

APPENDIX 1: THE APPLICATION



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We

(must be the FULL name(s) of an individual or an entity registered with the New Zealand Companies Office. Family Trust names and unofficial trading names are not acceptable: in those situations, use the trustee(s) and director(s) names instead) hereby apply for:

☒ Land Use Consent ☒ Subdivision Consent

I opt out of the fast-track consent process: ☒ Yes ☐ No

(only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity:

See attached AEE.

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

Site location/description

I am/We are the: ☒ owner, ☐ occupier, ☐ lessee, ☒ prospective purchaser etc) of the site (tick one)

Street address of site:

Legal description:

Certificate of Title:

Contact details

Name: (☐ applicant ☒ agent (tick one))

Address:

Postcode:

Phone (daytime):

Email:

Chosen contact method (this will be the first point of contact for all communications for this application)

I wish the following to be used as the address for service (tick one): ☒ Email ☐ Post ☐ Other:

Ownership of the site

Who is the current owner of the site?

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

Address:

Postcode:

Phone (daytime):

Email:



DUNEDIN | kaunihera
CITY COUNCIL | o te pahi o
Otago

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Planning Application Fees Payment Details (Who are we invoicing)

THIS FORM MUST BE COMPLETED FOR ALL PLANNING APPLICATIONS THAT ATTRACT A FEE. ALL FIELDS ARE MANDATORY.

This information is required to assist us to process resource consent invoices and refunds at lodgement and the end of the process. If you have any queries about completing this form, please email planning@dcc.govt.nz

Deposit Payment Payee Details:

Full Name of Deposit Payee (Person or Company): Clutha Veterinary Association Incorporated

Mailing Address of Deposit Payee (please provide PO Box number where available):

C/o- Sweep Consultancy Limited, P.O. Box 5724 Dunedin 9054

Email Address of Deposit Payee: C/o- emma@sweepconsultancy.co.nz

Daytime contact phone number: C/o- 0274822214

Important Note: The Payee will automatically be invoiced for the deposit and/or any additional costs. Should a portion of the deposit be unspent, it will be refunded to the payee.

Fees

Council recovers all actual and reasonable costs of processing your application. Most applications require a deposit and costs above this deposit will be recovered. A current fees schedule is available on www.dunedin.govt.nz or from Planning staff. Planning staff also have information on the actual cost of applications that have been processed. This can also be viewed on the Council website.

Development contributions

Your application may also be required to pay development contributions under the Council's Development Contributions Policy. For more information please ring 477 4000 and ask to speak to the Development Contributions Officer, or email development.contributions@dcc.govt.nz.

Occupation of the site

Please list the full name and address of each occupier of the site:

Mr Dean Warnock & Ms Carryn Warnock

Monitoring of your Resource Consent

To assist with setting a date for monitoring, please estimate the date of completion of the work for which Resource Consent is required. Your Resource Consent may be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your Resource Consent, if granted, may be monitored three years from the decision date).

(month and year)

Monitoring is an additional cost over and above consent processing. You may be charged at the time of the consent being issued or at the time monitoring occurs. Please refer to City Planning's Schedule of Fees for the current monitoring fee.

Detailed description of proposed activity

Please describe the proposed activity for the site, giving as much detail as possible. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please provide proposed site plans and elevations.

Please see attached AEE.

Description of site and existing activity

Please describe the existing site, its size, location, orientation and slope. Describe the current usage and type of activity being carried out on the site. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please also provide plans of the existing site and buildings. Photographs may help.

Please see attached AEE.

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? Taleri Plain Rural Zone

Are there any overlaying District Plan requirements that apply to the site e.g. in a Landscape Management Area, in a Townscape or Heritage Precinct, Scheduled Buildings on-site etc? If unsure, please check with City Planning staff.

Hazard 2 (flood) Overlay Zone
Groundwater Protection Mapped Area
Swale Mapped Area
High Class Soils Mapped Area

Breaches of district plan rules

Please detail the rules that will be breached by the proposed activity on the site (if any). Also detail the degree of those breaches. In most circumstances, the only rules you need to consider are the rules from the zone in which your proposal is located. However, you need to remember to consider not just the Zone rules but also the Special Provisions rules that apply to the activity. If unsure, please check with City Planning staff or the Council website.

Please see attached AEE.

Affected persons' approvals

I/We have obtained the written approval of the following people/organisations and they have signed the plans of the proposal:

Name:

Address:

Name:

Address:

Please note: You must submit the completed written approval form(s), and any plans signed by affected persons, with this application, unless it is a fully notified application in which case affected persons' approvals need not be provided with the application. If a written approval is required, but not obtained from an affected person, it is likely that the application will be fully notified or limited notified.

Assessment of Effects on Environment (AEE)

In this section you need to consider what effects your proposal will have on the environment. You should discuss all actual and potential effects on the environment arising from this proposal. The amount of detail provided must reflect the nature and scale of the development and its likely effect. i.e. small effect equals small assessment.

You can refer to the Council's relevant checklist and brochure on preparing this assessment. If needed there is the Ministry for the Environment's publication "A Guide to Preparing a Basic Assessment of Environmental Effects" available on www.mfe.govt.nz. Schedule 4 of the Resource Management Act 1991(RMA) provides some guidance as to what to include.

Please see attached AEE.

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have been applied for: ☐ Yes ☐ No
☐ Water Permit ☐ Discharge Permit ☐ Coastal Permit ☐ Land Use Consent for certain uses of lake beds and rivers ☐ Not applicable

Assessment of Objectives and Policies

In this Section you need to consider and assess how your application proposal aligns with the relevant objectives and policies in the District Plan relating to your activity. If your proposal is a discretionary or non-complying activity under the District Plan more attention to the assessment will be necessary as the objectives and policies of the District Plan may not always be in support of the proposed activity.

Please see attached AEE.

Declaration

I certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

I accept that I have a legal obligation to comply with any conditions imposed on the Resource Consent should this application be approved.

Subject to my/our rights under section 357B and 358 of the RMA to object to any costs, I agree to pay all the fees and charges levied by the Dunedin City Council for processing this application, including a further account if the cost of processing the application exceeds the deposit paid.

Signature of: ☒ Applicant ☐ Agent (tick one):

Emma Peters, Consultant, Sweep Consultancy Limited

4/10/2023

Date:

Privacy – Local Government Official Information and Meetings Act 1987

You should be aware that this document becomes a public record once submitted. Under the above Act, anyone can request to see copies of applications lodged with the Council. The Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld, the Council will make a decision following consultation with you. If the Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen.

Please advise if you consider it necessary to withhold your application, or parts of it, from any persons (including the media) to (tick those that apply):

- ☐ Avoid unreasonably prejudicing your commercial position
- ☐ Protect information you have supplied to Council in confidence
- ☐ Avoid serious offence to tikanga Māori or disclosing location of waahi tapu

What happens when further information is required?

If an application is not in the required form, or does not include adequate information, the Council may reject the application, pursuant to section 88 of the RMA. In addition (section 92 RMA) the Council can request further information from an applicant at any stage through the process where it may help to a better understanding of the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated. The more complete the information provided with the application, the less costly and more quickly a decision will be reached.

Further assistance

Please discuss your proposal with us if you require any further help with preparing your application. The Council does provide pre-application meetings without charge to assist in understanding the issues associated with your proposal and completing your application. This service is there to help you.

Please note that we are able to provide you with planning information but we cannot prepare the application for you. You may need to discuss your application with an independent planning consultant if you need further planning advice.

City Planning Staff can be contacted as follows:

IN WRITING: Dunedin City Council, PO Box 5045, Dunedin 9054

IN PERSON: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon

BY PHONE: (03) 477 4000

BY EMAIL: planning@dcc.govt.nz

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

Information requirements

- ☐ Completed and Signed Application Form
- ☐ Description of Activity and Assessment of Effects
- ☐ Site Plan, Floor Plan and Elevations (where relevant)
- ☐ Written Approvals
- ☐ Payee details
- ☐ Application fee (cash, eftpos, direct credit or credit card (surcharge may apply))
- ☐ Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- ☐ Forms and plans and any other relevant documentation signed and dated by Affected Persons

In addition, subdivision applications also need the following information:

- ☐ Number of existing lots
- ☐ Number of proposed lots
- ☐ Total area of subdivision
- ☐ The position of all new boundaries

In order to ensure your application is not rejected or delayed through requests for further information, please make sure you have included all of the necessary information. A full list of the information required for resource consent applications is in the Information Requirements Section of the District Plan.

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information)? ☐ Yes ☐ No

Application: ☐ Received ☐ Rejected

Received by: ☐ Counter ☐ Post ☐ Courier ☐ Other:

Comments:

(Include reasons for rejection and/or notes to handling officer)

Planning Officer:

Date:

Subdivision Consent & Land Use Consent for Veterinary Services

Assessment of Environmental Effects



60 Bell Street, Outram

4 October 2023

Prepared by Emma Peters
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4 October 2023

Senior Planner – Non Notifieds
Dunedin City Council
P.O. Box 5045
Dunedin 9054

Hi,

Subdivision Consent and Land Use Consent for Veterinary Services – 60 Bell Street, Outram

Site

1. Mr Dean Warnock and Ms Carryn Warnock own a property located at 60 Bell Street, Outram legally described as Lot 3 Deposited Plan 362560 contained in record of title 255260¹ (**site**). The site comprises approximately 8,997m² and contains an existing dwelling in which Mr and Ms Warnock reside and various outbuildings. The location of the site is shown in Figure 1 below.



Figure 1: Location of Site.

2. Mr and Ms Warnock have entered into a sale and purchase agreement with our client, Clutha Veterinary Association Incorporated (**Clutha Vets**), which is conditional upon obtaining subdivision consent to subdivide the site into two allotments and land use consent to operate veterinary services from one of the resulting allotments. Both parties, Mr and Ms Warnock and Clutha Vets are the applicants.

Zoning

3. Pursuant to the Second Generation District Plan Appeals Version (**2GP**) the site is zoned *Taieri Plain Rural*. The zoning of the site is shown in Figure 2 below. Figure 2 shows the site falls entirely within:

¹ Copy of record of title is appended at Appendix 1.

- A Hazard 2 (flood) Overlay Zone being Area 1B – West Taieri Plain above high tide level which has a risk level of *moderate* (shown by the horizontal blue lines); and
- A Groundwater Protection Mapped Area being Zone A Lower Taieri Aquifer.

4. Figure 2 shows the site is covered to an extent by:

- A Swale Mapped Area being Area 1C – West Taieri overland flow paths; and
- A High Class Soils Mapped Area.

