potential HAIL status of the site, this DSI has been undertaken to assess the site for ground contamination which could present a potential risk to human health under the proposed rural residential land use, or during development works.

The sampling and analysis conducted indicates that contaminant concentrations across the site are generally consistent with predicted background levels, and the site has not been found to comprise a HAIL site. As all contaminant concentrations were reported to be well below the *Rural Residential* Soil Contaminant Standards (SCS) and applicable environmental guidelines, the site is highly unlikely to present a risk to human or environmental health under the current and proposed rural residential land use.

From this investigation, EC Otago finds the following:

- Based on the information examined during this investigation, contaminant levels were found to generally be at or below background levels. Consequently, the provisions of the NES do not apply to the site in accordance with Regulation 5(9).
- No contaminant concentrations reported exceedances of the applicable human or environmental health guidelines, indicating that the site is highly unlikely to present a risk to human or environmental health.
- Note that sampling has generally not been conducted in the location of the former dwelling or large shed, as this area forms the current driveway and shed complex, and is partially sealed with the existing sheds, and concrete and gravel surfaces. There is potential for contamination to be

present in this part of the site from the previous buildings, and additional sampling and analysis is highly recommended in this area should these soils be proposed to be disturbed.

- Also note sampling within the area of potential fill to the north of the present dwelling and adjacent to Guy Road has not been extensive, and no sampling has been undertaken at depth. If unexpected signs of contamination are encountered in this area, additional sampling and analysis should be undertaken.
- If unexpected waste materials, or other visual or olfactory indicators of potential contamination, or anomalous ground conditions are observed during earthworks, a Contaminated Land Advisor must be consulted, and further sampling and analysis is required.

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Abbreviations

CCME	Canadian Council of Ministers of the Environment
DCC	Dunedin City Council
DSI	Detailed Site Investigation
HAIL	Hazardous Activities and Industries List
IANZ	International Accreditation New Zealand
NES	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
OCP	Organochlorine Pesticides
ORC	Otago Regional Council
QA/QC	Quality Assurance/Quality Control
RSD	Relative Standard Deviation
SCS	Soil Contaminant Standards
SGV	Soil Guideline Values
UCL	95% Upper Confidence Limit

1 Introduction

Environmental Consultants Otago Limited (EC Otago) was commissioned by Christopher Willis to undertake a Detailed Site Investigation (DSI) of the property at 40 Guy Road, Mosgiel, in accordance with the *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011* (NES)[1]. A statement of EC Otago's experience is attached as Appendix A. The purpose of this report is to confirm whether Hazardous Activities and Industries List (HAIL) activities have occurred on the property, resulting in soil contamination. The entire property forms the site extent for this report.

1.1 Background and Objectives

The property at 40 Guy Road is not listed on the Otago Regional Council (ORC) HAIL Database[2]. However, the Dunedin City Council (DCC) HAIL Report (HAIL-2024-45) indicates that the whole property is a possible HAIL site due to previous horticultural use of the property, and HAIL Category A10 (*Persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds*) may apply. The report notes that aerial imagery from the 1990s shows "miscellaneous" materials to be scattered on the site, and floor plans of the garage indicate that a "servicing area" is present, along with room for at least nine cars, and HAIL Categories G4 (*Scrap yards including automotive dismantling, wrecking or scrap metal yards*) and F4 (*Motor vehicle workshops*) may also apply. Due to the early occupation of the property, with a dwelling present since at least 1942, there is potential for contaminants from building materials to have been released to site soils, such as asbestos or flaking lead paint, and HAIL Categories I (*Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment*) and E1 (*Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition*) may apply to the property. Additionally, the DCC HAIL Report notes that earthworks and potential filling may have occurred on the property. If any of the fill material does not comprise clean fill, HAIL Category G3 (*Landfill sites*) may apply.

The property currently contains a single dwelling and large garage/shed. It is proposed to subdivide the approximately 3.6 ha site into two lots, with one lot containing the existing dwelling and garage, and a second lot to be developed for rural residential use. As a result of the potential HAIL status of the site, this DSI has been undertaken to assess the site for ground contamination which could present a potential risk to human health under the proposed rural residential land use, or during development works. The objective of this report is to assess whether contamination is present on the site.

1.2 Scope of Work

Consistent with the Ministry for the Environment guidelines[3] for reporting on contaminated land, the following scope of work was undertaken:

- Source and review all available relevant information, including any previous reports.
  - Search of the ORC HAIL database.
  - Review of the DCC HAIL Report (HAIL-2024-45).
  - Historical and recent photographs.

[1] Ministry for the Environment, 2012. *Users' Guide - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.*

[2] https://maps.orc.govt.nz/portal/apps/MapSeries/index.html?appid=052ba04547d74dc4bf070e8d97fd6819

[3] Ministry for the Environment, 2021. *Contaminated Land Management Guidelines No. 1 - Reporting on Contaminated Sites in New Zealand (Revised 2021).*

- Other sources of information as cited herein.

- Carry out a walkover to verify site conditions and inspect for indicators of potential contamination.
- Collect soil samples across the site.
- Analyse samples for the potential contaminants associated with the identified HAIL activities.
- Prepare this report, which summarises our findings and assesses the following:
  - Whether previous and/or current activities have the potential to cause contamination.
  - The disposition of the site with respect to the NES.
  - The nature and extent of any contamination within the site.
  - The risks to site occupants, and site contractors during development works.
  - The requirement for further investigations.
  - Any conclusions and/or recommendations specifically pertinent to this investigation.

2 Site Overview

2.1 Site Identification

The general location is shown in Figure 1, and the relevant property details are summarised in Table 1. For the purposes of this investigation, the site comprises the entire 3.5815 ha property, as outlined in Figure 2.

Figure 1: General location of the site, shown with a red tag (Map Data ©2024; Google Terrain).

Table 1: Summary of relevant property details

Address	40 Guy Road, Mosgiel
Legal Description	SEC 18 BLK I SO 21557 EAST TAIERI SD
Certificate of Title	210/170
Total Area	3.5815 ha
District Plan/Zoning	Rural Residential 1

Figure 2: The property at 40 Guy Road outlined in turquoise (2023-2024. Copyright DCC/ORC, CC BY 4.0 | DCC GIS).

2.2 Site Access

The site has an established accessway via Guy Road.

2.3 Topography

The site is generally flat at approximately 27 m above sea level.

2.4 Geology

The site is mapped by the GNS Science New Zealand Geology Web Map[4] as comprising Holocene river deposits, including poorly consolidated and often poorly sorted, fine to bouldery gravel, with sand and mud.

The site is described by the ORC Hazards Database[5] as having low to no liquefaction potential Domain A), although predominantly underlain by deep or soft soil (Ground Class D). The database also indicates that the site overlies a river terrace fan landform (North Taieri Plain) and is considered to be part of an active floodwater-dominated alluvial fan.

2.5 Hydrology

2.5.1 Surface Water

No surface water was present on the site at the time of the site investigation. The Owhiro Stream is located approximately 370 m southeast of the site and the Silver Stream is located approximately 880 m north of the site.

[4] https://data.gns.cri.nz/geology/

[5] https://maps.orc.govt.nz/portal/apps/MapSeries/index.html?appid=b24672e379394bb79a32c9977460d4c2

2.5.2 Groundwater

The site is located over the Lower Taieri Aquifer[6]. The bore records held by the ORC[7,8] do not identify any bores located on the site or within the wider property. Seven bores are identified as present within 500 m of the centre of the site, as listed in Table 2. The depth to water is recorded for four of the bores, ranging from 3.91 m to 13.5 m below ground.

Specific groundwater flow at the site is unknown. In general, groundwater in the Lower Taieri Aquifer in Mosgiel flows west towards West Taieri[9].

Table 2: Bores located within 500 m of the centre of the site

Well Number	Distance/Direction	Usage	Owner	Depth to Water
I44/0222	280 m W	-	Fowler, WN	-
I44/1011	310 m W	Domestic	Wallis, J	13.50 m
I44/0847	360 m N	Disused, small community supply	MBC Janefield bore	-
I44/0020	390 m SW	Domestic	Anderton H	3.91 m
I44/0798	400 m W	-	Van der Hoven J	10.73 m
I44/0858	400 m W	Domestic	Van der Hoven J	10.73 m
I44/0762	470 m N	-	DCC Factory Rd Bore	-

2.6 Hazards

The ORC Natural Hazards Database identifies that the site comprises an 'Otago Flood Hazard' due to the "*Owhiro Stream and to a lesser degree, the Silver Stream and the hill catchments to the East*".

The DCC Second Generation District Plan (2GP)[10] indicates that the site has a low flood risk under the Hazard 3 (Flood) overlay, being located in Area 21 (Wingatui). Area 21 is described as "*exposed to flood hazard from internal runoff, the hill catchments to the east and south, the Owhiro Stream, and to a lesser extent, Silver Stream… Surface runoff and ponding resulting from heavy rainfall can occur in this area with little warning, due to the short, steep upstream catchments that discharge onto this eastern part of the Taieri Plain*"[11].

