

From: Grace Ockwell
To: ["Peter Kelliher"](#)
Subject: RE: Local Government Official Information request - 506149
Date: Wednesday, 24 June 2015 11:11:13 a.m.
Attachments: [Application 83 Flagstaff Road.pdf](#)
[LUC-2010-383- 83 Flagstaff- Whare Flat Road.pdf](#)

Hi Peter,

Here are the documents you have requested.

Kind regards,

Grace Ockwell

Governance Support Officer

Dunedin City Council

50 The Octagon, Dunedin; PO Box 5045, Moray Place, Dunedin 9058, New Zealand

Telephone: 03 474 3487, Fax: 03 474 3594

Email: grace.ockwell@dcc.govt.nz; www.dunedin.govt.nz



Please consider the environment before printing this e-mail

From: Peter Kelliher [<mailto:Peter.Kelliher@orc.govt.nz>]
Sent: Wednesday, 24 June 2015 7:28 a.m.
To: Grace Ockwell
Subject: RE: Local Government Official Information request - 506149

Hi Grace

Thank you for the information.

As I was going through it I noticed the ORC holds consent for earthworks (rock extraction) at a nearby site, at 83 Flagstaff-Whare Flat road.

Is it possible I could also get a copy of that consent.

Thank you again for your assistance.

Regards

Peter

From: Grace Ockwell [<mailto:Grace.Ockwell@dcc.govt.nz>]
Sent: Tuesday, 23 June 2015 4:12 p.m.
To: Peter Kelliher
Subject: RE: Local Government Official Information request - 506149

Hi Peter,

Please find attached the requested consents – I will send a further separate immediately with the second consent- the size of the files prevents them being sent together.

Kind regards,

Grace Ockwell

Governance Support Officer

Dunedin City Council

50 The Octagon, Dunedin; PO Box 5045, Moray Place, Dunedin 9058, New Zealand

Telephone: 03 474 3487, Fax: 03 474 3594

Email: grace.ockwell@dcc.govt.nz; www.dunedin.govt.nz



Please consider the environment before printing this e-mail

From: Peter [<mailto:peter.kelliher@orc.govt.nz>]

Sent: Friday, 19 June 2015 11:44 a.m.

To: Grace Ockwell

Subject: Local Government Official Information request - 506149

Peter has submitted a LGOIMA request - 506149.

Below are the details of the request

Request details:

Hi there can you please provide me a copy of the following resource consents: Consents, held by Earthworx to harvest and store rock from the Invermay AgResearch farm; and consents held by A McLeod to harvest and store rock from Mr McLeod's farm on Whare Flat - Flagstaff Road. Thanks for your assistance. Regards Peter

File attachment

No file uploaded

Name

Peter Kelliher

Email address

peter.kelliher@orc.govt.nz

Mailing address

peter.kelliher@orc.govt.nz

Contact phone number

4707424

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APPLICATION NUMBER:	LUC-2010-383
RELATED APPLICATIONS/LICENCES:	

PLANNING APPLICATION DETAILS FORM

Property Address	83 Flagstaff-Whare Flat Road Dunedin
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Property Description:	Property No: 5066329, Legal Description: LOT 5 DP 21753
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First Contact: (Applicant)	Name:	Otago Regional Council
	Mail Address:	Private Bag 1954, Dunedin 9054
	Phone Number:	03 474 0827
Second Contact: (Agent)	Name:	
	Mail Address:	
	Phone Number:	
	Contact Person:	

Description of Application:	undertake earthworks to obtain rocks for river protection work
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Application Type:	Land Use Consent
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Consent Type:	LC4 - Earthworks - Restricted Disc. Activity
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Major Category	Land Use Category C
Minor Category	Non-Notified - Restricted Discretionary
Senior Planner or Responsible Officer:	Doug Spittle

