

## Rebecca Murray

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**From:** Lauren McDonald  
**Sent:** Thursday, 8 April 2021 04:27 p.m.  
**To:** [REDACTED]  
**Subject:** Response to ORC official information request on a resource consent for 50 Dukes Road North, Mosgiel  
**Attachments:** LUC-2020-551 - Decision and Report - 50 Dukes Road Nth North Taieri.pdf

Dear [REDACTED]

I am responding to your official information request below, received on 29 March 2021.

A copy of the resource consent application, decision and recommending report is attached.

Regards

*Lauren*

**Lauren McDonald**

**Governance Support Officer  
CORPORATE SERVICES GROUP**

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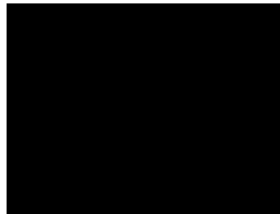
New Zealand

[www.dunedin.govt.nz](http://www.dunedin.govt.nz)

### Requester Details

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**Name:**  
**Organisation:**  
**Address:**  
**Phone:**  
**Email:**



### Request

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#### ***Request Text***

Hi there, Can you please provide me with copies of the following documents. 1. A copy of DCC (retrospective) resource consent for 50 Dukes Road North, Mosgiel authorising the building of a landscape bund; and 2. The recommending report for that resource consent.

Thanks

[REDACTED]

12 February 2021

CJ Young and JJ Coutts  
C/O Sweep Consultancy Limited  
PO Box 5724  
Dunedin 9054

Via email: [emma@sweepconsultancy.co.nz](mailto:emma@sweepconsultancy.co.nz)

Dear CJ Young and JJ Coutts

**RESOURCE CONSENT APPLICATION:**

**LUC-2020-551  
50 DUKES ROAD NORTH  
TAIERI**

Your application for resource consent was processed on a non-notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. The application was considered by a Senior Planner, under delegated authority, on 12 February 2021.

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

**The consent certificate outlines the conditions that apply to your proposal. Please ensure that you have read and understand all of the consent conditions.**

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

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

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

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

You will be contacted in due course if you are due a partial refund or you have to pay additional costs for the processing of your application. Given the nature of your intended works/activity, this consent will require one inspection. The fee for your scheduled inspection will be included in the invoice for your application. If additional inspections are required beyond those scheduled, then you will be invoiced at that time in accordance with the Council's fees schedule.

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

Yours faithfully

A handwritten signature in blue ink, appearing to read 'K. Lindsay'.

Kirstyn Lindsay  
**Consultant Planner**

**APPLICATION LUC-2020-551: 50 DUKES ROAD NORTH, TAIERI**

Department: Resource Consents

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**DESCRIPTION OF ACTIVITY**

The applicant has retrospectively applied to undertake earthworks at the site located at 50 Dukes Road North, Taieri. The applicant has cleared an area of ground to create a horse arena and surplus material has been used to create a landscape bund along the property boundary shared with Dukes Road North.

The excavation involves an area of 45 metres by 85m and excavation volumes of approximately 250mm across the arena area. The surplus material has been shaped in to a landscape bund which is approximately 1.0m high and 2.5m wide. The bund runs parallel to Dukes Road north and is setback 1.0m from the road boundary.

The subject site is legally described as Section 10-11 Block VI East Taieri (held in Record of Title OT4C/133), and comprising an area of 42.4920ha.

The applicant has also made application to the Otago Regional Council under the Flood Protection Management Bylaw – 2012 [ORC reference BFP20.0011].

The applicant provided further information on 2 February 2021 and this now forms part of the application on which the assessment in this report is undertaken.

**REASONS FOR APPLICATION**

Dunedin currently has two district plans, the 2006 Dunedin City District Plan (2006 Plan) and the Proposed 2GP. The decisions on the Proposed 2GP were released on 7 November 2018 and the rules of the Proposed 2GP have legal effect. The appeal period of the Proposed 2GP closed on 19 December 2018 and an appeals version of the plan was released on 13 February 2019. Rules that have not been appealed, or where appeals have been resolved, are deemed operative.

