IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2025] NZEnvC 103

IN THE MATTER	of the Resource Management Act 1991
AND	an appeal under clause 14 of the First Schedule of the Act
BETWEEN	BLUE GRASS LIMITED & ORS
	(ENV-2018-CHC-293)
	Appellants
AND	DUNEDIN CITY COUNCIL
	Respondent

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

In Chambers at Christchurch

Date of Consent Order: 3 April 2025

CONSENT ORDER

A: Under s279(1)(b) RMA,[1] the Environment Court, by consent, orders that:

(1) the appeal is allowed subject to the amendments to the proposed Second Generation Dunedin City District Plan set out in Annexures 1 and 2 to this order; and

(2) the appeal otherwise remains extant.

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[1] Resource Management Act 1991.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by Blue Grass Limited (Blue Grass), Kim Taylor, and Highland Property Limited as agents for Saddle Hill Estates Limited (Saddle Hill) against parts of the decision by Dunedin City Council (DCC) in respect of the proposed Second Generation Dunedin City District Plan (2GP). The appeal relates to the rezoning of the following land:

(a) 97 Riccarton Road East, 99 Riccarton Road East and part of 115 Riccarton Road East (Kim Taylor's land);
(b) 101 Riccarton Road East and 31 Main South Road (Blue Grass' land); and
(c) 4A and 10 Braeside (Saddle Hill's land).

[2] For completeness, the court notes that the following appeal points have been withdrawn:

(a) John Buchanan withdrew his appeal in relation to his land at 2 Braeside, by way of a memorandum dated 2 December 2022; and
(b) Craig Horne withdrew his appeal in relation to his land at 5 Main South Road, by way of a memorandum dated 17 January 2023.

[3] I have read and considered the consent memorandum of the parties dated 14 March 2025 which proposes to partially resolve the appeal. The agreement reached involves:

(a) amending the Significant Natural Landscape Overlay to the line marked "Amended SNL boundary" in Annexure 1 to this order;
(b) rezoning Kim Taylor's land to Large Lot Residential Zone 2, subject

to the structure plan provisions;

(c) rezoning Blue Grass' land to Rural Residential 1, subject to the structure plan provisions described below;

(d) rezoning the part of Saddle Hill's land depicted in Annexure 1 to Rural Residential 1, subject to the structure plan provisions;

(e) applying a new structure plan mapped area titled "Braeside structure plan mapped area", to Kim Taylor's land, Blue Grass' land and the part of Highland Property Enterprises Limited as agents for Saddle Hill's land depicted in Annexure 1;

(f) applying a 'No DCC reticulated wastewater mapped area' over the Large Lot Residential 2 zoned sites; and

(g) adding rules to the 2GP that will apply within the structure plan mapped area, and stipulate the following:

  (i) the subdivision minimum site for the area to be rezoned Large Lot Residential 2 will be 1ha, and likewise the minimum site area per residential unit (excluding ancillary residential units) will also be 1ha;

  (ii) a requirement that the area to be rezoned Large Lot Residential 2 must self-service for water supply and wastewater;

  (iii) no new direct vehicle access is to be created to link sites in the structure plan mapped area to State Highway 1;

  (iv) a requirement for a geotechnical report to be provided at the time of subdivision. Before subdivision occurs, resource consent and a geotechnical report are also required for earthworks or vegetation clearance over certain thresholds;

  (v) a requirement for an integrated stormwater management plan that meets a range of specifications, to be provided at the time of subdivision; and

  (vi) a requirement for an onsite wastewater management proposal to be provided at the time of subdivision for both the Large Lot Residential 2 and Rural Residential 1 zoned areas, and additional matters of discretion and assessment guidance relating to this.

[4] I have also read and considered the affidavit of Peter Rawson,[2] a senior policy planner at DCC. The affidavit explains the scope to make the changes sought and the rationale for the agreed changes in terms of s32AA. I am satisfied that the agreed amendments are the most appropriate way to achieve the relevant objectives in the 2GP and are consistent with higher order planning instruments, in particular, the NPS-UD, the operative ORPS 2019, and the proposed ORPS 2021.

Other relevant matters

[5] The following parties gave notice of an intention to join the appeal under s274 RMA:

(a) Kāti Huirapa Rūnaka ki Puketeraki;
(b) Te Rūnanga o Ōtākou;
(c) Highland Property Limited;
(d) Otago Regional Council; and
(e) Maria Stewart-Haverkort and David John Stewart.

[6] The court notes that Ms Stewart-Haverkort and Mr Stewart have not signed the joint memorandum requesting this order. In an email dated 14 September 2024, Ms Stewart-Haverkort and Mr Stewart indicated that they have signed the mediation agreement dated 23 September 2021 and therefore have no further interest in the appeal and its resolution. The court will therefore proceed on the basis that all remaining parties to the proceeding consent to the orders being made.

[7] This consent order partially resolves the appeal, part of the appeal relating to Saddle Hill's land remains extant. The parties agree that costs should lie where they fall.

[8] The parties advise that all matters proposed for the court's endorsement

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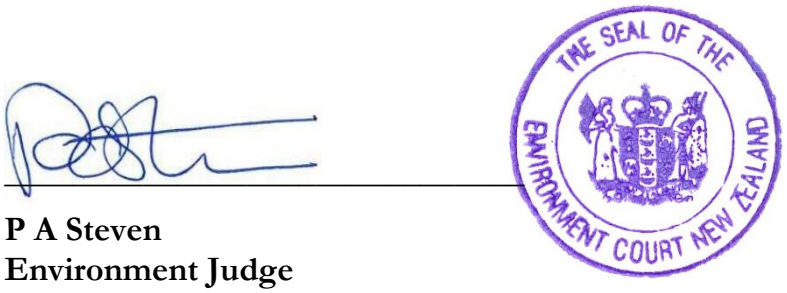
2 Affirmed 21 March 2025.

fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

Outcome

[9] The court is making this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297.