Lodgement Date:	01 September 2010	Lodgement Officer:	John Sule
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Fee Amount:	\$920.00	Invoice Number:	
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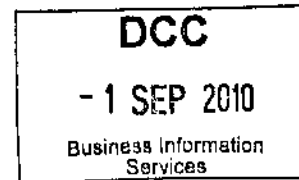
Waived: <input type="checkbox"/>	
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Application Requirements	Signed Application Form		Copy of Title	
	Locality Plan		Site Plan	
	Plans and Elevations		AEE	
	Affected Persons Consent			

Counter Comments:	
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Our Reference: A249167

30 August 2010



City Planning
Dunedin City Council
PO Box 5045
Dunedin 9058

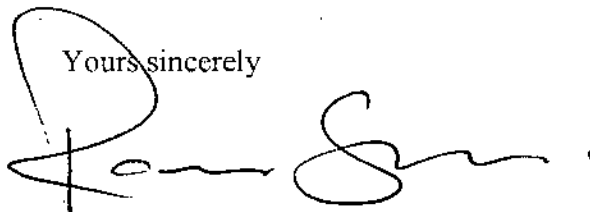
Dear Sir/ Madam,

Application for Land Use Consent, Rock Rip-Rap 'Paddock Picking'

Please find attached an application form seeking Resource Consent to obtain rock suitable for forming riverbank revetments from a property located off Flagstaff-Whare Flat Road. The Engineering Section of the Otago Regional Council has an on-going need to source rock suitable for river management requirements pertaining to both the Water of Leith/ Lindsay Creek and the Taieri River/ Silver Stream. The required physical properties (size and hardness/ durability) constrain options for sourcing such material; the site identified in the application provides an ideal source of material that is easily obtainable. The benefits also extend to the landowner, enabling him to realise the productive (grazing) potential of his property.

Please contact the undersigned if you require any further information.

Yours sincerely



Ramon Strong
Manager Engineering



Application Form for Resource Consent

50 The Octagon, PO Box 5045, Moray Place, Dunedin 9058. Ph 477 4000

www.dunedin.govt.nz

Application details

I/We Otago Regional Council (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

Brief description of the proposed activity:

Removal of rock from the surface of paddocks
(paddock picking)

Have you applied for a building consent? ☒ No ☐ Yes, Building Consent Number ABA _____

The following additional resource consents from the Otago Regional Council are required and have/have not (delete one) been applied for:

☐ Water Permit ☐ Discharge Permit ☐ Coastal Permit ☐ Land use consent for certain uses of beds of lakes and rivers ☒ Not applicable

Site description

I am/We are the: party wanting to take the rock (owner, occupier, lessee, prospective purchaser etc) of the site

Street Address of Site: 83 Flagstaff - Whare Flat Road

Legal Description: Lot 5 DP 21753

Certificate of Title: 13 B / 1389

Address for correspondence

Name: Ramon Strong (Put your name here if you are preparing the application for someone else.)

Address: Private Bag 1954 Dunedin Postcode: 9016

Phone (Daytime): 03 470 7495 Fax: 03 499 0015

Email: ramon_strong@orc.govt.nz

Ownership of the site

Who is the current owner of the site? Doris Diven

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

Address: 83 Flagstaff - Whare Flat Road Postcode: 9076

Phone (Daytime): 03 476 7162 Fax: _____

Email: _____

Monitoring of your resource consent

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.)

December 2010 (month and year)

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. For example, 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 site and buildings thereon. Photographs can help.

The site is 2.0838 ha. lifestyle block, with the land used for grazing

Detailed description of proposed activity

Please describe the **proposed activity** for the site, giving as much detail as possible. For example, 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 plans showing what is proposed.

The proposal is to tidy the site for the landowner, by removing the rocks which are scattered throughout his paddocks. Maximum depth of disturbance will be 1 metre.

District plan zoning

What is the District Plan zoning of the site? Rural

Are there any overlays that apply to the site e.g. in a Landscape Management Area, in a Townscape or Heritage Precinct, Scheduled Buildings on-site etc?

Landscape Management Area.