Section 86F of Act states that:

- (1) *A rule in a proposed plan must be treated as operative (and any previous rule as inoperative) if the time for making submissions or lodging appeals on the rule has expired and, in relation to the rule,—*
  - (a) *no submissions in opposition have been made or appeals have been lodged; or*
  - (b) *all submissions in opposition and appeals have been determined; or*
  - (c) *all submissions in opposition have been withdrawn and all appeals withdrawn or dismissed.*

In this instance, the site is zoned Rural as shown in 2006 Operative District Plan Map and has the following annotations:

- Groundwater Protection Zone B
- High Class Soils
- Taieri Aerodrome Flight Fan – D274

The site is zoned Rural Taieri Plains under the 2GP and the following annotations are registered for this site:

- Dukes Road North Mapped area

- Hazard 1 (flood) Overlay Zone - Area 14B - North Taieri floodways Area
- Hazard 2 (Flood) Overlay Zone – Area 14D – Nth Taieri floodplain
- D274 DIAL Flight Fan
- Dukes Road is an Amenity Route Mapped Area.
- Groundwater Protection Mapped Area B
- Wāhi Tupuna Mapped Area
- High Class Soils Mapped Area
- Swale Mapped Area

A number of rules within the earthworks standards are under appeal and, as such, it is considered prudent to take a conservative approach and undertake an assessment under both plans.

### 2006 Operative District Plan

Rule 17.7.3(i)(a)(ii) Scale Thresholds states that earthworks shall not, within any consecutive 2 year period, exceed the change in ground level and volume thresholds listed in Table 17.5. The total permissible volume of earthworks for the subject site in any consecutive two year period is 840m<sup>3</sup>. The total excavation volume is 956.25m<sup>3</sup>. The earthworks comply with the thresholds set out in Table 17.6 and the proposal is assessed as a **controlled activity** pursuant to Rule 17.7.4(iii)(a).

These earthworks are controlled in respect of:

- (e) *Effects from noise, dust and vibration.*
- (f) *Effects on any archaeological or cultural site.*
- (g) *Effects from the release of sediment beyond site boundaries, including transport of sediment by stormwater systems.*
- (h) *Visual effects.*

For earthworks that were not granted an earthworks permit prior to 1 July 2010 and that do not form part of a project that was granted building consent on or after 1 July 2010, the Council's control will also extend to the following matters:

- (i) *Design and engineering of retaining structures and earthworks.*
- (j) *Effects on the stability of land and buildings.*
- (k) *Effects on the surface flow of water and on flood risk.*
- (l) *Effects on underground utilities.*

Rule 17.7.3(iv) Ground Water Protection Zones requires excavations other than those required for roading or foundations for buildings do not exceed 250mm in depth or 10m<sup>3</sup> in volume. In this instance, the excavations do not exceed 250mm in depth but the volume of earthworks exceeds 10m<sup>3</sup>. As such, this component of the proposal is assessed as a **controlled activity**, pursuant to Rule 17.7.4(i).

These earthworks are controlled in respect of:

- (a) *The nature and extent of the proposed work and the degree to which it may disturb the protective mantle over the Groundwater Protection Zone as identified on District Plan maps.*
- (b) *The extent to which the proposed works may increase the risk of groundwater contamination.*

### Proposed 2GP

The earthworks are a city-wide activity and are considered to be earthworks large-scale because the following small-scale thresholds are breached:

- Rule 8A.5.1.4 states that the area of earthworks must not exceed 50m<sup>2</sup> in a Groundwater Protection Mapped Area. Note: this rule is under appeal the scope of the appeal does not extend to this application.

- Rules 8A.5.1.5.a.vi and vii states that no fill is permitted in a Hazard 1 (flood) mapped area and 20m<sup>3</sup> of fill is permitted in a Hazard 2 (flood) mapped area. Note that Rule 8A.5.1.5.a.vii is under appeal.