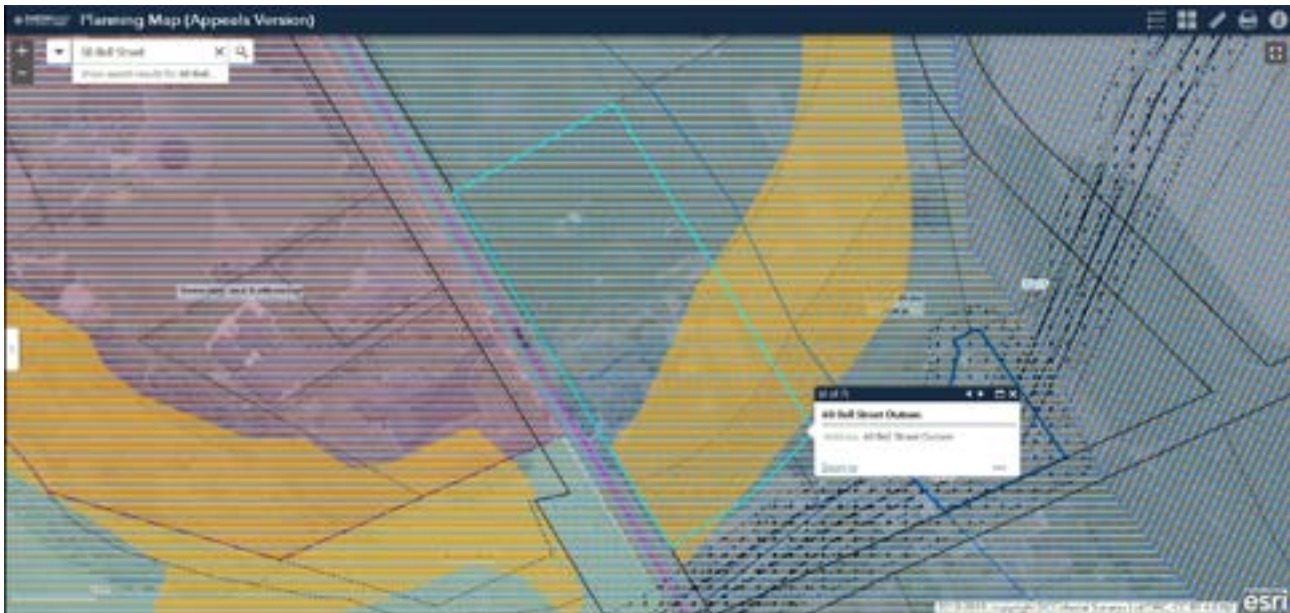


Figure 2: Zoning of Site Pursuant to 2GP.

Proposed Activity

5. A completed application form precedes this assessment of environmental effects. Our client will pay the application fee upon receipt from Council of an invoice for a non-notified subdivision and land use consent application. The applicants seek the standard 5 year consent period for giving effect to the consent.
6. The applicants seek:
 - Subdivision consent to subdivide the site into two allotments; and
 - Land use consent to operate veterinary services from resulting Lot 1; and
 - Land use consent for contravention of Rule 4.5.1 (development standards), Rule 6.6.3.1.a.ii.3 (number of vehicle crossings), Rule 6.6.2.3.a.iii (permanent marking of loading area), [earthworks].

A brief description of each of these is provided below.

Subdivision

7. The proposed subdivision will result in two allotments²:

- Lot 1 will be purchased by Clutha Vets and developed to provide veterinary services (see below *Land Use Consent – Veterinary Services* for further details). Lot 1 contains the existing shed and approximately 4,000m².
- Lot 2 will contain the existing dwelling and garage and be retained by Mr and Ms Warnock. Lot 2 will contain approximately 5,100m².

Veterinary Services

8. Clutha Vets plan to operate veterinary services from a purpose built building on Lot 1. Clutha Vets has provided the following statement:

“Clutha Vets is a co-operative society, set up to provide: “Top quality and up-to-date animal health services, advice and products to our members and the community, 24 hours a day, 7 days a week”. Membership of the Association is open to any animal-owning individual, family, organisation or business, based within our catchment. This coincides approximately with that of the Clutha District Council, with an extension onto the northern end of the Taieri Plain and Strath Taieri (part of the Dunedin City Council). As an incorporated society, the “Vet Club” must exist for the benefit of our members, and not for the generation of profit.

Clutha Vets can trace its first farmer employed vet back to 1908. As a significant business in the Clutha District of New Zealand, we take our corporate citizenship seriously. You will see our vets at field days and discussion groups, shows and competitions, farm training days, school visits and careers days, supporting Telford and the Clutha Agricultural Development Board, providing work opportunities for school leavers, trainees and students and sponsor dozens of community ventures each year.

Our production animal vets provide a complete range of animal health services and advice 24 hours a day, 7 days a week. Individual vets specialise in different areas so within the team there is always someone to turn to for advice on those particularly tricky cases. Our companion animal vets also provide 24/7 cover and in Balclutha work out of a surgical suite recently upgraded to among the highest standards in NZ with facilities and equipment second to none. This includes an in-house laboratory, digital x-ray and ultrasound facilities and a sterile surgery with modern anaesthetic machines and HEPA filtered positive pressure ventilation, the latter to reduce the chances of post-operative infections. The clinic in Milton was refurbished in 2010 and has its own great team of vets, qualified vet nurses and knowledgeable retail staff. Our

² Subdivision scheme plan is appended at Appendix 2a.

Lawrence clinic was opened in 2020 and has one full-time vet plus vet nurse/retail support, offering veterinary services to farm and companion animals in the Lawrence area.

The large retail outlet and bulk store in Balclutha enables us to store large quantities of stock to help ensure the merchandise you need is onsite when you need it and at extremely competitive prices. This is complemented by our Milton and Lawrence clinics and Clydevale store. All facilities are manned by staff with exceptional animal health product knowledge. On top of this Clutha Vets runs its own trucks for bulk delivery to farms and runs supply depots in Owaka, Momona, Clinton and Lee Stream meaning members have convenient access no matter where in the district they live."

9. A site plan for the layout of the proposed veterinary services on Lot 1, the site plan overlaid aerial and elevations have been prepared by Cadzow & Associates Limited³. There will be separate entry and exit points from Bell Street to the veterinary services site to manage flow of traffic around the vet practice building. The building will be approximately 958m² in footprint and a maximum height of 6.685m. A possible extension of 96m² to the building is shown on the site plan.
10. As shown on the elevations, the exterior walls will be clad in a mixture of trapezoidal Coloursteel and horizontal cedar weatherboards with aluminium joinery for windows and doors and schist stone or brick cladding the columns on either side of the main entry to the building as shown on the elevations. There will be 26 parking spaces 22 being standard car parks, 2 mobility car parks and 2 larger and longer parks to provide for trailers/floats/trucks. The existing shed will be used as a bulk store.
11. A preliminary stormwater management plan has been prepared for the veterinary services development and is appended at Appendix 2c.

Performance Standard Contraventions

12. Resource consent is sought for contravention of the following performance standards:
 - Rule 4.5.1 (development standards);
 - Rule 6.6.3.1.a.ii.3 (number of vehicle crossings);
 - Rule 6.6.2.3.a.iii (permanent marking of loading area);and
 - Rule 8A.5.1.5.a.Y (maximum combined cut and fill in a *Hazard 2 (flood) Overlay Zone*).

NPS-HPL

13. According to the *Manaaki Whenua Landcare Research Our Environment Mapping Database*⁴ the site

³ Copy of each is appended at Appendix 3a – c respectively.

⁴ See: https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/Iri_luc_main

contains LUC class 1 land as shown in Figure 3 below.

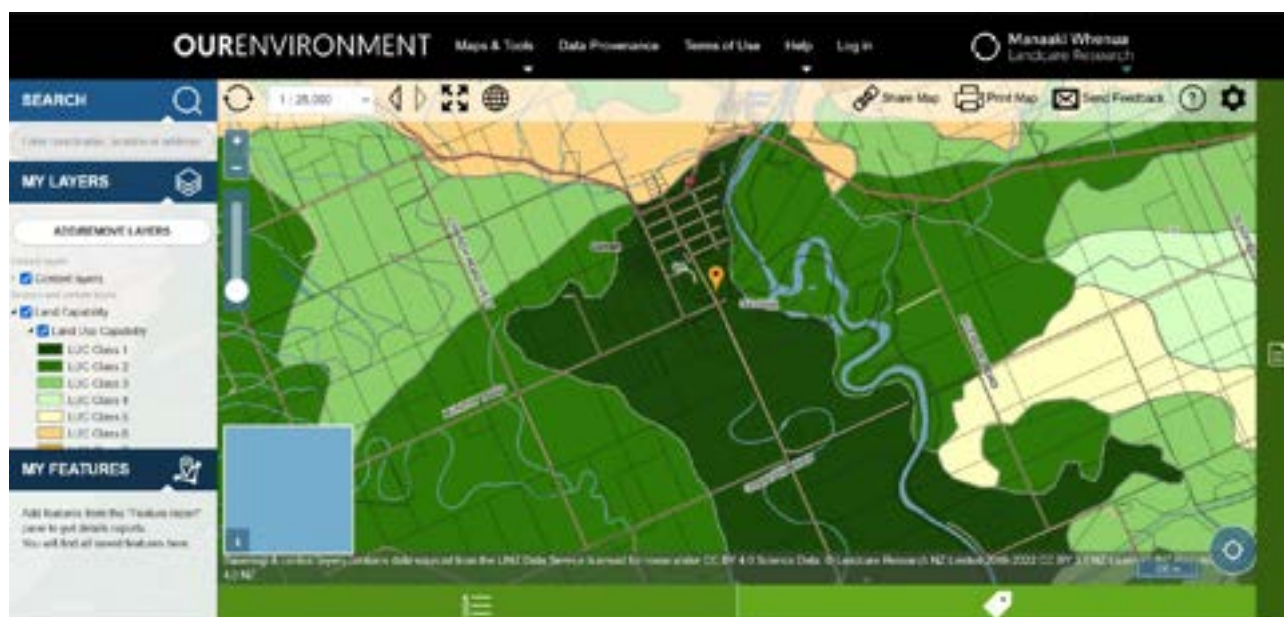


Figure 3: LUC Classification of the Site.

14. However, the *National Policy Statement for Highly Productive Land* is not applicable to this site as the 2GP contains a consenting pathway for the proposed activity.

Activity Status

15. Dunedin City currently has two district plans, the 2006 Dunedin City District Plan (**2006 plan**) and the 2GP. However, given the 2GP zoning of the site as *Taieri Plain Rural* is deemed operative, only the activity status of the proposed activity in relation to the 2GP is analysed below. The analysis below shows that the overall activity status is **non-complying**.

Subdivision

16. The minimum site size for subdivision activity in the *Taieri Plain Rural* zone is 40 hectares⁵. Given the site is approximately 8,997m² and, therefore, already undersized, neither of the proposed allotments can meet the minimum site size for the zone and the proposed subdivision activity is **non-complying** pursuant to Rule 16.7.4.3.
17. The proposed subdivision activity **complies** with all other relevant subdivision performance standards⁶.

Land Use

18. Rule 16.5.2 requires that for standard residential activity in the *Taieri Plain Rural* zone, sites must have a minimum site size of 25 hectares⁷. Clearly, at approximately 5,100m², Lot 2 does not meet the land

⁵ 2GP Rule 16.7.4.1.g.

⁶ See Appendix 4 for an analysis of the proposed subdivision activity against those relevant performance standards.

⁷ 2GP Rule 16.5.2.1.g.i.

use density performance standard for standard residential activity. However, the site (60 Bell Street) at 8,997m² does not meet this performance standard in the first place and, as such, there are **existing use rights with respect to the existing residential activity on an undersized rural site**. There are no other land use performance standards relevant to the existing residential activity.

19. The 2GP defines 'veterinary services' as: *"The use of land and buildings for the treatment and prevention of diseases and injuries in animals by registered veterinary practitioners and persons in their employment. Veterinary services are a sub-activity of office."*
20. Veterinary services (large animal practice) activities have an activity status of **restricted discretionary** pursuant to the 2GP⁸ with the discretion of Council restricted to the following matters: effects on rural character and visual amenity⁹, effects on amenity of surrounding properties¹⁰, effects on the safety and efficiency of the transport network¹¹ and given the site is located in the *Hazard 2 (flood) Overlay Zone* and the proposed veterinary services building is more than 60m² Council's discretion is also restricted to an assessment of the risk from natural hazards¹².