Breaches of district plan rules

Please detail the rules being breached by the **existing activity** on the site (if any). Also detail the degree of those breaches. In most circumstances, the only rule you need to consider is one rule from the zone in which your work 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 (from the Townscape, Landscape, Trees, Indigenous Vegetation and Flora sections of the District Plan) and also the General Provisions rules that apply to the activity (from the Hazards, Hazardous Substances and Earthworks, Subdivision Activity, Signs, Transportation, Environmental Issues and Utilities sections of the District Plan):

District Plan Change 11 : Earthworks
17.7.3 (ii) Scale thresholds (table 17.5)

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 rule you need to consider is one rule from the zone in which your work 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 (from the Townscape, Landscape, Trees, Indigenous Vegetation and Flora sections of the District Plan) and also the General Provisions rules that apply to the activity (from the Hazards, Hazardous Substances and Earthworks, Subdivision Activity, Signs, Transportation, Environmental Issues and Utilities sections of the District Plan):

Quantity of the rocks to be removed will exceed 200m³.

What happens when further information is required?

If an application is not in the required form or does not include adequate information, the Council can reject the application. In addition, section 92 of the Resource Management Act 1991 allows the Council to request further information from an applicant at any stage through the process where it is considered necessary to better understand the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated.

Fees

The actual deposits, fees and rates are set annually during the annual plan process. These are intended to cover the 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.

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 and completing your application.

Please note that we are there to provide you with planning information and we cannot write the application for you. You may need to discuss your application with an independent planning consult if you need further planning advice.

City Planning Staff can be contacted as follows:

In Writing: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

In Person: Customer Service Centre, Ground Floor, Civic Centre, 50 The Octagon

By Phone: (03) 477 4000, Fax: (03) 474 3451

By Email: planning@dcc.govt.nz

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

Information requirements (two copies required)

- ☐ Completed and Signed Application Form
- ☐ Description of Activity and Assessment of Effects
- ☐ Site Plan, Floor Plan and Elevations (where relevant)
- ☐ Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- ☐ Written Approvals
- ☐ Forms and plans and any other relevant documentation signed and dated by Affected Persons
- ☐ Application Fee (cash, cheque or EFTPOS only; no Credit Cards accepted)

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 and adequate assessment of effects?) ☐ 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: _____

Affected persons' approvals

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 showing the proposal 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 not obtained from an affected person, it is likely that the application will be fully notified or limited notified.

Assessment of effects on environment

In this section you need to consider what effects your proposal will have on the environment. Discuss both positive and adverse (negative) effects. The extent of the assessment must be proportional to the degree of potential effects of the proposed activity.

For controlled activities, it need only cover those matters to which the Council's control is reserved (refer to the relevant rule for the matters of control). For restricted discretionary activities, it need only cover those matters to which the Council's discretion is restricted (refer to the relevant rule for the matters of discretion).

Module 4 of the Resource Management Act 1991 provides some guidance as to what to include. Also refer also to the Council's relevant checklist and brochure on preparing this assessment. Also see the Ministry for the Environment's publication "A Guide to Preparing a Basic Assessment of Environmental Effects" available on www.mfe.govt.nz.

Temporary disturbance of the ground while the rocks are being removed.

Improvement of land surface for grazing purposes.

(Attach separate sheets if necessary)

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.

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 (delete one): _____

Date: _____

Privacy – Local Government Official Information and Meetings Act 1987

Under this Act, any person can request 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 Maori or disclosing location of waahi tapu



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

Identifier OT13B/1389
Land Registration District Otago
Date Issued 15 January 1991

Prior References
OT3B/39

Estate Fee Simple
Area 2.0838 hectares more or less
Legal Description Lot 5 Deposited Plan 21753
Proprietors
Denis James Direen and Kerri Ann Direen