Earthworks - Large Scale are a **restricted discretionary** activity pursuant to Rule 8A.3.2 and assessed under Rules 8A.7.2 and 8A.7.3.5

#### Land Use Activity

There are no relevant land use activity rules which apply to this activity.

#### Development Activity

There are no relevant development activity rules which apply to this activity.

#### **National Environmental Standards**

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

Regulation 8(3) of the NESC provides for some earthworks as a permitted activity as follows:

*Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:*

- (a) controls to minimise the exposure of humans to mobilised contaminants must—*
  - (i) be in place when the activity begins:*
  - (ii) be effective while the activity is done:*
  - (iii) be effective until the soil is reinstated to an erosion-resistant state:*
- (b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:*
- (c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m<sup>3</sup> per 500 m<sup>2</sup>:*
- (d) soil must not be taken away in the course of the activity, except that,—*
  - (i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:*
  - (ii) for all other purposes combined, a maximum of 5 m<sup>3</sup> per 500 m<sup>2</sup> of soil may be taken away per year:*
- (e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:*
- (f) the duration of the activity must be no longer than 2 months:*
- (g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.*

It is noted that this application is retrospective and the applicant confirms that Regulation 8(3) of the NESC was complied with during the earthworks and the proposal is assessed as a permitted activity.

There are no other National Environmental Standards relevant to this application.

## Overall Status

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

In this case, there is more than one rule involved, and the effects are linked. As a result, having regard to the most restrictive activity classification, the proposal is considered to be a **restricted discretionary** activity.

## WRITTEN APPROVALS AND EFFECTS 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. This is because the environmental effects of the proposal are internalised within the site boundaries, and are limited to effects on parties that are less than minor.

### Effects on the Environment

#### Assessment Matters/Rules

Consideration is required of the relevant assessment matters in the Operative District Plan and the relevant assessment rules in the Proposed 2GP, along with the matters in any relevant national environmental standard. This assessment is limited to the matters to which the Council's discretion has been restricted. No regard has been given to any trade competition or any effects of trade competition.

#### 1. Effects on hazards and overland flowpaths

The earthworks have been undertaken to establish a horse exercise area on a rural site. The application is retrospective.

Section 6(h) of the Resource Management Act 1991 requires the Council to recognise and provide for the management of significant risks from natural hazards, as a matter of national importance.

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

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

The following hazards on the Hazards Register have been identified for the subject site:

- Hazard ID 10106 : Land Movement – Alluvial Fans (Inactive composite)
- Hazard ID 11407: Seismic – Liquefaction Domain B
- Hazard ID 12074 : Flood – Overland flow path (upper Taieri Flood Level including 500mm freeboard)
- Hazard ID 10111 : Intensified Shaking – Earthquake Likely Amplification
- Hazard ID 11582 : Overland Flow Path (Flood Hazard Area 14D)

The site is also identified on the 2GP as:

- Hazard 1 (flood) Overlay Zone - Area 14B - North Taieri floodways Area (under appeal)
- Hazard 2 (Flood) Overlay Zone – Area 14D – Nth Taieri floodplain (under appeal)
- Groundwater Protection Mapped Area B
- Swale Mapped Area

The application has been assessed by the Council's Consultant Engineer who advises that the Otago Regional Council Report on Natural Hazards on the Taieri Plains, Otago, Engineering and Hazards Committee, July 2012 states that:

*The alluvial fans located on the northern margins of this area grade into an extensive alluvial plain which descends from approximately 40m in elevation in the north east, to less than 10m near the Taieri River (Figure 4.25). A number of active floodwater dominant alluvial fans are located near the east of the area, the two largest following the Silver Stream and Mill Creek. These two watercourses are well incised at that location, reducing the likelihood of avulsion without large inputs of sediment into the system.*

*Flood hazard in this area is derived from Mill Creek and the tributaries from the surrounding hill catchments. This area is located outside the influence of the Taieri River. It is likely that this area was flooded in 1868 and 1923 despite not being shown as such in the maps of those events (Figure 4.1). As a consequence of the alluvial fans emerging from the hill catchments to the north, the area comprises a significant number of paleochannels and ephemeral swales (Figure 3.6). This matter is discussed further in Chapter 5. Because of the subtle topography, flooding is also influenced by local features such as fences, shelterbelts and buildings impeding natural down slope drainage. Such features can also divert water into areas that would not have otherwise been affected by flooding.*

