

From: Arlene Goss
To: ["sheric@csvue.com"](mailto:sheric@csvue.com)
Subject: Response to official information request 311263
Date: Thursday, 11 May 2017 12:04:27 p.m.
Attachments:

11-May-2017

Sheri Cowel
CS VUe
sheric@csvue.com

Dear Ms Cowell,

Official information request for COWELL, NZTA RESOURCE CONSENTS

I refer to your official information request dated 6-March-2017 for copies (preferably electronic) of all resource consents, designations (or related decisions), building consents and any other decisions that have been issued/granted to NZTA between the period of 1st September 2016 – 28th February 2017.

Two decisions are attached. They are a land use consent being the construction of the St Leonards to Port Chalmers Shared Pathway Route, and the decision on the Outline Plan for separated cycle lanes.

I apologise for the delay in responding to your request. I was not aware of it until you sent a reminder yesterday, so it either didn't arrive or was not logged in our system. Please send any further requests to officialinformation@dcc.govt.nz.

Yours sincerely
Arlene Goss

Arlene Goss
Governance Support Officer
Dunedin City Council
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1 February 2017

NZ Transport Agency
C/- Andrew Quigley
MWH New Zealand Ltd
PO Box 13-052
Armagh
Christchurch 8141

Dear Andrew

**OUTLINE PLAN OUTLINE PLAN: OUT-2016-4
NZ TRANSPORT AGENCY
DUNEDIN SEPARATED CYCLE LANES (SH1)
DUNEDIN**

Your outline plan for the Dunedin separated cycle lanes along State Highway 1 (one-way system) between Pine Hill Road and Rattray Street, Dunedin, was processed in accordance with section 176A of the Resource Management Act 1991. The outline plan was considered by a Senior Planner under delegated authority on 1 February 2017.

I advise that the Council requests that changes be made to the outline plan. The changes requested are outlined on page 9.

Please note that the processing of this application could not be completed within the 20 working day time limit prescribed under section 115 of the Resource Management Act 1991. The time limits for the processing of this consent have been doubled/extended pursuant to section 37A(2)(a) of the Resource Management Act 1991 on 31 January 2017 by Senior Planner – Consents, under delegated authority.

DESCRIPTION OF PROPOSAL

The NZ Transport Agency intends to undertake the installation of cycle lanes along the one-way system of Dunedin between Pine Hill Road and Rattray Street in order to improve cycle safety, reduce conflict between cyclists and other road users, and improve pedestrian safety.

The works will involve the removal of the existing cycle lanes on the one-way system and the installation of cycle lanes which are physically separated from the traffic lanes by raised traffic islands. For the most part, the cycle lanes will be situated on the right hand side of drivers (the southeast side of the northbound route and the northwest side of the southbound route). Exceptions to this layout will occur on Cumberland Street (southbound) between Pine Hill Road and Duke Street where the existing shared path will continue to be utilised, and Cumberland Street (southbound) between Dukes Street and the pedestrian traffic signals (at the University/Museum crossing) where the cycle lane will be on the drivers' left.

The cycleways will be separated from the traffic lanes by a series of longitudinal traffic islands, generally 0.5m to 1.6m wide, although widening further at certain locations to provide for bus stops, etc. The traffic islands will be generally less than 200mm high, and will have a sloping front face. Some traffic islands will be up to 300mm high to accommodate

landscaping within the design. The traffic islands will be mountable where there are vehicle crossing places to sites, and will be discontinuous at intersections.

The proposal will involve additional traffic signal mounts, although no new traffic signal installations as such. Having noted that, the NZ Transport Agency refers to a possible three new traffic signals installations at three locations:

- The Cumberland Street/Duke Street intersection;
- The existing crossing point across the northbound Malcolm Street, adjacent to Walsh Street; and
- The proposed crossing place on the southbound carriageway outside the Toitu Otago Settlers Museum.

Traffic signal changes will occur for traffic turning across cycle lanes. The 'green-time' phase will be reduced in length so that cyclists can have a dedicated 'green-time' also. The through-traffic green-light period will not change.

The proposed cycleway will include sections where the cyclists will share space with pedestrians and/or cyclists travelling in the opposite direction. This includes a shared pathway along the southwest and southeast sides of Queens Gardens, a section where the two directions of one-way system almost connect opposite Toitu Otago Settlers Museum, and along the edge of the Botanic Garden and Great King Street intersection.

Plan number SK012 shows a cycle lane on St David Street to link the two one-way system carriageways. This will provide a connection for cyclists leaving the University and wanting to travel northwards, or those cyclists travelling from the south wanting to reach the University.

There will be little change to the vehicular traffic lanes of the one-way system. There will continue to be at least two through-lanes in each direction along State Highway 1. At all the main intersections, the left and right turn lanes will remain, with shared lanes being promoted at intersections with low volumes of turning traffic. The exceptions are between Stuart Street and the Leviathan Hotel corner where one through-traffic lane is to be removed. Three southbound lanes will be available beyond that corner.

The footpath will be narrowed in certain locations to provide for parking. Footpaths will be narrowed from approximately 3.0m width to approximately 2.0m. There will be new pedestrian crossing points installed on the one-way system to improve pedestrian safety.

The direction of Walsh Street, a short section of road extending from the northbound one-way system to Albany Street, is currently a one-way segment of roading (allowing for avoidance of the Albany Street/Great King Street North intersection). The NZ Transport Agency proposes to alter the direction of flow so that Albany Street traffic has the option of accessing the northbound one-way system south of the intersection.

The installation of the cycle lanes along the length of the one-way system will require the removal of approximately 360 existing car parking spaces. 20 new parking spaces are to be created on the opposite side of the carriageway, made possible through the reduction of 'no-stopping' areas and the uplifting of the existing cycle lanes. At least 90 new parking spaces will be installed on the same side of the carriageway as the cycle lanes, through the creation of parking bays, and narrowing of the adjacent footpath. Some street furniture (i.e. parking meters and signs) will be relocated.

The proposed works will be landscaped by choice of hard surfacing, plantings, and other street elements. There will be no disturbance to the adjacent open spaces and vegetation. However, up to 21 street trees are likely to be removed. Eight of these are currently located on the northbound route, and 13 are on the southbound route.

REASONS FOR OUTLINE PLAN

The northbound route of the one-way system is designated **D454 – SH 1 North Bound One-Way System**, and the southbound route is designated **D453 – SH 1 South Bound One-Way System**. There are no conditions.

The underlying zoning varies. In the Dunedin City District Plan, the road passes through **Central Activity, Industrial 1, Campus, Large Scale Retail, Residential 3** and a small section of **Residential 1** land in the Dunedin City District Plan.

In the Proposed Plan (as notified on 26 September 2015) the road passes through **Recreation, Central Business District, CBD Edge Commercial, Industrial, Dunedin Hospital, Campus, Neighbourhood Centre, Otago Museum, Inner City Residential, Neighbourhood Convenience Centre**, and **Dunedin Botanic Garden**. The Proposed Plan is subject to submissions and the relevant sections of the Proposed Plan are not yet in effect or operative.

Section 176A of the Resource Management Act 1991 requires an outline plan of works to be submitted to Council for all public works, projects or works to be carried out on designated land before the proposed works or projects commence. The Council must then evaluate the proposed work or project and may request changes to the outline plan.

In accordance with Section 176A of the Act, the Council is not required to approve or disapprove an outline plan; it can only recommend changes to work shown on the outline plan within 20 working days of its receipt.

