



14 October 2024

D & C Warnock and Clutha Veterinary Association Incorporated
C/- Emma Peters
Sweep Consultancy Limited
PO Box 5724,
Dunedin 9054

Via email: emma@sweepconsultancy.co.nz

Dear D & C Warnock and Clutha Veterinary Association Incorporated

RESOURCE CONSENT APPLICATION:

**LUC-2023-377, LUC-2024-290 & LUC-2024-291
60 BELL STREET, OUTRAM**

Resource consent application LUC-2023-377 for the establishment of a Veterinary Clinic at 60 Bell Street, Outram, was processed on a limited notified basis in accordance with section 95B of the Resource Management Act 1991. An application for subdivision consent lodged and processed together with LUC-2023-377 was subsequently withdrawn. A related land use consent for existing residential activity was superseded by one of the other consents subject of this decision being LUC-2024-290 and LUC-2024-291.

A Hearing Committee, comprising Independent Chairperson Colin Weatherall and Councillors David Benson-Pope and Steve Walker, heard and considered the applications at a hearing on Monday 24 June 2024.

At the end of the public part of the hearing, the Panel, in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987, resolved to exclude the public.

The Committee has granted consent to the application on 3 September 2024. The full text of this decision commences below with a consent certificate attached to this letter.

The Hearing and Appearances

The Applicants were represented by:

Emma Peters (Consultant Planner)
Steven Bamford (Chairperson, Board of Directors, Clutha Vets)
Stewart Morrison (Deputy Chairperson, Board of Directors, Clutha Vets)
Bevan Topham (Veterinarian, Clutha Vets)
Annie Jackson (Veterinarian/Executive Management Group, Clutha Vets)

Council staff attending were:

Campbell Thomson (Senior Planner/Committee Advisor), John Sule (Consultant Planner), Paul Freeland (Principal Policy Advisor, City Development), Reese Martin (Planner, Transport) and Wendy Collard (Governance Support Officer)



Submissions

A written submission received on the application was considered by the Committee, but the submitter did not attend the hearing.

Procedural Issues

The application as originally proposed was to undertake a two-lot subdivision of a rural zoned site containing an existing residential activity (SUB-2023-132), establish a veterinary clinic on Lot 1 of the subdivision (LUC-2023-377) and retain the existing residential activity on an undersized site, being Lot 2 of the subdivision (LUC-2023-376).

Emma Peters advised that the subdivision component of the application had been removed. Mr Thomson advised that this change is within the scope of the application and Ms Peters agreed. The related land use consent for the residential activity was proposed to be withdrawn on the basis it was no longer required, however, after clarification during the hearing process of the status of the existing residential activity, it was replaced by land use consent LUC-2024-290. Further, the consent required for the proposed activity subject of LUC-2023-377 in terms of management of soil contamination was defined as a separate land use component for the purpose of this decision, being LUC-2024-291.

Legal advice was obtained by the Committee regarding the process for how the different components of the proposed land use activity should be considered. It was determined on the basis of the advice received, and the evidence presented to the Committee, that it was appropriate in the case of this proposal to unbundle the separate land use consent components for the purpose of this decision. The planning issues for each component were determined to be sufficiently distinct.

Principal Issues of Contention

The principal issues of contention are as follows:

- The suitability of the rural zoned location for the proposed Veterinary Clinic
- The effects of the site development and proposed buildings
- The effects of the Clinic operation in terms of traffic and existing amenity values
- The history of the existing residential activity on site
- The extent of soil contamination present and remedial measures required prior to development to remove or manage risks to human health.

Summary of Evidence

Introduction from Processing Planner

John Sule spoke to a summary of his report, giving an overview of the proposal before commenting on the notification of the application and the submission received. Mr Sule spoke to his tabled evidence on the change of the proposal being the removal of the subdivision component of the application.

Mr Sule responded to questions from the Committee on the scope of the proposed activity and consents required. In regard to facilities proposed at the Veterinary Clinic, Mr Sule indicated the plans did not show any proposal for a crematorium for animals and Ms Peters confirmed that no such facility was proposed as part of the development. Clarification was sought about whether the different land use components requiring consent needed to be assessed as one bundle or unbundled. Mr Sule advised that if the effects were all inter-related then he considered the proposal should be assessed as one activity, with the most restrictive status to apply to all. However, if the effects were distinct, he considered the Committee could treat each component of the proposal as separate activities. Mr Sule confirmed that a land use consent for the existing residential activity on the property was still required. He commented on the nature and extent of the existing rural land use activity and advised he did not consider the site highly productive land.

Mr Thomson confirmed that the primary issues for the application concerned the land use consent sought for the Veterinary Clinic as this is the new activity proposed on site. The residential activity subject of the application is only for the continuation of an existing land use and is a restricted discretionary activity. He

advised that unbundling could be appropriate in this situation and recommended that legal advice be obtained by the Committee if required.

The Applicant's Presentation

Emma Peters spoke to the pre-circulated evidence for the applicants. In her address she commented on a statement in that evidence from Jason Darwen (Veterinarian and member of the Executive Management Group, Clutha Vets) in support of the application, in regard to the factors leading to the selection of the site.

Ms Peters provided background to the development plans for the proposed Vet Practice and responded to questions from the Committee. She advised that the applicants had done a lot of work to ensure the site development wouldn't have an impact on the local environment and amenity. She confirmed details of signage proposed.