[10] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



P A Steven
Environment Judge

Annexure 1

1. **Amend the planning map** as shown below to:

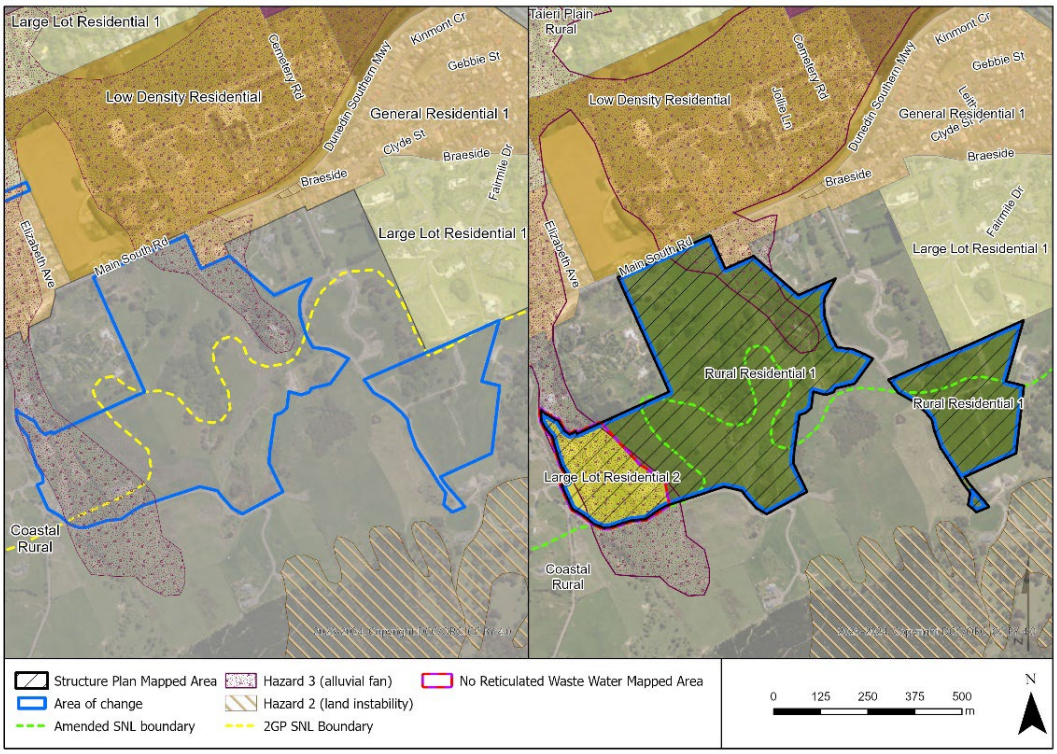
    a) amend the boundary of the SNL (shown as ‘Amended SNL boundary’)

    b) rezone land to Rural Residential 1 and Large Lot Residential 2

    c) apply a structure plan mapped area (as shown) over the entire area (named ‘Braeside Structure Plan Mapped Area’), and

    d) apply a ’No DCC reticulated wastewater mapped area’ as shown (this applies over the Large Lot Residential 2 sites.)

Figure 1 – 2GP Mapping Changes



Add a new Rule 15.8.AG as follows:

15.8.AG Braeside Structure Plan Mapped Area Rules

1. Unless otherwise specified the provisions below apply to the Large Lot Residential 2 zoned part of the **Braeside structure plan mapped area** (Area A in Figure 15.8.AGA).

15.8.AG.2 Notification

a. With respect to resource consent applications within Area A in Figure 15.8.AGA that include a new or modified integrated stormwater management plan or details for a stormwater management system as required by Rule 15.8.AG.6.c, any owners of land within the area to which the proposed plan or system relates (who are not the applicant) and the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided.

15.8.AG.3 Land use performance standards

a. Density
   i. Standard residential activities within Area A in Figure 15.8.AGA must not exceed a density (minimum site area for a residential unit) of 1 residential unit per hectare except that:
      1. one ancillary residential unit is allowed per site in association with a standard residential activity that meets this performance standard for density.
   ii. Activities that contravene this performance standard are non-complying activities.
   iii. For the sake of clarity, this performance standard supersedes Rule 15.5.2.
   iv. For the sake of clarity, Rule 15.5.14.1 applies to any ancillary residential units.

b. Service connections
   i. All activities in Area A in Figure 15.8.AGA must self-service for water supply and wastewater.
   ii. Activities that contravene this performance standard are non-complying activities.
   iii. For the sake of clarity, this performance standard is additional to Rule 9.3.2.

Note 15.8.AG.3A – Other requirements outside of the District Plan

1. Under the Regional Plan: Water, resource consent may be needed from the Otago Regional Council for any discharge of wastewater to water or land.

15.8.AG.4 Development performance standards

a. Vegetation clearance

i. Until such time that new certificates of title for allotments have been issued:

1. the maximum area of vegetation clearance is 50m² per site, per year;

2. any mature tree (greater than 15 years old) must not be removed unless it is certified as being dead or in terminal decline by a suitably qualified arborist or where subject to an order for removal in terms of section 333 of the Property Law Act 2007.

ii. Activities that contravene this performance standard are restricted discretionary activities.

iii. For the sake of clarity, this performance standard is additional to Rules 10.3.2.1 and 10.3.2.3, but with the lower threshold in this performance standard having precedence.

b. Earthworks

i. Until such time that new certificates of title for allotments have been issued, earthworks must not exceed any of the following thresholds:

1. 1m maximum change in finished ground level; or

2. for parts of a site less than or equal to 26°, 20m^3 maximum volume of combined cut and fill per site within any two calendar-year period; or

3. for parts of a site greater than 26° but less than or equal to 35°, 0m³ fill and 20m³ cut per site within any two calendar-year period; or

4. for parts of a site greater than 35°, 0m^3 cut or fill.

ii. Activities that contravene this performance standard are restricted discretionary activities.

iii. For the sake of clarity, this performance standard applies is additional to the rules in Section 8A, but with the lower threshold in this performance standard having precedence.