City Wide Activities

21. The proposed veterinary services activity potentially falls under the definition of the following city-wide activities:
 - Temporary activities – construction;
 - Setback from netback utilities;
 - Vehicle access, loading and car parking; and
 - Earthworks.

Construction

22. 'Construction' is defined in the 2GP as meaning: *"The use of plant, tools, gear or materials as part of the erection, installation, repair, maintenance, alteration, dismantling or demolition of any building or structure; or site development. This definition includes all work from site preparation to site restoration. This definition does not include any resultant buildings, structures or site development activities (including demolition or removal for relocation), which are separately defined under development activities or city-wide activities."*
23. The temporary activity of construction is a permitted activity provided that the construction meets the relevant performance standard relating to noise¹³. Clutha Vets informs that they expect

8 2GP Rule 16.3.3.37.a.

9 2GP Rule 16.10.2.1.a.

10 2GP Rule 16.10.2.2.6.a.

11 2GP Rule 16.10.2.2.6.b.

12 2GP Rule 16.10.5.12.a.

13 See 2GP Rule 4.3.2.2.

construction will meet relevant noise limits¹⁴. However, consent is required as a **restricted discretionary activity**¹⁵ in relation to Rule 4.5.1 (*Development Standards*) as earthworks and scaffolding will likely breach setbacks for more than 90 days. The discretion of Council is restricted to¹⁶: (i) positive effects in terms of supporting farming or conservation activity, (ii) effects on amenity of surrounding properties, (iii) reverse sensitivity effects and (iv) effects on rural character and visual amenity¹⁷.

Setback from Network Utilities

24. 2GP Rule 5.6.2.1 requires that earthworks be: “...setback at least 2.5m from any water mains and at least 1.5m from all other network utility structures...”
25. The power poles along Bell Street are located in the road reserve on the opposite side of Bell Street to the site as can be seen in Figure 4 below. Likewise the water mains is located in the road reserve on the opposite side of Bell Street to the site as shown in Figure 4 below.
26. The proposed activity includes earthworks as described at paragraphs 33 – 36 below. The earthworks include the formation of two vehicle crossings from Bell Street which will provide entry and exit to Lot 1. These earthworks will be in excess of 2.5m from the watermains and, as such, the proposed activity **complies** with this performance standard.



Figure 4: 3 Water Services in Proximity to Site.

Vehicle Access

27. Bell Street is classified as an arterial road in the 2GP roading hierarchy and has a speed limit of

¹⁴ See 2GP Rule 4.5.4.1 copy of which is reproduced at Appendix 5.

¹⁵ 2GP Rule 4.5.1.3.

¹⁶ 2GP Rule 4.7.2.2 refers the reader to the relevant zone for assessment of restricted discretionary activities (performance standard contraventions) which in this case is the *Taieri Plains Rural* zone.

¹⁷ 2GP Rules 16.9.4.1.a and 16.9.4.2.a – c respectively.

70kmph along the site frontage. There is currently a vehicle crossing to the existing dwelling from Bell Street which has existing use rights. Two new vehicle crossings from Bell Street will be formed as the entry and exit points to the veterinary services on Lot 1. According to the subdivision scheme plan appended at Appendix 2, the frontage of Lot 1 to Bell Street is approximately 57.9m which provides for one vehicle crossing pursuant to Rule 6.6.3.1.a.ii.3 meaning the second vehicle crossing for Lot 1 requires consent as a **restricted discretionary** activity¹⁸ with the discretion of Council restricted to the effects on the safety and efficiency of the transport network¹⁹.

Car Parking

28. Car parking is included in the site plan for the veterinary services on Lot 1 as shown on the site plan – see Appendix 3.
29. The design of the car parks requires assessment against relevant performance standards proscribed in 2GP Rule 6.6.1, as set out in Appendix 6. That assessment demonstrates that the design of the car parking **complies** with all relevant performance standards.

Vehicle Loading

30. Vehicle loading is provided for in relation to the existing shed which will become the bulk store for the vet practice. The design of vehicle loading is governed by Rule 6.6.2 which, for the present application, requires that:
 - 6.6.2.1.a: *Sufficient manoeuvring space must be provided to ensure that no vehicle accessing a vehicle loading area is required to reverse either onto or off an...arterial road...Refer turning circles 8m Rigid Truck (See Appendix 6B, Figure 6B.10); and*
 - 6.6.2.1.c: *Vehicles must not be required to undertake more than one reverse manoeuvre when manoeuvring out of any required loading space.*

The site plan appended at Appendix 3a shows that there is sufficient manoeuvring space for an 8m rigid truck and will not require more than one reverse manoeuvre when using a loading space. The design of the vehicle loading space **complies** with these performance standards.

31. The gradient of loading area will not exceed 1 in 20 in any one direction thereby **complying** with Rule 6.6.2.2.a. The loading area will be hard surfaced with water directed to sump as shown on the site plan on aerial appended at Appendix 3b, thereby **complying** with Rule 6.6.2.3.a.i and ii, but will not be permanently marked contravening Rule 6.6.2.3.a.iii. That contravention requires resource consent as a **restricted discretionary** activity²⁰ with the discretion of Council restricted to the effects on the safety and efficiency of the transport network²¹.

18 2GP Rule 6.6.3.1.d.

19 2GP Rule 6.10.5.2.a.

20 2GP Rule 6.6.2.3.b.

21 2GP Rule 6.10.5.1.a.

32. Clutha Vets confirm that no loading with respect to the bulk store will occur at night and so the loading area does not need to be lighted²². The location of the vehicle loading space means vehicles using the loading space can enter and exit the site without the need to move a vehicle occupying any other parking or vehicle loading space on the site thereby complying with Rule 6.6.2.5.a.

Earthworks:

33. Earthworks will be required in relation to: (a) the foundation of the veterinary services building, (b) preparation of the vehicle crossings from/to Bell Street, driveway and car parking areas, and (c) services.
34. The thresholds, which the proposed earthworks must meet to be considered small scale earthworks, are: (i) 0.5m maximum change in finished ground level²³ and (ii) maximum volume of combined cut and fill of 7.5m³ per 100m² of site, or 100m³, whichever is the lesser²⁴ which in this case means that the **100m³ applies** because 7.5m³ per 100m² of Lot 1 equates to 300m³.
35. An excavation schedule has been provided by the architectural designer and is shown on the site plan appended at Appendix 3a. That schedule specifies that the change in finished ground level will be very minimal. There will be an approximately 200mm cut for the driveway and parking areas (to allow for preparation, subcourse and surfacing) and an approximately 300mm cut for the building area (to allow for foundations) which will be filled as necessary to create 300mm level surface. The proposed earthworks **comply** with the small scale earthworks threshold for maximum change in finished ground level
36. The excavation schedule shows that the total volume of earthworks (nett cut and fill) is estimated to be approximately 300m³. The proposed earthworks, therefore, **exceed** the small scale earthworks threshold for maximum volume of combined cut and fill. That contravention has an activity status of **restricted discretionary**²⁵ with the discretion of Council restricted to²⁶: (i) effects on visual amenity, (ii) effects on amenity of surrounding properties, (iii) effects on the stability of land, buildings, and structures, (iv) effects on biodiversity values and (v) risk from natural hazards.

City Wide Provisions – Natural Hazards

37. The proposed activity involves the *Natural Hazards* section of the 2GP due to the site being located within a *Hazard 2 (flood) Overlay Zone*.

22 2GP Rule 6.6.2.4.a.

23 2GP Rule 8A.5.1.3.a.vii applicable due to the Hazard 2 (flood) Overlay Zone. Note: the *Groundwater Protection Mapped Area* provides for a 1m maximum change in finished ground level but Rule 8A.5.1.2.b requires that for the purposes of determining activity status, the most restrictive scale threshold applies when earthworks are located in more than one overlay zone or mapped area.

24 2GP Rule 8A.5.1.5.a.Y.

25 2GP Rules 8A.5.1.2.a and 8A.3.2.3.

26 2GP Rules 8A.7.2.1.a – c, 8A.7.2.2.a and 8A.7.3.5.a.

38. An analysis of relevant performance standards²⁷ shows that **none** of the natural hazards performance standards are relevant to the proposed veterinary services.

Management Zone – Taieri Plain Rural Zone

39. Pursuant to the 2GP, activities have both a land use activity component and a development activity component. The proposed activity requires assessment against the performance standards of these components.

Land Use Activity

40. Rule 16.5 contains the land use performance standards. An assessment of those performance standards relevant to the proposed activity is undertaken below²⁸.
41. Rule 16.5.5 governs light spill and requires: *“1. Light spill measured 1.5m above ground level at the boundary of a site must not exceed 1 Lux between 10:00pm and 7:00am. 2. Lights must be: a. cut-off or fully shielded; b. and directed away from roads and any adjacent property. 3. Light spill measured at the boundary of the residential zone or any site used for residential purposes between 7:00am and 10:00pm must not exceed 3 Lux. a. Except this standard does not apply to light spill from the headlights of motor vehicles.”* The exterior lighting for the proposed veterinary services activity is shown on the site plan appended at Appendix 3a. Clutha Vets informs that the exterior lighting will comply with this performance standard.
42. Rule 16.5.8 governs minimum mobility parking and states: *“8. Land use activities must provide on-site mobility parking spaces as follows:...b. 21 - 50 total number of parking spaces provided: 2 parking spaces is the minimum number of these [parking spaces] that must be mobility parking spaces...”* The site plan appended at Appendix 3a shows that two of the parking spaces are for mobility parking. The proposed veterinary services activity **complies** with this performance standard.
43. Rule 16.5.9 refers the reader to Rule 9.3.6, the relevant part of which states: *“Land use activities...must not exceed the following noise emission limits:*

²⁷ See Appendix 7.

²⁸ Rules 16.5.1 (acoustic insulation), 16.5.4 (hours of operation), 16.5.6 (location), 16.5.7 (maximum gross floor area), 16.5.10 (separation distances), 16.5.11 (setback from National Grid), 16.5.12 (site restoration), 16.5.14 (family flats), 16.5.15 (blasting) and 16.5.16 (scheduled mining activity) are not relevant to the proposed activity. The density performance standard (Rule 16.5.2) with respect to the existing residential activity is dealt with at paragraph 18.

Zoning of receiving property	Noise level measured at the boundary of the receiving property or the notional boundary of noise sensitive activities in a rural, rural residential or Ashburn Clinic zone		
	a. 7.00am to 7.00pm	b. 7.00pm to 10.00pm	c. 10.00pm to 7.00am
1. Residential, Recreation, Smith Street and York Place, schools, Dunedin Botanic Garden, Wakari Hospital, Mercy Hospital and Moana Pool zones	50 dB LAeq (15 min)	45 dB LAeq (15 min)	i. 40 dB LAeq (15 min); and ii. 70 dB LAFmax
2. Rural, rural residential, centres and Ashburn Clinic zones (at notional boundary of noise sensitive activities); except in those parts of rural zones that are within 350m of the Industrial Zone	55 dB LAeq (15 min)	50 dB LAeq (15 min)	i. 40 dB LAeq (15 min); and ii. 70 dB LAFmax

.”