*Significant overland flow and ponding occurred in parts of this area during the April 2006 and July 2007 flood events (Figure 4.2 and Figure 4.24). Options for managing the overland flow in the vicinity of Wyllies Crossing have previously been investigated (ORC, 2009).*

*Most of the area lies within the East Taieri Drainage Scheme which provides land drainage to a rural standard (ORC, 2012c).*

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

*Flood hazard in this area is derived from Silver Stream, Mill Creek, hill tributaries to the north and from internal runoff. This area is sufficiently elevated not to be affected by the Taieri River. The predominant type of flood hazard is overland flow, although localised ponding can occur in places where vegetation, topography or man-made structures block the conveyance of water. There is also some potential for sedimentation to occur in conjunction with the floodwater-dominated alluvial fans to the north.*

*The velocity of runoff is generally slow to medium, and runoff generally does not last more than a few hours, during the period of peak-rainfall intensity. As this area excludes the major drains and overland flow paths (Areas 14A and 14B), the depth of flooding is generally limited to 1m or less (Figure 46). However, this combination of depth and velocity is sufficient to create a 'moderate' flood hazard, where wading becomes unsafe, and damage to structures may occur due to inundation and floating*



*debris. Because of the generally subtle topography of Area 14D, the depth and extent of flooding is also influenced by local features, such as embankments, fences, shelterbelts and buildings, which can impede natural- downslope drainage.*

The engineer notes that the underlying geology consists of alluvial material and is relatively flat. He notes that the works undertaken to date are clearing of the site and creation of a bund around the horse exercise area. There are no inherent hazards associated with the works, however as there is a large bund within the flood hazard area, there is a risk that this may affect overland flow paths. This may in turn affect neighbouring properties. The engineer notes that the hazards associated with flooding have been addressed in this application and further information. The engineer considers that some consideration has been given to mitigate the flooding risks. The engineer recommends that the construction of a large bund address the potential for egress of water from the property via secondary flow paths, and ensure that the path of storm water is not displaced from ephemeral flow paths into neighbouring properties.

The applicant confirms that the only overland flow paths are the mapped swale areas shown in the site plans. Neither the arena nor the landscape bund interfere with these overland flow paths. With regard to egress of water from the property, this is via the existing stormwater outlets into the M drain at the 'end' of the overland flow paths. The landscaping bund does not interfere with these egress points. The applicants have owned the property for 20 years and inform that these egress points are the only egress points for stormwater from the property other than overtopping of the M-drain bank and Silverstream bank at the southern corner of the property.

The engineer recommends the following conditions be required:

- As-built records of the final extent and thickness of any un-engineered fill should be recorded
- Any modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events.
- Slopes may not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and construction

With regard to the Groundwater Protection zone it is noted that the depth of the earthworks does not exceed 250mm and, in this regard, the risk to the Groundwater Protection zone is considered to be low.

Based on the assessment above and assuming compliance with the conditions of consent, I consider that the effect of the earthworks on the flood hazard will be no more than minor.

2. Effects on Visual Amenity

The earthworks were undertaken to establish a horse arena on a rural site. The earthworks are not unexpected within the rural zone. The arena and landscape bund is well screened from Dukes Road North. Overall, no adverse effects on visual amenity have been identified.

3. Effects on Archaeological and Cultural Sites

The works are retrospective. While the site is identified as a Wāhi Tupuna Mapped Area, the works involved the scraping to a depth 250mm across the arena area only. It is noted that the applicant has a duty to report any archaeological discoveries (including cultural discoveries) pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. The applicant did not identify the discovery of any archaeological material. Given the works have been completed, no adverse effects on archaeological and cultural sites have been identified.