Section 176A(3) of the Act states:

"An outline plan must show —

- (a) The height, shape and bulk of the public work, project, or work; and*
- (b) The location on the site of the public work, project, or work; and*
- (c) The likely finished contour of the site; and*
- (d) The vehicular access, circulation, and the provision for parking; and*
- (e) The landscaping proposed; and*
- (f) Any other matters to avoid, remedy or mitigate any adverse effects on the environment."*

Some works will be occurring outside of the designations i.e. Rattray Street alongside the Queens Gardens; the St David Street linkage; and the shared path adjacent to the northern boundary of the Botanic Garden. Rule 20.5.1(i) and (ii) specify that the maintenance of existing roads, including traffic controls, road signs, lighting, landscaping and street furniture are **permitted** activities within the legal road reserve.

CONSIDERATION OF PROPOSAL

Statutory Considerations

The proposed work is considered to be in accordance with the site's designation. Accordingly, under section 176A of the Resource Management Act 1991, the NZ Transport Agency (as the requiring authority) may carry out the project notwithstanding anything to the contrary in the District Plan and regardless of any resource consent.

An outline plan of works to be carried out on designated land is to be submitted to the Council to enable the territorial authority to evaluate the proposal, and if necessary, request alterations prior to commencement of construction. Under section 176A(4) of the Act, the Council after considering the proposal may, within 20 working days of its receipt, request that the NZRC make changes to the outline plan. Furthermore, Council is restricted to commenting on certain aspects of the proposed work. These aspects are contained in section 176A(3) of the Act and include:

- The height, shape, and bulk of the work;
- The location of the work on the site;
- The likely finished contour of the site;

- The vehicular access, circulation, and the provision for parking;
- The landscaping proposed;
- Any other matters to avoid, remedy or mitigate any adverse effects on the environment.

Having considered the nature of the work proposed, it is considered that the outline plan provides all the necessary relevant information to allow the Council to fully evaluate the proposed work.

Part II Considerations

The proposed work is considered to be consistent with the purpose of the designation. The environmental effects of the proposal are considered to be no more than minor in the context of the site. Therefore, the proposal is considered to be consistent with Part II of the Resource Management Act 1991.

Assessment of Effects

Although the proposal need not comply with the provisions of the District Plans, these provisions do provide a useful indication of the development's potential to impact on the environment.

1 Height and Shape of Structures

The proposed installation of the cycle lanes will involve the installation of traffic islands and the realignment of sections of kerbing. The structures will all be relatively minor in that the new kerbing will have a maximum height of 300mm (mostly it will be lower than 200mm), and the traffic islands will be 0.5m to 1.6m wide (with a few exceptions). The actual structures will be small on the streetscape, but will extend over approximately 2.8km of State highway on both the northbound and southbound roads of the one-way system. The traffic islands will be longitudinal, with gaps for intersections, and mountable kerbing for crossing places.

The proposal has been assessed by Council's Urban Designer, City Development. He notes that a feature of the proposed facility is the use of extensive areas of raised concreted separators between the existing and modified traffic lanes and the proposed cycle lanes. Of utmost concern is cyclists' safety which might be compromised significantly by a particular design strategy suggested in the Outline Plan where bus stops need to exist alongside the cycle path. The Urban Designer notes alternative design strategies have proved successful in other cities, and has detailed a 'floating bus stop' design where buses and cyclists do not conflict. It is noted that a dedicated path is not 'dedicated' if it can be infringed upon by other traffic.

The proposed cycle network will connect with the Council's South Dunedin Cycle Network at Queens Gardens/Rattray Street. Detailed design should ensure that the currently tenuous pedestrian connectivity, between south side of Rattray Street and the CBD, is not worsened, but (where possible) enhanced.

The Urban Designer also notes that, of concern to the safety of cyclists, is the variability in land width. The Urban Planner comments:

'The Outline Plan suggests many incidents in which the cycle lane is reduced to a width that provides inadequate passing room. These cycle lanes are likely to become main thoroughfares for alternative transport through the central city, and need to be designed with this in mind. Although the West Harbour cycle path is well loved, concerns have been raised about its narrowness, particularly in regard to cyclist and pedestrian safety. Significant investment is going into the implementation of cycle lanes along Dunedin's one way system; as such, the lanes should be designed with achieving the best possible return from this investment. Not only would consistently-wide lanes contribute to cyclist safety, but they would also safeguard the system against

retrospective, expensive upgrades likely to be needed if lanes are implemented at inadequate widths.'

The Urban Designer also recommends that narrowing of the footpath be avoided. Walking is increasingly being recognised around the world as a viable mode of transport. While it is understood that Dunedin's one-way system needs to retain its viability as a main vehicular thoroughfare, both Cumberland and Castle Streets already sever important precincts within the central city and create unsafe environments for pedestrians. The Urban Designer comments that the narrowing of the footpaths will have an impact on pedestrian safety and central city amenity values.

While the above matters are worth considering, I note that the design of the proposed cycle lanes is largely a roading design matter, more commonly managed by Transportation Planning. Where there are conflicting objectives between the Urban Design and Transport department, a compromise must be reached. The Council's Transport staff seek to be involved in the design of the layout of the street features.

2. Location

The location of the proposed works is State Highway 1 (one-way system) on both the northbound and southbound routes, from Pine Hill Road to Rattray Street. This is a central city location, and the roads pass through residential, campus, industrial and commercial areas of town. As it is the main vehicular traffic route through Dunedin, the subject roads have two or three lanes in each direction. They also have parking on both sides of the carriageway, and provide direct access to many properties. There is a notable amount of pedestrian traffic on, and across, these roads. Major facilities adjacent to the State highway include the Botanic Garden, University, Dunedin Public Hospital, the Railway Station, museums, and Cadburys (an industrial and tourist site).

The proposed works are to improve cyclists' safety while also providing for all the other users of the one-way system. The submitted design achieves two to three traffic lanes for each direction, parking, pedestrian paths and crossing points, bus stops, and access into private properties. While the submitted design meets all these requirements, the Council departments seek to have input into the detailed design of the project.

Some works at Queens Gardens, St David Street, and the Botanic Gardens will occur outside of the designated area where the Council is the controlling authority of the road. All the works will be contained within road reserve, adjacent to Council reserves. Transport has no issues with the proposal. Likewise, the Parks and Recreation Planner has no concerns about the proposal, and recognised a number of benefits for the reserves and connectivity.

3. Vehicular Access and Parking

The proposal has been assessed by Council's Planner/Engineer Transport Group. He notes that the proposed works will result in the removal of approximately 360 existing parking spaces, and the installation of approximately 110 new parking spaces. The direction of Walsh Street is also to be reversed.

The NZ Transport Agency, as the controlling authority for the State Highway network, and the requiring authority for the designations noted above, has undertaken consultation with the Transport Group previously with regard to the proposed works. Council staff provided commentary on the draft sets of design plans via a memorandum to the NZ Transport Agency which discussed the following key matters:

- Provision of a more consistent width and form over the length of the facility.
- The need for detailed modelling of intersections, and support for Council staff to continue to be involved with detailed design of affected intersections.
- The Transport Group's commentary on mid-block pedestrian crossing facilities.

- Potential effects on other infrastructure within the road, such as water and waste, as a result of the proposed works.
- Landscaping and urban design matters, and Council's promotion of a higher level of amenity for the facility.
- Council's acceptance of the proposed changes to Walsh Street.