44. Clutha Vets inform that the building will be well insulated and that it expects its proposed activity will **comply** with this noise performance standard.
45. Rule 16.5.13 governs tree species used in, amongst other things, shelterbelts. Shelterbelts are defined in the 2GP as: *“The planting of tree species as a shelter belt...for the purpose of shelter, screening, stability or erosion control, or as a carbon sink, where this planting is not greater than 1 hectare in size...”*. Rule 16.5.13 refers the reader to Rule 10.3.4 which contains a list of tree species which must not be planted which includes: Scots pine (*Pinus sylvestris*), Douglas fir (*Pseudotsuga menziesii*), Corsican pine (*Pinus nigra*), Larch (*Larix decidua*), Ponderosa pine (*Pinus ponderosa*), Maritime pine (*Pinus pinaster*), Sycamore (*Acer pseudoplatanus*), Hawthorn (*Crataegus mongyna*), Boxthorn (*Lycium ferocissimum*), Rowan (*Sorbus aucuparia*). Clutha Vets confirms that none of the tree species listed in Rule 10.3.4 will be used in the landscaping of Lot 1 and, as such, the proposed veterinary services activity **complies** with this performance standard.

Development Activity

46. Rule 16.6 contains the development activity performance standards. An assessment of those performance standards relevant to the proposed activity is undertaken below²⁹.
47. The storage and use of hazardous substances is governed by Rule 16.6.3 which directs to Rule 9.3.4³⁰. Clutha Vets informs that any hazardous substances to be used and/or stored on site will comply with the applicable quantity limits set out in 2GP Appendix A6.2. Clutha Vets has provided additional information at Appendix 8b. The proposed activity **complies** with this performance standard.
48. Rule 16.6.5 governs height. Rule 16.6.5.1.c.i states: *“New buildings and structures...must not exceed a maximum height above ground level as follows:...c. All other buildings and structures...i Rural*

29 Rules 16.6.1 (firefighting), 16.6.2 (natural hazards), 16.6.4 (materials & design), 16.6.6 (area, number & location of buildings & structures), 16.6.9 (reflectivity) and 16.6.11 (vegetation clearance standards).

30 Copy of Rule 9.3.4 and the applicable appendix A6.2 is provided at Appendix 8a.

zones: 10m...” The elevations appended at Appendix 3c, specify that the maximum height of the proposed vet practice building is 7m thereby **complying** with this maximum height performance standard.

49. Rule 16.6.7 governs the number, location and design of ancillary signs. An analysis of the proposed signage for the vet services against the requirements of Rule 16.6.7 is undertaken at Appendix 9. That analysis shows that the proposed signage **complies** with all relevant performance standards.
50. Rule 16.6.8 governs parking, loading and access and refers the reader to Rule 6.6. An analysis of the relevant access parking and loading requirements pursuant to Rule 6.6 has already been undertaken – see paragraph 27 – 32 above and the proposed activity complies with all excepting that the loading area will not be permanently marked which requires consent as a restricted discretionary activity with the discretion of Council restricted to effects on the safety and efficiency of the transport network.
51. Rule 16.6.10 governs setbacks and requires, in the context of the present application, a setback of 20m³¹ from Bell Street and a side and rear boundary setback of 12m³². The site plan appended at Appendix 3a shows that the proposed vet practice building **complies** with the required setbacks. There are no other setbacks relevant to the present site and/or proposed activity.

Summary of Performance Standard Contraventions

52. Consent for the proposed land use activity, that is, the veterinary services on Lot 1, is required as a **restricted discretionary** activity for the following performance standard contraventions:
 - Rule 4.5.1 (development standards);
 - Rule 6.6.3.1.a.ii.3 (number of vehicle crossings);
 - Rule 6.6.2.3.a.iii (permanent marking of loading area); and
 - Rule 8A.5.1.5.a.Y (small scale earthworks threshold for maximum volume of combined cut and fill).

Affected Party Consent

53. No parties are considered affected by the proposed activity. The closest residential unit is situated on proposed Lot 2 with the owners of the site who reside in that residential unit also being applicants for this application. The next closest residential units are situated across Bell Street at numbers 55, 59 and 63. These are all in excess of 50m from the proposed vet services building. Other residential units in the vicinity are in excess of 100m from the proposed vet services building.

31 2GP Rule 16.6.10.1.a.ii.1.

32 2GP Rule 16.6.10.1.a.ii.2.i.

Notification

54. Section 95A of the Resource Management Act 1991 (act) governs the process for determining if an application is to be publicly notified. The process contains four steps with criteria set out for each step. The four steps are:
- Step 1: mandatory public notification in certain circumstances.
- Step 2: public notification precluded in certain circumstances.
- Step 3: public notification required in certain circumstances.
- Step 4: public notification in special circumstances.
55. With respect to the criteria for step 1, as listed in subsection (3) of s95A of the act, the applicant has not requested the application be notified; Council has all relevant information and the application does not include recreation reserve land. Therefore, there is no requirement for mandatory public notification.
56. With respect to criteria for step 2, there is no rule or national environmental standard precluding public notification and the consent application is not for one of the activities listed in s95A(5)(b)(i) – (iv) of the act – that is, the proposed activity is neither a controlled activity nor a boundary activity. Therefore, public notification is not precluded.
57. With respect to criteria for step 3, there is no rule or national environmental standard requiring notification (s95A(8)(a)), nor will the proposed activity have adverse effects that are more than minor (s95A(8)(b)) – see *Assessment of Environmental Effects* below for further detail.
58. With respect to step 4, subsection 9 of s95A of the act, requires a determination as to whether special circumstances exist in relation to the application that warrant the application being publicly notified – if yes, publicly notify the application; if no, determine whether to give limited notification under s95B of the act.
59. Case law holds that what constitutes 'special circumstances' are circumstances which must be unusual or exceptional, but may be less than extraordinary or unique³³ – the circumstances must be out of the ordinary. Although, public opinion may be a contributing factor it is not determinative³⁴.
60. There are no 'unusual', 'exceptional' or 'out of the ordinary' circumstances relating to the application. Essentially, the subdivision and land use application provide for an activity which supports activities within the rural zone. The contraventions of performance standards are for things commonly sought in such circumstances, for example, contravention of the minimum site size for subdivision and number of vehicle crossings for land use. Any adverse effects associated with the proposed activity

³³ *Peninsula Watchdog Group Inc v Minister of Energy* [1996] 2 NZLR 529.

³⁴ *Murray v Whakatane District Council* [1997] NZRMA 433.

will be less than minor – see *Assessment of Environmental Effects* below for further detail.

61. As such, public notification of the current application is not required.
62. Similarly s95B of the act sets out the steps for determining whether there is a need for limited notification of an application. Step 1 determines whether there are certain affected groups or affected persons that must be notified. No protected customary rights or marine title groups are affected by the application, nor will the application affect land the subject of a statutory acknowledgement made in accordance with an act specified in schedule 11 of the act. None of the circumstances set out in step 2 (s95B(6)) apply meaning Council is not precluded from limited notification of the application. Step 3 (s95B(8)) requires determination of any other affected party in accordance with s95E of the act. There are no other affected parties because any adverse effects will be less than minor as demonstrated by the assessment of environmental effects below. Step 4 (s95B(10)) requires that the application be notified on a limited basis if special circumstances exist which warrant limited notification. No such special circumstances exist.
63. The application can be dealt with on a **non-notified basis**.

S104D

64. The activity status of the proposed subdivision is non-complying. This is because the site is already considerably undersized for its zoning and, therefore, neither of the proposed lots are able to meet the minimum site size for subdivision in the zone.
65. Pursuant to section 104D of the Resource Management Act 1991 (**Act**), non-complying activities must first pass one of two limbs set out in s104D prior to being considered pursuant to s104 of the Act. Non-complying activities must demonstrate that either: (i) the adverse effects of the non-complying activity will be no more than minor; or (ii) the non-complying activity is 'not contrary' to the policy framework of any relevant plan.
66. The proposed subdivision meets the first limb of s104D; that is, the assessment of environmental effects below shows that any adverse effects of the land use component of the proposed activity will be no more than minor. Likewise, the effect of the subdivision component of the proposed activity are less than minor given that the purpose of the subdivision is to provide a suitably sized allotment for the veterinary services with a consenting pathway provided for in the 2GP.
67. With respect to the 2GP policy framework, analysis of the proposed activity demonstrates that the proposed activity is, on the round, not contrary to that policy framework³⁵. The primary policies for consideration with respect to subdivision are policies 16.2.1.X, 16.2.3.8 and 16.2.4.3.

35 See Appendix 10 for the full analysis of the proposed activity against the relevant 2GP policy framework.

68. Policy 16.2.1.X states (emphasis added): ***“Avoid subdivision activities that create one or more resultant sites that contravene the minimum site size standard for the zone, unless:...**b. the subdivision, considered as a whole: i. will not result in an increase in the number of sites that contravene the minimum site size; and ii. will not result in an increase in the residential development potential of the subject land, beyond that provided for by the density land use performance standard and the minimum site size subdivision standard, and iii. will meet policies 16.2.3.8 and 16.2.4.3.”*
69. The existing site is undersized. The proposed subdivision will result in one more undersized rural title. However, the purpose of the subdivision is to provide a suitable sized title upon which veterinary services can be developed. Policy 16.2.1.2 requires that veterinary services be provided for in rural zones. This policy states: ***“Provide for rural activities, veterinary services, rural industry, rural contractor and transport depots, community activities, emergency services, cemeteries and crematoriums in the rural zones where the effects will be adequately managed in line with objectives 16.2.2 and 16.2.3, 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.”*** Both the assessment of effects and the full analysis of the relevant 2GP policy framework demonstrate that the effects of the proposed veterinary services will be 'adequately managed'.
70. There is an existing residential unit on the site. The subdivision will not result in any further residential activity. The applicants proffer, as a condition of subdivision consent, that a consent notice be placed on the title of Lot 1 stating that residential activity may not be established on Lot 1.
71. Policy 16.2.3.8 states: ***“Only allow subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones.”*** Views into the site from Bell Street, are at present, largely obscured by the row of poplars on the road boundary. Clutha Vets intends to remove most of these poplars and replace with indigenous plantings. There will be other areas of plantings within Lot 1 and Clutha Vet proposes that these will also consist of indigenous plants. Clutha Vets proffers, as a condition of land use consent, that: ***“Prior to site works or construction commencing the consent holder must submit a planting plan for Lot 1 to rcmonitoring@dcc.govt.nz to be reviewed and approved by the Council’s Resource Consent Manager (or nominee). The planting plan must specify the areas to be planted, details of all proposed species, numbers of plants, size at time of planting and mature heights of all species, weed and pest control. The planting is to consist of suitable indigenous plants, planted at a density of no greater than 1 per 2m².”*** On this basis the proposed activity will enhance the rural character and visual amenity in the immediate locale.
72. Policy 16.2.4.3 states: ***“Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will: a. maintain or enhance the productivity of rural activities; b. ...or ensure the effects of any change in land use are: ... ii. no more than minor on other areas of highly productive land; c. maintain land in a rural rather than rural residential land use; and d. not***

increase the potential for reverse sensitivity.” The future land use of Lot 1 is veterinary services. The veterinary services will maintain / enhance the productivity of rural activities (intensive farming, farming and grazing) in the locale. There are no *High Class Soil Mapped Areas* within proposed Lot 1. The site is currently undersized and used for intermittent grazing purposes. The effects of the change in land use to veterinary services will be no more than minor with respect to the LUC 1 classification of the site given the 2GP contains a consenting pathway for the proposed activity.