Interests

770858.13 Easement Certificate specifying the following easements - 15.1.1991 at 9.58 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Take water	Lot 5 Deposited Plan 21753 - herein	H DP 21753	Lot 1 Deposited Plan 21753 - CT OT13B/1385	
Take water	Lot 5 Deposited Plan 21753 - herein	H DP 21753	Lot 2 Deposited Plan 21753 - CT OT13B/1386	
Take water	Lot 5 Deposited Plan 21753 - herein	H DP 21753	Lot 3 Deposited Plan 21753 - CT OT13B/1387	
Take water	Lot 5 Deposited Plan 21753 - herein	H DP 21753	Lot 4 Deposited Plan 21753 - CT OT13B/1388	
Take water	Lot 5 Deposited Plan 21753 - herein	H DP 21753	Lot 8 Deposited Plan 21753 - CT OT13B/1392	
Take water	Lot 5 Deposited Plan 21753 - herein	H DP 21753	Lot 9 Deposited Plan 21753 - CT OT13B/1393	
Take water	Lot 5 Deposited Plan 21753 - herein	H DP 21753	Lot 10 Deposited Plan 21753 - CT OT13B/1394	
Convey water	Lot 5 Deposited Plan 21753 - herein	I-J DP 21753	Lot 1 Deposited Plan 21753 - CT OT13B/1385	
Convey water	Lot 5 Deposited Plan 21753 - herein	I-J DP 21753	Lot 2 Deposited Plan 21753 - CT OT13B/1386	
Convey water	Lot 5 Deposited Plan 21753 - herein	I-J DP 21753	Lot 3 Deposited Plan 21753 - CT OT13B/1387	
Convey water	Lot 5 Deposited Plan 21753 - herein	I-J DP 21753	Lot 4 Deposited Plan 21753 - CT OT13B/1388	