The Transport Group provided more detailed comments in relation to the engineering design plans. It is noted that the plans provided with the outline plan appear substantially the same as the plans commented on via the aforementioned memorandum except for changes to the coach parking arrangements near the University of Otago campus. The Transport Group considers that matters which were raised in the memorandum remain unresolved at this point in time, but anticipates that the NZ Transport Agency will address these in due course.

In principle, the Transport Group supports the intent of the proposal and its general design. It is stated in the outline plan that consultation between the NZ Transport Agency and the Council will continue as the project moves forward, particularly with regard to intersection and traffic signal design.

Overall, the Transport Group does not object to the Outline Plan being confirmed. It is, however, recommended that the following comments be included in Council's decision:

- (i) *It should be reiterated that continued consultation with the Transport Group is essential as the proposal moves forward through its detailed design phases.*
- (ii) *There are key matters identified in Council's November 2016 memorandum to the NZTA that have not yet been addressed by the design plans.*
- (iii) *Any revised detailed engineering plans, particularly those addressing the matters identified in Council's November 2016 memorandum, should be submitted to the Transport Group for our appraisal.*

4. Landscaping

The proposed works will introduce a shared cycle lane and footpath around two sides of Queens Gardens and along the edge of the Dunedin Botanic Garden. The proposal has been considered by Council's Parks and Recreation Planner. He considers that the proposal has the possibility of enhancing Queens Gardens by providing increased thoroughfare, additional level access points from, and connectivity with, Vogel Street, and additional parking spaces to the immediate east of the reserve. The Parks and Recreation Planner recommended that Council's arborist should be consulted prior to the removal of any tree.

Council's Urban Designer comments that the removal of the street trees is of particular concern. The trees are important to the city's overall amenity, and also to the amenity values along the one-way system. A well-considered landscape scheme is needed to provide a stronger sense of separation between cyclists, motorists and pedestrians; offset the loss of amenity caused by tree removal; and generally improve the legibility of the proposed cycle network. The Urban Designer recommends:

'Where trees are proposed for removal, priority should be given to either retaining them or replacing them at nearby locations. There is an opportunity to reconsider the current species along the one-way system to improve sight lines, introduce trees with a columnar form and improved tolerance to pollution. The city should not accept the removal of trees without agreement to how and where they will be replaced.'

The proposal includes landscaping of the streetscape. The outline plan states that the NZ Transport Agency will consult further with the Council in respect of the proposed planting in cognisance that the maintenance of the planted areas will become the responsibility of the Council (as it is within a 50km/hr central city urban area).

Planting will take its cue from the surrounding green spaces, and will seek to avoid obstructing sight lines for road users. Planting is likely to be a mix of exotic and native species.

The Urban Designer comments:

'There are large areas of separator proposed. Planting within these areas would provide a significant improvement along the proposed network by reducing hard surfacing and introducing more verticality between cyclists and motorists. Where the separators are long, planting beds could be established to reduce areas of impermeable surfaces and help to mitigate storm water flows and pollutants. Planting themes could be used to distinguish different blocks, provide safe barriers, define intersections and corners better and to distinguish crossing points. Generally, the separators provide opportunities to be entirely (or intermittently) used for planting.'

The Urban Designer recommends:

- *The proposed loss of trees should be offset by a minimum number of replacement trees at and advanced stage. Where possible, new trees should be located within the network (close to where trees are removed). The Council would consider alternative locations within the central city.*
- *Large areas of hard surfacing (separators) are planned. While NZTA propose these be decorative by way of embossed patterning, a higher level of amenity would be achieved by including landscaping along the network. Large areas of concrete should be, at least, partly replaced with landscaping.*
- *Landscaping should be used to increase amenity at intersections and pedestrian crossing points and ideally occur at a frequency of no less than 50m along the network.*
- *Where landscaping is provided, it should be significant enough to ensure it is visually meaningful and robust- fewer and larger areas of landscaping are preferred over small pockets of planting (less than 1.5m²).*
- *A planting plan including species/cultivars and planting specifications to be approved by the DCC Parks and Reserves management.*

Based on discussions with Council's Parks and Recreation Services staff, the selection of plant species will be critical in reducing maintenance and to provide long-term solutions. Correct preparation of planting areas is also important, and this is especially true for trees to be given the best conditions to thrive. There has been considerable advancement in recent years regarding tree pit specifications and technology for trees in built up areas. The Urban Designer notes that, while access for maintenance is problematic, this is not a unique challenge for contractors who are experienced at working safely and practically within road reserves. A well-designed landscape scheme would minimise disruption to the proposed cycle network.

Maintenance costs may also be a concern. However, the Urban Designer considered that short-term budgetary constraints should not inhibit the long-term sustainability of our city or the well-being of Dunedin's citizens. Research has shown that ample provision of trees and plantings are well worth investment toward both of these ends; important long-term benefits to consider in addition to those already listed above.

5. Other Matters

The proposal was forwarded to other Council departments for consideration.

The Consents and Compliance Officer, Water and Waste Services Business Unit, advises that there is water supply infrastructure in the area of the proposed works which requires renewal. This totals 471m within the northbound route, and 1177m within the southbound route. There is also wastewater infrastructure (1944m northbound and 2288m southbound) which requires renewal. The Consents and Compliance Officer notes that the repair records for these services might not be complete due to changes in the Water and Waste Services Business Unit asset date systems and maintenance providers.

The Water and Waste Services Business Unit requests that the following be drawn to the attention of NZ Transport Agency for consideration during the design and construction phase:

- *Regardless of where the separation of cycle lanes and traffic occurs, it is highly likely that there will be WWS infrastructure in such close proximity that in instances where WWS asset repairs are required excavation will disturb cycleway separation structures. This will result in increased reinstatement costs to WWS.*
- *As indicated in the point above the proximity of WWS assets will mean that future renewals will also be subject to increased costs.*
- *Any cycleway separation features should not obstruct access to WWS 'point' assets such as manhole covers, valve covers/pits and hydrants.*
- *In areas where there is no significant WWS infrastructure following the State Highway, there are still a high number of East/West services crossings though these are usually contained within road intersections. Depending on measures taken at intersections these should have little to no impact on any proposed works.*

As this is a high level analysis only, these are only indications of areas and issues which might require further investigation. The Water and Waste Services Business Unit requests further information that outlines the area of works of the proposed cycle lanes in more detail (e.g. maps showing the maximum extent of areas of proposed works and details of the structures to be built), and also project timeframes so that a more precise analysis of affected assets can be undertaken. The Water and Waste Services Business Unit also request the following:

Water:

- *All valve covers (peet valves, sluice valves etc.), manifold boxes, tobles, FH covers etc. affected by the project shall be made good and raised to suit finish level of the cycleway.*
- *Contractor shall ensure watermains affected by the project shall be investigated and secured before any major compaction is applied to avoid any unexpected bursts.*
- *Contractor shall be responsible for all costs associated to any repairs due to a water main burst caused by the project.*
- *Leak detection tests shall be applied to all water mains affected before and after construction.*

Stormwater/Wastewater:

- *All MHs, LHs, IOs etc. shall be raised to suit finish levels of the cycle way if affected by the project.*
- *CCTV footage is required for all WW and SW mains affected by the project before and after construction.*

Council's Consulting Engineer, MWH, considered the outline plan. He advises that there are unlikely to be any relevant natural hazards affecting the site of the proposed cycle lanes, given that the proposal does not involve structures of any stature. The Consulting Engineer did not comment further.