The likely active Titri Fault (Allanton Section) is located approximately 660 m south of the site and potentially active Titri Fault (Master Fault) is located approximately 1.1 km south of the site.

2.7 Site Use History Summary

The property history is well represented by the historical aerial photographic record, with images covering the site dating 1942, 1947, 1950, 1951, 1958, 1963, 1967, 1970, 1975, 1982, 1985, 1995, and 2000 from the Retrolens website, 1947/1952, 1990, 2000, 2006/2007, 2013, 2018/2019 and 2023/2024 from the DCC GIS, and 1947 and 1955 images from the Whites Aviation Photograph Collection. The DCC HAIL Report (HAIL-2024-45) also contains maps, photographs and consent records pertaining to the historical development of the site.

[6] https://data.mfe.govt.nz/layer/52675-location-and-extent-of-nzs-aquifers-2015/

[7] https://maps.orc.govt.nz/portal/apps/MapSeries/index.html?appid=052ba04547d74dc4bf070e8d97fd6819

[8] https://maps.orc.govt.nz/OtagoViewer232/?map=2b72476ec76446cf8270dad325952215

[9] Otago Regional Council, 2009. *Groundwater Lower Taieri Basin Summary Report*. www.orc.govt.nz/media/3810/web-version-groundwater-lower-taieri-dec-2009.pdf

[10] https://dunedin.maps.arcgis.com/apps/webappviewer/index.html?id=f7fc69e07dba4db589ffe2ddcac4acc7

[11] Otago Regional Council, 2015. *Flood hazard on the Taieri Plain, Review of Dunedin City District Plan: Natural hazards*.

A map of the area from 1901 is shown in Figure 3, where the property appears to be vacant or in farmland. By 1942 (Figure 4), a dwelling and several sheds can be seen in the southeastern corner of the property. An enlarged image of these buildings is shown in Figure 5 from 1947, where potential market gardening activities can be seen surrounding the dwelling. Subsequent aerial imagery shows the remainder of the property to be used for crops, as shown most clearly in the image from 1958 (Figure 6). In this image, two of the sheds also appear to have been removed.

By 1967 (image not shown), a small additional shed appears to have been constructed to the west of the largest shed, and by 1975, shown more clearly in the image from 1976 (Figure 7) the largest shed appears to have been removed. In imagery from 1982 (Figure 8), an additional dwelling is present on the site, to the north of the original dwelling. An additional shed is also present to the west of the dwellings.

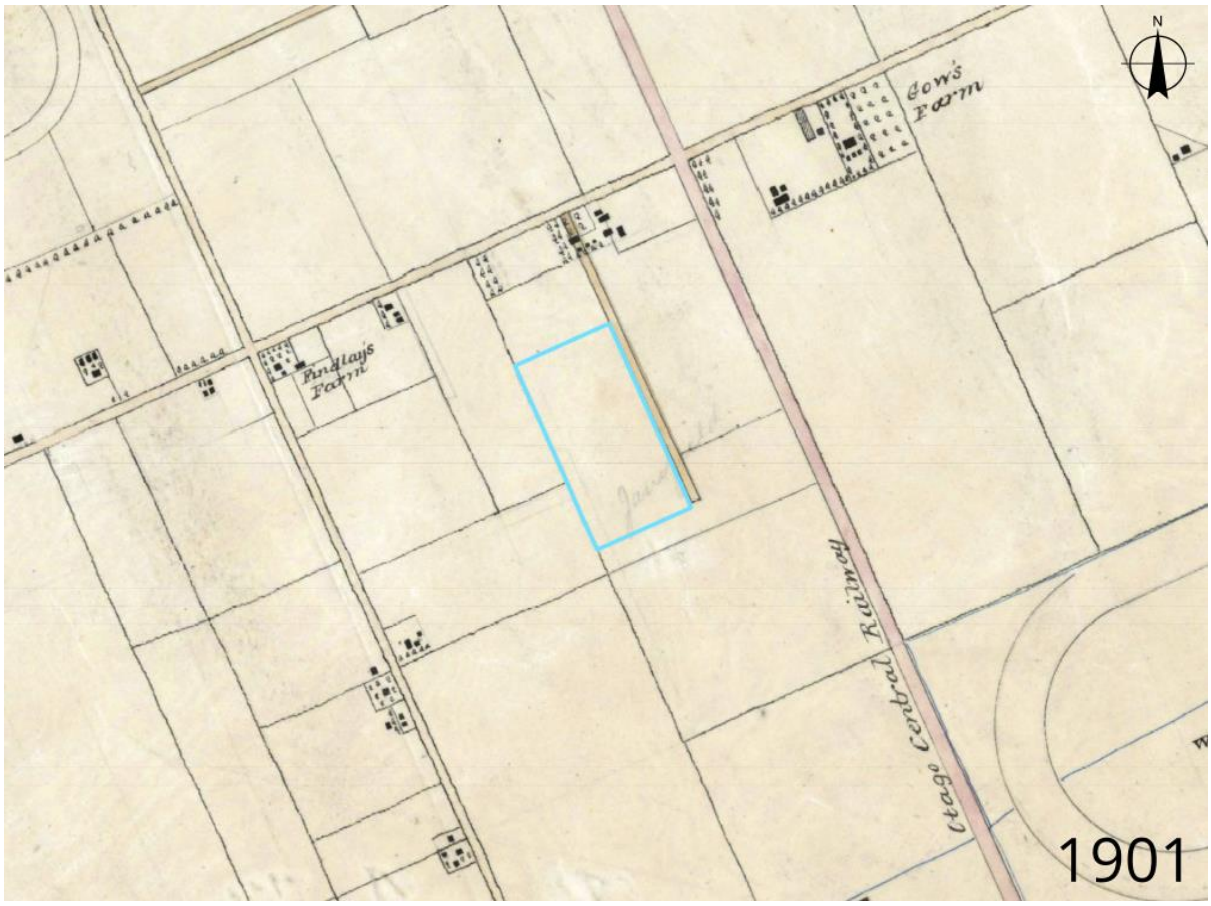

Figure 3: The site in 1901, with the approximate site boundary outlined in turquoise, showing the property to be vacant or in farmland (extract from W T Neill's Military Topographical Maps dated 1901, https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=IE27293440).

Figure 4: The site in 1942, with the approximate site boundary outlined in turquoise, showing a dwelling and several sheds present in the southeast corner (sourced from http://retrolens.nz and licensed by LINZ CC-BY 3.0).

Figure 5: The site in 1947, with the approximate site boundary outlined in turquoise, showing a dwelling and several sheds present in the southeast corner and market gardening activities occurring near the dwelling (sourced from http://retrolens.nz and licensed by LINZ CC-BY 3.0).

Figure 6: The site in 1958, with approximate site boundary outlined in turquoise, showing crops to be grown across the site (sourced from http://retrolens.nz and licensed by LINZ CC-BY 3.0).

Figure 7: The site in 1976, with approximate site boundary outlined in turquoise, showing the main shed to have been removed (sourced from the DCC HAIL Report).

Figure 8: The site in 1982, with approximate site boundary outlined in turquoise, showing an additional dwelling present on the site, to the north of the original dwelling (sourced from the DCC HAIL Report).

By 1990 (Figures 9 and 10), the original dwelling appears to have been removed from the site. Various additional sheds can be seen across the property at this time, along with earthworks occurring on the eastern side to the north of the dwelling. Numerous cars, trucks and tractors are evident within the southeastern corner of the site.

Over the following years, many of the sheds visible in the 1990 imagery are gradually removed from the site, and a garden is established in the area of the earthworks. By 2007 (Figures 11 and 12), the garden is well established, and an addition to the dwelling is present. A large portion of the remaining property appears to have been converted to horticultural use in the 2007 imagery.

By 2013 (image not shown), the area of the horticultural use of the site has largely been decreased, and subsequent imagery shows only the southern area of the property used for horticulture, as seen in the image in Figure 2 from 2023/2024. By 2019 (image not shown), the large shed in the southern end of the property appears to have been removed and the current garage/shed partially constructed, with existing garage/shed complex completed in the imagery from 2023/2024 shown in Figure 2.

Figure 9: The site in 1990, with site boundary outlined in turquoise, showing the original dwelling to have been removed, various additional sheds present on the site, and earthworks occurring on the eastern side of the property to the north of the dwelling (sourced from DCC GIS | DCC, LINZ, SKYVUW Ltd).

Figure 10: The southeastern corner of the site in 1990, with site boundary outlined in turquoise, showing the original dwelling to have been removed, various additional sheds present on the site, and earthworks occurring on the eastern side (sourced from DCC GIS | DCC, LINZ, SKYVUW Ltd).

Figure 11: The site in 2007, with site boundary outlined in turquoise, showing additions to the dwelling and part of the remaining property converted to horticultural use (sourced from DCC GIS | Aerial Photography 2006/07, Copyright NZAM).