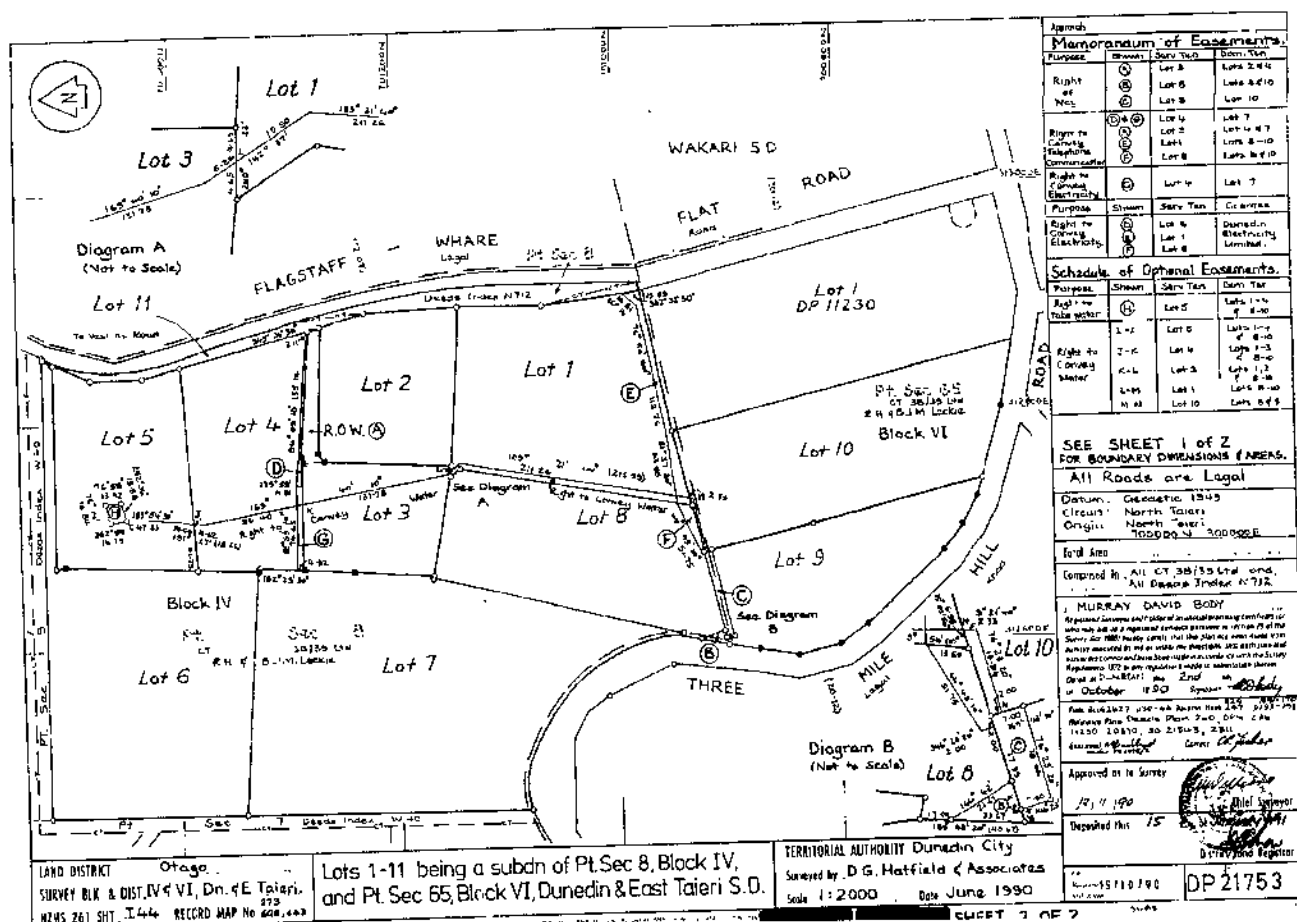
Identifier**OT13B/1389**

Convey water	Lot 5 Deposited Plan 21753 - herein	I-J DP 21753	Lot 8 Deposited Plan 21753 - CT OT13B/1392
Convey water	Lot 5 Deposited Plan 21753 - herein	I-J DP 21753	Lot 9 Deposited Plan 21753 - CT OT13B/1393
Convey water	Lot 5 Deposited Plan 21753 - herein	I-J DP 21753	Lot 10 Deposited Plan 21753 - CT OT13B/1394

773728 Variation of Easement Certificate 770858.13 - 25.2.1991 at 9.58 am

775750.2 Variation of Easement Certificate 770858.13 - 25.3.1991 at 9.10 am

5766914.4 Mortgage to Bank of New Zealand - 16.10.2003 at 9:00 am



17 September 2010

Ramon Strong
Otago Regional Council
Private Bag 1954
Dunedin 9054

Dear Ramon

RESOURCE CONSENT APPLICATION: LUC-2010-383
83 FLAGSTAFF-WHARE FLAT ROAD
DUNEDIN

Your application for land use consent to undertake earthworks at the above site was processed on a non-notified basis in accordance with sections 95A to 95F of the Resource Management Act 1991. The application was considered by a Senior Planner – Consents, under delegated authority, on 17 September 2010.

I advise that the Council has **granted** consent to the application. The decision is outlined below, and the decision certificate is attached to this letter.

DESCRIPTION OF ACTIVITY

The applicant has applied to undertake earthworks at the site located at 83 Flagstaff-Whare Flat Road, Dunedin. The applicant intends to remove in excess of 200 cubic metres (m³) of rock, suitable for forming riverbank revetments, from the site. The applicant has an ongoing need to obtain rock suitable for river management requirements pertaining to Water of Leith/Lindsay Creek and the Taieri River/Silver Stream. The required physical properties constrain the options for sourcing such material. The subject site has been identified as providing an ideal source of material which is easily obtainable. The removal of the rock material will also benefit the land owner by improving the productive potential of the land.

The site is legally described as Lot 5 Deposited Plan 21753, held in Computer Freehold Register OT13B/1389, and comprising 2.0838 hectares (ha) more or less.

REASONS FOR APPLICATION

The subject site is zoned **Rural** in the Dunedin City District Plan and also within the Flagstaff-Mount Cargill Landscape Conservation Area (Visually Prominent Area). Flagstaff-Whare Flat Road is classified as a Local Road in the Plan's Roading Hierarchy. There are no hazards or designations registered against the site.

The proposal does not comply with the following performance standards for permitted activities:

- Rule 17.7.3 (ii) which requires the scale thresholds of any earthworks to comply with those figures set out in Table 17.5. For this zone and, the change in ground level is required to be no greater than 2.0m and a volume no greater than 200m³. The proposed earthworks will exceed 200m³ in volume but as it is within a Landscape Management Area, the proposal does not comply with Rule 17.7.4(iii). As such, the proposal is a **Restricted Discretionary** accordance with Rule 17.7.5(ii).