Mr Topham and Ms Jackson clarified the proposed operation of the Vet Practice. Mr Topham advised that while there would be 6 Vets involved in the practice only two would be based on site, as they would be working in with their Milton clinic, with treatment of big animals undertaken off-site (i.e. on farm). He indicated that treatment for small animals usually takes 15 minutes, with the practice expected to deal with four animals per hour over a 6 hour period. However, he confirmed that for most clients of the practice they are dealing with larger animals. Ms Jackson commented on demand for animal well-being services, advising that Dunedin vet clinics were in crisis, with the Milton practice looking after animals from Dunedin. She advised the after-hours clinic for the practice is situated in Balclutha. She anticipated the demand for the proposed practice would mainly be for local animals. The proposed facility was not designed as a small animal clinic and will be managed after-hours as at the Milton practice. She noted that Balclutha currently has about a third of Dunedin clients during the weekend.

It was confirmed by Mr Topham that the proposed practice in Outram would be replacing vet services to the area currently provided out of Milton or Balclutha. They have a retailer who sells product at Momona. The proposed practice would not involve bulk storage of products on site as there is a large bulk store in Balclutha, and the one shed on site is expected to be enough storage for products used or sold on-site.

Ms Jackson advised one of the factors for the proposal is that all the vets that work out of Milton live on the Taieri. She advised that staff currently working at Milton will work from the Taieri Clinic. Mr Bamford provided a background to the layout of the buildings with respect to the vet services. Mr Topham advised that while the dog run is on the street side of the proposed building, a solid wall is proposed in front of the run. Ms Jackson advised that the dog run is sound-proofed and for five to fifteen minutes dogs are let out to go to the toilet. Mostly only noisy when waking up and this is done inside the building.

In regard to flood protection, Ms Peters referred to the Fluent Solutions report included as part of further information submitted for the application. This report concluded that if the building meets the Building Act requirements, this would be sufficient to meet the flooding risk. Ms Peters noted that the location of the proposed buildings would occupy the highest part of the site. She advised that some areas of the site may need to be raised up and a surveyor could confirm the extent if required, and the levels of the site in relation to the road.

Ms Peters commented on the issue of bundling versus unbundling of the consent components. She agreed with Mr Sule and Mr Thomson that there is a case for unbundling, but acknowledged the Committee may want to get their own legal advice. During the hearing the Committee Chairperson advised that the Committee would consider both options at that stage, but may seek legal advice. Ms Peters did suggest as an alternative, that the applicant could withdraw the current application and seek consent for the same activity on the basis of a staged approach - a first stage for the existing residential activity, then second stage for the veterinary clinic. She noted the residential activity has been there for a long time, and the absence of a consent for this activity at the time of the subdivision creating the present site was an administrative error. Ms Peters noted the applicants would be happy to provide a report on the works

undertaken to address soil contamination within part of the site identified in the report for the applicant from Environmental Consultants Otago Ltd.

Ms Peters agreed with Mr Thomson that the main focus of the consent application is the introduction of the new activity, being the veterinary clinic and to a certain extent the existing residential activity. In regard to the residential activity, she advised that the Committee would need to decide if existing use rights applied, or if there needs to be a land use consent for the continuation of this activity. The National Policy Statement for Highly Productive Land (NPS/HPL) and elements of the Second Generation District Plan (2GP) would need to be considered where relevant. The focus of the applicants' case was on the establishment of the veterinary practice, but it was accepted that the existing residential activity would need to be dealt with. She contended that the consent elements should be unbundled, and advised that the applicant would prefer to have a decision on the unbundling or bundled before closure of the hearing. Mr Sule commented that the Committee could consider both options or they may like to get legal advice. Mr Thomson advised that it is not compulsory for a consent authority to bundle all elements of a consent, and that there may be no right or wrong way.

Ms Peters continued with her evidence in regard to the veterinary practice. She commented on a Court decision for another undersized rural lot and noted that the 2GP allowed for veterinary activity in the rural zone. She contended that the effects of this activity would be no more than minor. In regard to the existing residential activity and the NPS/HPL, she indicated the applicants may need to seek legal advice if required. Ms Peters indicated that when consideration of the residential activity is unbundled from the other elements of the consent, the NPS/HPL is not such a concern for the Committee. She noted that for mapped areas of high class soil the 2GP states that these soils need to be kept on site. The residential activity subject of the application does not result in any loss of soils and productivity, as it is an existing activity and has been there for a long time. It is not a new residential activity which would be a different situation.

Ms Peters advised that there was a consenting pathway anticipated through the 2GP, particularly with unbundling of the consent components. She considered that the environmental effects were no more than minor, as assessed in the Section 42A report by Mr Sule. She noted that the Transportation matters had been addressed, and although the submitter had concerns over transportation effects, they had not provided any expert evidence. She offered to provide additional evidence if required on the height of the proposed building following fill being put on site. However, she noted that a large farm shed could be built on site as a permitted activity. She noted that a detailed site investigation had been undertaken for the areas of contaminated soil.

In regard to the relevant objectives and policies of the District Plan, Ms Peters advised that this had been well set out in the application, Section 42A report and evidence. The considerations for the assessment of the veterinary clinic activity as a restricted discretionary activity were well set in the 2GP. While the residential activity is a non-complying activity, she noted that in this case it is a long standing residential land use of this property. The need for consent, if required, may have been an administration oversight. If the consent application was just for the existing residential activity, then Council would likely process this as a non-notified resource consent. In response to a question about Section 104D of the RMA Ms Peters referred to the Environment Court decision for Grey vs DCC. She considered that if the application for the veterinary practice is assessed on its own then the NPS/HPL would not need to be considered.