Conclusion

Having regard to the above, it is considered that the proposal will remain in accordance with the designation and its conditions. Any adverse effects on the environment from the proposal will be no more than minor if the changes discussed above are implemented. The main recommendation is that the NZ Transport Agency maintains ongoing consultation with the Council during the design and construction period.

REQUESTED CHANGES

That, having taken into account:

- *the interests of any person who may be adversely affected by the time extension;*
- *the interests of the community in achieving an adequate assessment of effects of a proposal, policy statement or plan, and*
- *its duty under Section 21 to avoid reasonable delay*

the Council has, pursuant to section 37A(2)(a) of the Resource Management Act 1991, extended the requirement outlined in section 115 regarding the time in which notification of a decision must be given after the date the application was first lodged with the Council.

Pursuant to section 176A of the Resource Management Act 1991, the Dunedin City Council requests that the requiring authority carry out the proposed Dunedin Separated Cycle Lanes project on the One Way System (State Highway 1 – both northbound and southbound routes between Pine Hill Road and Rattray Street), Dunedin, in general accordance with the outline plan outline plan OUT-2016-4, except in regard to the changes listed below. The proposed work is described and shown on the following plans prepared by MWH New Zealand Ltd for the Dunedin One-Way System Separated Cycle Lanes:

- *plans numbered 80507429-10-001-C001 to C007, dated 20 July 2016;*
- *C008, C011 and C012, dated 17 August 2016; and*
- *C009 to C010, C013, and SK012, dated 8 December 2016;*

and the information submitted to Council on 12 December 2016 as part of the outline plan outline plan OUT-2016-4.

Transport Design

1. *On-going consultation with Transport Group is maintained throughout the design phases of the project.*
2. *That matters raised in the memorandum dated 8 November 2016 to the NZ Transport Agency from Council's Transport Group are considered during the detailed design phase of the project.*
3. *That detailed engineering plans showing the construction design of all changes to transportation network, including footpaths, parking, and landscaping, and in particular any changes addressing the matters identified in the memorandum dated 8 November 2016, are to be submitted to the Group Manager Transport prior to construction commencing.*

Services:

4. *That the detailed design of cycle land infrastructure (traffic islands and footpaths, etc.) in relation to Council services should be submitted to the Water and Waste Services Business Unit prior to works commencing.*
5. *That the Water and Waste Services Business Unit is provided with a project timeline so that a more precise analysis of affected assets can be carried out.*
6. *That cycle lane infrastructure (traffic islands and footpaths) design should minimise conflict with Council water, wastewater and stormwater infrastructure as far as*

possible, and should not obstruct access to 'point' assets such as manhole covers, valve covers/pits and hydrants.

7. *That all valve covers (peat valves, sluice valves, etc.), manifold boxes, tobies, fire hydrant covers, etc. affected by the project should be adjusted so as to suit the finished level/s of the cycleway.*
8. *The contractor should ensure that watermains affected by the project are investigated and secured prior to any major compacting being undertaken, to avoid any unexpected pipe bursts.*
9. *The contractor should be responsible for all costs associated with any repairs due to water main bursts caused by the works.*
10. *That leak detection tests should be applied to all water mains affected before and after construction. The contractor shall be responsible for the repairs of any new leaks found after construction of the cycle lanes.*
11. *That all manholes, lamp holes, inspection openings, etc. affected by the project should be adjusted to suit the finished level/s of the cycleway.*
12. *That CCTV footage of all wastewater and stormwater mains affected by the proposal shall be recorded before and after construction. The contractor shall be responsible for the repairs of any mains damaged as part of the construction works.*

Landscaping & Street Trees

13. *That Council's arborist is consulted prior to the removal of any street trees to discuss the appropriateness of retaining, relocating and/or replacing the existing street trees affected by the proposal.*
14. *That the selection and planting of replacement street trees should be undertaken in consultation with Council's arborist.*
15. *Council's Parks and Recreation Services staff should be consulted as part of the landscaping design of green spaces and new hard surfacing. Future maintenance requirements should be considered when selecting plants.*
16. *That a plan showing details of landscaping, incorporating plants and features as selected in consultation with Urban Design and Parks and Recreation Services staff, for the entire length of the works is submitted to Council for its records.*
17. *That the landscaping should be undertaken in accordance with on-going consultation with Urban Design and Parks and Recreation Services staff.*
18. *That, six months after the landscaping has been completed, the requiring authority should replace at its expense any perennial or shrub within the new landscaping that fails to thrive.*
19. *That, one year after the street trees have been planted or replanted, the requiring authority should replace at its expense any tree that fails to thrive.*

ADVICE NOTES

1. *In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through Section 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effects created from an activity they undertake. A similar responsibility exists under the Health Act 1956.*

REASONS

1. The proposed changes to the one-way system is expected to improve cyclists' safety, reduce conflict between cyclists and other road users, and improve pedestrian safety. It is not anticipated to have adverse implications for the operation of the transportation network.
2. In considering this proposal, Council is satisfied that the proposed works are within the purposes of the designation. The works will not breach any conditions of the designation.
3. The requested changes and the conditions on the designation will ensure any adverse effects area appropriately avoided, remedied or mitigated.

DECISION OF THE REQUIRING AUTHORITY

Pursuant to section 176A of the Resource Management Act 1991, the requiring authority, being the NZ Transport Agency is required to notify the Dunedin City Council whether it accepts the recommendations made by Council, before construction commences. The decision of the requiring authority must be in writing and addressed to the Dunedin City Council at the following address:

The Chief Executive
Dunedin City Council
P O Box 5045
Dunedin 9058

Attention: Senior Planner – Enquiries Plaza, Ground Floor

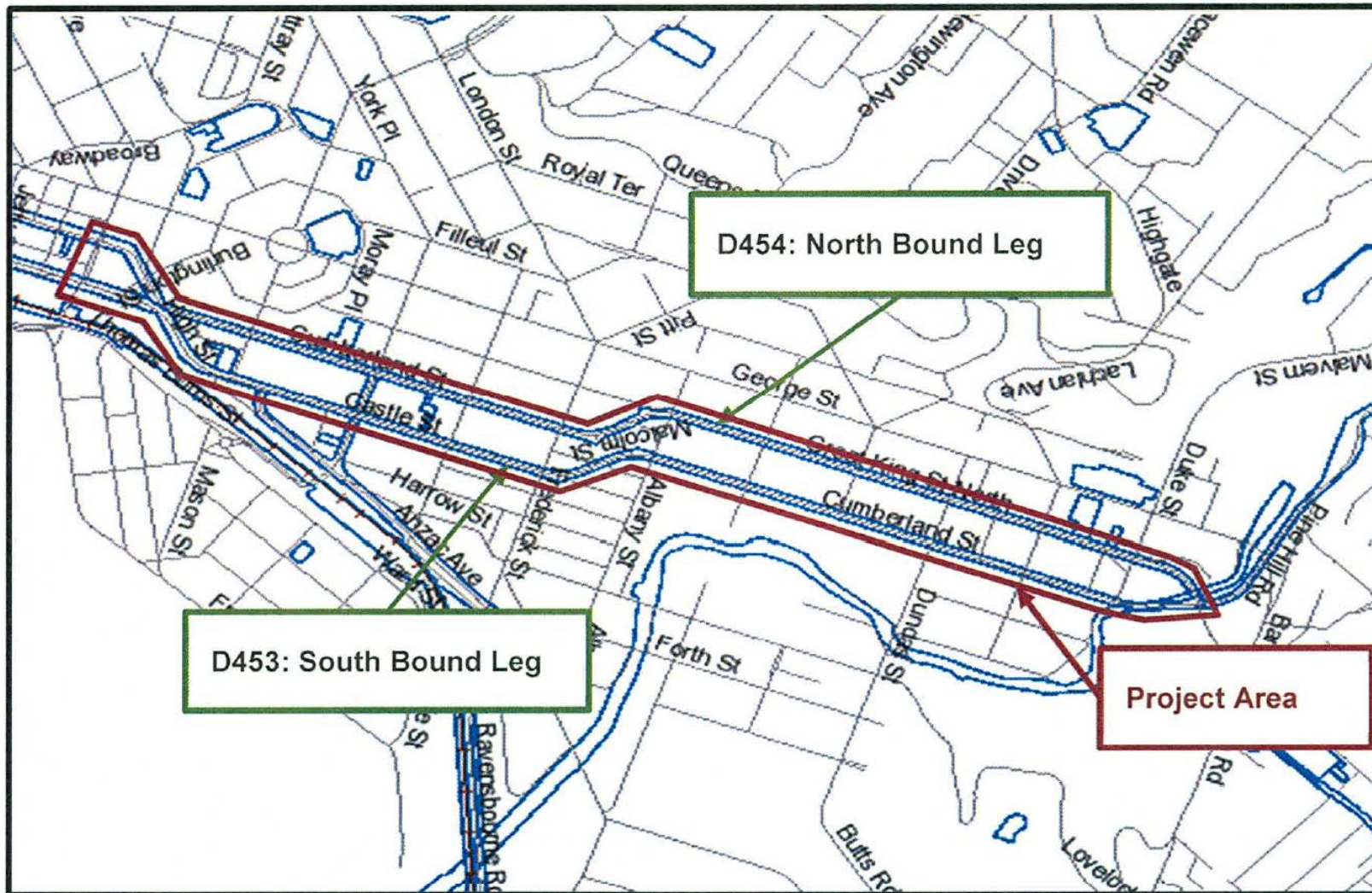
COUNCIL'S RIGHT OF APPEAL

In accordance with section 176A(5) of the Resource Management Act 1991, if the requiring authority, being the NZ Transport Agency, decides not to accept the recommendations made, the Dunedin City Council may within 15 working days after being notified of the requiring authorities decision, appeal against the decision to the Environment Court.

Yours faithfully

Lianne Darby
PLANNER

COPY OF PLAN: Not to Scale.



- For further detail, see plans numbered 80507429-10-001-C001 to C007, dated 20 July 2016; C008, C011 and C012, dated 17 August 2016; and C009 to C010, C013, and SK012, dated 8 December 2016; as submitted with the outline plan.

Transportation:



2-way cycle path & floating bus stop (image from www.massdot.state.ma.us)

11 April 2017

NZ Transport Agency
C/- Beca
PO Box 1390
CHRISTCHURCH 8141

Attention: Fiona Blight

Dear Fiona

RESOURCE CONSENT APPLICATION: LUC-2017-14
VARIOUS SITES ALONG THE ST
LEONARDS TO PORT CHALMERS SHARED
PATHWAY ROUTE

Your application for land use consent to undertake construction of the St Leonards to Port Chalmers Shared Pathway was processed on a non-notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. In considering sections 95A to 95G, it was assessed that any adverse effects would be no more than minor and all potentially affected parties have provided written approval to the application and that there were no special circumstances in relation to the proposal. The application was considered by a Senior Planner – Consents, under delegated authority, on 11 April 2017.

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 intends to construct a 5.2 km shared walking and cycling path from St Leonards to Port Chalmers. The shared path will connect to the existing path from the city that currently terminates at St Leonards, providing an alternative route for cyclists and pedestrians between Dunedin and Port Chalmers.

In order to construct the shared path a considerable amount of earthworks (20,780m³) is required, along with the construction of a number of retaining walls, the alteration of a heritage structure (Otago Harbour seawall) including covering of this structure with fill, and the removal of vegetation. Additional to this resource consents have been sought from the Otago Regional Council including for the reclamation of Otago Harbour to construct some sections of the shared path. The shared path will be asphalted for its length and be generally 3 metres wide along the majority of the route. In some locations due to space constraints the path will narrow to 2 metres.

The earthworks are detailed in the application but in summary the following is proposed:

- 6,600m³ of cut;
- 12,510m³ of fill; and
- 1,670m³ of topsoil strip.

A number of significant retaining walls are proposed as part of the path construction:

- A timber retaining wall 1.8-2.0 metres high 1km long between the St Leonards Causeway and the Blanket Bay causeway;
- A timber retaining wall 1.5 metres high and approximately 50 meters long at the Blanket Bay causeway;
- A concrete structural wall through the Roseneath section – up to 2.6 meters high, 3 metres wide and 200 metres long;
- A timber retaining wall beneath the Sawyers Bay overbridge. This wall will be 1.8 metres high and 25 metres long;
- A timber retaining wall at the end of Sawyers Bay – up to 3m high and 105 metres long; and
- A timber retaining wall between Wickliffe Terrace and Sawyers Bay - up to 3m high and 105 metres long.

Of these walls only the wall at Roseneath will be visible from SH88.

Timber fencing is also proposed to separate the proposed shared path from the rail corridor where it will adjoin the existing railway line.

Parking for the shared path will be available at St Leonards beside the yacht club (this is currently the terminus of the shared path and currently used for parking), at Curles Point and at Port Chalmers.

Landscaping will be undertaken as part of the project by local service clubs. Concept plans for landscaping have been provided with the application.

In addition to current access points to the existing shared path (City to St Leonards), users will be able to access the path at Curles Point, District Road, Shandon Street, Sawyers Bay and Wickliffe Terrace.

Additional to the works on the shared path, some minor realignment of the existing Dunedin – Port Chalmers railway line will be required.

Construction is estimated to take between 18 and 24 months.

In terms of the earthworks associated with the project in addition to the volume identified above, some 46,200m³ are required for the reclamation of Otago Harbour (and are subject to a separate application to the Otago Regional Council).

REASONS FOR APPLICATION

The subject site is zoned Residential 1 and Rural in the Operative Dunedin City District Plan. Additionally to this for the majority of its length the shared path is located within KiwiRail's Designation (D419) which is designated for 'railway purposes'. A section of the path at Roseneath is also located within the State Highway 88 Designation (D465). A small section of the shared path will traverse private property at Roseneath.

The application requires consent under the following rules in the Operative District Plan:

- A discretionary activity in accordance with Rule 6.5.6 for structures associated with recreational activity exceeding 25m² in the Rural Zone;
- A discretionary activity in accordance with Rule 8.7.5 for structures associated with recreational activity exceeding 25m² in the Residential Zone;
- A restricted discretionary activity under Rule 13.7.3(i) for the alteration of an existing heritage item (Otago Harbour Seawall);
- A discretionary activity in accordance with Rule 16.6.2 for the removal of indigenous vegetation; and

- A restricted discretionary activity under Rule 17.5.5(ii) as the volume of earthworks and height of retaining walls exceeds the permitted activity thresholds.

The application does not require consent in terms of those rules in the Proposed District Plan that have legal effect.