The council's discretion is restricted to those matter set out in Rule 17.7.5(ii)(a-j).

PLANNING ASSESSMENT

Affected Persons

No affected persons forms were submitted with the application. No person or party is considered to be adversely affected by the activity for the reasons outlined below in the section headed 'Effects on the Environment'.

Effects on the Environment

The following assessment of effects on the environment has been carried out in accordance with section 104(1) of the Resource Management Act 1991. It addresses those assessment matters listed in Rules 17.7.4 of the District Plan considered relevant to the proposed activity, and is carried out on the basis that the environment is characterised by small scale agricultural activity.

Any actual or potential effects on the environment of allowing this proposal to proceed will be no more than minor for the following reasons:

1 Effects on Stability and Sedimentation Effects (Assessment Matter 17.7.5(ii)(e))

The application has been assessed by the Council's Consultant Engineer who considers the current application is acceptable. The area is not particularly slip or erosion prone and the engineer anticipates that the exposed rocks will generally be on the ridges.

Based on the assessment above, I consider that the earthworks will have a no more than minor effect on site stability nor will result in sedimentation beyond the property boundary.

2 Effects on Neighbouring Properties (Assessment Matters 17.7.5(ii)(a))

The proposed earthworks will be contained within the subject site. The earthworks will comprise rock harvesting only and will improve the productivity of the existing site; whilst fulfilling a requirement to obtain rock material suitable for river maintenance.

The proposal has been assessed by the Council's Landscape Architect who notes that in regard to adverse effects on the amenity of neighbouring properties, the removal of rocks from the paddock will have no adverse effect on the amenity of the neighbouring properties, as overall the topography will remain at the same contour. There will be obvious temporary noise and increased traffic movement at the time of extraction.

It is expected that there will be noise effects associated with this type of activity. In regard to the proposed activity, this shall be limited to the times set out below and shall comply with the following noise limits as per New Zealand Standard NZS 6803:1999:

Time of Week	Time Period	Leq (dBA)	L max(dBA)
Weekdays	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75
Saturdays	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays and Public Holidays	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

The discharge of dust falls is not permitted to cause a nuisance and falls under the jurisdiction of the Otago Regional Council. An advice note has been attached to this consent instructing the developer to dampen any dust before it escapes the property

boundary. In regard to vibration, the applicant is advised to inform his neighbours prior to any works being undertaken.

Overall, I consider that the effects on the neighbours will be no more than minor, provided conditions of consent are complied with.

3 Effects on Visual Amenity and Landscape (Assessment Matters 17.7.5(iii) (b))

In respect of any effect on visual amenity and landscape, the proposed removal of the rocks will change the appearance and character of the area. It is considered that this change is anticipated within the rural zone as the ploughing of fields and establishing suitable for pasture is a permitted rural activity. The areas of disturbance will be visible from short to medium distances from Flagstaff-Whare Flat Road. They will be of no significance to the overall amenity of the surrounding area. It is noted that the landscape conservation area descriptions in the Dunedin City District Plan identify a significant landform in the Flagstaff area being; Dunedin patterned ground (Flagstaff). It has been confirmed by the Geoscience Society of NZ that the site is not within this significant land form area.

In summary, I consider that the activity will not affect the general scale or character of the area and will not have an adverse effect on the landscape conservation area.

4 Effects on Archaeological and Cultural Sites (Assessment Matter 17.7.5(ii)(c))

The landscape architect notes that there are a number of existing stone walls on the site that could be protected under the Historic Places Act 1993. Care should be taken to avoid damage to these walls as they form a part of the cultural rural heritage of the area. It is advised that consultation with Historic Places trust should be undertaken prior to the removal of rocks. In addition, it is considered prudent to place an accidental discovery condition on the consent to ensure that should an item of interest be uncovered during the works, proper protocol will be followed.