In regard to the submission, Ms Peters considered that the Section 42A report by Mr Sule gave a fair assessment of the submission and noted the main concern raised was to do with transportation. The Council assessment was that there is no adverse effect that is more than minor. Noise from operations on site would only be from the dog run, and only when used for toileting purposes. Ms Peters contended that a lot of care and thought has been put into the design on the building for this site, with design having regard to rural amenity. She observed that this type of activity will often have opposition, but the activity can only be sited within the rural zone, and her clients wanted to pick an undersized site so not to upset the existing rural productive activity. The proposed veterinary practice activity did not need a 15 or 25 hectares site. Ms Peters confirmed the draft conditions in pre-circulated evidence were acceptable.

Council Officers evidence

Mr Sule confirmed that in relation to hazard management the advice from Stantec indicated all effects could be managed, and 3 Waters had no specific concerns as there is no infrastructure involved. However, he noted they did request a stormwater management plan. He noted that the requirements of Building Services can be addressed by conditions.

Mr Martin advised that his comments (in the hearing agenda) could be taken as read. In response to questions, he advised that if there is increased activity in regards to expected demand for veterinary services and supply of products on site any adverse effects of this can be reviewed at a later stage.

Mr Sule advised that Urban Design were satisfied the building is well designed, and that landscaping can be used soften the effects. It is proposed that this will enclose the area more and be an important interface with the road. He advised that the removal of the poplar trees will mean there is a period of time when the bulk of building will be obvious, but this will lessen over time. Mr Sule advised that conditions of consent would need to include provision for review of the plans submitted. He advised that the soil contamination issues had been dealt with and could be managed through conditions. A construction management plan and an accidental discovery condition would be part of the provisions appropriate for the development.

The Planner's Review of his Recommendation

Mr Sule reviewed his recommendation in light of the evidence presented at the hearing, and commented on his original recommendation to decline, and the reasons behind it (due to the status of the subdivision then proposed). He was comfortable with the mitigation of effects for the land use consents sought.

Mr Sule did not consider existing use rights applied to the residential activity. He commented on the change in the Council assessment of the consent status of existing land uses in 2005 following an Environment Court decision. A resource consent would be appropriate to authorise the house on the subject site. However, he noted the assessment of effects must have regard to the fact it is existing and therefore part of the present environment.

On the matter of bundling the consents required, Mr Sule considered there was an argument for it. He had no issue with a land use consent for the dwelling as there was a case the residential activity should have been authorised when the subdivision creating the subject site was approved. The consents could be applied for in stages, with the residential activity first followed by the veterinary practice development. In regard to the NPS/HPL, Mr Sule considered there could be a case for an exception as the development is supporting the rural community and are already providing a good service for the rural community. He advised that unbundling makes the planning arguments a lot easier, as there are no productivity aspects to consider for the veterinary service proposal. He considered the environmental effects are no more than minor, with the planning issues being in relation to directive policy provisions.

However, if the activities are bundled and assessed overall as non-complying then the assessment is more difficult, as there are arguments regarding the NPS/HPL and the 2GP, where the Committee must be satisfied the proposal is not contrary to the policies and objectives.

In response to further questions Mr Sule indicated he did not see a need for additional information other than clarification about the unbundling/bundling issue. He commented on the height of fill area required noting that it did not represent a large height difference from the road. He noted that high class soils are an important consideration, but the veterinary practice is an activity provided for in rural zones in the 2GP. He did not consider that it raised any precedence concerns having regard to the evidence on the existing veterinary services based out of Clutha.

Applicant's Right of Reply

Ms Peters advised that the applicants would provide a written right of reply. The need for legal advice on the bundling/unbundling issue was discussed, and the Committee subsequently determined that the hearing should be adjourned to enable a legal opinion to be obtained from the Council's legal advisors. It was advised that this would be circulated to the applicant and submitter.

Ms Peters advised that if legal advice determined that the consent components needed to be bundled for the purpose of the decision, then the applicants would put the application on hold and look at staging the development with the residential activity as a non-complying activity first and then the veterinary practice as a restricted discretionary activity. If unbundled for the decision, she advised the applicants would like a clear steer in regards to the site investigation requirements, then some time for Mr Sule and Ms Peters to revise the draft consent conditions. The Chairperson advised that they would be able to provide a more detailed timeline following the legal advice.

The hearing was then adjourned to allow for the legal advice to be obtained and then circulated to parties. Following the legal advice being received a minute was issued accordingly by the Committee on 22 July 2024 to the applicants providing the legal advice and noting that following consideration of the advice, the Committee had determined it was appropriate to consider the consents required for the proposal separately and retain their separate activity status in an "unbundled" manner. In reaching this decision the Committee had regard to the degree of separation between the use of the site for the veterinary clinic and residential activity, and the nature and scope of the soil contamination matter to be addressed.

The Committee minute requested that the applicants respond regarding the consents required by Monday, 29 July 2024, and advised regarding the steps to complete the hearing process. Following a response from Ms Peters for the applicant, a minute was then issued by the Committee on 7 August 2024 to the submitter, providing the legal advice and the Committee direction above and inviting a response by 14 August 2024. No response was received and a third minute was issued on 15 August 2024 to the applicants, informing them of the final steps to complete the hearing, being the provision of a written reply by 23 August 2024, including any comments on draft conditions attached to the minute. The reply from the applicants addressing the matters set out in the Committee minute was received by the Council on 23 August 2024. This information completed the presentation of evidence to the Committee and public hearing process.