15.8.AG.5 Subdivision performance standards

a. Access

i. Subdivision activities must only provide for new sites to access onto Main South Road (State Highway 1) by Faber Drive.
ii. Subdivision activities that do not meet this standard are prohibited activities.
iii. This performance standard is additional to Rule 6.6.3 and Rule 6.8.1.

b. Minimum site size

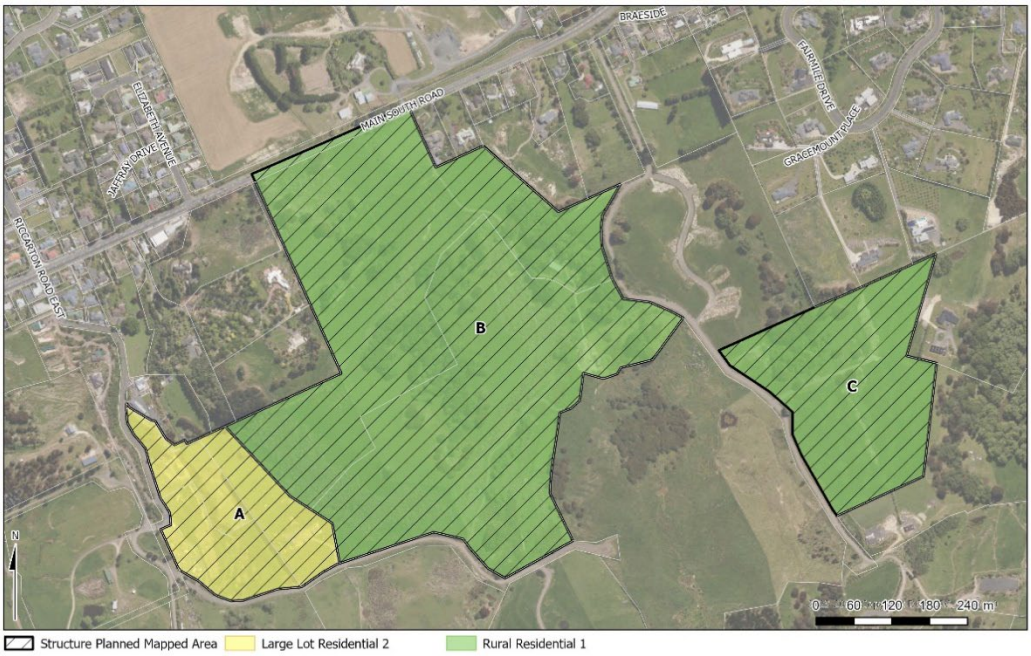
i. The minimum site size for new resultant sites within Area A in Figure 15.8.AGA is 1ha.

ii. Resultant sites created and used solely for the following purposes are exempt from clause i of this performance standard:
    1. scheduled ASBV or QEII covenant;
    2. reserve;
    3. access;
    4. utility; or
    5. road.

iii. Activities that contravene this performance standard are non-complying activities.

iv. For the sake of clarity, this performance standard supersedes Rule 15.7.4 marked as Area A in Figure 15.8.AGA.

Figure 15.8.AGA Braeside structure plan



15.8.AG.6 Special information requirements

a. Geotechnical investigation report

i. Any application for resource consent for vegetation clearance or earthworks within Area A in Figure 15.8.AGA where the activity contravenes Rule 15.8.AG.4.a or b must be accompanied by a geotechnical investigation report prepared by a suitably qualified geotechnical consultant and have a level of detail and analysis that reflects the scale of the work proposed.

ii. Any application for subdivision activities within Area A in Figure 15.8.AGA must include a geotechnical investigation report by a suitably qualified geotechnical consultant. The geotechnical investigation report must examine the ground stability over the entire area that is subject to the subdivision application and identify areas suitable for development and, if required, identify suitable building platforms and locations for driveways or other activities that may require earthworks. It must also identify any restrictions on earthworks or vegetation clearance, including removal of individual mature trees (greater than 15 years old), that should be included as conditions of consent in order to ensure risk from land instability hazards is low. The geotechnical investigation report must provide any information that should be considered as part of the requirements for a stormwater management plan in Rule 15.8.AG.6.c and if necessary should review the

proposals for stormwater management in terms of effects on land instability hazards.

b. Wastewater management

i. Applications for subdivision within Area A in Figure 15.8.AGA must be accompanied with a proposal for on-site wastewater management prepared by a chartered professional engineer or other suitably qualified person with suitable experience in wastewater system design. The proposal must demonstrate one or more options for effective on-site wastewater management for all sites to be used for residential activity and include suggestions for conditions that will ensure future development will effectively manage wastewater in a way that does not create adverse effects on the amenity, health or safety of neighbours, or adverse environmental effects on water bodies, and is able to achieve the objectives and policies of this Plan as well as any relevant regional plans and policies.