Overall the proposal is assessed as a **discretionary (unrestricted)** activity.

PLANNING ASSESSMENT

Processing History

The application was lodged on 13 January 2017.

On 8 February 2017 a further information request was made which was responded to on 10 March.

As the applicant had not been able to obtain the written approval of Kāi Tahu ki Otago Ltd (KTKO Ltd), the applicant requested on 27 February that the application be limited notified. This process commenced, however by 20 March 2017 this approval had been obtained.

As a result the application can be considered by staff under delegated authority.

Affected Persons

The written approval of the persons detailed in the table below has been obtained. In accordance with section 104(3)(a)(ii) of the Resource Management Act, the Council cannot have regard to the effects of the activity on these persons.

Person	Owner	Occupier	Address	Obtained
Department of Conservation			-	22/12/16
KiwiRail	✓	✓	D419	04/09/15
KTKO			-	17/03/16
Heritage NZ				26/01/17
TL & SL Stevenson Family Trust	✓	✓	18b Downes Road, Roseneath	02/12/16
D Giles	✓	✓	24 Downes Road, Roseneath	02/12/16

No other persons are considered to be adversely affected by this proposal.

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.

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 Baseline Considerations

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 plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

In this situation whilst the use of the shared path is a permitted activity, structures associated with the shared path, as well as plan provisions regarding heritage, vegetation

removal and earthworks are unable to be complied with. In particular the scale of earthworks and retaining walls are well in excess of what is permitted by the plan.

For this reason it is not considered appropriate to apply the baseline.

2 Bulk and Location

A number of retaining walls are proposed as part of the proposed works (identified above under Description of Activity and as further detailed in the application). Council's Urban Designer Mr Peter Christos has reviewed the retaining walls and makes the following comments:

"A series of retaining walls are proposed to achieve optimal levels and separation from the rail line. These walls will predominantly be timber and of a similar design to pre-existing retaining walls within the SH88 corridor. The applicant states that the majority of these structures will not be visible from SH88. Significantly, a large precast concrete retaining wall will be located on the edge of and the Roseneath incline and SH88. This structure will be very close the edge of SH88 and highly visible (up to 3m in height). Currently, this area of road reserve is covered with mature trees and shrubs and the construction of the wall will require some removal of this amenity planting. The applicant makes reference to possible detailing the surface of the panels to lessen visual effects. Depending on the design, this is likely to be an improvement over plain panels although the loss of vegetation from this area will affect the current level of amenity. The applicant has also made reference to landscaping/planting being applied over the new route but no details have been provided at this stage. There are however, examples along the existing shared path between St Leonards and the city, where recent landscaping has significantly improved amenity. Detailing of the panels and extent of additional landscaping would be necessary to avoid negative effects."

I agree with the comments of Mr Christos. Retaining structures of varying construction methods are typical installations found in transportation corridors such as State highways and as such the presence of such structures is not out of character with the immediately surrounding environment. I also consider that some detailing of the panels proposed for the Roseneath cutting could provide an improved outcome with respect to amenity and as such have imposed a condition to this effect. It is also noted at this location the current cutting is an earth / rock embankment, covered in predominantly exotic species including woody weeds such as broom. The introduction of a concrete retaining wall in this area will change the appearance of the existing cutting, however as discussed above structures of this nature are not unexpected in a State highway setting.

The remainder of the retaining walls will not be visible from State highway 88. The 1km retaining wall will provide support for the shared path uphill of the rail corridor between St Leonards and Blanket Bay. This will only be visible from the rail corridor, harbour edge and harbour itself. Due to the low height of the structure, and existing infrastructure in the area it is not considered any visual effects arising from installation of this retaining wall are more than minor.

The remaining retaining walls are of a lesser scale than the two discussed above. Given these walls are discreetly located, and of a nature one would expect to find adjacent to a transportation corridor, any effects are considered to be no more than minor.

Consequently, the effects of the bulk and location of the structures will not cause any adverse effects on the wider environment surrounding the site.

3 Amenity Values and Character

The existing amenity values of the route are well described by Mr Christos:

"The proposed section of the route currently has good amenity value, as would be expected on a harbour edge. The critical elements are the harbour itself (including the

existing causeways) and views across to the Otago Peninsula. Once past Roseneath (travelling north), the visual qualities begin to degrade slightly as the harbour views are less predominant and industrial/rail activities become more noticeable at Sawyers Bay. The character changes again before Sawyers Bay and Port Chalmers as the road becomes enclosed with steep slopes and retaining structures to the west and dense vegetation to the east. The landscape opens out just prior to entering into the Port Chalmers township."

For the majority of the route the shared path follows the Dunedin - Port Chalmers railway line and SH88. As such there are already established transportation corridors in the area which the shared path will sit within. These existing corridors also contribute to the amenity of the route, and as such it is considered the introduction of the shared path is not out of context with the amenity of the area. This is also noted by the applicant who also identified that the shared path will not be visually dominant in comparison to the existing transport corridors. I agree with this assessment.

As discussed above by Mr Christos, there will be an adverse effect on visual amenity through the removal of existing amenity plantings along the route. This is mitigated through proposed replanting as detailed in the concept plan supplied by the applicant. The plan details replanting proposed for areas where vegetation is to be removed, and also planting in other locations as general amenity planting improvements. The proposed planting plan has been reviewed by Council's landscape architect, Mr Barry Knox who has commented:

"...if consent is approved a condition or conditions referring to this report should give good certainty that the landscape work, if completed as directed, will provide a good outcome for earthworks restoration and retention of amenity values."

Further to this the owners of the properties that could be adversely affected have given their written approval to the application, and hence any effects on their amenity cannot be considered.

Consequently, it is considered the proposal will not detract from the amenity values of the zones it is located within, and will not adversely affect the character of the area, which as discussed above is already characterised by the presence of transport corridors.

It should also be noted the introduction of the shared path will provide an additional recreational opportunity in Dunedin and provides for pedestrians and cyclists to enjoy the amenity values and character of the Otago Harbour and harbour edge.

4 Transportation

The application was forwarded to Council's Transportation Operations department for comment. The Transportation Planner considers the proposed earthworks to have no more than minor adverse effect on the safety/functionality of the transport network, and generally view them as being temporary in nature given that they are associated with a finite construction period. Any construction effects on the transport network can be mitigated through appropriate temporary traffic management.

Following completion of the shared pathway, it will form a link between Dunedin and Port Chalmers, and be available for use by pedestrians and cyclists alike, providing an alternative to cycling or walking along SH88. This is a significant benefit arising from the proposal.

Access to and from the shared path from SH88 is a matter for the consideration of the applicant as the road controlling authority.

5 Effects on Heritage

The proposed works, and in particular the reclamation will result in the entombment of the existing Harbour Wall, which is identified in Schedule 25.1 as item B642 – *Otago Harbour Walls* of the Operative District Plan.

The application includes a thorough Heritage and Archaeological assessment of the proposed works. The assessment concludes that the proposed reclamation will have minor or less effects on the historic values of the harbour wall. Additionally Council's Heritage Planner, Mr Dan Windwood has reviewed the proposal and comments as follows:

"The design of the work has carefully sited this where it is least visible to the public and has put in place a careful scheme of archaeological recording and protection in-situ of the walls to be buried. As such, I concur with Heritage New Zealand's assessment of the proposed works. While the works will lead to the obscuring of some of the original walls, the improved access will also enable them to be better understood by the public. A scheme of interpretation would be welcomed here to further this element of public gain."