Statutory and Other Provisions

In accordance with Section 104 of the Resource Management Act 1991, the Planner's Report detailed in full the relevant statutory provisions and other provisions the Committee considered. Regard was given to the relevant provisions of the 2GP, which sets out the policy framework, rule provisions and relevant assessment criteria for this resource consent application. This consideration included, but was not limited to, the provisions of Section 16 of the 2GP in relation to land use activities and development in Rural zones, and effects of the proposed activity in respect to earthworks (Section 8A), traffic (Section 6) and environmental noise (in Section 9).

Statutory provisions considered included Sections 104 and 104C in regard to the site development works and use of the land for the veterinary practice, and Sections 104, 104B and 104D in respect to the authorisation of the existing residential activity.

Main Findings on Principal Issues of Contention

The Hearing Committee has considered the evidence heard, the relevant statutory and plan provisions, the principal issues in contention. The main findings on the principal issues have been incorporated within the reasons discussed below.

Decision

The final consideration of the application, which took into account all information presented at the hearing, was held during the public-excluded portion of the hearing. The Committee reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991.

Land Use LUC-2023-377

*Pursuant to Part 2 and sections 34A(1), 104 and 104C of the Resource Management Act 1991, and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being the establishment of a Veterinary Clinic, on the land at 60 Bell Street, Outram, being the land legally described as Lot 3 DP 362560 (RT 255260), subject to the conditions imposed under Section 108 of the Act, as set out in the attached certificate.*

Land Use LUC-2024-290

*Pursuant to Part 2 and sections 34A(1), 104, 104B and 104D of the Resource Management Act 1991, and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **non-complying** activity being the continuation of the existing residential activity, on the land at 60 Bell Street, Outram, being the land legally described as Lot 3 DP 362560 (RT 255260), subject to the conditions imposed under Section 108 of the Act, as set out in the attached certificate.*

Land Use LUC-2024-291

*Pursuant to Part 2 and sections 34A(1), 104 and 104B of the Resource Management Act 1991, and the Resource Management (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, the Dunedin City Council **grants** consent to a **discretionary** activity for the change of use and disturbance of contaminated soil, on the land at 60 Bell Street, Outram, being the land legally described as Lot 3 DP 362560 (RT 255260), subject to the conditions imposed under Section 108 of the Act, as set out in the attached certificate.*

Reasons for this Decision

1. The Committee have considered the environmental effects of all aspects of the proposal and concluded that for each of the three components of the proposed activity set out above, the likely adverse effects of the proposed activity will overall be minor. The Committee are satisfied that the effects can be managed by conditions of consent, which will apply mainly to the site development proposed for the veterinary clinic and the operation of this land use.
2. The Committee note the existing residential activity on the site is long established and are satisfied that the consent required for this activity is a technical matter that of itself does not give rise to any change in environmental effects. The need for consent may be considered an oversight arising from the Council interpretation of existing use rights in 2005, when the subdivision creating this site was approved (RMA-2005-369485). An Environment Court decision in 2007 (ENV-2007-CHC-000056 – Decision No C71/2007) led to a change in how the Dunedin City Council considered existing activities when assessing a resource consent. As a result of this change, it is likely a resource consent would have been issued for the existing residential activity, had the subdivision consent been applied for after 2007.
3. Having regard to the evidence provided, the Committee are satisfied the effects of the proposed veterinary clinic operating at this location will not be more than minor, and can be managed effectively through conditions of consent. Similarly, the Committee consider the site development to establish this activity will not result in more than minor effects. While the proposed earthworks will raise some areas of the site, the change will not be noticeable from the road. The scale and design of the proposed clinic building will not be visually obtrusive in the context of the site, due to the setback from the road and proposed landscape development along

the road frontage. The car parking provision is considered sufficient to meet the likely demand from traffic generated by the clinic, as it is expected that much of the business activity will be services off site for farm animals in the Taieri area, which are currently undertaken based out of the Milton clinic.

4. The Committee are satisfied that works required for management of soil contaminants on site do not involve any adverse effects beyond the site boundary. The material in the burn piles was assessed by a suitably qualified person, with soil sampling and testing confirming the contaminants present. The contaminated soil material has now been removed from the site. Any remaining risks to human health will be avoided or mitigated through compliance with the relevant conditions of consent to verify actions undertaken or still required with respect to management of contamination. It is noted that these are based on recommendations of Environmental Consultants Otago Ltd for the applicants, and the expert review of their assessment by the Council Consultants, Stantec. In addition, it is noted works involving disturbance of contaminated soils are subject to requirements of the Otago Regional Council.
5. The Committee are satisfied that the application is principally about the establishment of the veterinary practice, which is a type of activity anticipated and provided for in Rural zones, subject to resource consent as a restricted discretionary activity. This type of activity is recognised as an essential service supporting rural productivity, with the consent process being a mechanism of ensuring any specific proposal is appropriate to the location at which it is to be situated. On the basis of the evidence presented, the Committee consider the proposed development and location are appropriate, with the effects managed in line with the relevant assessment matters of the District Plan for this activity.
6. The Committee are satisfied the consent for the existing residential activity (LUC-2024-290) is necessary to resolve the status of the present land use, and the consent for soil disturbance in terms of the NESCS (LUC-2024-291) is a procedural requirement necessary to ensure all risks from the presence of soil contaminants to people occupying the site (or undertaking site development) are managed. No evidence has been identified of any risks to other parties. Having regard to the legal advice obtained by the Committee, the Section 42A report and the evidence received, the Committee concluded that the resource management effects and planning issues are sufficiently distinct for these components of the land use proposed to be unbundled and considered separately from the veterinary practice, as a non-complying activity and discretionary activity respectively.
7. The Committee are satisfied that each component of the land use consent proposed is consistent with the majority of the key objectives and policies of the now Partially Operative 2nd Generation District Plan. It is accepted that there is a degree of conflict with the objectives and policies relating to rural productivity in regard to the residential activity and proposed veterinary practice. However, the Committee consider that neither of these components of the proposal are contrary to the relevant objectives and policy provisions. This is because the residential activity is existing and there is no evidence it was unlawfully established. The need for consent is to resolve what has now been identified as a historical anomaly, arising from change in interpretation of rules and existing use rights since land was subdivided to create the site. Taking into account the matters of discretionary that apply to the proposed veterinary practice, it is noted that any loss of land for rural productivity is not relevant as a consideration for this activity. In any event, the Committee recognise the evidence the proposed practice will play a role in maintaining rural productivity in the Taieri area.
8. The Committee have considered the objectives and policies of the Operative District Plan 2006, but given little weight to them, due to the advanced stage of the Proposed District Plan. The 2GP had been made Partially Operative before the date the when the applicants' written reply was received, and before the date the Committee made its deliberations.