Figure 12: The southeastern corner of the site in 2007, with site boundary outlined in turquoise, showing additions to the dwelling and part of the remaining property converted to horticultural use (sourced from DCC GIS | Aerial Photography 2006/07, Copyright NZAM).

2.8 Regulatory Matters

2.8.1 District Council Consents and Licenses

District council consent records for the property are contained within the DCC HAIL Report. The report is not attached due to the size of the file but is available on request.

In summary, the earliest consent records for the property relate to the relocation of a dwelling and associated plumbing and drainage in 1980 and 1981. Subsequent records include additions and alterations to the dwelling in 2001, upgrade of the septic tank to wastewater treatment plant in 2013, the construction of a garage, office and stables in 2017, and alterations to the dwelling in 2023.

No dangerous goods licenses were sourced for the property.

2.8.2 Regional Consent Records

No regional council consents were found for the property.

2.8.3 HAIL/Contaminated Land Databases

The property is not listed on the ORC HAIL Database.

The DCC HAIL Report (HAIL-2024-45) indicates that the whole property is a possible HAIL site, and notes:

"*Possible HAIL activity:*

- *Potential persistent pesticide storage and use. The available historical aerial imagery is not definitive, but historically this property may have been used for horticultural purposes. Aerial photos from 2006 and 2007 do indicate horticultural use, as does the 2005 water assessment report. As a result, category A10 on the HAIL may possibly be relevant over the entire site:*

  A10: Persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds

  (note: no evidence of actual persistent pesticide storage/use found on Council records)

- *In regards to the miscellaneous scattered items visible on the 1990 aerial photo (in the south eastern corner of property, just to the west of the then existing dwelling), category G4 on the HAIL could potentially be relevant, depending on what items had been stored/deposited there:*

  G4: Scrap yards including automotive dismantling, wrecking or scrap metal yards

It should also be noted that:

- *The long-term use of lead-based paints on buildings will, in some cases, cause soil contamination. The Ministry of Health have determined that pre-1945's dwellings' paintwork is almost certain to contain lead in a high concentration (Ministry of Health, 2021). Council's consultant environmental scientists from Stantec have stated that it is 'most likely' that the soil immediately surrounding a pre-1945 painted building will have lead contamination above soil contaminant standards.*

  In this case, Council records are incomplete and do not show exactly when the original dwelling was constructed, although the 1942 aerial photo shows the dwelling being present at that time. Council records are also not clear on the original dwelling's cladding.

  If paints with high concentrations of lead have been used on this property over an extended period of time, category I on the HAIL may be applicable to the curtilage area, and the footprint of previously existing buildings:

I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment

- *Some earthworks have been undertaken on this property. If any fill material has been placed on the site that does not constitute cleanfill, then category G3 on the HAIL may be applicable:*

  G3: Landfill sites

- *Previous and existing farming activity over the property may have included additional HAIL activities that the Council holds no records about (such as agrichemical use, fertiliser bulk storage, livestock dips/spray races, other persistent pesticide storage/use, storage tanks for fuel, farm landfills).*

- *Building products containing asbestos were widely used in New Zealand. If there are/were any buildings containing asbestos products in a deteriorated condition, and/or building demolition/removal was not carried out in accordance with best practice, then categories E1 and/or I on the HAIL may be applicable:*

  E1: Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition

  I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment

- *The garage/stables building contains room for at least nine cars, and the ground floor plan shows a 'servicing' area between 'Parkhaus 2' and 'Garage'. There is no evidence in Council records of car maintenance/repair being undertaken, but if significant motor vehicle repairs have been carried out over an extended period, then category F4 on the HAIL may be relevant:*

  F4: Motor vehicle workshops".

2.9 Previous Investigations

No previous investigations into the contamination status of the site were found.

2.10 Proposed Future Use

The property currently contains a single dwelling and large shed/garage complex. It is proposed to subdivide the approximately 3.6 ha site into two lots, with one lot containing the existing dwelling and a second lot to be developed for rural residential use, as shown in Figure 13.

Figure 13: Concept plans for the proposed subdivision of 40 Guy Road (image provided by client).

3 Site Condition

3.1 Site Inspection

A site visit with soil sampling was conducted by an EC Otago Senior Environmental Planner on 18 September 2024. Imagery of the site is shown in Figures 14 to 16. The site contains a dwelling, garage and several sheds. The land in the southern end of the site near the dwelling is currently used for horticulture (flower farming) whilst the northern half of the site is in pasture and used for grazing.

Figure 14: The property at 40 Guy Road, looking south towards the dwelling (18 September 2024).

Figure 15: Peony fields on the site, with the sheds in the background on the right (18 September 2024).

Figure 16: Pasture in the northern end of the site (18 September 2024).

3.2 Conditions at Site Boundaries

The site is bounded by Guy Road to the east and surrounded by rural or rural residential properties on all other sides.

The site is fenced with a combination of fencing types, including timber and wire fencing and hedging.

The site is generally flat and does not appear to show signs of erosion or instability at site boundaries.

3.3 Signs of Contamination

There was very little indication of possible contamination across the site. There were no olfactory indicators of contamination or other visible signs of contamination such as spills or leaks, buried rubbish waste, or signs of phytotoxicity.

4 HAIL Activities

The site history and site investigation provide evidence of HAIL land use at or adjacent to the site which may have resulted in contamination, as summarised in Table 3.

Table 3: Potential HAIL land uses and associated contaminants on and adjacent to the site

HAIL Code and Description	Potential Contaminants	Indicator/Risk
A10. Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds	Arsenic, lead, copper, mercury; wide range of organic compounds including acidic herbicides, organophosphates, and organochlorines (eg, endosulfan on golf and bowling greens)	The site appears to have been historically used for market gardening, and more recently used for horticultural purposes such as flower farming. There is a low to moderate risk to the site from these activities, depending on the type and volume of any pesticides used.
F4. Motor vehicle workshops	Dependent on original waste composition, wide range of hydrocarbons and metals, organic acids, landfill gas, and ammonia	The DCC HAIL Report notes that floor plans of the garage indicate that a "servicing area" is present, along with room for at least nine cars. However, this is relatively recent activity with construction occurring in late 2018. The is for a private collection, and there is no evidence to suggest that the site is being operated as a commercial motor vehicle workshop. Thus it is considered that this HAIL category does not apply, and this activity presents a low risk to the site.
G3. Landfill sites	Dependent on original waste composition, wide range of hydrocarbons and metals, organic acids, landfill gas, and ammonia	The DCC HAIL Report indicates that this category may apply to the site due to earthworks visible in aerial imagery. No fill materials were observed in hand auger cores collected during the site investigation, and aerial imagery shows the earthworks to be limited to an area subsequently converted to a garden.
G4. Scrap yards including automotive dismantling, wrecking or scrap metal yards	Metals, petroleum hydrocarbons (particularly lube oils), solvents used for cleaning, and PCBs	The DCC HAIL Report notes that aerial imagery from 1990 shows "miscellaneous" materials to be scattered on the site. The miscellaneous materials are not visible in earlier imagery from 1985, or later imagery from 1998. No evidence has been found to suggest that the site was operated as a commercial scrap yard, and given the limited time period of the occurrence, this activity presents a relatively low risk to the site.
I. Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment	Dependent on contaminants associated with release	Buildings have been present on the site since at least 1942. Due to the early occupation of the site, there is a moderate risk to the site due to accidental release of contaminants to site soils, such as lead paint or asbestos from the existing (and previous) buildings.

5 Soil Sampling

5.1 Sampling Plan

Surface soil samples (0 – 0.15 m depth) were collected from 14 locations across the site using a combination of targeted and systematic sampling, as shown in Figure 17.

The 14 samples were analysed individually for heavy metals, as the primary contaminants of concern associated with the early occupation of the site. Nine samples (from locations A1-A3, B1-B3, C1-C3) were also analysed as three composites with three sub-samples each for organochlorine pesticides (OCP), due to the previous and current horticultural use of the site.

No samples were analysed for asbestos, as no suspected asbestos-containing materials were observed on the site, and no samples were analysed for hydrocarbons as no indications of hydrocarbon contamination were found.

Figure 17: Sampling locations across the site (Google Earth, Image ©2024 Airbus).

5.2 Sampling Methods

Samples were collected by hand selection using freshly gloved hands from material retrieved by a stainless-steel hand auger. Samples were transferred into clean, contaminant-free containers provided by the testing laboratory and placed into a chilly bin cooled with icepacks.

During sampling, the date, time and location of collection was recorded. Containers were labelled with sample name, date and time on both label and lid as the samples were taken, and the location was recorded with a handheld Garmin InReach GPS unit with a locational accuracy of ±5 m. The chain of custody form was completed during field operations, and samples were dispatched to the analytical laboratory by courier that day. The samples were received and analysed by RJ Hill Laboratories Limited, an International Accreditation New Zealand (IANZ) accredited laboratory.