73. In *Gray and Gray-Sinclair vs Dunedin City Council*³⁶ the Court stated at paragraphs [219] – [222] that:

“However, we have found that the proposal is not contrary to the ‘avoid’ directive in Policy 16.2.1.7...Importantly, the proposal is able to bypass that directive by coming within the Y exception. Accordingly, and based upon the court’s findings, questions of plan integrity and precedent do not arise if consent is granted to this proposal. If any precedent is set by a grant of this consent, it is not an undesirable precedent in our opinion.

...

As we set out below, we have found that the application is for an activity that is not contrary to any of the relevant objectives and policies of the 2GP in fact it is supported by some of those provisions.

We do not find it helpful to apply a further non-statutory test of whether the proposal is a true exception. Unlike other cases, the 2GP policy framework is somewhat unusual, in that it provides a pathway through the policy framework by which consent may be obtained for a non-complying activity. It cannot be said that the 2GP is rigidly set against all residential activity on sub-standard rurally zoned sites. That factor sets this plan apart.”

74. Likewise, it cannot be said that the 2GP is 'rigidly set against' subdivision of rural zoned land resulting in undersized rural allotments for use by veterinary services. The proposed activity is not contrary to the 'avoid' directive in Policy 16.2.1.X as the proposal is able to 'bypass that directive' by coming within the exception provided by Policy 16.2.1.X when 'considered as a whole' as directed by that policy.
75. As the proposal is 'not contrary' to the relevant 2GP policy framework and, indeed is supported by some of those provisions, the proposal also meets the second limb of s104D of the Act. As stated by the Court in *Gray and Gray-Sinclair vs Dunedin City Council*, there is 'no need to apply a further non-statutory test of whether the proposal is a true exception' as the '2GP policy framework provides a pathway through the policy framework by which consent may be obtained for a non-complying activity'.

36 ENZ-2022-CHC-024.

Assessment of Environmental Effects

Veterinary Services

76. As noted at paragraph 20 above, veterinary services (large animal practice) activities have an activity status of **restricted discretionary** pursuant to the 2GP³⁷ with the discretion of Council restricted to the following matters: effects on rural character and visual amenity³⁸, effects on amenity of surrounding properties³⁹, effects on the safety and efficiency of the transport network⁴⁰ and given the site is located in the *Hazard 2 (flood) Overlay Zone* and the proposed veterinary services building is more than 60m² Council's discretion is also restricted to an assessment of the risk from natural hazards⁴¹. Each of these is assessed in turn below.

Rural Character and Visual Amenity

77. There are existing, closely planted, mature poplars and other plantings on the road boundary of the site which limit views into the site as shown in Figure 5 below.



Figure 5: Existing Mature Boundary Plantings Including Poplars on Road Boundary of Site.

78. The applicants proffer as a condition of consent that these poplars will be retained, excepting removal of those trees necessary to provide for access, until building of the proposed veterinary services building is complete.

37 2GP Rule 16.3.3.37.a.

38 2GP Rule 16.10.2.1.a.

39 2GP Rule 16.10.2.2.6.a.

40 2GP Rule 16.10.2.2.6.b.

41 2GP Rule 16.10.5.12.a.

79. The site plan shows the areas that will be planted including boundary plantings. Clutha Vets proffers as a condition of land use consent, that: *“Prior to site works or construction commencing the consent holder must submit a planting plan for Lot 1 to rcmonitoring@dcc.govt.nz to be reviewed and approved by the Council’s Resource Consent Manager (or nominee). The planting plan must specify the areas to be planted, details of all proposed species, numbers of plants, size at time of planting and mature heights of all species, weed and pest control. The planting is to consist of suitable indigenous plants, planted at a density of no greater than 1 per 2m².”*
80. The proposed exterior cladding including colours, maximum height, orientation of the main entrance to the veterinary building and site layout have been designed to provide good amenity and not detract from the amenity and character values of the locale.
81. On the basis of all of the preceding, any adverse effects arising from the proposed veterinary services on the rural character and visual amenity in the immediate locale will be in the range less than minor to no more than minor.

Effects on Amenity of Surrounding Properties

82. The owners of the site are applicants to this application. They also reside in the existing residential unit which is the closest residential unit to the proposed veterinary services. The owners are satisfied that there will be no adverse effects on their property (Lot 2).
83. As stated at paragraph 53 above, the next closest residential units are situated across Bell Street at numbers 55, 59 and 63. These are all in excess of 50m from the proposed vet services building. There are road boundary plantings (including hedging) on these properties – see Figure 6 below. Other residential units in the vicinity are in excess of 100m from the proposed vet services building. The fact that the site is situated on an arterial road, the site layout, design of the building, retention of poplars until building construction is complete and then proposed boundary plantings all combine to mean that any adverse effects on the amenity of surrounding properties will be in the range less than minor to no more than minor.



Figure 6: Hedging and Planting on Road Boundary of 55 and 63 Bell Street.

Effects on the Safety and Efficiency of the Transport Network

84. Bell Street is classified as an arterial road pursuant to the 2GP roading hierarchy. As such, Bell Street is well capable of absorbing the vehicle movements associated with the proposed veterinary services. Separate vehicle entry and exit points to the proposed veterinary services have been designed to provide for the circulation of traffic associated with the veterinary services around the veterinary services building, parking and loading areas. Bell Street is relatively flat and straight in the locale of the site meaning there are good sight distance in each direction from the exit to the proposed veterinary services.
85. The footpath on Bell Street is located on the other side of the street from the site. This coupled with the spacing between the vehicle crossings for the proposed vehicle entry and exit points to the proposed veterinary services means that there will be little safety risk with respect to pedestrians using Bell Street.
86. Based on all of the above, any adverse effects associated with the proposed veterinary services on the safety and efficiency of the transport network will be in the range of negligible to less than minor.

Risk from Natural Hazards

87. The Otago Regional Council Natural Hazards Database lists the following natural hazards for the site:
 - Liquefaction – Regional 2019 – C Domain: *“Liquefaction Potential: Moderate to high. Description: ground predominantly underlain by poorly consolidated marine or estuarine sediments with*

shallow groundwater.”

- Otago Flood Hazard: *“Flood Source: Taieri River, Waipori River, Lake Waipori and the streams along the Maungatua Range. Notable Floods: 1868, 1923, 1980, July 2017.”*
- Seismic Risk: Ground Classification: D – Deep or Soft Soil. *“Ground is classified according to underlying geology. This reflects the fact that seismic ground shaking can vary considerably depending on ground conditions (e.g. soft sediments will experience higher seismic shaking levels compared to that of rocks).”*

88. The proposed veterinary services will be located within the 2GP Hazard 2 (flood) Overlay Zone which has a 'moderate risk'. The preliminary stormwater management plan states: *“The site is contained on the outskirts of the Outram Township with surface ponding occurring during heavy rainfall events. The [site and] surrounding area is protected from overflow of the Taieri River by Otago Regional Council stop banks. We understand Council have recently constructed a pump system near the southern extents of the property which collects stormwater and pumps its to the Taieri River.”*
89. The designers of the proposed veterinary services buildings have used Lidar images and Dunedin City Council contour information to locate the building in compliance with E1/AS1 stating that: *“The floor level is 225mm above the carpark at the front and approximately 700mm at least above the lowest point on the site boundary which complies with E1/AS1...and it is more or less the highest level on the site. It is also not far off being level with the crown of the road.”*
90. The recently constructed pump system, the stormwater detention which will occur for the site, location of the proposed building and compliance with E1/AS1, all combine to mitigate the flooding risk.

Performance Standard Contraventions

Rule 4.5.1 (Development Standards)

91. As stated at paragraph 23 above, consent is required as a **restricted discretionary activity**⁴² in relation to Rule 4.5.1 (*Development Standards*) as earthworks and scaffolding will likely breach setbacks for more than 90 days. The discretion of Council is restricted to⁴³: (i) positive effects in terms of supporting farming or conservation activity, (ii) effects on amenity of surrounding properties, (iii) reverse sensitivity effects and (iv) effects on rural character and visual amenity⁴⁴.
92. Any adverse effects arising from breaches of the setbacks by the earthworks and scaffolding during

42 2GP Rule 4.5.1.3.

43 2GP Rule 4.7.2.2 refers the reader to the relevant zone for assessment of restricted discretionary activities (performance standard contraventions) which in this case is the *Taieri Plains Rural* zone.

44 2GP Rules 16.9.4.1.a and 16.9.4.2.a – c respectively.

the construction phase of the proposed veterinary services will be temporary in nature and will cease once the veterinary services development is complete. The closest residential unit is the existing residential unit on site which is owned/occupied by Mr and Ms Warnock who are also applicants for this application.

93. Any adverse effects arising from contravention of Rule 4.5.1 will be in the range **negligible to less than minor**.

Rule 6.6.3.1.a.ii.3 (Number of Vehicle Crossings)

94. As stated at paragraph 27 above, the frontage of Lot 1 to Bell Street is approximately 57.9m which provides for one vehicle crossing pursuant to Rule 6.6.3.1.a.ii.3 meaning the second vehicle crossing for Lot 1 requires consent as a **restricted discretionary** activity⁴⁵ with the discretion of Council restricted to the effects on the safety and efficiency of the transport network⁴⁶.
95. Two vehicle crossings are required for the veterinary services to provide separate vehicle entry and exit points to Lot 1. This allows for safe circulation of vehicles around the veterinary services building, parking and loading areas. The two vehicle crossings have been separated as much as is possible.
96. Bell Street is classified as an arterial road pursuant to the 2GP roading hierarchy. Bell Street is relatively flat and straight in the vicinity of the site meaning there are good sight distances in both directions from the additional vehicle crossing.
97. Any adverse effects associated with the additional vehicle crossing on the safety and efficiency of the transport network are in the range **negligible to less than minor**.

Rule 6.6.2.3.a.iii (Permanent Marking of Loading Area)

98. As stated at paragraph 31 above, the loading area will not be permanently marked contravening Rule 6.6.2.3.a.iii requiring resource consent as a **restricted discretionary** activity⁴⁷ with the discretion of Council restricted to the effects on the safety and efficiency of the transport network⁴⁸.
99. Given the location of the loading area is at the rear of proposed Lot 1 adjacent to the existing shed which will be the bulk store, any adverse effects resulting from the loading area will be internal to the site in that other vehicles may have to wait for a period whilst loading occurs. As such, the effect on the safety and efficiency of the transport network will be **negligible**.

Rule 8A.5.1.5.a.Y (Small Scale Earthworks Threshold for Maximum Volume of Combined Cut and Fill)

100. As stated at paragraph 36 above, the proposed earthworks exceed the small scale earthworks

45 2GP Rule 6.6.3.1.d.

46 2GP Rule 6.10.5.2.a.

47 2GP Rule 6.6.2.3.b.

48 2GP Rule 6.10.5.1.a.

threshold for maximum volume of combined cut and fill. That contravention has an activity status of **restricted discretionary**⁴⁹ with the discretion of Council restricted to⁵⁰: (i) effects on visual amenity, (ii) effects on amenity of surrounding properties, (iii) effects on the stability of land, buildings, and structures, (iv) effects on biodiversity values and (v) risk from natural hazards.