4. Effects on the Transportation Network

The application is for retrospective earthworks. No material was removed from the site and no adverse effects on the transportation networks have been identified

## **NOTIFICATION ASSESSMENT**

### **Public Notification**

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

#### Step 1: Mandatory public notification in certain circumstances

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

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

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

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

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

#### Step 4: Public notification in special circumstances

- There are no special circumstances that warrant the application being publicly notified. There is nothing exceptional or unusual about the application that makes public notification desirable.

### **Limited Notification**

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

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

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

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

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

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

- The application does not involve a boundary activity.
- There are no persons where the activity's adverse effects on the person are minor or more than minor (but are not less than minor). OR Written approval has been obtained from all persons where the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

#### Step 4: Further notification in special circumstances

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

### **SUBSTANTIVE DECISION ASSESSMENT**

#### **Effects**

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

#### **Offsetting or Compensation Measures**

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

#### **Objectives and Policies**

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Operative District Plan and the Proposed 2GP were taken into account when assessing the application.

#### Operative District Plan

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

- **Objective 4.2.1 and Policy 4.3.1 (Sustainability Section)**  
These seek to enhance and maintain the amenity values of the Dunedin area.
- **Objective 17.2.3 and Policy 17.3.9 (Earthworks Section)**  
These 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.

#### Proposed 2GP

The proposal is considered to be consistent with the following Proposed 2GP objectives and policies:

- **Objective 6.2.3 and Policies 6.2.3.3, 6.2.3.4 and 6.2.3.9 (Transportation Section)**  
These seek to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.
- **Objective 8A.2.1 and Policies 8A.2.1.1, 8A.2.1.2 and 8A.2.1.3 (Earthworks Section)**  
These seek to ensure that earthworks avoid or mitigate adverse effects on visual amenity and character, the stability of land, buildings, and structures; and surrounding properties.
- **Objective 11.2.1 and Policies 11.2.1.11 (Natural Hazards Section)**  
These seek to only allow earthworks in hazard overlay zones where the risk from natural hazards is low and will not create, exacerbate, or transfer risk from natural hazards and will not obstruct or impede flood water.

#### Objectives and Policies Assessment

The proposal is assessed as consistent with the objectives and policies both the 2006 Operative District Plan and the 2GP

## Other Matters

Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

## Part 2

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

## RECOMMENDATION

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

1. This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.
2. The Council grant consent to the proposed activity under delegated authority, in accordance with sections 104 and 104C of the Resource Management Act 1991.



Kirstyn Lindsay  
**Consultant Planner**

Date: 12 February 2021

## DECISION

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

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

*Pursuant to Part 2 and sections 34A(1), 104 and 104C of the Resource Management Act 1991, and the provisions of the Operative Dunedin City District Plan 2006 and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary activity** being retrospective earthworks for the purpose of establishing a horse arena on the site at 50 Dukes Road North, Taieri, legally described as Section 10-11 Block VI East Taieri (Record of Title OT4C/133), subject to the condition imposed under section 108 of the Act, as shown on the attached certificate.*

*Phil Marshall*

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Phil Marshall  
**Senior Planner**

Date: 12 February 2021

**Consent Type:** Land Use Consent

**Consent Number:** LUC-2020-551

**Purpose:** retrospective earthworks for the purpose of establishing a horse arena.

**Location of Activity:** 50 Dukes Road North, Taieri.

**Legal Description:** Section 10-11 Block VI East Taieri (Record of Title OT4C/133).

**Conditions:**

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 4 November 2020, and further information received on 2 February 2021, except where modified by the following conditions.*
2. *As-built records of the final extent and thickness of any un-engineered fill should be recorded*
3. *Any modifications to stormwater flow must be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events.*
4. *Slopes must not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and construction.*

General

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. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
3. 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.
4. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
5. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 12 February 2021

A handwritten signature in blue ink, reading "K. Lindsay".

Kirstyn Lindsay  
**Consultant Planner**

Approved under delegated authority by

A handwritten signature in blue ink, reading "P. R. Marshall".

Phil Marshall  
Senior Planner

Appendix One: Approved Plan for LUC-2020-551 (scanned image(s), not to scale)