c. Stormwater management

i. Applications for subdivision consent and applications for land use consent for multi-unit development or supported living facilities within Area A in Figure 15.8.AGA must include a proposed integrated stormwater management plan that is prepared in accordance with clauses iii to xi of this rule, unless an earlier approved land use or subdivision consent includes such a plan, prepared in accordance with this rule.
ii. Where an integrated stormwater management plan has already been provided as part of an earlier approved subdivision or land use consent, but did not include design details for stormwater management systems, applications for activities set out in clause i must provide those details in accordance with clauses x and xi of this rule in a way that is consistent with the integrated stormwater management plan approved as part of the earlier consent.
iii. The integrated stormwater management plan must:
    1. address the whole of Area A and demonstrate how Policy 9.2.1.7 will be achieved;
    2. provide details in accordance with clause x of this rule of all stormwater management systems for the hydrologically connected parts of Area A in which the proposal is located and details of how those systems will be installed in full or in planned stages prior to development. Stormwater management systems must be designed to be resilient.

iv. The integrated stormwater management plan must ensure that stormwater will be managed for both the current climatic conditions and climatic conditions based on climate change projections.
v. The integrated stormwater management plan must ensure that:
    1. there is no increase in the peak stormwater discharge rate into the stormwater public infrastructure, or into a private, Otago Regional Council, or natural/informal stormwater system or an overland flow path (at any point) between pre-development to post-development based on the assessment required in clause ix; or,
    2. where this is not practicable, any adverse effects from an increase in discharge on the stormwater system are no more than minor.
    3. For the sake of clarity, the stormwater management plan does not need to avoid volume increases;
    4. There will be no more than minor effects from changed stormwater discharge patterns (flowrate, volume, frequency or pathways) on downstream properties.
vi. The integrated stormwater management plan must include stormwater detention infrastructure that is designed to temporarily store and release flows from a generated 1% annual exceedance probability (AEP) rainfall event, such that peak pre-development flows are not exceeded in the post-development condition.
vii. The integrated stormwater management plan must demonstrate that secondary flows at upstream and downstream boundaries of Area A are not changed or adversely affected.
viii. The integrated stormwater management plan must:
    1. include the use of low-impact (or water-sensitive) design features, which may include features such as:
        1. grassed/landscaped swales and other vegetation areas;
        2. infiltration trenches/bioretention systems;
        3. storage ponds/wetlands/sediment ponds;
        4. rainwater tanks harvesting and reuse;
        5. rain gardens, rooftop greening and planting;
        6. porous surface treatments; and
        7. consideration of the existing natural topography and the natural course of water flow (overland flow paths) through the design of the subdivision.
    2. consider whether stormwater management areas can be integrated into reserves and recreation spaces;

3. have regard to the geotechnical assessment prepared under Rule 15.8.AG.6.a, in terms of the potential impact of stormwater management on land stability.

ix. The integrated stormwater management plan must include an assessment of the difference between pre-development peak flows and post-development peak flows (with and without mitigation) over a range of event durations, taking into account the maximum impermeable surfaces permitted in the District Plan zone for Area A (and including any other development restrictions resulting from any other rules in the District Plan or legal instruments registered on the title(s) within Area A). This assessment must meet the following criteria:

1. The assessment of pre-development and post-development flows and detention volumes must be based on the 10% and the 1% annual exceedance probability (AEP) rainfall events, covering durations from the mapped area's own critical duration to the critical duration of the catchment upstream of the point of discharge (unless agreed otherwise with the DCC, for example where direct discharge to the coastal environment is feasible). For the purposes of this requirement, 'critical duration' means the duration of rainfall event likely to cause the highest peak flows or water levels.
2. The assessment must take account of climate change, using the climate adjustment rainfall sourced from HIRDS version 4 using RCP 8.5 2081-2100 values (or an alternative source approved by DCC).
3. The assessment must include a risk based assessment to determine to what extent measures (if any) are needed to manage flows downstream of the land.

x. Applications must include the following design details for proposed stormwater management systems:

1. the design and location of 'primary infrastructure' ('primary infrastructure' includes both open and closed conduits and must be designed to contain the flows generated by the 10% AEP rainfall event);
2. the design and location of 'secondary flow paths', with and without blockage of the primary stormwater system, through the development to the downstream boundary. 'Secondary flow paths' means the flow path over which surface water will flow if the primary flow path becomes overloaded or inoperative and consists of overland flow paths with sufficient capacity to transfer the flows generated by rainfall events up to the 1% AEP event. Secondary flow paths must be clearly identified, and where possible aligned with natural flow paths and located on public

land. If located in private property, 1% AEP secondary flows should be through primary infrastructure unless protected by an easement;

3. the design features that will enable ‘safe operation’ in super-design conditions (for a 0.5% AEP rainfall event, but a greater rainfall event can be used if the applicant chooses to do so). Safe operation means without catastrophic, rapid or structural failure. This is to ensure that the proposed stormwater management system has a fail-safe mechanism. This does not mean the stormwater management system is to be designed to retain the volume of stormwater for a 0.5% AEP rainfall event;
4. the location and design details of stormwater management systems, including detention infrastructure required to meet clause vi above;
5. how the integrity of the stormwater management system will not be compromised during and after subdivision (for example ensuring that open drains that form part of the system will not be blocked or altered);
6. how erosion and sedimentation will be managed effectively within the development area during earthworks and as the area is developed, by taking measures and installing devices, where necessary, to
    1. divert clean runoff away from disturbed ground;
    2. control and contain stormwater run-off;
    3. avoid sediment laden run-off from the mapped area; and
    4. protect existing drainage infrastructure sumps and drains from sediment run-off;
7. the design and location of stormwater quality treatment that demonstrates the expected quality of stormwater leaving the specified system and its treatment of at least the ‘first flush’ volume (90th percentile daily rainfall depth) or flow rate (90th percentile rainfall intensity) in accordance with best practice techniques for at least 75% Total Suspended Solids (TSS) removal on a long-term average basis;
8. if a stormwater management system cannot practicably be designed to meet one or more of clauses 3 to 7 above in relation to additional stormwater discharge, an assessment of the broader catchment to determine whether design solutions external to Area A in Figure 15.8.AGA are available to manage the additional stormwater discharges as a result of the development in Area A ;

9. how the stormwater management system will not create or exacerbate adverse effects that are more than minor outside the development area. This includes consideration of cumulative effects; and
10. where any proposed stormwater management system is intended to vest as public infrastructure, the design of an adjustable outlet mechanism such that the present day peak discharge flow rate from Area A in Figure 15.8.AGA is not exceeded as a result of the development but that the outlet can be progressively adjusted for future climate change discharge rates up to the fully developed stormwater management system design capacity.

xi. The integrated stormwater management plan, and the design of the stormwater management systems, must be prepared by a chartered professional engineer or other suitably qualified person who has (or can call on) experience in hydrology, hydraulics, stormwater design, flood risk management and construction management.