5.3 Soil Acceptance Criteria

As part of the process of determining the risk to human health from potential contaminants, results from analysis must be compared to Soil Contaminant Standards (SCS) which reflect acceptable risk levels of contamination in soil for the appropriate use scenarios[12]. For some analytes, the Ministry for the Environment has not established SCS, in this case, Soil Guideline Values (SGV) from other sources may be used according to an established hierarchy[13]. For contaminants without an SCS in the NES, the Australian National Environment Protection (Assessment of Site Contamination) Measure (NEPM)[14] were applied.

The soils are also compared to the Canadian Council of Ministers of the Environment (CCME) Soil Guidelines for the Protection of Environmental and Human Health[15] as an indication of the environmental risk from potential contaminants.

The land where the site is located is zoned 'Rural Residential 1' in the DCC Second Generation District Plan. As the proposed development is consistent with the zoning, for assessment purposes, the *Rural Residential* SCS have been applied. As the NEPM does not have rural residential criteria, *Low Density Residential* SGV have been applied.

5.4 Results of Analysis

The results are summarised in Table 4, and the full laboratory analysis reports are attached as Appendix B. OCP results are not shown in the table as no OCP were reported above the limits of laboratory detection in any of the three composites analysed.

The results show that arsenic concentrations in surface soils (0 – 0.15 m depth) are slightly elevated above predicted background levels based on the underlying geology across the site, along with very minor elevations of lead at locations at E1 and E2, and nickel at B1. There is very low variability in the arsenic concentrations, with a range of 11 – 16 mg/kg dry weight and a relative standard deviation (RSD) of 11%. Considering that the remaining heavy metals reported are generally at or below background levels, and soils in the Mosgiel area are known to report naturally higher arsenic concentrations within this range, it is considered likely that the arsenic concentrations at this site are naturally elevated and not a result of HAIL activity. All concentrations of heavy metals reported are well below the *Rural Residential* SCS/SGV guidelines protective of human health.

All contaminant concentrations reported were found to be below the CCME guidelines protective of environmental health under a residential/parkland land use scenario.

5.4.1 Disposal

The results show that heavy metal and OCP concentrations within site soils are generally consistent with predicted background materials and site soils may be considered 'clean fill'. However, additional sampling and analysis should be conducted on soils surrounding the existing dwelling, former dwelling location, and the shed complex, and within the area of samples E1 and E2, if these soils are proposed to be excavated and removed from site.

[12] Ministry for the Environment, 2011. *Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health*.

[13] Ministry for the Environment, 2011. *Contaminated Land Management Guidelines No. 2: Hierarchy and application in New Zealand of environmental guideline values (revised 2011)*.

[14] National Environment Protection Council (Australia), 2013. *National Environment Protection (Assessment of Site Contamination) Measure 1999.*

[15] Canadian Council of Ministers of the Environment, 2021. *Canadian Soil Quality Guidelines for the Protection of Environmental and Human Health*.

Table 4: Summary results of laboratory analysis

Sample [A]	Arsenic	Cadmium	Chromium	Copper	Lead	Nickel	Zinc
A1 (0 – 0.15 m)	12	0.25	26	17	23	23	84
A2 (0 – 0.15 m)	14	0.3	29	22	20	28	97
A3 (0 – 0.15 m)	13	0.28	28	20	20	25	82
B1 (0 – 0.15 m)	15	0.24	33	21	20	35	96
B2 (0 – 0.15 m)	16	0.3	28	22	21	28	90
B3 (0 – 0.15 m)	14	0.24	27	21	23	24	80
C1 (0 – 0.15 m)	13	0.18	25	18	17.8	22	72
C2 (0 – 0.15 m)	12	0.19	21	22	16.3	20	68
C3 (0 – 0.15 m)	11	0.19	23	20	16.2	19	63
D1 (0 – 0.15 m)	13	0.2	23	19	26	20	82
D3 (0 – 0.15 m)	15	0.3	27	23	31	25	87
E1 (0 – 0.15 m)	16	0.29	25	33	72	20	164
E2 (0 – 0.15 m)	13	0.24	23	23	40	22	111
E3 (0 – 0.15 m)	13	0.21	26	21	34	21	93
Average	*14*	*0.24*	*26*	*22*	*27*	*24*	*91*
RSD	*11%*	*18%*	*12%*	*17%*	*54%*	*18%*	*27%*
UCL	*14*	*0.27*	*27*	*23*	*34*	*26*	*104*
Soil Acceptance Criteria (Human Health) – Rural Residential							
NES[B] SCS	17	0.8	290	>10,000	160	-	-
NEPM[C] SGV	-	-	-	-	-	400	7,400
Soil Quality Guidelines (Environmental Health)							
CCME[D]	17	10	64	63	300	45	250
Predicted Background [E]							
Median	2.64	0.085	12.57	11.05	10.67	5.93	46.03
95th Quantile	11.04	0.43	60.82	47.36	38.8	33.42	191
Landfill Screening Acceptance Criteria [F]							
Green Island	100	20	100	100	100	200	200
Burnside	100	20	400	400	400	200	800

[A] Results for total concentration analysis, average, 95% upper confidence limit (UCL), and SCSs/SGVs in mg/kg dry weight; relative standard deviation (RSD) in %. Sample numbers are as marked in Figure 17. Cells highlighted yellow exceed the predicted background concentration. UCL calculated using ProUCL.

[B] Ministry for the Environment, 2012. *Users' Guide, National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.* Wellington. Cr SCS is reported as Cr(VI). *Rural Residential* scenarios applied.

[C] National Environment Protection Council (Australia), 2013. *National Environment Protection (Assessment of Site Contamination) Measure 1999.* Health Investigation Levels (HIL) for Low Density Residential land use (HIL A) applied.

[D] Canadian Council of Ministers of the Environment, 2021. *Canadian Soil Quality Guidelines for the Protection of Environmental and Human Health*. Soil quality guideline for environmental health for residential/parkland land use quoted.

[E] Landcare Research, 2015. *Background soil concentrations of selected trace elements and organic contaminants in New Zealand*. Predicted median and 95th Quantile reported for the site (Chemical4 Factor: Conglomerate Maui). Also refer: https://lris.scinfo.org.nz/layer/48470-pbc-predicted-background-soil-concentrations-new-zealand/.

[F] Ministry for the Environment, 2004. *Module 2: Hazardous Waste Guidelines - Landfill Waste Acceptance Criteria and Landfill Classification.* And Burnside Landfill in Dunedin (RM17.198.01.V3).

5.5 Quality Control

The following quality assurance/quality control (QA/QC) procedures were employed:

- The use of independent accredited laboratories:
  Hill Laboratories is an independent IANZ accredited laboratory. The laboratory complies with the accreditation requirements including the confirmation of validity and suitability of results. No breaches in laboratory quality are noted in the analysis reports.
  Compositing of samples was undertaken in the laboratory.
- Sample handling and holding times:
  The chain of custody records show that the samples were submitted to the laboratory within the accepted holding times for the analyses conducted.

- Field QA/QC:
    - Sampling equipment was cleaned between sampling locations.
    - Soil samples were individually numbered together with collection date and time, as marked on the sample containers and chain of custody documents, and the location recorded with a handheld Garmin InReach GPS unit with a locational accuracy of ±5 m.
    - Samples were collected in laboratory supplied sample containers.
    - Samples were stored and transported in a chilly bin cooled with icepacks, together with the chain of custody documents.

6 Site Characterisation

6.1 Type and Extent of Environmental Contamination

The results indicate that contaminant concentrations across the site are generally consistent with predicted background levels, and the site has not been found to comprise a HAIL site. As all contaminant concentrations were reported to be well below the *Rural Residential* SCS and applicable environmental guidelines, the site is highly unlikely to present a risk to human or environmental health under the current and proposed rural residential land use.

Note that sampling has generally not been conducted in the location of the former dwelling or sheds, as this area forms the current driveway and shed complex, and is partially sealed with the existing sheds, and concrete and gravel surfaces. There is potential for contamination to be present in this part of the site from the previous buildings, and additional sampling and analysis is highly recommended in this area should these soils be proposed to be disturbed.

Also note sampling within the area of potential fill to the north of the present dwelling and adjacent to Guy Road has not been extensive, and no sampling has been undertaken at depth. If unexpected signs of contamination are encountered in this area, additional sampling and analysis should be undertaken.

6.2 Conceptual Site Model and Exposure Routes

Based on the results of the soil sampling presented in this report, the site is considered highly unlikely to present a risk to human health under the proposed and continued rural residential land use. Consequently, there are no contaminants upon which to base a conceptual site model.

6.3 Integrity Assessment

The site history spans a period of over 120 years and is mostly continuous since 1942. Together with aerial photography, sufficient supporting evidence is available to provide a relatively complete history of land use. Based on the continuity and amount of evidence, the information available provides a reasonable record of activity at the site, which reflects data integrity. Whether all activities at the site have been discovered cannot be answered with confidence. Given the history of potential HAIL activities at and near the site, a programme of investigative sampling and analysis was undertaken as a part of this DSI, which provides a reliable indicator of the presence (or lack thereof) of contamination that might arise from prior and/or present land use.