Whilst there is a loss of visible heritage structures associated with the proposal, there is a congruent opinion from the applicant's heritage consultant, Council's Policy Planner (Heritage) and Heritage NZ that the effects on heritage are of a nature that Council can contemplate granting consent.

6 Noise and Lighting

Noise effects arising from the proposal will be most noticeable during the construction phase through the presence and operation of vehicles and machinery on the site. The applicant has stated that construction activity will comply with the noise limits of New Zealand Standard NZS 6803:1999.

Construction hours are indicated in the application to be 7am to 7pm Monday to Sunday, noting some night works may be necessary in order to undertake modifications to the existing railway bridges without disturbing the operation of the railway line.

Once completed and operational and noise effects arising from the use of the shared path will be very low, particularly when considered against the existing noise levels generated by transportation activity along the route.

With regard to lighting the applicant has indicated the only lighting proposed along the route is located between Blanket Bay and Port Chalmers. The lighting will be designed and installed to comply with District Plan limits.

Overall any adverse effects associated with noise and lighting from the construction and operation of the shared path are considered to be less than minor.

Conditions are attached to the decision below requiring that the activity comply with the performance standards related to noise, glare and lighting as outlined by Rules 21.5.1 and 21.5.3 of the District Plan.

7 Earthworks and Hazards Effects

Construction effects associated with the proposed works have the potential to give rise to adverse effects. In particular large volumes of earthworks can give rise to sedimentation and dust issues if not managed in an appropriate manner. Additionally stability of slopes during the construction period is also a risk.

In terms of sediment and stormwater runoff the application states that the contractor will be required to prepare an Erosion Sediment Control Plan which will detail how construction will be undertaken to minimise sediment runoff.

Council's Earthworks and Hazards advisor, MWH limited have reviewed the application and have made a number of comments and recommended a number of conditions. The general comments from MWH are as follows:

"The proposal is significant in scope, but on a more local basis, the works should not create any instability that could affect other parties. The land reclamation volumes are significant, but these are essentially a risk that is owned by KiwiRail as on-going operators for the works. The retaining structures are significant, but are not sufficiently proximal to dwellings or structures to place any residential property at risk. Some of the retaining walls are significant, and the potentially most significant risks are associated with the pathway through the Roseneath cutting, where retaining walls are proposed on the side of the existing slope, and include some cut into the face down slope of District Road."

No concerns have been raised by MWH that cannot be addressed through the imposition of the recommended conditions / advice notes.

8 Contaminated Land

The application provided a report that reviewed the proposal against the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES).

The proposed route passes through and is located adjacent to a number of sites which have a history of use that are on the Hazardous Substances and Industrial List (HAIL), being:

- St Leonards Railway Yards;
- Reeves Street historic woodchip/bark dump;
- Port Chalmers Gasworks;
- Port Chalmers railway Yards;
- Glendernid Tannery; and
- Sawyers Bay Lagoon (former rubbish tip and wool scour discharge site).

The report concluded that all of the proposed works are a permitted activity in terms of the NES. In addition the report also concludes that if the works encounter unknown contaminated sites that a Contaminated Soils Management Plan (CSMP) is adopted and implemented to ensure worker and public safety.

Review of the applicant's assessment has been undertaken by MWH limited who agree with the position of the applicant that no consent is required under the NES, noting:

"...should circumstances change with respect to altered construction and earthworks requirements resulting in off-site disposal of soil being required, then consent as a discretionary activity is likely to be necessary before such disposal can take place."

Further to this the MWH review also states:

"... MWH supports this proposal for developing a CSMP for the works since it is always possible, particularly over such a spatially extensive construction footprint, that unexpected discovery of contaminated soils may be made."

I agree the conclusion of both reports and also consider the requirement to prepare a CSMP is an appropriate measure to deal with potential unexpected discovery of contaminated soils.

9 Positive Effects

The proposed shared path will contribute to the ongoing development of cycling and walking networks in the wider Dunedin, providing a further recreation opportunity and providing an important commuter link between Dunedin and Port Chalmers. These are all positive effects arising from the proposal.

CONSENT DECISION

*That pursuant to section 34A(1), 104B and section 104 of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **discretionary (unrestricted)** activity being the construction of the St Leonards to Port Chalmers Shared Pathway at Various Sites along the St Leonards to Port Chalmers Shared Pathway Route, legally described as Section 102 survey office Plan 422154 (CFR 517851), Lots 1-7 & Part Lots 8-9 DP 6536 (CRF OT1C/170), Section 2 Survey Office Plan 300348 (CFR 297936) (DCC), 26 Downes Road - Lot 1 DP 6543 (CRF OT357/1), 18B Downes Road - Pt Lot 5 DP 6543 (CRF OT10B/1169), and Gazetted NZ Railways Corporation and NZTA Land subject to 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 actual and potential adverse effects on the environment arising from the proposal are no more than minor.

In particular any effects arising from the proposed earthworks can be mitigated through the imposition of conditions including the requirement for the applicant to supply a Erosion and Sediment Control Plan to ensure potential dust and sedimentation issues are addressed and a Contaminated Soils Management Plan to ensure worker and public safety.

With regards to any adverse effects on amenity, it is noted the site of the shared path follows existing transport corridors which are already highly modified. As such the presence of a shared path, retaining structures and associated installations such as lighting is not unexpected along the route, particularly as some of these elements are already present as existing infrastructure. Some vegetation will be removed as part of the construction process, however extensive replanting has been proposed further mitigating any amenity effects.

The other principal adverse effect arising for the proposal is the effects on heritage arising from the burying of the existing harbour wall by reclamation. These effects have been thoroughly assessed by the applicant, and approval has been obtained from Heritage New Zealand for the proposed works. For these reasons any effects on heritage are assessed as less than minor.

Operative 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 promote enhancing and maintaining 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 8.2.1 and Policy 8.3.1 (Residential Section)** that seek to ensure the adverse effects on the amenity values and character of residential areas are avoided remedied or mitigated.
- **Policy 13.3.6 (Townscape Section)** that seeks to avoid the demolition of buildings, identified parts of buildings and other structures which are of townscape or heritage value.
- **Objective 16.2.1 (Indigenous Vegetation and Fauna Section)** which seeks to enhance the indigenous biodiversity, ecosystem integrity, natural character and amenity values of the City through the retention of remaining areas of indigenous vegetation and habitats of indigenous fauna.
- **Objective 17.2.3 (Hazards and Hazardous Substances and Earthworks)** that seeks to ensure earthworks are undertaken in a manner that does not put the safety of people or property at risk.
- **Objective 20.2.1 and Policy 20.3.1 (Transportation Section)** that seek to avoid, remedy or mitigate adverse effects on the environment arising from the use of the transportation network.

With respect to the above objectives and policies whilst there will be some short term adverse effects on amenity during the construction phase, these will only be temporary. Once the shared path is complete, including landscaping I consider the proposed shared path will contribute positively to the amenity of Dunedin (including that of the rural and residential zones), and will provide a further recreation opportunity for residents and visitors to Dunedin alike. It will also provide a commuter link between Port Chalmers and Dunedin for cyclists.

Any effects on the existing transportation network can be avoided, remedied or mitigated during the construction phase, noting two key operators of transportation networks (NZ Transport Agency and KiwiRail) will be working cooperatively on this project given the extent of the shared path on KiwiRail land. Once complete, the proposed shared path will form part of the transportation network.