101. Any adverse effects on visual amenity and the amenity of surrounding properties will be temporary in nature and, therefore, **negligible**, as the earthworks are for the preparation for the installation of services, access, parking and loading areas and for the foundation of the veterinary services building. Top soil will be retained on site and revegetated either in grass or indigenous plantings.
102. Given the very gentle gradient of the site there are **no effects** on the stability of land, buildings and structures.
103. There are no biodiversity values associated with the site meaning there are **no effects** on biodiversity values resulting from the earthworks.
104. The earthworks for the proposed veterinary services development will not increase the risk from natural hazards. A preliminary stormwater management plan has been prepared for the proposed veterinary services development. As stated at paragraph 90 above, the recently constructed pump system, the stormwater detention which will occur for the site, location of the proposed building and compliance with E1/AS1, all combine to mitigate the flooding risk.

Assessment of 2GP Policy Framework

105. An analysis of the relevant 2GP policy framework is undertaken in Appendix 10. That analysis demonstrates that the proposed subdivision activity is **in the range consistent with to not contrary to** the relevant policy framework of the 2GP.

Conclusion

106. It is considered that there are no affected parties due to the site fronting an arterial road and the distance from the site to separately owned titles containing residential activity. As such, Council can process the application on a non-notified basis.
107. The 2GP provides a positive consenting pathway for the non-complying subdivision component of the application. When considered as a whole, the proposal is able to bypass the 'avoid' directive in Policy 16.2.1.X by coming within the exception provided in that policy. The application is for activities that are not contrary to any of the relevant objectives and policies of the 2GP; in fact, it is supported by some of those provisions. The existing residential unit has existing use rights for residential activity on an undersized rural allotment.

49 2GP Rules 8A.5.1.2.a and 8A.3.2.3.

50 2GP Rules 8A.7.2.1.a – c, 8A.7.2.2.a and 8A.7.3.5.a.

108. The assessment of effects demonstrates that any adverse effects associated with the proposed veterinary services or performance contraventions are in either **non-existent or in the range negligible to no more than minor**.
109. It is open to Council to grant consent to the proposal and the applicants respectfully request that Council does so.

Please make contact if you wish to discuss this matter further or require any further information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Emma Peters', is positioned above the contact information.

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214
www.sweepconsultancy.co.nz

Appendix 1: Record of Title 255260.



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**

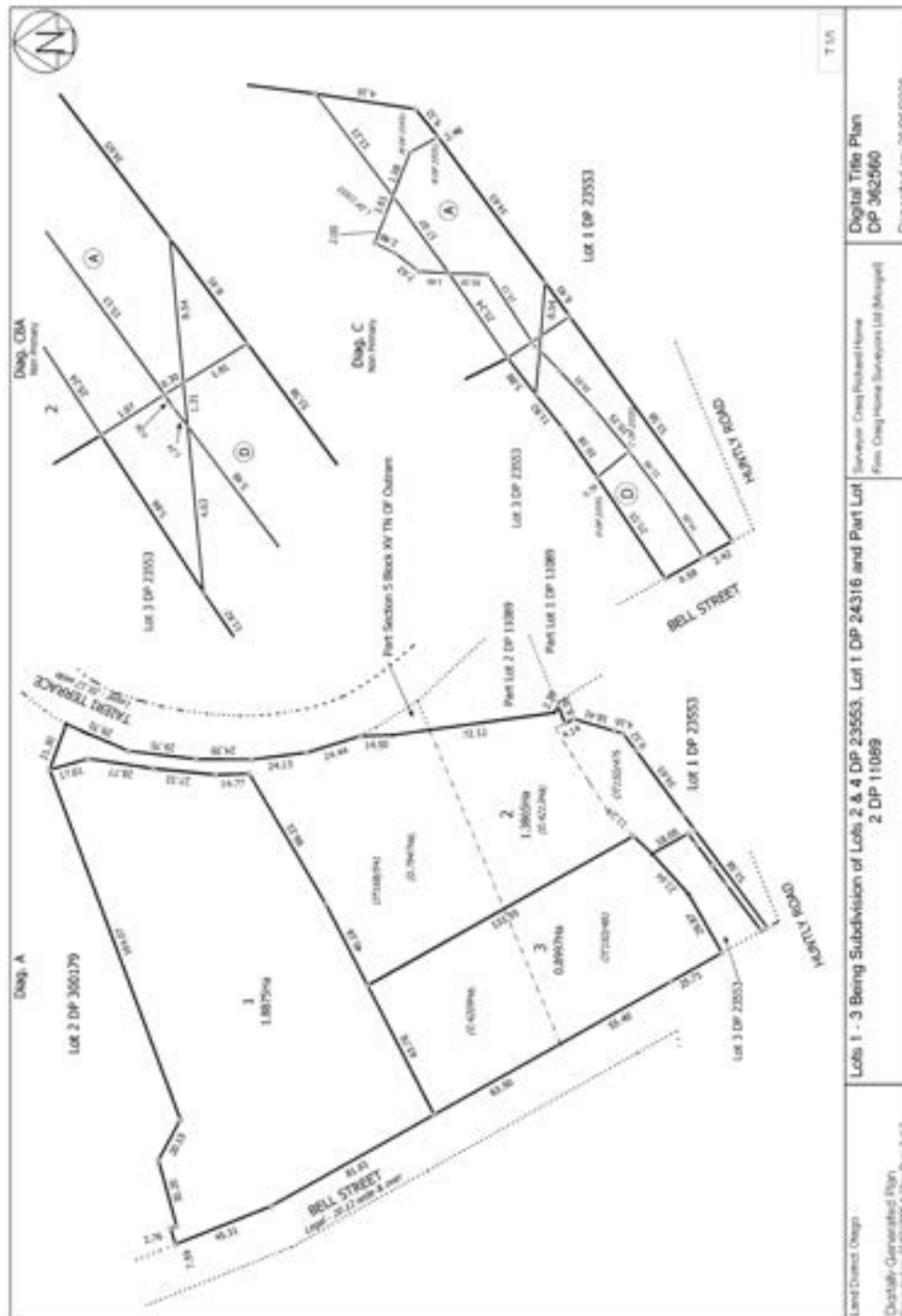



R. W. Muir
Registrar-General
of Land

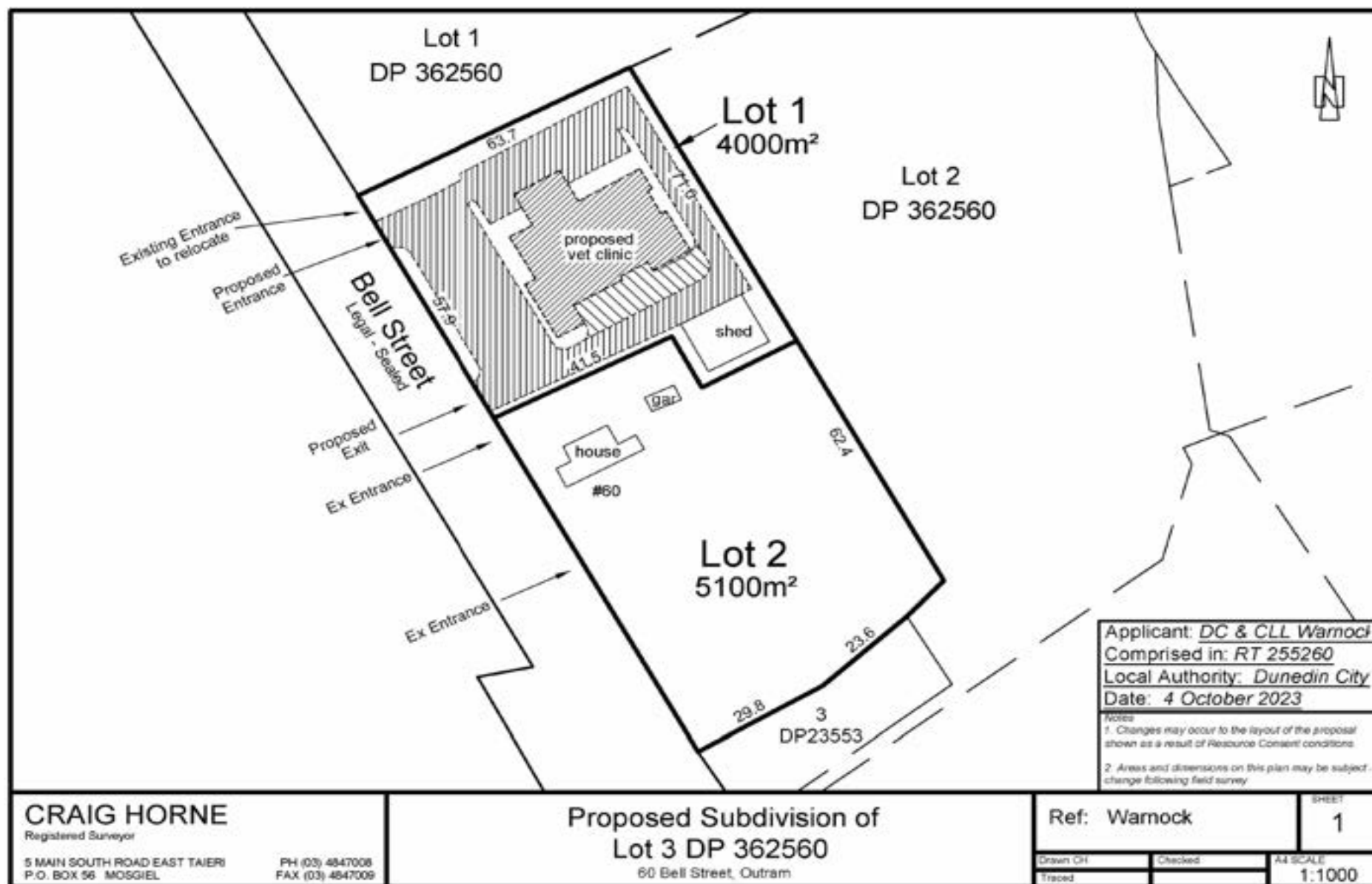
Identifier 255260
Land Registration District Otago
Date Issued 26 June 2006
Prior References
OT15D/481 OT16B/541

Estate Fee Simple
Area 8997 square metres more or less
Legal Description Lot 3 Deposited Plan 362560
Registered Owners
Dean Carl Warnock and Carryn Louise Lloyd Warnock

Interests
9476624.3 Mortgage to ANZ Bank New Zealand Limited - 8.8.2013 at 3:22 pm



Appendix 2a: Subdivision Scheme Plan.



Preliminary Stormwater Management Plan

160 Bell Street, Outram (Lot 1)

Contents

1. Reason for the report.....	1
2. Location and Description of Site.....	1
3. Pre Development (Current) Characteristics.....	1
4. Post Development Characteristics.....	1
5. Drainage Infrastructure.....	1
6. Design Storm and Secondary Flow Path.....	1
7. SUMMARY	2
8. Attached Documents	2

1. Reason for the report

These initial stormwater management comments have been prepared to support a subdivision and land use application for the proposed Clutha Vets Ltd development at 60 Bell Street, Outram.

The comments are made on the basis that stormwater retention will be undertaken to ensure the proposed development will not exacerbate issues with stormwater runoff.

2. Location and Description of Site

60 Bell Street, Outram - as shown on attached subdivision plan. Lot 1 is proposed to be developed with the construction of a vet practice. The existing shed on the site will be retained.

3. Pre Development (Current) Characteristics

Prior to construction on the site is a rural paddock with an existing shed located in the southeast corner of Lot 1. The balance of the property is in open pasture. Stormwater runoff is currently overland to the south east to a recently installed Council pump system.