Assessment guidance and additional matters of discretion

15.8.AG.7 Assessment of restricted discretionary performance standard contraventions

Performance standard		**Matters of discretion**	**Guidance on the assessment of resource consents**
a.	Vegetation clearance (Rule 15.8.AG.4.a)	i. Risk from natural hazards	See Rule 11.5
b.	Earthworks (Rule 15.8.AG.4.b)		

15.8.AG.8 Assessment guidance (stormwater)

a. In addition to assessment guidance for subdivision provided in Rule 15.11.4 and Rule 9.6.2.2, the following guidance is provided for the assessment of subdivision activities, multi-unit development, and supported living facilities within Area A in Figure 15.8.AGA.

Activity		Matters of discretion	Guidance for the assessment of resource consents
i.	• Supported living facilities • New buildings or additions and alterations to buildings that result in a multi-unit development • Subdivision activities	1. Effects on efficiency and affordability of infrastructure stormwater)	*General assessment guidance (stormwater):* 1. In assessing (as relevant) the effects on efficiency and affordability of infrastructure, effects of stormwater from future development, and taking into account climate change, Council will consider: 1. the proposed stormwater management plan submitted with the application (see Special Information Requirement Rule 15.8.AG.6.c); 2. any consequential effects that might arise including, but not limited to: 1. effects on personal safety; 2. risks from surface water flooding; 3. risks to property from inundation or changes to stormwater frequency, flowrates, volumes or pathways; 4. risks to the ability of Council to meet its consent

Activity	Matters of discretion	Guidance for the assessment of resource consents
	2. Effects of stormwater from future development	conditions for public infrastructure, which could lead to effects on freshwater quality and ecosystem health; and 5. risks to the integrity and function of existing public infrastructure. *Conditions that may be imposed include:* 2. A requirement for the stormwater management system to be installed prior to certification pursuant to section 224c of the RMA. 3. A requirement for easements, covenants, consent notices or bonds to ensure future development will be in accordance with the stormwater management plan. 4. A requirement for the stormwater management system to be vested in the DCC, with necessary easements and a maintenance or defect period agreement in place prior to vesting.

Note 15.8.AG.8A – Other requirements outside of the District Plan

1. The discharge of stormwater may require resource consent from the Otago Regional Council under the Regional Plan: Water for Otago.

2. Discharge of stormwater to ORC public infrastructure or overland flow paths may require written approval under the Otago Regional Council's Flood Protection Management Bylaw 2022.

15.8.AG.9 Additional matter of discretion and assessment guidance (wastewater)

a. In addition to the matters of discretion and assessment guidance for subdivision consents in rules 9.6.2.1 and 15.11.4, the following guidance is provided for the assessment of subdivision activities within Area A in Figure 15.8.AGA:

Activity		Matters of discretion	Guidance for the assessment of resource consents
i.	Subdivision activities	1. Effects of wastewater from future development	*General assessment guidance:* 1. In addition to the matters covered by Rule 9.6.2.1, Council will consider as part of the assessment of any consent application for subdivision: 1. the effectiveness of proposed wastewater management on any sites to be used for residential development, including, but not limited to, how the subdivision layout provides for appropriate areas to be used for effluent dispersal that will ensure effluent dispersal does not create adverse effects on the amenity or health and safety of neighbours, or adverse environmental effects on water bodies, and is able to achieve the objectives and policies of this Plan as well as any relevant regional plans and policies;

			2. the findings of any report by a suitably qualified person where required (see Special Information Requirements Rule 15.8.AG.6.b). *Conditions that may be imposed include:* 2. The locations of effluent dispersal areas; 3. A legal instrument that requires all wastewater treatment systems (including dispersal fields) installed on the resultant sites to meet the following standards: 1 wastewater treatment to a minimum of secondary standard before discharge; 2 design and location of wastewater discharge that ensures there will be no off-site surface discharge or runoff; 3 design and location of wastewater systems that ensures ready access for system testing; 4 the wastewater system is designed and installed by suitably qualified persons/entities; and 5 requirements for owners of the wastewater treatment system to comply with maintenance and operational requirements

			set by the manufacturer or designer.

Note 15.8.AG.9A – Other requirements outside the District Plan

1. The Otago Regional Council is the consenting authority for wastewater discharges and may require treatment to a different or higher standard in order to obtain consent to discharge wastewater effluent.

Add a new Rule 17.Y.AA to Section 17 Rural Residential Zones as follows:

17.Y.AA Braeside Structure Plan Mapped Area Rules

1. Unless otherwise specified the provisions below apply to the Rural Residential 1 zoned part of the **Braeside structure plan mapped area** (Area B and C in Figure 17.Y.AAA).

17.Y.AA.2 Notification

a. With respect to resource consent applications in Areas B and C in Figure 17.Y.AAA that include a new or modified integrated stormwater management plan or details for a stormwater management system as required by Rule 17.Y.AA.5.c, any owners of land within the area to which the proposed plan or system relates (who are not the applicant) and the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided.