7 Summary and Conclusions

EC Otago has undertaken a DSI of the property at 40 Guy Road, Mosgiel. The DSI included undertaking historical research, a site inspection and soil sampling. During this investigation, samples were collected from surface soils at 14 locations within the site and analysed for heavy metals. Nine locations were also analysed for OCP via composite samples.

The sampling and analysis conducted indicates that contaminant concentrations across the site are generally consistent with predicted background levels, and the site has not been found to comprise a HAIL site. As all contaminant concentrations were reported to be well below the *Rural Residential* SCS and applicable environmental guidelines, the site is highly unlikely to present a risk to human or environmental health under the current and proposed rural residential land use.

From this investigation, EC Otago finds the following:

- Based on the information examined during this investigation, contaminant levels were found to generally be at or below background levels. Consequently, the provisions of the NES do not apply to the site in accordance with Regulation 5(9).
- No contaminant concentrations reported exceedances of the applicable human or environmental health guidelines, indicating that the site is highly unlikely to present a risk to human or environmental health.
- Note that sampling has generally not been conducted in the location of the former dwelling or large shed, as this area forms the current driveway and shed complex, and is partially sealed with the existing sheds, and concrete and gravel surfaces. There is potential for contamination to be present in this part of the site from the previous buildings, and additional sampling and analysis is highly recommended in this area should these soils be proposed to be disturbed.
- Also note sampling within the area of potential fill to the north of the present dwelling and adjacent to Guy Road has not been extensive, and no sampling has been undertaken at depth. If unexpected signs of contamination are encountered in this area, additional sampling and analysis should be undertaken.
- If unexpected waste materials, or other visual or olfactory indicators of potential contamination, or anomalous ground conditions are observed during earthworks, a Contaminated Land Advisor must be consulted, and further sampling and analysis is required.

8 References

Canadian Council of Ministers of the Environment, 2021. *Canadian Soil Quality Guidelines for the Protection of Environmental and Human Health*.

Landcare Research, 2015. *Background soil concentrations of selected trace elements and organic contaminants in New Zealand*. Landcare Research Contract Report: LC2440.

Ministry for the Environment, 2021. *Contaminated Land Management Guidelines No. 1 - Reporting on Contaminated Sites in New Zealand (Revised 2021)*. Publication number: ME 1475; ISBN 978-1-98-857958-0.

Ministry for the Environment, 2012. *Users' Guide - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*. Publication number: ME 1092; ISBN 978-0-478-37281-6 (print); 978-0-478-37282-3 (electronic).

Ministry for the Environment, 2011. *Contaminated Land Management Guidelines No. 2 – Hierarchy and Application in New Zealand of Environmental Guideline Values (Revised 2011)*. Publication number: ME 1072; ISBN 978-0-478-37259-5.

Ministry for the Environment, 2011. *Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health*. Publication number: ME 1055; ISBN 978-0-478-37237-3.

National Environment Protection Council (Australia), 2013. *National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013)*. (https://www.legislation.gov.au/Details/F2013C00288).

Otago Regional Council, 2009. *Groundwater Lower Taieri Basin Summary Report*. www.orc.govt.nz/media/3810/web-version-groundwater-lower-taieri-dec-2009.pdf.

Otago Regional Council, 2015. *Flood hazard on the Taieri Plain, Review of Dunedin City District Plan: Natural hazards*.

9 Limitations

Services for this project have been performed in accordance with current professional standards for environmental site assessments. No guarantees are either expressed or implied. This report meets the requirements of the NES as it has been undertaken in accordance with the *Contaminated Land Management Guidelines (No. 1 and No. 5)* and is certified by a suitably qualified and experienced practitioner. A statement of EC Otago's experience is attached as Appendix A. This report does not attempt to fulfil the requirements of legal due diligence.

There is no investigation that is thorough enough to preclude the presence of materials at the site that presently, or in the future, may be considered hazardous. As regulatory criteria are subject to change, a status with respect to contamination that is presently considered to be acceptable may, in the future, become subject to different regulatory standards that cause the site to become unacceptable for existing or proposed land use activities. Any recommendations, opinions or findings stated in this report are based on circumstances, facts and assessment criteria as they existed at the time that we performed the work and on data obtained from the investigations and site observations as detailed in this report.

Opinions and judgments expressed in this report, which are based on an understanding and interpretation of assessment standards should not be construed as legal opinions. This report, and the information it contains have been prepared solely for the use of Christopher Willis. Any reliance on this report by other parties shall be at such party's own risk without prior agreement to the contrary.

Appendix A - EC Otago Statement of Experience

Environmental Consultants Otago Limited (EC Otago) was established in Dunedin in 2014 when the principal, Ciaran Keogh, recognized the need for a dedicated environmental consultancy in the region. The company is particularly focused on contaminated land issues, with more than 400 site investigations completed. EC Otago undertakes the preparation of Preliminary and Detailed Site Investigation Reports, Assessments of Environmental Effects, Site Remedial Action Plans, Soil Disposition Reports and Site Validation Reports, working together with other environmental consultancies when a broader range of experience is required.

Ciaran Keogh - Principal and Senior Environmental Planner
Master of Regional and Resource Planning, Master of Business Administration.

Ciaran has over 13 years' experience focussing specifically on contaminated land investigations in Otago, and over 30 years' experience in environmental and RMA planning, and executive management in regional and local government. His experience includes feasibility, planning and visual assessments, site rehabilitation projects for landfills, mines and transmission lines and switchyards, and management of the preparation of regional and district plans and the supporting policy.

Ciaran has previously worked as the Director of Planning with Taupo District Council, CEO of Clutha District Council, General Manager of Wakool Shire Council (Australia) and CEO of Environment Southland.

Bernice Chapman - Senior Contaminated Land Consultant
CEnvP, PhD in Biochemistry, Member of the Environment Institute of Australia and New Zealand.

Berni is a Certified Environmental Practitioner (Certification Number 1376) who has worked in consultancy firms for over 20 years in the waste management, waste-to-energy and contaminated land sectors, with a focus on contaminated land management for the past 7 years with EC Otago. She has a strong ethos of waste minimisation, containment and management, the effective operation of existing resources with beneficial reuse where possible, protection of the environment and overall sustainability coupled with a pragmatic approach from direct involvement in day-to-day operations. Her experience includes preliminary and detailed site investigations, sampling and analysis, site remediation, feasibility studies, problem solving and process design. This work includes the management of a range of environmentally polluting industrial effluents, contaminated land investigations and site remediation.

Berni has previously worked as Laboratory Manager for Waste Solutions Ltd, an Associate for CPG New Zealand Ltd, and a Wastewater Treatment Specialist for ADI Systems.

Aleasha King – Contaminated Land Consultant
Graduate diploma in Geology, Master in Geophysics.

Aleasha is a Contaminated Land Consultant with a background in geology and geophysics and a strong commitment to the environment. Her experience in contaminated land investigations includes three years with EC Otago undertaking preliminary and detailed site investigations, sampling, data analysis and site remediation.

Aleasha has previously worked in Engineering Geology with experience in site soils investigations and bearing capacity assessments. For her master's degree, she studied the structure of the Alpine Fault at a formerly unmapped location on the West Coast of New Zealand.

Appendix B – Hill Laboratories Analysis Reports

R J Hill Laboratories Limited
28 Duke Street Frankton 3204
Private Bag 3205
Hamilton 3240 New Zealand

0508 HILL LAB (44 555 22)
+64 7 858 2000
mail@hill-labs.co.nz
www.hill-labs.co.nz

Certificate of Analysis

Client:	Environmental Consultants Otago Limited	**Lab No:**	3675213 SPv1
Contact:	Ciaran Keogh	**Date Received:**	19-Sep-2024
	C/- Environmental Consultants Otago Limited	**Date Reported:**	24-Sep-2024
	PO Box 5522	**Quote No:**	86979
	Dunedin 9058	**Order No:**	
		Client Reference:	40 Guy
		Submitted By:	Bernice Chapman

Sample Type: Soil

		Sample Name:	40G A1 18-Sep-2024 10:00 am	40G A2 18-Sep-2024 10:05 am	40G A3 18-Sep-2024 10:10 am	40G B1 18-Sep-2024 10:15 am	40G B2 18-Sep-2024 10:20 am
		Lab Number:	3675213.1	3675213.2	3675213.3	3675213.4	3675213.5
Heavy Metals, Screen Level							
Total Recoverable Arsenic	mg/kg dry wt		12	14	13	15	16
Total Recoverable Cadmium	mg/kg dry wt		0.25	0.30	0.28	0.24	0.30
Total Recoverable Chromium	mg/kg dry wt		26	29	28	33	28
Total Recoverable Copper	mg/kg dry wt		17	22	20	21	22
Total Recoverable Lead	mg/kg dry wt		23	20	20	20	21
Total Recoverable Nickel	mg/kg dry wt		23	28	25	35	28
Total Recoverable Zinc	mg/kg dry wt		84	97	82	96	90