The attached spreadsheet details the pre-development runoff from the property. A total of 14.89 l/s is calculated for a 10 minute storm based on current rainfall intensities.

4. Post Development Characteristics

The proposal is to develop Lot 1 with the construction of a vet practice building and associated hard surfaced access and carparking along with areas of permeable gravel and vegetation. The design plans attached detail the areas of each of these treatments.

We therefore propose increased stormwater runoff will be retained on site to ensure post development flows do not exceed pre-development flows. This could take the form of retention tanks, retention pond and/or retention swales and the like.

5. Drainage Infrastructure

The site is contained on the outskirts of the Outram Township with surface ponding occurring during heavy rainfall events. The surrounding area is protected from overflow of the Taieri River by Otago Regional Council stop banks. We understand Council have recently constructed a pump system near the southern extents of the property which collects stormwater and pumps it to the Taieri River.

On site retention is to be used to ensure this development doesn't increase stormwater runoff rates into the catchment and pump system.

6. Design Storm and Secondary Flow Path

A 10 year return storm with a 10 minute duration is used to calculate potential increases in stormwater runoff from the property. We have used a runoff coefficient of 0.85 and 0.90 in Manning's Rational Method for the additional hard surfacing resulting from the development.

Rainfall intensity of 63.8 mm/hr has been determined from the NIWA Hirds website (RCP 8.5, 2080-2100) based on the above storm period.

The attached spreadsheet details the flows that will result over the developed site. Total post development flows are calculated at 50.37 l/s for the 10 minute storm. This is an increase of 35.47 l/s as a result of the development which equates to a retained volume of 21283 litres for the 10 minute storm. This is an indicative volume and retention volumes may need to be adjusted when the retention structure and outlet are designed.

7. SUMMARY

- Increased stormwater runoff can be retained within the site to ensure post development flows do not exceed pre development flows,
- Increased flows resulting from a modelled increase in rainfall intensity are accounted for,
- An appropriate retention design will ensure that the capacity of Councils infrastructure is not exceeded.

8. Attached Documents

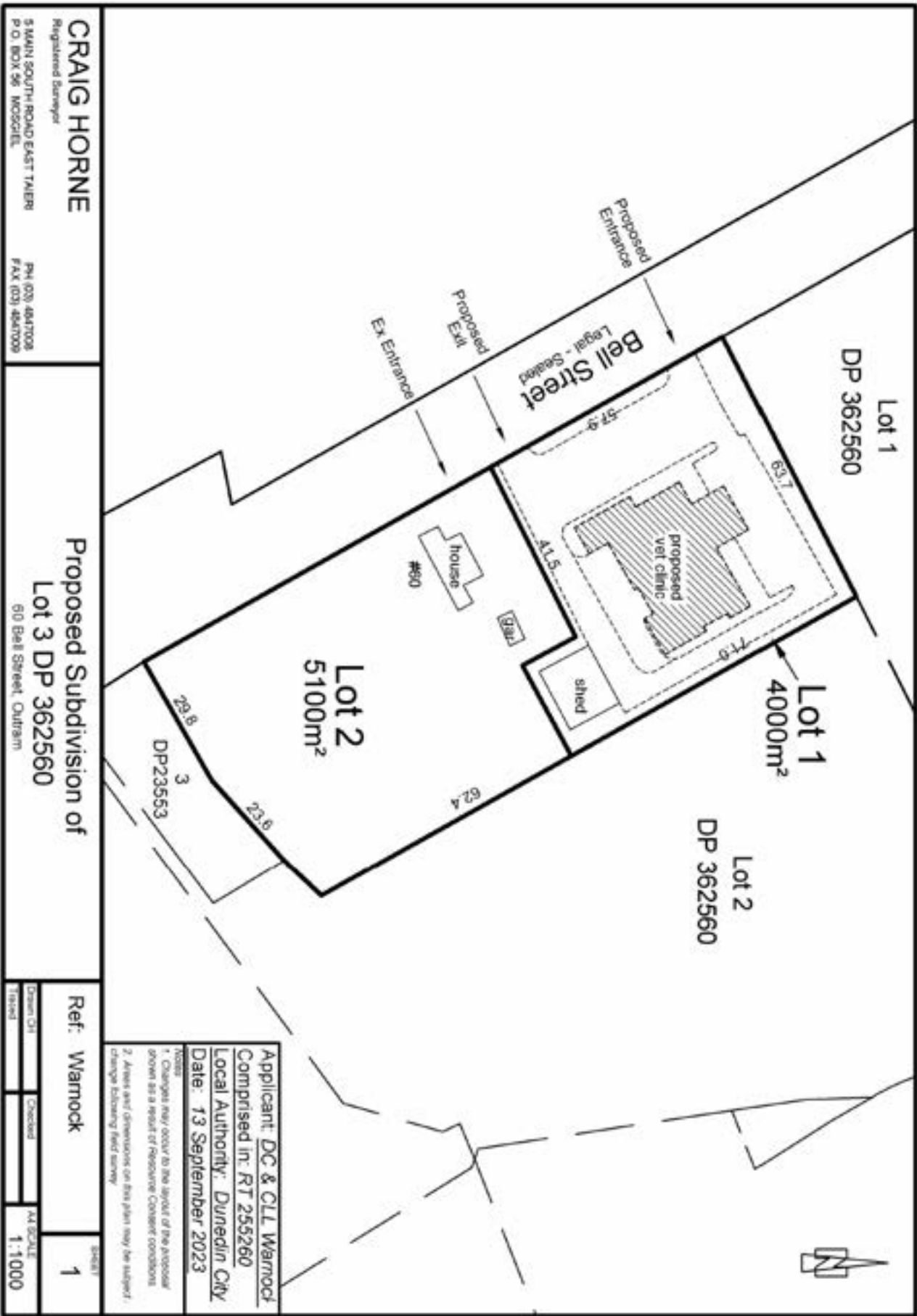
The documents are:

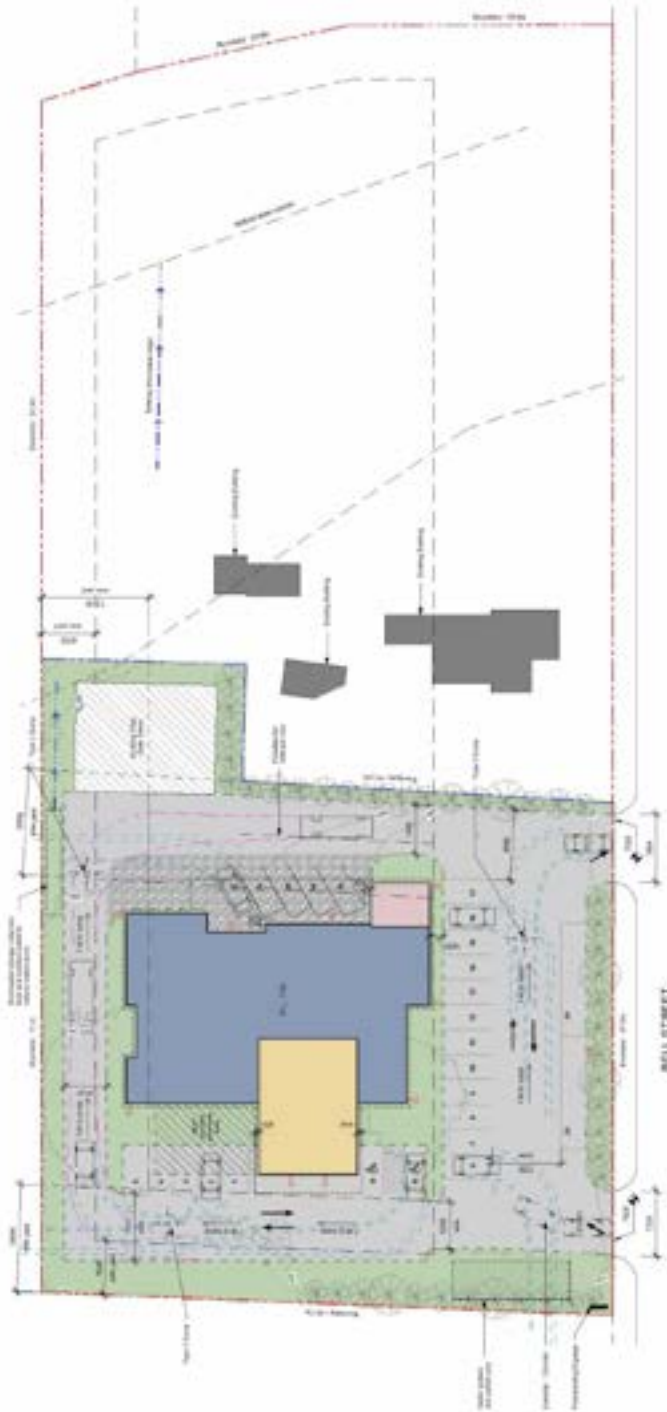
- Site/Subdivision Plan –
- Building design Plans
- Runoff Calculations

Craig Horne

Director, Craig Horne Surveyors Ltd

13 September 2023





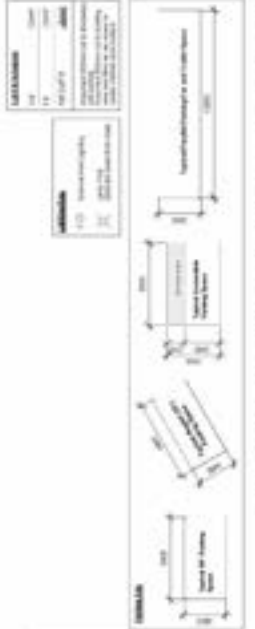
AREAS KEY

Proposed Building	Proposed Parking	Proposed Driveway	Proposed Fencing	Proposed Landscaping	Proposed Stormwater Management	Proposed Utilities	Proposed Access	Proposed Easement	Proposed Right-of-Way	Proposed Boundary	Proposed Survey	Proposed Title	Proposed Zoning	Proposed Use	Proposed Other
Proposed Building	Proposed Parking	Proposed Driveway	Proposed Fencing	Proposed Landscaping	Proposed Stormwater Management	Proposed Utilities	Proposed Access	Proposed Easement	Proposed Right-of-Way	Proposed Boundary	Proposed Survey	Proposed Title	Proposed Zoning	Proposed Use	Proposed Other



Project Name	Proposed Central Valley - Outran
Project Address	60 Bell Street
Project City	Outran, KS15
Project State	KS
Project Zip	66501
Project Date	July 25
Project Author	Site Plan
Project Reviewer	
Project Approver	
Project Status	

Project Name	Proposed Central Valley - Outran
Project Address	60 Bell Street
Project City	Outran, KS15
Project State	KS
Project Zip	66501
Project Date	July 25
Project Author	Site Plan
Project Reviewer	
Project Approver	
Project Status	



Site Plan
Scale: 1" = 200' (AS SHOWN)



Site Plan Overlay
Scale = 1" = 100 feet



Professional Engineering and Surveying

DATE	BY	REVISION

PROJECT	
Proposed Cume Vets -	
Outran	
42 Red Street	
Outran 2019	
DATE	1/20/20
BY	July 20
Site Plan Overlay	
SCALE	1" = 100'
DATE	7/20/20
BY	A
PROJECT NO. A0.03	
PREPARED BY	



Architect/Engineer - Architecture/Engineering

Project Name	Project Number	Project Location	Project Date
Proposed Chula Vista - Outram	2020-01-01	Chula Vista, CA	July 15, 2020
60 S. 1st Street			
Outram 1011			

Project Name	Project Number	Project Location	Project Date
Proposed Chula Vista - Outram	2020-01-01	Chula Vista, CA	July 15, 2020
60 S. 1st Street			
Outram 1011			

Project Name	Project Number	Project Location	Project Date
Proposed Chula Vista - Outram	2020-01-01	Chula Vista, CA	July 15, 2020
60 S. 1st Street			
Outram 1011			

Scale: 1/4" = 1'-0" or A1'

Clutha Vets Ltd - 160 Bell Street, Outram

Overall Site (Lot 1)

	Area (m ²)	Run-off Coefficient	Flows (l/s)
Road surface (shed)	192	0.9	2.29
Other impervious surface (drive & paths)	0	0.85	0.00
Other impervious surfaces			
Pervious surface (lawn/garden)	1811	0.25	12.61
Totals	4003		14.89

	Post-development Flows 10 minute storm		
	Area (m2)	Run-off Coefficient	Flows (l/s)
New Building Roof	939	0.9	14.99
Existing Road	192	0.9	3.06
Hard Surface (asphalt)	1748	0.85	26.35
Gravel	110	0.75	1.46
Lawn/Garden	1014	0.25	4.50

h ₂	m ₂
1	10 000

ml	litres
1	1,000

Rainfall intensity	63.8 mm/hr
	47.6 mm/hr
Storm Duration	10 minutes
Time of concentration	<10 minutes

RCP 8.5 (2081-2100)
Current

	Retention Volume
Excess Flows (100% pre-development) l/s	35.47
	2.1283

Appendix 3a: Site Plan for Veterinary Services.