9. The Committee consider the proposal is generally consistent with many of the key objectives and policies of the Regional Policy Statement for Otago, and the Partially Operative RPS. There is some inconsistency with the provisions relating to the use of highly productive land, but for the reasons above the proposal is not considered contrary to these provisions.
10. The Committee determined that consent for the existing residential activity is the only aspect of the proposal that requires assessment as a non-complying activity. Consideration of the National Policy Statement for Highly Productive Land applies in relation to this activity, but the Committee are satisfied that the proposal is not in conflict with the provisions of this policy statement as there is no change proposed in relation to this activity. As any adverse effects associated with the authorisation of the existing residential activity will be less than minor, and this activity will be consistent or inconsistent with the relevant objectives and policy provisions of the District Plans, the Committee are satisfied this activity can be considered to have passed both thresholds of the section 104D test for non-complying activities. The Committee therefore determined that the granting of consent could be considered.
11. The Committee gave consideration as to whether the application for the residential activity was a 'true exception', and consequently whether the granting of consent would be likely to set an undesirable precedent and undermine the integrity of the District Plan. The Committee are satisfied that the site presents a confined set of circumstances, which may be sufficiently distinct so as to constitute a "true exception". This is due to the established nature and history of this activity, and context of the site and surrounding environment. Accordingly, the Committee are satisfied the proposal cannot be considered to set an undesirable precedent, and the proposal does not represent a challenge to the integrity of the District Plan.
12. Overall, the Committee concluded that the granting of the consents required for the proposed activity would be consistent with the purpose of the Resource Management Act 1991 to promote the sustainable management of natural and physical resources.

Right of Appeal

In accordance with Section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received.

The address of the Environment Court is:

The Registrar
Environment Court
PO Box 2069
Christchurch Mail Centre
Christchurch 8013

Any appeal must be served on the following persons and organisations:

- The Dunedin City Council.
- The applicant(s).
- Every person who made a submission on the application.

Failure to follow the procedures prescribed in Sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

Commencement of Consent

As stated in section 116 of the Resource Management Act 1991, this consent will only commence once the time for lodging appeals against the grant of the consent expires and no appeals have been lodged, or the Environment Court determines the appeals or all appellants withdraw their appeals, unless a determination of the Environment Court states otherwise.

Monitoring

Section 35(2)(d) of the Resource Management Act 1991 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 the land use proposed and associated site development, and the scope of conditions required, LUC-2023-377 will require two site inspections, and LUC-2024-290 and LUC-2024-291 will require one inspection each.

Please ensure that you read the conditions of your consent carefully to establish your obligations when exercising your consents.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Colin Weatherall', written in a cursive style.

Colin Weatherall
Chair



Consent Type: Land Use Consent

Consent Number: LUC-2024-290

Purpose: Continuation of Residential Activity

Location of Activity: 60 Bell Street, Outram.

Legal Description: Lot 3 DP362560 (Record of Title 255260).

Lapse Date: 14 October 2029, unless the consent has been given effect to before this date.

Conditions

1. *The proposed activity must be undertaken in general accordance with the plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 3 October 2023, the further information provided on 17 January 2024 and 15 March 2024 and the evidence and submissions provided for the hearing on 24 June 2024.*

Advice Notes

1. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
2. Resource consents are not personal property. 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 14 October 2024

Colin Weatherall
Chair
Hearings Committee





Consent Type: Land Use Consent

Consent Number: LUC-2023-377

Purpose: Veterinary Clinic within a Hazard 2 Flood overlay contravening transport, temporary activity and rural setback performance standards and associated large scale earthworks

Location of Activity: 60 Bell Street, Outram.

Legal Description: Lot 3 DP362560 (Record of Title 255260).

Lapse Date: 14 October 2029, unless the consent has been given effect to before this date.

Conditions

2. *The proposed activity must be undertaken in general accordance with the plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 3 October 2023, the further information provided on 17 January 2024 and 15 March 2024 and the evidence and submissions provided for the hearing on 24 June 2024, except where modified by the following conditions.*

Conditions to be met prior to any site works or construction commencing

3. *A planting plan for 60 Bell Street, that has the objective of mitigating the visual impact of the proposed veterinary clinic building and parking areas by screening and softening the impact of the built form, is to be prepared by a suitably qualified person and submitted to rcmonitoring@dcc.govt.nz for certification by the Council's Resource Consent Manager (or nominee). The planting plan is to comprise appropriate indigenous plants, specify the areas to be planted, and provide details of all proposed species, the numbers of plants, plant size at time of planting, the mature heights of all species, weed and pest control measures and planting density.*
4. *Prior to earthworks or construction commencing a Stormwater Management Plan (SWMP) prepared by a suitably qualified person shall be submitted to Dunedin City Council for certification, containing the following:*
 - i. *Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and*
 - ii. *An assessment of the current and proposed imperviousness of the site; and Secondary flow paths; and*
 - iii. *Any watercourses located within the property; and*
 - iv. *Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and*
 - v. *An assessment of the current network and its ability to accept any additional flow from the proposed development.*