The demolition of the existing historic harbour wall is avoided by burying it in-situ.

Whilst some native vegetation will be removed this is largely existing amenity planting which will be replaced as part of the project.

Despite the major quantities of earthworks associated with the project conditions have been suggested by Council's hazards and earthworks advisor that can avoid or mitigate any risk to the safety of people or property.

Proposed District Plan – Objectives and Policies

The objectives and policies of the 2GP must be considered alongside the objectives and policies of the Operative District Plan. In terms of the Proposed District Plan the following Objectives are considered most relevant to the application:

- **Objective 13.2.2 Policy 13.2.1.5 (Heritage)** that seek to ensure the heritage values of scheduled heritage sites are protected and additions and alterations that affect a protected part of a scheduled heritage building or structure where are only allowed when adverse effects on heritage values are avoided, or if avoidance is not possible, are no more than minor and the visual impact of additions on protected parts of the building, including building utilities, is minimised.
- **Objectives 15.2.5 (Residential Zone) and 16.2.5 (Rural Zone)** that seek to ensure earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on: visual

amenity and character; the stability of land, buildings, and structures; and surrounding properties.

As identified above there will be some effects on the heritage values of the harbour wall through the wall being buried and no longer visible, however effects on the structure itself are avoided through it being buried in situ.

As discussed above in the assessment of effects the effects of the proposed earthworks can be avoided or mitigated.

MONITORING

Section 35(2)(d) of the RMA requires every council to monitor resource consents that have effect in its region or district. The scale and nature of the activity, the complexity and number of the conditions needed to address the environmental effects and whether the conditions have been complied with determines the number of monitoring inspections required. Given the nature of your intended works/activity, this consent will require three inspections.

The City Planning Department sets out the fixed fees charged for monitoring in its schedule of fees. The fee for your scheduled inspection/s will be included in the invoice for your application.

It should be noted that if additional inspections are required, beyond those scheduled at the time the consent is issued, then there is the ability to apply additional charges to cover the costs of these extra inspections. Often you can reduce the need for additional inspections by complying with the conditions of consent in a timely manner and by ensuring on-going compliance with those conditions. Please ensure that you read the conditions of your consent carefully to establish your obligations when exercising your consents.

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
P O Box 5045
Moray Place
Dunedin 9058
Attention: Senior Planner – Enquiries Plaza

Yours faithfully



Shane L Roberts
Consultant Planner

Application Type: Land Use Consent

Application Number: LUC-2017-14

Pursuant to section 34A(1), 104B and section 104 of the Resource Management Act 1991, the Dunedin City Council grants consent to undertake construction of the St Leonards to Port Chalmers Shared Pathway, subject to the conditions below, imposed under section 108 of the Act:

Location of Activity: Various Sites along the St Leonards to Port Chalmers Shared Pathway Route

Legal Description: Section 102 survey office Plan 422154 (CFR 517851), Lots 1-7 & Part Lots 8-9 DP 6536 (CRF OT1C/170), Section 2 Survey Office Plan 300348 (CFR 297936) (DCC), 26 Downes Road - Lot 1 DP 6543 (CRF OT357/1), 18B Downes Road - Pt Lot 5 DP 6543 (CRF OT10B/1169), and Gazetted NZ Railways Corporation and NZTA Land subject to conditions imposed under section 108 of the Act

Lapse Date: 11 April 2027, unless the consent has been given effect to before this date.

Conditions:

- 1 *The proposal shall be undertaken in general accordance with the plans and relevant details submitted with the resource consent application, received by Council on 13 January 2017, and further information supplied on 10 March 2017, except where modified by the following conditions.*

Pre-Construction

- 2 *Prior to any earthworks commencing the applicant shall prepare and submit an Erosion and Sediment Control Plan (ESCP) to Council's Manager – Resource Consents for approval. The ESCP shall include detail on how construction will be sequenced to minimise sediment runoff, how any stockpiles and exposed surfaces will be managed to avoid sedimentation and dust and how potential destabilisation effects arising from the removal of vegetation will be managed.*
- 3 *Prior to any earthworks commencing the applicant shall prepare and submit a Contaminated Soils Management Plan (CSMP) Council's Manager – Resource Consents for approval. The CSMP shall include detail on how any the disturbance of any unexpected contaminated land will be managed to ensure worker and public safety.*
- 4 *Prior to construction that applicant shall submit drawings of the detailing to be featured on the concrete panels in the Roseneath cutting to Council's Manager – Resource Consents for approval.*
- 5 *The consent holder shall provide notice to the Resource Consent Monitoring team by email to rcmonitoring@dcc.govt.nz of the start date of the works. This notice shall be provided at least five (5) working days before the works are to commence.*

Construction

- 6 *Construction activity shall comply with the noise limits of New Zealand Standard NZS 6803:1999.*
- 7 *All temporary slopes shall be constructed under the supervision of a suitably qualified person.*
- 8 *All excavated slopes shall be supported within 3 months of the commencement of the earthworks on that slope.*
- 9 *All walls retaining over 1.5 metres, or a surcharge / slope, including terracing, require design, specification and supervision by appropriately qualified persons.*
- 10 *Landscaping must be installed as specified in the application details (including maintenance provisions). All landscaping and planting shall be completed within 12 months of the completion of the construction of the shared path.*

Post-Construction

- 11 *Any lighting of the shared path shall produce no greater than 8 lux of light onto any other site used for residential activity during night time hours.*

Advice Notes:

- 1 In addition to the conditions of a resource consent, the Resource Management Act 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 their 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 resource consent. Please contact the Building Control Office, Development Services, about the need for building consent for the work.
- 6 Temporary stability is a concern on this project, and remains the responsibility of the applicant. Adjacent landowners are entitled to the support of their land and structures, including during the temporary works.
7. The Health and Safety at Work Act 2015 requires designers to undertake an assessment of Safety in Design: A practice that integrates risk management techniques into the design process to identify, assess and treat health and safety risks to people over the life of an asset.
8. It is recommended appropriate insurances are in place prior to undertaking excavation that might affect others land.

9. The applicant will need to submit a Traffic Management Plan (TMP) to DCC if traffic related to the proposed works affects the normal operating conditions of the local transport network within DCC control.
10. It is suggested to the applicant that a scheme of interpretation panels would be welcomed along the route to enhance the user experience.

Issued at Dunedin this 11 April 2017

A handwritten signature in blue ink, consisting of several overlapping loops and a trailing line, positioned above the printed name.

Shane Roberts
Consultant Planner

Appendix 1 - Approved plans for LUC-2017-14

[Scanned image –Not to Scale]





LEGEND

- PROPOSED SHARED PATH
- PROPOSED RAIL ALIGNMENT

A. FOR CLIENT REVIEW			
No.	Revisions	By	Date

Beca

Original	CL (01/10/15)	REV. 15	Approved by
Drawn	P. HENDERSON	REV. 15	Checked by
Produced	10/10/15		Date
Notes	* Refer to Revision 1 for Original Signature		

NEW ZEALAND TRANSPORT AGENCY

Project: PS 0/212 SH88 SHARED PATH
ST LEONARDS TO PORT CHALMERS

Title: SHEET LAYOUT PLAN

**FOR CLIENT REVIEW
NOT FOR CONSTRUCTION**

Discipline: CIVIL ENGINEERING
Drawing No: 3384403-CE-2005
Rev: A