17.Y.AA.3 Development performance standards

a. Vegetation clearance

i. Until such time that new certificates of title for allotments have been issued:

1. the maximum area of vegetation clearance is 50m² per site, per year;

2. any mature tree (greater than 15 years old) must not be removed unless it is certified as being dead or in terminal decline by a suitably qualified arborist or where subject to an order for removal in terms of section 333 of the Property Law Act 2007.

ii. Activities that contravene this performance standard are restricted discretionary activities.

iii. For the sake of clarity, this performance standard is additional to rules 10.3.2.1 and 10.3.2.3, but with the lower threshold in this performance standard having precedence.

b. Earthworks

i. Until such time that new certificates of title for allotments have been issued, earthworks must not exceed any of the following thresholds:

1. 1m maximum change in finished ground level; or

2. for parts of a site less than or equal to 26°, 20m^3 maximum volume of combined cut and fill per site within any two calendar-year period; or

3. for parts of a site greater than 26° but less than or equal to 35°, 0m³ fill and 20m³ cut per site within any two calendar-year period; or

4. for parts of a site greater than 35°, 0m^3 cut or fill.

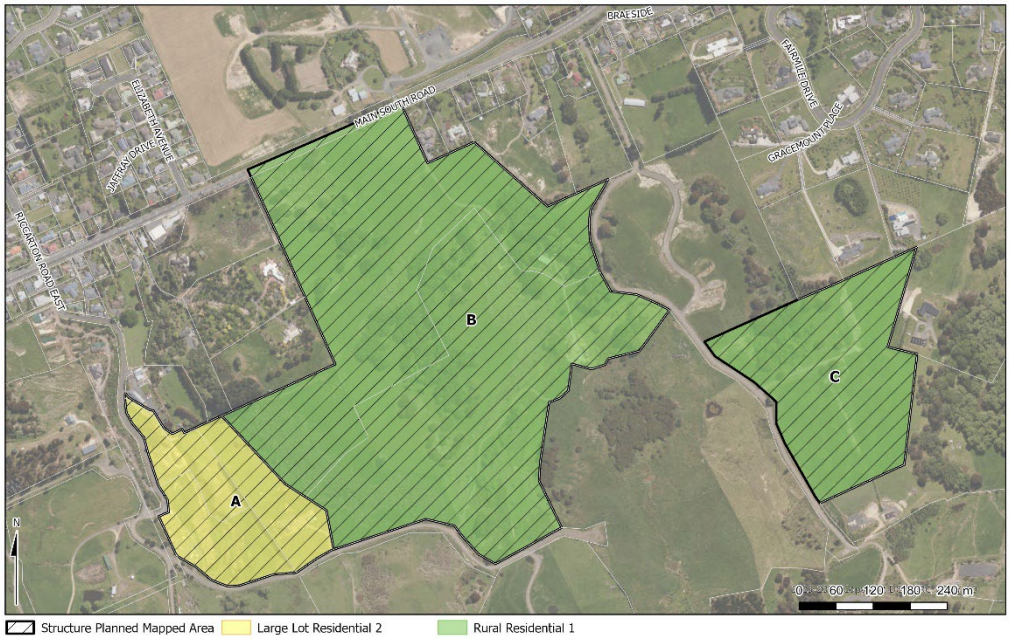
ii. Activities that contravene this performance standard are restricted discretionary activities.

iii. For the sake of clarity, this performance standard applies in addition to the rules in Section 8A, but with the lower threshold in this performance standard having precedence.

17.Y.AA.4 Subdivision performance standards

a. Access
   i. Subdivision activities must only provide for new sites to access onto Main South Road (State Highway 1) by either Faber Drive, Hollands Drive or Braeside.
   ii. Subdivision activities that do not meet this standard are prohibited activities.
   iii. This performance standard is additional to Rule 6.6.3 and Rule 6.8.1.

Figure 17.Y.AAA Braeside structure plan



17.Y.AA.5 Special Information Requirements

a. Geotechnical investigation report

i. Any application for resource consent for vegetation clearance or earthworks within Areas B and C in Figure 17.Y.AAA where the activity contravenes Rule 17.Y.AA.3.a or b must be accompanied by a geotechnical report prepared by a suitably qualified geotechnical consultant (with a level of detail and analysis that reflects the scale of the work proposed).

ii. Any application for subdivision activities within Areas B and C in Figure 17.Y.AAA must include a geotechnical investigation report by a suitably qualified geotechnical consultant. The geotechnical report must examine the ground stability over the entire area that is subject to the subdivision application and identify areas suitable for development and, if required, suitable building platforms and locations for driveways or other activities that may require earthworks. It must also identify any restrictions on earthworks or vegetation clearance, including removal of individual mature trees (greater than 15 years old), that should be included as conditions of consent in order to ensure risk from land instability hazards is low. The geotechnical report must provide any information that should be considered as part of the requirements for a stormwater management plan in Rule 17.Y.AA.5.c and, if necessary, should review the proposals

for stormwater management in terms of effects on land instability hazards.

b. Wastewater management

i. Applications for subdivision within Areas B and C in Figure 17.Y.AAA must be accompanied with a proposal for on-site wastewater management prepared by a chartered professional engineer or other suitably qualified person with suitable experience in wastewater system design. The proposal must demonstrate one or more options for effective on-site wastewater management for all sites to be used for residential activity and include suggestions for conditions that will ensure future development will effectively manage wastewater in a way that does not create adverse effects on the amenity or health and safety of neighbours, or adverse environmental effects on water bodies, and is able to achieve the objectives and policies of this Plan as well as any relevant regional plans and policies.

c. Stormwater management

i. Applications for subdivision consent and applications for land use consent for multi-unit development or supported living facilities within Areas B and C in Figure 17.Y.AAA must include a proposed integrated stormwater management plan that is prepared in accordance with clauses iii to xi of this rule unless an earlier approved land use or subdivision consent includes such a plan prepared in accordance with this rule.

ii. Where an integrated stormwater management plan has already been provided as part of an earlier approved subdivision or land use consent but did not include design details for stormwater management systems, applications for activities set out in clause i must provide those details in accordance with clauses ix and xi of this rule in a way that is consistent with the integrated stormwater management plan approved as part of the earlier consent.

iii. The integrated stormwater management plan must:

1. Address the whole of Area B in Figure 17.Y.AAA where subdivision is proposed within Area B, or the whole of Area C in Figure 17.Y.AAA where the subdivision is proposed within Area C, and demonstrate how Policy 9.2.1.7 will be achieved.