- vi. *Measures to ensure acceptable level of stormwater quality being discharged from the site.*

Conditions to be met at commencement of, or during, site works or construction

Earthworks & construction

5. *Any future 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.*
6. *Any modification to the site shall not increase any adverse stormwater effects on neighbouring lots as a result of the work.*
7. *Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431:2022 Engineered fill construction for lightweight structures.*
8. *Any earth fill supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431-1989 Code of Practice for Earthfill for Residential Development. If cut material is used on site for fill purposes then moisture controls may be required to meet this standard.*
9. *To ensure effective management of erosion and sedimentation on the site during earthworks and as the site is developed, measures are to be taken and devices are to be installed, where necessary, to:*
 - i. *divert clean runoff away from disturbed ground;*
 - ii. *control and contain stormwater run-off; and*
 - iii. *avoid sediment laden run-off from the site'.*
10. *No soil disturbance or soil shifting, unloading, loading will take place if wind speed is higher than 14 metres per second if the soil is dry and prone to becoming airborne, unless a dust suppressant is applied.*
11. *All loading and unloading of trucks with excavation or fill material is to be carried out within the subject site.*
12. *The consent holder must:*
 - i. *be responsible for all contracted operations relating to the exercise of this consent; and*
 - ii. *ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to all associated erosion and sediment control plans and methodology; and*
 - iii. *ensure compliance with land use consent conditions.*
13. *Construction Noise is to comply with the permitted noise limits specified in Table 1 of Rule 4.5.4.1 of the 2GP.*

Conditions to be met following the conclusion of site works or construction

Planting

14. *Planting is to be in established in accordance with the certified planting plan in Condition 2 above within 6 months of completion of the veterinary clinic building (defined as issue of code compliance certificate for that building) and is to be maintained thereafter.*

Earthworks

15. *As-built records of the final extent and thickness of any un-engineered fill must be recorded and a plan provided to the Council at rcmonitoring@dcc.govt.nz for its records.*

High Class Soils

16. *Any soils excavated from the site that are not identified as requiring removal for contamination reasons are to be retained on site.*

Transportation

17. *Each new vehicle access to/from the veterinary clinic must be formed to a maximum 9.0m wide, be hard surfaced from the edge of the Bell Street carriageway toward the property boundary for a distance of not less than 5.0m and be adequately drained for its full duration.*
18. *Any damage to any part of the road formation as a result of the demolition or construction works must be reinstated at the consent holder's cost.*
19. *The surface of all parking, associated access and manoeuvring areas must be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked (in accordance with the application plans) except for parking spaces 18-22.*
20. *The parking area must be illuminated to a minimum maintained level of 2 lux, with high uniformity, during the hours of operation.*
21. *Directional line marking, and signage must be installed at each vehicle access so that each respective access is used for entry and exit only.*

Stormwater Management

22. *Stormwater management for the veterinary clinic must be undertaken in accordance with the approved SWMP of Condition 3 above.*

Site Management

23. *Standard Operational hours (excluding emergency activities) will be:*
 - *Monday to Friday 8am to 5.30pm; and*
 - *Saturday 9.30am to 12.30pm.*
24. *Retail Activity on the site is restricted to the sale of animal care products.*
25. *Any animals requiring overnight care are to be housed within the veterinary services building and not within outside yard areas.*

26. *No crematorium facilities are to be established at the site.*
27. *Site lighting is to be directed away from roads and any adjacent property and comply with the permitted requirements of Rule 16.5.5 of the 2GP.*
28. *Operational noise is to comply with the rural zone noise standards specified in Rule 9.3.6 of the 2GP.*

Advice notes:

Transportation

1. It is advised that any works within legal road are required to be undertaken by a DCC approved contractor and will require an approved corridor access request.
2. The vehicle crossing, between the road carriageway and the property boundary, is within legal road and will therefore require a separate Vehicle Entrance Approval from DCC Transport to ensure that the vehicle crossing is constructed/upgraded in accordance with the Dunedin City Council Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).

Infrastructure

3. While the site is located within the water boundary, it is not zoned for a water connection and therefore any water connection application would be at the discretion of DCC's 3 Waters Department. 3 Waters have historically declined the majority of applications for out of zone water connections.

Minimum Floor level

4. A minimum floor level for the proposed building will be confirmed at the time of building consent. The Fluent Solutions Report identifies that at a minimum the building floor level needs to comply with the Building Code E1/AS1 being at least 150mm above the level of the crown of the adjacent road.

Earthworks & Construction

4. All measures (including dampening) should be undertaken to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary.
5. Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.
6. Construction noise from these activities is to comply with Rule 4.5.4.1 of the District Plan or a further resource consent will be required. The typical duration construction noise limits for construction activity on the sites are as follows:

Time of Week	Time Period	Leq (dBA)	Lmax(dBA)
Weekdays	0630-0730	60	75
	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75
Saturdays	0630-0730	45	75

	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays and public holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

Construction Noise will be measured and assessed in accordance with NZS6803:1999 Acoustics Construction Noise

Archaeology

7. If the consent holder:

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

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

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

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

- i) stop work within the immediate vicinity of the discovery or disturbance; and
- ii) advise the Consent Authority, Heritage New Zealand, and in the case of Māori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and
- iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

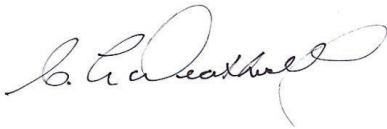
Site work may recommence following consultation with the Consent Authority.