CONSENT DECISION

*That, pursuant to sections 34A(1), 104 and 104A of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **controlled** activity to undertake earthworks on the site at 83 Flagstaff-Whare Flat Road, Dunedin, legally described as 5 Deposited Plan 21753, (Computer Freehold Register OT13B/1389), subject to the conditions imposed under section 108 of the Act, as shown on the attached certificate.*

REASONS

Effects

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

District Plan – Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the District Plan were taken into account when assessing the application. The proposal is considered to be consistent with the following objectives and policies:

- **Objective 4.2.1 and Policy 4.3.1 (Sustainability Section)** that seek to enhance and maintain the amenity values of the Dunedin area.
- **Objective 6.2.2 and Policy 6.3.5 (Rural Section)** that seek to maintain and enhance the amenity values associated with the character of the rural area.
- **Objective 17.2.3 and Policy 17.3.9 (Earthworks Section)** that seek to control the location and scale of earthworks and to ensure that earthworks are undertaken in a

manner that is safe and in a manner that minimises adverse effects on the environment.

The proposal is also considered to be consistent with the anticipated environmental results of Section 17.9, for the reasons outlined under the heading 'Effects on the Environment' above.

RIGHTS OF OBJECTION

In accordance with section 357A of the Resource Management Act 1991, the consent holder may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

The Chief Executive
Dunedin City Council
PO Box 5045
Moray Place
Dunedin 9058

Attention: Senior Planner - Enquiries 1st Floor

Yours faithfully

Kirstyn Lindsay
Planner

Consent Type: Land Use Consent

Consent Number: LUC-2010-383

Pursuant to sections 34A(1), 104 and 104A of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **controlled** activity to undertake earthworks on the site at 83 Flagstaff-Whare Flat Road, Dunedin, legally described as 5 Deposited Plan 21753, (Computer Freehold Register OT13B/1389), subject to the conditions imposed under section 108 of the Act.

Location of Activity: 83 Flagstaff-Whare Flat Road, Dunedin

Legal Description: Lot 5 Deposited Plan 21753, (Computer Freehold Register OT13B/1389)

Lapse Date: 17 September 2015, unless the consent has been given effect to before this date.

Conditions:

- 1 *The proposed activity shall be undertaken in general accordance with the information provided with the resource consent application, received by the Council on 1 September 2010, except where modified by the following conditions of consent.*
- 2 *All noise associated with the works authorised by this consent shall comply with the following noise limits as per New Zealand Standard NZS 6803:1999:*

Time of Week	Time Period	Leq (dBA)	L max(dBA)
Weekdays	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75
Saturdays	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays and public Holidays	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

- 3 *If the consent holder:*

(a) *discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:*

- (i) *notify the Consent Authority, Tangata whenua and New Zealand Historic Places Trust and in the case of skeletal remains, the New Zealand Police.*
- (ii) *stop work within the immediate vicinity of the discovery to allow a site inspection by the New Zealand Historic Places Trust and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.*

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation.

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

(b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:

(i) stop work within the immediate vicinity of the discovery or disturbance; and

(ii) advise the Consent Authority, the New Zealand Historic Places Trust, and in the case of Maori features or materials, the Tangata whenua, and if required, shall make an application for an Archaeological Authority pursuant to the Historic Places Act 1993; and

(iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work shall recommence following consultation with the Consent Authority.

Advice Notes:

- 1 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.
- 2 Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
- 3 The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
- 4 It is the responsibility of any party exercising this consent to comply with any conditions imposed on 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.
- 5 This is a resource consent. Please contact the Council's Building Control Office, Development Services, about the building consent requirements for the work.
- 6 It is advised that the neighbouring property owners are advised of the proposed works at least seven days prior to the works commencing.
- 7 It is advised that all measures (including dampening) are undertaken to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary.
- 8 This consent does not confer any right of access over any land. Any arrangements necessary for access are the responsibility of the consent holder.
- 9 It is advised that consultation with Historic Places Trust should be undertaken prior to the removal of rocks.

Issued at Dunedin this 17th day of September 2010

Kirstyn Lindsay

Planner