2. Provide details in accordance with clause x of this rule of all stormwater management systems for the hydrologically connected parts of either Area B or Area C in Figure 17.Y.AAA (as relevant) in which the proposal is located and details of how those systems will be installed in full or in planned stages before development. Stormwater management systems must be designed to be resilient.

iv. The integrated stormwater management plan must ensure that stormwater will be managed for both the current climatic conditions and climatic conditions based on climate change projections.

v. The integrated stormwater management plan must ensure that:

1. there is no increase in the peak stormwater discharge rate from either Area B or Area C in Figure 17.Y.AAA (as relevant) into the stormwater public infrastructure, or into a private, Otago Regional Council, or natural/informal stormwater system or an overland flow path (at any point) between pre-development to post-development based on the assessment required in clause ix; or,

2. where this is not practicable, any adverse effects from an increase in discharge on the stormwater system are no more than minor.

3. For the sake of clarity, the stormwater management plan does not need to avoid volume increases;

4. There will be no more than minor effects from changed stormwater discharge patterns (volume, frequency or pathways) on downstream properties.

vi. The integrated stormwater management plan must include stormwater detention infrastructure that is designed to temporarily store and release flows from a generated 1% annual exceedance probability (AEP) rainfall event, such that peak pre-development flows are not exceeded in the post-development condition.

vii. The integrated stormwater management plan must demonstrate that secondary flows at upstream and downstream boundaries either Area B or Area C in Figure 17.Y.AAA (as relevant) are not changed or adversely affected.

viii. The integrated stormwater management plan must:

1. include the use of low-impact (or water-sensitive) design features, which may include features such as:

    1. grassed/landscaped swales and other vegetation areas;

    2. infiltration trenches/bioretention systems;

    3. storage ponds/wetlands/sediment ponds;

    4. rainwater tanks, harvesting and reuse;

    5. rain gardens, rooftop greening and planting;

    6. porous surface treatments; and

    7. consideration of the existing natural topography and the natural course of water flow (overland flow paths) through the design of the subdivision.

ii. consider whether stormwater management areas can be integrated into reserves and recreation spaces;

iii. have regard to the geotechnical assessment prepared under Rule 17.Y.AA.5.a.ii, in terms of the potential impact of stormwater management on land stability.

ix. The integrated stormwater management plan must include an assessment of the difference between pre-development peak flows and post-development peak flows (with and without mitigation) over a range of event durations, taking into account the maximum impermeable surfaces permitted in the District Plan zone in either Area B or Area C (as relevant) (and including any other development restrictions resulting from any other rules in the District Plan or legal instruments registered on the title(s) . This assessment must meet the following criteria:

    1. The assessment of pre-development and post-development flows and detention volumes must be based on the 10% and the 1% annual exceedance probability (AEP) rainfall events, covering durations from the mapped area's own critical duration to the critical duration of the catchment upstream of the point of discharge (unless agreed otherwise with the DCC, for example where direct discharge to the coastal environment is feasible). For the purposes of this requirement, 'critical duration' means the duration of rainfall event likely to cause the highest peak flows or water levels.

2. The assessment must take account of climate change, using the climate adjustment rainfall sourced from HIRDS version 4 using RCP 8.5 2081-2100 values (or an alternative source approved by DCC).

3. The assessment must include a risk based assessment to determine to what extent measures (if any) are needed to manage flows downstream of the land.

x. Applications must include the following design details for proposed stormwater management systems:

1. the design and location of 'primary infrastructure' ('primary infrastructure' includes both open and closed conduits and must be designed to contain the flows generated by the 10% AEP rainfall event);

2. the design and location of 'secondary flow paths', with and without blockage of the primary stormwater system, through the development to the downstream boundary. 'Secondary flow paths' means the flow path over which surface water will flow if the primary flow path becomes overloaded or inoperative and consists of overland flow paths with sufficient capacity to transfer the flows generated by rainfall events up to the 1% AEP event. Secondary flow paths must be clearly identified, and where possible aligned with natural flow paths and located on public land. If located in private property, 1% AEP secondary flows should be through primary infrastructure unless protected by an easement;

3. the design features that will enable 'safe operation' in super-design conditions (for a 0.5% AEP rainfall event, but a greater rainfall event can be used if the applicant chooses to do so). Safe operation means without catastrophic, rapid or structural failure. This is to ensure that the proposed stormwater management system has a fail-safe mechanism. This does not mean the stormwater management system is to be designed to retain the volume of stormwater for a 0.5% AEP rainfall event;

4. the location and design details of stormwater management systems, including detention infrastructure required to meet clause vi above;

5. how the integrity of the stormwater management system will not be compromised during and after subdivision (for example

ensuring that open drains that form part of the system will not be blocked or altered);

6. how erosion and sedimentation will be managed effectively within the development area during earthworks and as the area is developed, by taking measures and installing devices, where necessary, to:

    1. divert clean runoff away from disturbed ground;
    2. control and contain stormwater run-off;
    3. avoid sediment laden run-off from the mapped area; and
    4. protect existing drainage infrastructure sumps and drains from sediment run-off.