General

8. 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.

9. 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.
10. 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.
11. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
12. 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 14 October 2024

A handwritten signature in black ink, appearing to read 'C. Weatherall', with a stylized flourish at the end.

Colin Weatherall
Chair
Hearings Committee



Consent Type: Land Use Consent

Consent Number: LUC-2024-291

Purpose: Change of Use and Soil Disturbance on a HAIL Site

Location of Activity: 60 Bell Street, Outram.

Legal Description: Lot 3 DP362560 (Record of Title 255260).

Lapse Date: 14 October 2029, unless the consent has been given effect to before this date.

Conditions

1. *The proposed activity must be undertaken in general accordance with the plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 3 October 2023, the further information provided on 17 January 2024 and 15 March 2024 and the evidence and submissions provided for the hearing on 24 June 2024, except where modified by the following conditions.*

Conditions to be met prior to any site works or construction commencing

2. *Prior to soil disturbance commencing on the site the consent holder must submit a Preliminary Site Investigation (PSI) report prepared by a suitably qualified person to the Resource Consents Manager for certification. The report must incorporate or be accompanied by an updated copy of the Soil Contamination Summary Report by Environment Consultants Otago Ltd verifying the actions undertaken to manage the potentially contaminated soil in accordance with best practice with regard to the removal of soil from the site, and confirming whether or not if any further remedial works are required. The PSI can be sent to the Resource Consent Manager by way of email to rcmonitoring@dcc.govt.nz.*

Conditions to be met at commencement of, or during, site works or construction

3. *The consent holder must ensure that any actions required by the PSI (or specified in the Soil Contamination Summary Report) are undertaken in accordance with the certified PSI required under Condition 2 above.*
4. *In the event that soils are found to have visible staining, odours and/or other conditions that indicate soil contamination, then work must cease until a suitably qualified and experienced practitioner has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils. The consent holder must notify the Resource Consent Manager by way of email to rcmonitoring@dcc.govt.nz.*
5. *Any soils from that area which require disposal off-site must go to a facility authorised to accept material of this kind.*



6. All contaminated material being removed for disposal must be kept secure under a suitable cover while being transported.

Conditions to be met following the conclusion of site works or construction

7. For any soils disposed of off-site, excepting those already disposed of and verified as correctly disposed in the Soil Contamination Summary Report prepared by EC Otago Ltd, evidence of disposal to an authorised facility must be provided to the Council within 1 month of completing construction works. This may be by way of waste manifests and/or weighbridge receipts to rcmonitoring@dcc.govt.nz.
8. The site is to be sown with grass immediately following completion of construction works and made erosion resistant within 1 month of completing construction works.

Advice notes:

Regional Plan: Waste for Otago

1. Please contact the Otago Regional Council to determine whether you also need to obtain a resource consent under the contaminated site rules of the Regional Plan: Waste for Otago.

Earthworks & Construction

2. All measures (including dampening) should be undertaken to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary.
3. Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.
4. Construction noise from these activities is to comply with Rule 4.5.4.1 of the District Plan or a further resource consent will be required. The typical duration construction noise limits for construction activity on the sites are as follows:

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Construction Noise will be measured and assessed in accordance with NZS6803:1999 Acoustics Construction Noise

Archaeology

5. If the consent holder:

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 - ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate Rūnanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

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

- d) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
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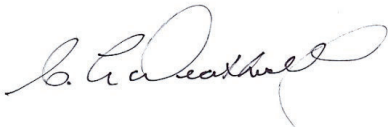
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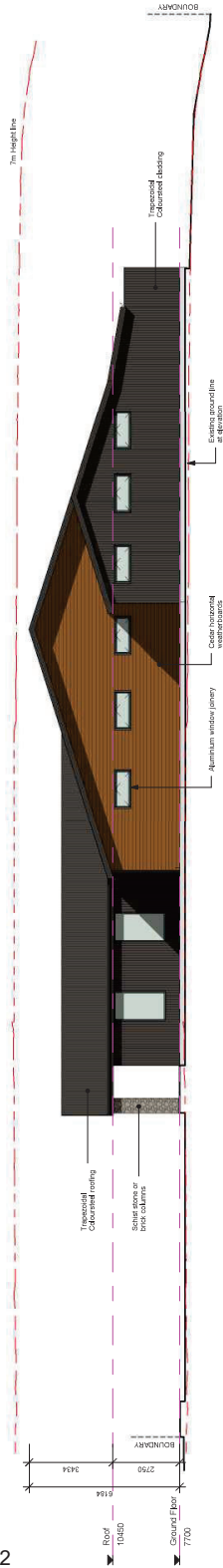
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Issued at Dunedin on 14 October 2024

A handwritten signature in black ink, appearing to read 'Colin Weatherall', written in a cursive style.

Colin Weatherall
Chair
Hearings Committee

Appendix One: Approved Plans for LUC-2023-377, LUC-2024-291 (scanned image, not to scale)



East Elevation (Road Side)

Scale - 1 : 100 on A1



Contract Drafting - Architectural Design

Rev	Date	Revised Description	By	App
001	2023	Initial Design	A	WJ

Proposed Clutha Vets - Outram 60 Bell Street Outram 9019	
Project No: 23001 Date: 2023-07-23 Drawn By: A Checked By: A	Project Name: Proposed Clutha Vets - Outram Project Address: 60 Bell Street, Outram 9019 Project Date: 2023-07-23 Project Status: Preliminary



[illegible]

Do Not Scale From These Drawings.
Use Figured Dimensions Only.