		Sample Name:	40G B3 18-Sep-2024 10:25 am	40G C1 18-Sep-2024 10:30 am	40G C2 18-Sep-2024 10:35 am	40G C3 18-Sep-2024 10:40 am	40G D1 18-Sep-2024 10:45 am
		Lab Number:	3675213.6	3675213.7	3675213.8	3675213.9	3675213.10
Heavy Metals, Screen Level							
Total Recoverable Arsenic	mg/kg dry wt		14	13	12	11	13
Total Recoverable Cadmium	mg/kg dry wt		0.24	0.18	0.19	0.19	0.20
Total Recoverable Chromium	mg/kg dry wt		27	25	21	23	23
Total Recoverable Copper	mg/kg dry wt		21	18	22	20	19
Total Recoverable Lead	mg/kg dry wt		23	17.8	16.3	16.2	26
Total Recoverable Nickel	mg/kg dry wt		24	22	20	19	20
Total Recoverable Zinc	mg/kg dry wt		80	72	68	63	82

		Sample Name:	40G D3 18-Sep-2024 10:55 am	40G E1 18-Sep-2024 11:00 am	40G E2 18-Sep-2024 11:05 am	40G E3 18-Sep-2024 11:10 am	Composite of 40G A1, 40G A2 & 40G A3
		Lab Number:	3675213.11	3675213.12	3675213.13	3675213.14	3675213.15
Individual Tests							
Dry Matter	g/100g as rcvd		-	-	-	-	68
Heavy Metals, Screen Level							
Total Recoverable Arsenic	mg/kg dry wt		15	16	13	13	-
Total Recoverable Cadmium	mg/kg dry wt		0.30	0.29	0.24	0.21	-
Total Recoverable Chromium	mg/kg dry wt		27	25	23	26	-
Total Recoverable Copper	mg/kg dry wt		23	33	23	21	-
Total Recoverable Lead	mg/kg dry wt		31	72	40	34	-
Total Recoverable Nickel	mg/kg dry wt		25	20	22	21	-
Total Recoverable Zinc	mg/kg dry wt		87	164	111	93	-

Sample Type: Soil						
Sample Name:		40G D3 18-Sep-2024 10:55 am	40G E1 18-Sep-2024 11:00 am	40G E2 18-Sep-2024 11:05 am	40G E3 18-Sep-2024 11:10 am	Composite of 40G A1, 40G A2 & 40G A3
Lab Number:		3675213.11	3675213.12	3675213.13	3675213.14	3675213.15
Organochlorine Pesticides Screening in Soil						
Aldrin	mg/kg dry wt	-	-	-	-	< 0.015
alpha-BHC	mg/kg dry wt	-	-	-	-	< 0.015
beta-BHC	mg/kg dry wt	-	-	-	-	< 0.015
delta-BHC	mg/kg dry wt	-	-	-	-	< 0.015
gamma-BHC (Lindane)	mg/kg dry wt	-	-	-	-	< 0.015
cis-Chlordane	mg/kg dry wt	-	-	-	-	< 0.015
trans-Chlordane	mg/kg dry wt	-	-	-	-	< 0.015
2,4'-DDD	mg/kg dry wt	-	-	-	-	< 0.015
4,4'-DDD	mg/kg dry wt	-	-	-	-	< 0.015
2,4'-DDE	mg/kg dry wt	-	-	-	-	< 0.015
4,4'-DDE	mg/kg dry wt	-	-	-	-	< 0.015
2,4'-DDT	mg/kg dry wt	-	-	-	-	< 0.015
4,4'-DDT	mg/kg dry wt	-	-	-	-	< 0.015
Total DDT Isomers	mg/kg dry wt	-	-	-	-	< 0.09
Dieldrin	mg/kg dry wt	-	-	-	-	< 0.015
Endosulfan I	mg/kg dry wt	-	-	-	-	< 0.015
Endosulfan II	mg/kg dry wt	-	-	-	-	< 0.015
Endosulfan sulphate	mg/kg dry wt	-	-	-	-	< 0.015
Endrin	mg/kg dry wt	-	-	-	-	< 0.015
Endrin aldehyde	mg/kg dry wt	-	-	-	-	< 0.015
Endrin ketone	mg/kg dry wt	-	-	-	-	< 0.015
Heptachlor	mg/kg dry wt	-	-	-	-	< 0.015
Heptachlor epoxide	mg/kg dry wt	-	-	-	-	< 0.015
Hexachlorobenzene	mg/kg dry wt	-	-	-	-	< 0.015
Methoxychlor	mg/kg dry wt	-	-	-	-	< 0.015

Sample Name:		Composite of 40G B1, 40G B2 & 40G B3	Composite of 40G C1, 40G C2 & 40G C3
Lab Number:		3675213.16	3675213.17
Individual Tests			
Dry Matter	g/100g as rcvd	65	65
Organochlorine Pesticides Screening in Soil			
Aldrin	mg/kg dry wt	< 0.015	< 0.015
alpha-BHC	mg/kg dry wt	< 0.015	< 0.015
beta-BHC	mg/kg dry wt	< 0.015	< 0.015
delta-BHC	mg/kg dry wt	< 0.015	< 0.015
gamma-BHC (Lindane)	mg/kg dry wt	< 0.015	< 0.015
cis-Chlordane	mg/kg dry wt	< 0.015	< 0.015
trans-Chlordane	mg/kg dry wt	< 0.015	< 0.015
2,4'-DDD	mg/kg dry wt	< 0.015	< 0.015
4,4'-DDD	mg/kg dry wt	< 0.015	< 0.015
2,4'-DDE	mg/kg dry wt	< 0.015	< 0.015
4,4'-DDE	mg/kg dry wt	< 0.015	< 0.015
2,4'-DDT	mg/kg dry wt	< 0.015	< 0.015
4,4'-DDT	mg/kg dry wt	< 0.015	< 0.015
Total DDT Isomers	mg/kg dry wt	< 0.09	< 0.09
Dieldrin	mg/kg dry wt	< 0.015	< 0.015
Endosulfan I	mg/kg dry wt	< 0.015	< 0.015
Endosulfan II	mg/kg dry wt	< 0.015	< 0.015
Endosulfan sulphate	mg/kg dry wt	< 0.015	< 0.015
Endrin	mg/kg dry wt	< 0.015	< 0.015
Endrin aldehyde	mg/kg dry wt	< 0.015	< 0.015
Endrin ketone	mg/kg dry wt	< 0.015	< 0.015
Heptachlor	mg/kg dry wt	< 0.015	< 0.015
Heptachlor epoxide	mg/kg dry wt	< 0.015	< 0.015
Hexachlorobenzene	mg/kg dry wt	< 0.015	< 0.015

Sample Type: Soil			
	Sample Name:	Composite of 40G B1, 40G B2 & 40G B3	Composite of 40G C1, 40G C2 & 40G C3
	Lab Number:	3675213.16	3675213.17
Organochlorine Pesticides Screening in Soil			
Methoxychlor	mg/kg dry wt	< 0.015	< 0.015

Summary of Methods

The following table(s) gives a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analytes. A full listing of compounds and detection limits are available from the laboratory upon request.
Unless otherwise indicated, analyses were performed at Hill Labs, 28 Duke Street, Frankton, Hamilton 3204.

Sample Type: Soil			
Test	**Method Description**	**Default Detection Limit**	**Sample No**
Environmental Solids Sample Drying*	Air dried at 35°C Used for sample preparation. May contain a residual moisture content of 2-5%. (Free water removed before analysis, non-soil objects such as sticks, leaves, grass and stones also removed).	-	1-14
Heavy Metals, Screen Level	Dried sample, < 2mm fraction. Nitric/Hydrochloric acid digestion US EPA 200.2. Complies with NES Regulations. ICP-MS screen level, interference removal by Kinetic Energy Discrimination if required.	0.10 - 4 mg/kg dry wt	1-14
Organochlorine Pesticides Screening in Soil	Sonication extraction, GC-ECD analysis. Tested on as received sample. In-house based on US EPA 8081.	0.010 - 0.06 mg/kg dry wt	15-17
Dry Matter	Dried at 103°C for 4-22hr (removes 3-5% more water than air dry) , gravimetry. (Free water removed before analysis, non-soil objects such as sticks, leaves, grass and stones also removed). US EPA 3550.	0.10 g/100g as rcvd	15-17
Composite Environmental Solid Samples*	Individual sample fractions mixed together to form a composite fraction.	-	1-11

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed between 19-Sep-2024 and 23-Sep-2024. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

Kim Harrison MSc
Client Services Manager - Environmental

APPENDIX 3:
COUNCIL OFFICER COMMENTS

DUNEDIN CITY COUNCIL | kaunihera a-rohe o Ōtepoti

Memorandum

TO:	City Planning – Resource Consents
FROM:	Subdivision Support Officer, City Growth Team
DATE:	18th February 2025
	SUB-2024-148 **SUBJECT: 2 LOT RURAL RESIDENTIAL SUBDIVISION**
	LUC-2024-391 **ADDRESS: 40 GUY ROAD, MOSGIEL**
SUBJECT:	**3 WATERS COMMENTS**

1. The Proposed Activity

Subdivision consent is sought from Council to undertake a 2 lot rural residential subdivision at 40 Guy Road, Mosgiel. The proposed activity is located within the Rural Residential 1 Zone in the Second-Generation District Plan (2GP).