7. the design and location of stormwater quality treatment that demonstrates the expected quality of stormwater leaving the specified system and its treatment of at least the 'first flush' volume (90th percentile daily rainfall depth) or flow rate (90th percentile rainfall intensity) in accordance with best practice techniques for at least 75% Total Suspended Solids (TSS) removal on a long-term average basis;

8. if a stormwater management system cannot practicably be designed to meet one or more of clauses 3 to 7 above in relation to additional stormwater discharge, an assessment of the broader catchment to determine whether design solutions external to the area are available to manage the additional stormwater discharges as a result of the development;

9. how the stormwater management system will not create or exacerbate adverse effects that are more than minor outside the development area. This includes consideration of cumulative effects; and

10. where any proposed stormwater management system is intended to vest as public infrastructure, the design of an adjustable outlet mechanism such that the present day peak discharge flow rate from the area is not exceeded as a result of the development but that the outlet can be progressively adjusted for future climate change discharge rates up to the fully developed stormwater management system design capacity.

xi. The integrated stormwater management plan, and the design of the stormwater management systems, must be prepared by a chartered professional engineer or other suitably qualified person who has (or can call on) experience in hydrology, hydraulics, stormwater design, flood risk management and construction management.

17.Y.AA.6 Assessment of restricted discretionary performance standard contraventions

Performance standard		**Matters of discretion**	**Guidance on the assessment of resource consents**
a.	Vegetation clearance (Rule 17.Y.AA.3.a)	i. Risk from natural hazards	See Rule 11.5
b.	Earthworks (Rule 17.Y.AA.3.b)		

17.Y.AA.7 Additional assessment guidance (stormwater)

a. In addition to the assessment guidance in Rule 9.6.2.2, Council will consider the following when assessing subdivision activities and applications for land use consent for multi-unit development or supported living facilities within Areas B and C in Figure 17.Y.AAA:

Activity		Matters of discretion	Guidance for the assessment of resource consents
i.	• Supported living facilities • New buildings or additions and alterations to buildings that result in a multi-unit development • Subdivision activities	1. Effects on efficiency and affordability of infrastructure	*General assessment guidance:* 1. In assessing (as relevant) the effects on efficiency and affordability of infrastructure and effects of stormwater from future development, and taking into account climate change, Council will consider: 1. the proposed stormwater management plan submitted with the application (see Special Information Requirement Rule 17.Y.AA.5.c) 2. any consequential effects that might arise

Activity		Matters of discretion	Guidance for the assessment of resource consents
		2. Effects of stormwater from future development	including, but not limited to: 1. effects on personal safety; 2. risks from surface water flooding; 3. risks to property from inundation or changes to stormwater frequency, volumes or pathways; 4. risks to the ability of Council to meet its consent conditions for public infrastructure, which could lead to effects on freshwater quality and ecosystem health; and 5. risks to the integrity and function of existing public infrastructure. *Conditions that may be imposed include:* 2. A requirement for the stormwater management system to be installed prior

Activity		Matters of discretion	Guidance for the assessment of resource consents
			to certification pursuant to section 224c of the RMA. 3. A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with the stormwater management plan. 4. A requirement for the stormwater management system to be vested in the DCC, with necessary easements and a maintenance or defect period agreement in place prior to vesting.

Note 17.Y.AA.7A – Other requirements outside of the District Plan

1. The discharge of stormwater may require resource consent from the Otago Regional Council under the Regional Plan: Water for Otago.

2. Discharge of stormwater to ORC public infrastructure or overland flow paths may require written approval under the Otago Regional Council's Flood Protection Management Bylaw 2022.

17.Y.AA.8 Additional matter of discretion and assessment guidance (wastewater)

a. In addition to the matters of discretion and assessment guidance for subdivision consents in Rule 9.6.2.1, the following guidance is provided for the assessment of subdivision activities within Areas B and C in Figure 17.Y.AAA:

Activity		Matters of discretion	Guidance for the assessment of resource consents
i.	General subdivision	1. Effects of wastewater from future development	1. In addition to the matters covered by 9.6.2.1, Council will consider as part of the assessment of any consent application for subdivision: 1. the effectiveness of proposed wastewater management on any sites to be used for residential development, including, but not limited to, how the subdivision layout provides for appropriate areas to be used for effluent dispersal that will ensure effluent dispersal does not create adverse effects on the amenity or health and safety of neighbours, or adverse environmental effects on water bodies, and is able to achieve the objectives and policies of this Plan as well as any relevant regional plans and policies; 2. the findings of any report by a suitably qualified person where

			required (see Special Information Requirements Rule 17.Y.AA.5.b). *Conditions that may be imposed include:* 2. The locations of effluent dispersal areas; 3. A legal instrument that requires all wastewater treatment systems (including dispersal fields) installed on the resultant sites to meet the following standards: 1. wastewater treatment to a minimum of secondary standard before discharge; 2. design and location of wastewater discharge that ensures there will be no off-site surface discharge or runoff; 3. design and location of wastewater systems that ensures ready access for system testing; 4. the wastewater system is designed and installed by suitably qualified persons/entities; and 5. requirements for owners of the wastewater treatment system to comply with maintenance and operational requirements set by the manufacturer or designer.

Note 17.Y.AA.8A – Other requirements outside the District Plan

1. The Otago Regional Council is the consenting authority for wastewater discharges and may require treatment to a different or higher standard in order to obtain consent to discharge wastewater effluent.

Make any consequential changes to plan numbering as required as a result of the above amendments. Minor referencing and style changes may also be made for consistency with the 2GP formatting.

Annexure 2