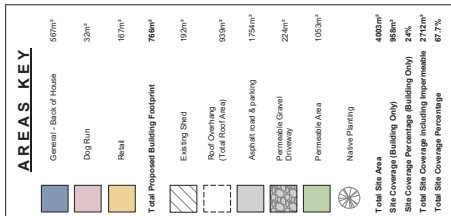
**Proposed Clutha Vets -
Outram
60 Bell Street
Outram 9019**

At Scales:	1 : 250	Date:	July '23
Sheet Title:			

Site Plan Overlay

Contract	23001	Sheet	A0.03
Revision		A	
PRELIMINARY		A1	

Site Plan Overlay
Scale - 1 : 250 on A1



Contract Draughting - Architectural Design

[illegible]

Do Not Scale From These Drawings.
Use Figured Dimensions Only

**Proposed Clutha Vets -
Outram
60 Bell Street
Outram 9019**

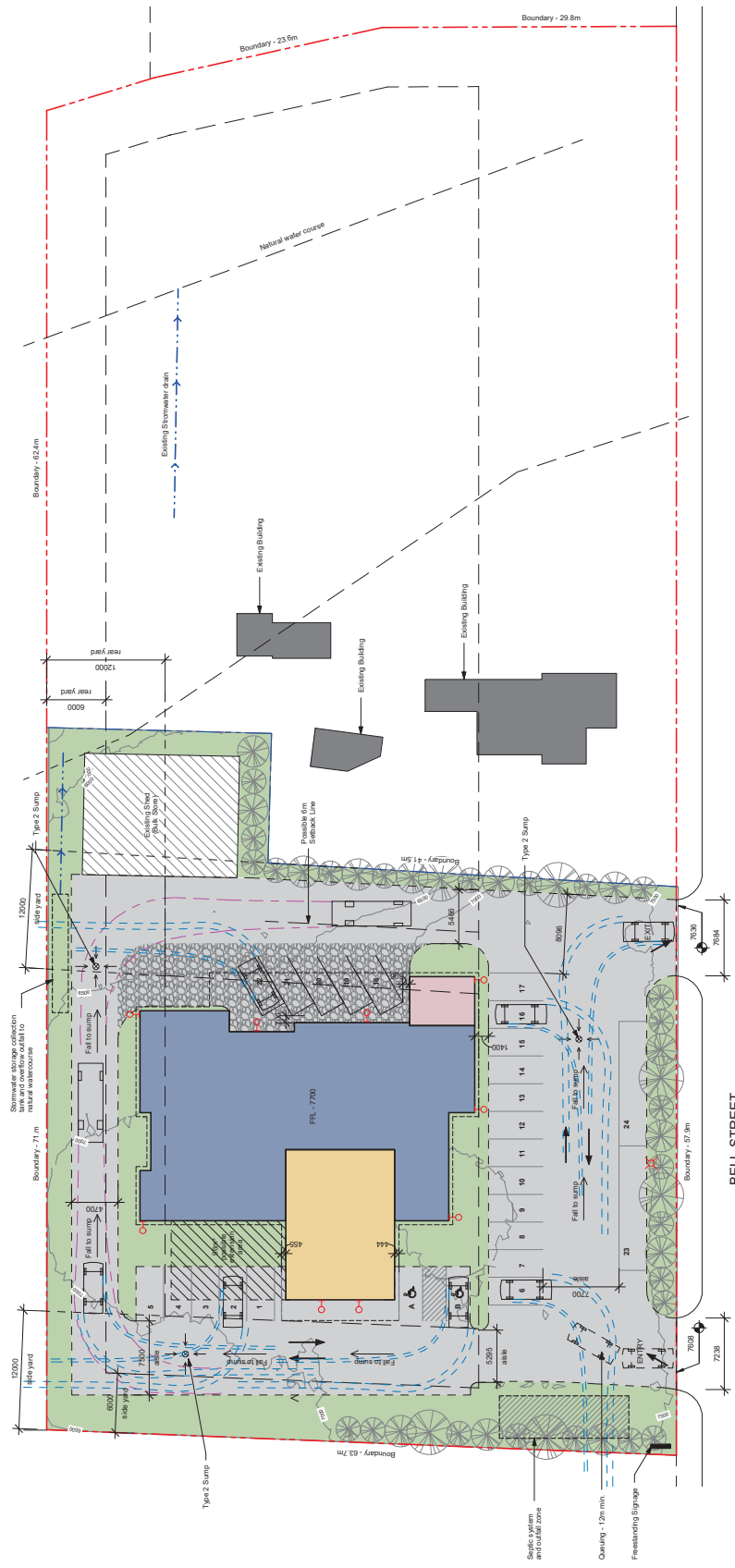
At Source:	Date:
As indicated	July '23

Sheet Title:

Site Plan

Contract: _____	Sheet: _____
Revision: _____	A0.02

PRELIMINARY



Site Plan
Scale - 1 : 250 on

Lighting Fix: - External Wall Lighting - Lamp Post (Directed away from road)	Cut/Fill Schedule <table border="1"> <tr> <td>Cut</td> <td>538m²</td> </tr> <tr> <td>Fill</td> <td>234m²</td> </tr> <tr> <td>Net Cut/Fill</td> <td>304m²</td> </tr> </table>	Cut	538m ²	Fill	234m ²	Net Cut/Fill	304m ²
Cut	538m ²						
Fill	234m ²						
Net Cut/Fill	304m ²						