The site is also located within a Hazard 3 (flood) Overlay Zone.

Subdivision Description
The proposal is to subdivide 40 Guy Road, Mosgiel into 2 lots.
Proposed lot 1 contains the existing dwelling and has an area of 1.6ha.
Proposed lot 2 will be a vacant residential site with an area of 1.982ha.

Minimum Site Size Assessment
Developments located within the Rural Residential 1 Zone have a minimum site size of 2ha. Neither site meets the minimum site size. As this development resides adjacent to a water main, and is located within the water boundary, 3 Waters do not support this application. If the new lot proposed to connect to DCC's reticulated potable water supply, then 3 Waters would recommend that this application be rejected.

Existing Services
The DCC's GIS records show a 50mm diameter water supply pipe in Guy Road.

2. Infrastructure Requirements

Dunedin Code of Subdivision & Development 2010
All aspects of this development must 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.

Despite what is shown on DCC's GIS records, the site has an existing water connection. This water supply is currently non-compliant with the water bylaw, and will need to be altered to meet the requirements of a non-domestic water supply.

Due to complaints from the residence of Guy Road, DCC had to upgrade the watermain within the Guy Road from a 25mm to a 50mm as the level of service initially provided was not sufficient for the existing environment. The installation of this new main was only anticipated to service the existing properties, and not support further subdivision. If a subdivision consent to be issued for this site, 3 Waters requests that a consent notice be registered on the new lot without a connection outlining that it is not eligible for a water supply.

Non-domestic water connections require an RPZ boundary backflow prevention device and a meter. Installation of an RPZ requires a building consent, or an exemption from a building consent. Details of the device and its proposed location will be approved through that process. The retrofit an RPZ requires an "Application for Water Supply" to modify the existing connection. Once the RPZ is installed at the approved location, a completed "Notification Of A New Boundary Backflow Prevention Device" form must be supplied to 3 Waters. Non-domestic water connections include any service in excess of 25mm.

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.

We are unsure how the firefighting needs for this development will be met and request that the applicant discuss this with the New Zealand Fire Service.

Stormwater Services
To allow adequate pervious area for natural stormwater drainage, the maximum site coverage specified in the District Plan must be complied with. Please note that there are new site coverage rules in the 2GP for both building coverage and maximum site imperviousness.

A separate private stormwater connection is required for each residential lot. All stormwater services that extend beyond the boundary of the site must be installed at least 600mm into each lot.

No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.

Stormwater Management
The proposal is for a subdivision that results in new residential development, has secondary flow paths through private property, and is located within a stormwater catchment with constraints, therefore stormwater management is required for the site. The application has been submitted with a stormwater management assessment of the site that has provided a proposal to mitigate the effects of stormwater generated by the development. This stormwater management proposal sufficiently demonstrates that the effects of stormwater from this development shall have a no more than minor effect on the environment. Any development on this site must be carried out in accordance with the approved stormwater management proposal, or an alternative design may be carried out within the same parameters of the approved stormwater management assessment that meet the allowed post development discharge rate within the proposed consent notice. Any alternative design proposed must be verified by 3 Waters to ensure compliance with consent notice. Where an alternative proposal does not generally comply with the approved stormwater management proposal, a new stormwater management proposal must be provided for assessment and approval, where requested by 3 Waters. The approval of the stormwater management assessment is attached as an ancillary document.

Wastewater Services
A separate private wastewater connection is required for each residential lot. All wastewater services must be installed at least 600mm into each lot.

No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.

Easements

Service easement/s are required where any private water supply pipes or wastewater/stormwater laterals cross property boundaries in favour of the property they service. Any easement/s required for the development shall be at the consent holder's expense (including, if applicable, DCC's legal costs).

3. Consent Conditions

The following conditions should be imposed on any resource consent granted:

Water Services

a. No new connections can be established to the site.

b. An RPZ boundary backflow prevention device and meter must be installed on the exisitng non-domestic water connection servicing the site. A completed "Notification Of A New Boundary Backflow Prevention Device" form must then be supplied to 3 Waters.

Stormwater Services

c. A separate private stormwater connection is required for each residential lot. All stormwater services that extend beyond the boundary of the site must be installed at least 600mm into each lot.

d. No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.

Stormwater Management

e. Stormwater management must be carried out in accordance with the approved stormwater management proposal, including the installation of any tanks where specified. Installation of tanks may be carried out at time of building consent.

f. A consent notice must be placed on each new title limiting allowable stormwater discharge to the values listed within the table below. Any proposed alternative proposal, future development, or activity that increases impermeable surface area by more than $10m^2$, must be verified by 3 Waters to ensure compliance with the allowed stormwater discharge. Where an alternative solution does not generally comply with the approved stormwater management proposal, a new stormwater management proposal must be provided to and approved by 3 Waters.

Maximum allowable stormwater discharge from site for all rainfall durations from XX minutes to 24 hours. [L/s]		
Lot #	10% AEP Historical Data	10% AEP RCP 8.5 Data
1	XXX	XXX
2	XXX	XXX

Wastewater Services

g. A separate private wastewater connection is required for each residential lot. All wastewater services must be installed at least 600mm into each lot.

h. No drains in common shall be retained, extended, or installed unless prior approval is obtained from 3 Waters.

Easements

i. Service easement/s are required where any private water supply pipes or wastewater/stormwater laterals cross property boundaries in favour of the property they service. Any easement/s required for the development shall be at the consent holder's expense (including, if applicable, DCC's legal costs).

4. Advice Notes

The following advice notes may be helpful for any resource consent granted:

Code of Subdivision & Development

- All aspects of this development must be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.

Water Services

- Detail of the water supply application process can be found at: http://www.dunedin.govt.nz/services/water-supply/new-water-connections.

- Non-domestic water connections require an RPZ boundary backflow prevention device and a meter. Installation of a boundary backflow prevention device requires a building consent, or an exemption from a building consent (Boundary-backflow-Building-Consent-exemption-form-editable.pdf (dunedin.govt.nz)) before the device is installed. Once the device is installed, 3 Waters must be advised so the installation can be approved. A "Notification Of A New Boundary Backflow Prevention Device" must be supplied to 3 Waters for any new RPZ. Further information is available at http://www.dunedin.govt.nz/services/water-supply/backflow.

- 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, unless otherwise approved by Fire and Emergency New Zealand (FENZ).

Erosion and Sediment Control

- The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
  - The Erosion & Sediment control Toolbox for Canterbury found on the ECan website link CRC Erosion & Sediment Control Toolbox http://esccanterbury.co.nz

  - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).

Andrew Budd
Subdivision Support Officer
City Growth Team
Dunedin City Council

From: MWH Hazards Team <MWHHazardsTeam@stantec.com>
Sent: Wednesday, 12 February 2025 04:26 p.m.
To: Ian McCabe
Cc: MWH Hazards Team
Subject: RE: SUB-2024-148_LUC-2024-391 - 40 Guy Road, Mosgiel - Request for Officer Comment

Hi Ian,

We have assessed the application in relation to the hazard register, street files and available aerial photography. We have not visited the site.
We have the following comments to make regarding the application.

Proposal
This application seeks a two-lot subdivision (and residential use on each lot), as shown below.
Lot 1 will contain the existing dwelling and be 1.6ha (approx.). Lot 2 will be a vacant lot (for future residential activity) and will be 1.9815ha (approx.).
Site investigation reports have not been provided.
Preliminary plans for the proposal are provided within the application.

Hazards
From the Hazard Register, street files, and previously sent emails for both this title and nearby properties

- Hazard ID 10106: Land Movement, Alluvial Fans Active Floodwater
- Hazard ID 10111: Intensified shaking, Earthquake Likely Amplification
- Hazard ID 11407: Seismic – Liquefaction (Domain A)
- Hazard ID 12074: Flood – Overland Flow Path (Upper Taieri Flood Level)
- Hazard ID 11582: Overland Flow Path Flood Area 20

The ORC Lower Taieri Floodplain hazards (September 2006) identify the property within zone I – where "Existing protection is provided to a 100 year (1% AEP) flood level, and floors are to be set 200mm above flood level." This 200mm flooding relates to local ponding, and the dwelling should be set 200mm above any known local ponding levels.

This report was revised and updated by the Otago Regional Council Report on Natural Hazards on the Taieri Plains, Otago, Engineering and Hazards Committee, July 2012. Figure 4.10 of this report places the property within Area 20 – Mosgiel, with the flood hazard characteristics defined for this area as follows.

> *Mosgiel has limited exposure to flood hazard from the Silver Stream, Owhiro Stream, Quarry Creek, and from internal ponding. Because of its elevation it is not affected by the flood hazard of the Taieri River or the operation (or in-operation) of the Upper and Lower Ponds or by sea level. Part of this area was flooded in 1868 and 1923 (Figure 4.1).*
>
> *Floodbanks are located along the length of the Silver Stream, containing flows of 260m3/s (the assessed peak flow of the April 2006 event) or more on the Mosgiel (southern) side of the Silver Stream. As noted above, flow over the true right (northern) bank of the Silver Stream, downstream of Gordon Road, into Area 15 (thence Area 12) occurs when flows exceed about 170m3/s (the assessed threshold flow for the April 2006 event) (Figure 4.26).*
>
> *Surface flooding and runoff from the eastern hills can cause localized ponding, such as occurred in April 2006, especially in the industrial, southern part of the urban area near Quarry Creek. Quarry Creek has a history of flooding (OCB, 1974). The extent of localized ponding within urban Mosgiel is determined in part by the stormwater network which is designed to provide primary drainage to an urban standard.*
>
> *Part of the area is located within the East Taieri Drainage Scheme which provides land drainage to a rural standard (ORC, 2012c).*

This report was further updated by ORC report: Flood hazard on the Taieri Plain, Review of Dunedin City District Plan: Natural hazards First revision: August 2015; with the following description:

> *Most of the Mosgiel urban area is elevated slightly above the land on the northern side of Silver Stream (Figure 50) and the land to the south alongside the Owhiro Stream. As such, it has limited exposure to flood hazard from Silver Stream, Owhiro Stream, Quarry Creek, internal runoff from within Area 20, and downslope runoff from Area 21. The floodbanks along the southern (true-left) side of Silver Stream are designed to contain flows that have an assessed return period of about 100 years.*
>
> *The characteristics of flood hazard (including depth, duration and velocity) within urban Mosgiel are determined in part by the capacity of the drainage network, and most of Area 20 is serviced by an urban standard storm-water network. Heavy-rainfall events that exceed the design capability of this network can result in internal runoff and ponding of floodwater (Figure 51).*
>
> *During periods of heavy rainfall, surface flooding and runoff from the eastern hills can cause localised ponding, especially in the industrial, southern part of the urban area, near Quarry Creek (ORC, 2013) (Figure 52). The flooding in the industrial area is not directly caused by Quarry Creek overtopping its true-right bank but is the result of an undersized stormwater network (Figure 53). The flooding is exacerbated by the location of the stormwater-network outlets discharging into Quarry Creek. When the water level in the creek is high, flood water can impede the stormwater discharge, and water can back up through the stormwater network causing flooding in the industrial area*

Global Setting
The underlying geology consists of alluvial material and is located in a flat residential setting.

Discussion
The site lies within a known flood hazard zone, which requires specified floor levels for habitable areas.

Liquefaction Domain A is characterised as having little or no potential for damaging liquefaction.
The application proposes no earthworks at this stage.
We recommend that the application not be declined on the ground of known natural hazards.

Advice

The site lies in an area where underlying soils have been characterised as having little or no potential for damaging liquefaction.

- The cases for seismic loading are normally addressed at building control stage.
- The Dunedin City Council Building Control Authority will ask for verification that the site is 'good ground' in accordance with NZS3604, Section 3.1.

Minimum floor levels should be imposed for each lot to ensure that any development meets Building Act requirements to avoid potential inundation (including flooding, overland flow, storm surge, tidal effects, and ponding) on the land on which the building work is to be carried out or adjacent landowners' property. The New Zealand Building Code E1.3.2 requires that surface water resulting from an event having a 2% probability of occurring annually must not enter buildings for sensitive activities, and a floor level set accordingly. This proposed level is required to address the potential for egress of water from the property via secondary flow paths, to ensure that construction is not proposed in low-lying areas, and that the path of stormwater is not displaced from ephemeral flow paths into neighboring properties. Development requirements exist to ensure that overland stormwater flows are not interrupted, and the dwellings should be situated to avoid any adverse effects from local ponding during storm rainfall events. Flood hazard effects and minimum floor levels should be determined in consultation with DCC Building Control at the time of building consent application.

Conditions

We recommend that the following conditions be required:

- Any fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431:2022 Engineered fill construction for lightweight structures.
- As-built records of the final extent and thickness of any un-engineered fill should be recorded.
- Any modifications to existing stormwater flow paths or addition of new stormwater features 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 or concentrated runoff during storm rainfall events.
- Any modification to the site shall not increase any adverse stormwater effects on neighbouring lots as a result of the work.

Regards,

Steve Jenkins
MSc, MEngNZ
Senior Engineering Geologist
Slope Risk Analysis (ARL) Accredited

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Stantec

From: Ian McCabe <Ian.McCabe@dcc.govt.nz>
Sent: Wednesday, February 5, 2025 3:58 PM
To: Transport <Transport@dcc.govt.nz>; Resource Consents WWS-BC Comments <resconsent.wwsbc-comments@dcc.govt.nz>; Galina Reinhardt <Galina.Reinhardt@dcc.govt.nz>; MWH Hazards Team <MWHHazardsTeam@stantec.com>; Paul Freeland <Paul.Freeland@dcc.govt.nz>
Subject: SUB-2024-148_LUC-2024-391 - 40 Guy Road, Mosgiel - Request for Officer Comment

Hi Everyone

Please find below Pātaka links for the above-mentioned resource consent application and a request for your comments.

Please do not hesitate to contact me if you have any queries or require additional information.

Thanks
Ian

Ian McCabe
ASSOCIATE SENIOR PLANNER
RESOURCE CONSENTS

SUB-2024-148_LUC-2024-391 - Memo - Request Officer Comments
https://otcs.dcc.govt.nz/otcs/llisapi.dll/link/18349725

SUB-2024-148_LUC-2024-391 - Application - 40 Guy Road
https://otcs.dcc.govt.nz/otcs/llisapi.dll/link/18038870

From: Rautenbach, Ilze <Ilze.Rautenbach@stantec.com>
Sent: Sunday, 23 February 2025 05:07 p.m.
To: Ian McCabe
Subject: RE: SUB-2024-148_LUC-2024-391 - 40 Guy Road, Mosgiel - Request for Comment

Hi Ian,

Here are my comments re SUB-2024-148_LUC-2024-391 - 40 Guy Road, Mosgiel:

- The applicant does not propose any change to the existing residential activity and
- will not be carrying out any on-site development works as part of the proposed subdivision.

- DCC HAIL records indicate possible HAIL activities took place onsite as well as from the DSI report namely:
  - Category A10 "*persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds*"
  - Categories G4 "*Scrap yards including automotive dismantling, wrecking or scrap metal yards*"
  - Category H4 – "*motor vehicle workshops"*
  - Category E1 "*Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition"*
  - Category G3 "*Landfill sites*"
  - Category I "*Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment*"

I agree with the findings from the DSI report of EC Otago:

- The sampling and analysis conducted indicates that contaminant concentrations across the site are generally consistent with predicted background levels,
- The site has therefore not been found to comprise a HAIL site.
- As all contaminant concentrations were reported to be well below the *Rural Residential* Soil Contaminant Standards (SCS) and applicable environmental guidelines, the site is highly unlikely to present a risk to human or environmental health under the current and proposed rural residential land use and thus consent under the NESCS is not required.

It is also safe to say that that the subject property is potentially a piece of land (as not all aeras have been sampled extensively onsite) and that the proposed subdivision is a **permitted activity in accordance with Regulation 8(4) of the NESCS** – due to the DSI, stating that it is highly unlikely there will be a risk to human health if there is activity on the land, and that it has the appropriate detail including a site plan. Happy for Council to proceed either way.

I would however recommend the following consent conditions be added:

- Should soils be disturbed in future near the:
  - former dwelling or large shed (now driveway and shed complex) or
  - area of potential fill to the north of the present dwelling and adjacent to Guy Road → that additional sampling and analysis should be undertaken prior.

Let me know if council have any further questions.

Ngā Mihi | Kind regards,

Ilze Rautenbach (she/her)
Principal Environmental & Engagement Consultant / PM
Team Leader Waiora Living Waters | Hamilton Branch Manager

Direct: +64 7 839 9854
Mobile: +64 27 239 7084

Stantec

From: Ian McCabe <Ian.McCabe@dcc.govt.nz>
Sent: Wednesday, February 5, 2025 3:58 PM

To: Rautenbach, Ilze <Ilze.Rautenbach@stantec.com>
Subject: SUB-2024-148_LUC-2024-391 - 40 Guy Road, Mosgiel - Request for Comment

Hi Ilze

Please find attached a copy of the above-mentioned resource consent application and a request for your comment.

Please do not hesitate to contact me if you have any queries or require additional information.

Thanks
Ian

Ian McCabe
ASSOCIATE SENIOR PLANNER
RESOURCE CONSENTS
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