Appendix 3b: Site Plan for Veterinary Services Overlaid Aerial.



Site Plan Overlay
Scale: 1" = 100' at A3

WJ CADZOW & ASSOCIATES, INC.	
Civil Engineering, Architectural Design	
Project No.	1000000000
Client	City of Orem
Project Name	
Proposed Clutha Yaks -	
Outram	
60 Bell Street	
Outram 9019	
Drawn	11/20/2017 July 20
Site Plan Overlay	
Sheet	2/20/17
Scale	1" = 100'
A0.03	
PRELIMINARY	AT

Scale: 1" = 100' at A3

Appendix 3c: Elevations for Veterinary Services Building.



Appendix 4: Analysis of Proposed Subdivision Activity Against Relevant Subdivision Performance Standards.

Performance Standard	Analysis of Proposed Subdivision Activity
Rules 16.7.1 & 6.8.1 Access <i>Every resultant site must have a legal accessway, and where on-site car parking is provided, this must be in the form of a driveway...</i>	Both resultant lots have frontage to Bell Street which is a formed legal road. There is an existing vehicle crossing to the existing dwelling contained in Lot 2 which will be retained. Two new vehicle crossings, one an entry point and one an exit point, will be formed for the veterinary services to be developed on Lot 1. Existing on-site car parking for the residential activity on Lot 2 is provided in the driveway. Likewise, the car parking for the veterinary services will also be provided within the driveway circulating Lot 1. Proposed subdivision activity complies with this performance standard.
Rules 16.7.2 & 10.3.1. Esplanade Reserves & Strips	Not applicable.
Rules 16.7.3 & 9.3.3 Firefighting <i>Subdivision activities must ensure resultant sites have access to sufficient water supplies for firefighting consistent with the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice...</i>	Both the existing residential activity and the proposed veterinary services are within 50m of a fire hydrant located within Bell Street adjacent to the site as shown in Figure 4. Proposed subdivision activity complies with this performance standard.
Rule 16.7.5 Shape <i>Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 8m by 15m that meets the performance standards of this Plan including, but not limited to:</i> <i>all setbacks from boundaries, water bodies, scheduled trees.</i> <i>Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must:</i> <i>not contain esplanade reserves or strips;</i> <i>not contain scheduled heritage buildings or scheduled heritage structures; and</i> <i>not contain right-of-way easements...</i> <i>For unreticulated areas, resultant sites must provide for a wastewater disposal area to be located at least 50m from any water body and Mean High Water Springs.</i>	Lot 2 is already developed with existing residential activity. Lot 1 will contain the veterinary services building the location of which is shown on the subdivision scheme plan – see Appendix 2. The veterinary services building on Lot 1 complies with all boundary setbacks. The existing shed will be used by Clutha Vets for bulk storage and complies with the 6m setback from a side boundary required by Rule 16.6.10.iii.2.i. The subdivision has been designed so that the existing residential unit complies with the side boundary setback of 20m required by Rule 16.6.10.1.a.i.2.i. The existing residential unit is located approximately 6m from the boundary with Bell Street which contravenes Rule 16.6.10.1.a.i.1 which requires a setback of 20m from the road boundary for residential activity. However, the contravention of this road boundary setback is permitted via either existing use rights and/or a grant of a previous resource consent. There is an existing wastewater disposal area for the existing residential unit on Lot 2. Area has been allocated for wastewater disposal for the veterinary services as shown on the site plan which is in excess of 50m from the Taieri River– see Appendix 3 for location of disposal area on Lot 1. Proposed subdivision activity complies with this performance standard.

Continued overleaf...

Appendix 4 Continued...

Performance Standard	Analysis of Proposed Subdivision Activity
Rules 16.7.X & 5.6.1.X Steback from National Grid <i>a. New buildings and structures...must be set back at least: i. 12m from the outside edge of a National Grid support structure foundation or from the boundary of a National Grid substation; and ii. 12m from the centre line of any point of a National Grid transmission line...</i>	Not applicable. The power lines to the south of the site are included in a <i>Critical Electricity Distribution Lines Mapped Area</i>. The existing residential activity and proposed veterinary services are located in excess of 70m from the closest boundary of that mapped area.

Appendix 5: 2GP Rule 4.5.4.1.

4.5.4.1 Construction

- a. Construction must not exceed the following limits and will be measured and assessed in accordance with NZS6803:1999 Acoustics Construction Noise:

- i. Construction noise received in residential zones and dwellings in rural and rural residential zones, and buildings housing any noise sensitive activities in any other zone

Time of week	Time period	Duration of work					
		1. Typical duration (dBA)		2. Short-term duration (dBA)		3. Long-term duration (dBA)	
		LAeq	Lmax	LAeq	Lmax	LAeq	Lmax
Weekdays	1. 6.30am - 7.30am	60	75	65	75	55	75
	2. 7.30am - 6.00pm	75	90	80	95	70	85
	3. 6.00pm - 8.00pm	70	85	75	90	65	80
	4. 8.00pm - 6.30am	45	75	45	75	45	75
Saturdays	5. 7.30am - 6.00pm	75	90	80	95	70	85
	6. 6.00pm - 7.30am	45	75	45	75	45	75
Sundays and Public Holidays	7. 7.30am - 6.00pm	55	85	55	85	55	85
	8. 6.00pm - 7.30am	45	75	45	75	45	75

...

- b. Vibration from construction must not exceed a maximum particle velocity measured on any foundation of an adjacent building on another site, or the same site if different ownership, of 25mm/second for commercial buildings or 10mm/second for buildings housing noise sensitive activities.
- c. Activities that contravene this performance standard by less than 5dB LAeq (15 min) are discretionary activities.
- d. Activities that contravene this performance standard by 5dB LAeq (15 min) or more are non-complying activities.
- e. For the purposes of Rule 4.5.4.1 "short-term duration" means construction work at any one location for up to 14 calendar days per project; "typical duration" means construction work at any one location for more than 14 calendar days but less than 20 weeks per project; and "long-term duration" means construction work at any one location with a duration exceeding 20 weeks per project.

Appendix 6: Analysis of Proposed Car Parks on Lot 1 with Relevant Performance Standards.

Rule 6.6.1.1 Minimum Parking Space Dimensions <i>...b. Parking spaces provided for all other activities must have the following minimum dimensions, to allow for 99th percentile design motor vehicles...: 1. Parking Angle i. 90° 2. Stall Width 2.5m 3. Aisle Width 6.2m 4. Stall Depth 5.2m....</i> <i>iv. 30° 2. Stall Width 2.5m 3. Aisle Width 3.45m 4. Stall Depth 4.3m.</i> <i>v. 0° (parallel) on one side 2. Stall Width 2.3m 3. Aisle Width 3.3m (one-way aisle width) 6.3m (two-way aisle width) 4. Stall Depth 6m.</i> <i>c. Except:...</i> <i>ii Where parking spaces are bounded by permanent obstructions higher than 150mm (such as walls, fences or columns):</i> <i>1. The minimum stall widths must be increased by 300mm where there is a permanent obstruction on one side of the parking space and by 600mm where there is a permanent obstruction on both sides of the parking space, in the case of angled parking spaces.</i> <i>...</i> <i>e. ... iii. Mobility parking spaces must be provided at a parking angle of 90° and must provide a stall width of 3.6m.</i>	The car parking associated with the vet practice is shown on the site plan appended at Appendix 3a. None of the parks are bounded by a permanent obstruction. For example, there is a 455mm gap between the entrance to the vet practice building and park 1 and likewise a 444mm gap between mobility park A and the entrance to the vet practice building. There is a minimum gap of 696mm between the vet practice building and park 18. The parking plan includes a parking key which provides the dimensions for each 'type' of park. Parks 1 – 17 have a parking angle of 90° and dimensions of: stall width of 2.8m and stall depth of 5.5m. Car parks A & B are the two mobility parks. These have a parking angle of 90° and dimensions of: stall width of 3.6m and stall depth of 5.5m. Parks 18 – 22 have a parking angle of 30° and dimensions of: stall width of 2.6m and stall depth of 5.4m. Parks 23 & 24 are for longer vehicles (trucks or cars and trailers/floats) and have dimensions of 2.8m stall width and 12.6m stall depth which exceed the required parking space dimensions. The aisle spaces all comply with or exceed the minimum aisle widths for the type of parking adjacent. The car parks and aisles comply with this performance standard.
Rule 6.6.1.2 Minimum Manoeuvring Space <i>a. Parking areas must provide manoeuvring space that ensures a motor vehicle is not required to reverse onto or off the site in any of the following circumstances: i. the site is directly accessed from a...arterial road...ii. the parking area provides for five or more non-residential activities;...</i> <i>b. The manoeuvring space required under Rule 6.6.1.2.a must be designed to accommodate the following vehicle sizes: i. for non-residential activities: 99th percentile design motor vehicle (See Appendix 6B, Figure 6B.7);...</i> <i>c. The manoeuvring space required under Rule 6.6.1.2.a must be of an adequate size to avoid the need for: i. a turntable; ii. the vehicle specified in Rule 6.6.1.2.b.i to undertake more than one reverse manoeuvre when manoeuvring into or out of any required parking space;...</i>	The site plan appended at Appendix 3a demonstrates that a 99th percentile vehicle and an 8m rigid truck can manoeuvre within the parking areas in conformance with this performance standard. The car park design complies with this performance standard.
Rule 6.6.1.3 Minimum Queuing Space <i>a. The minimum on-site queuing space for vehicles entering or exiting parking areas is:...ii. 21-50 parking spaces: 12m minimum queuing space length...v. Where the parking area has more than one access, the required queuing space may be divided proportionally between the accesses, in accordance with the proportion of traffic volume (number of vehicle movements per access per day) to be served by each access. vi Queuing space length is measured from the road boundary to the nearest vehicle control point or point where conflict with vehicles already on the site may arise.</i>	Queuing space of a minimum of 12m has been provided within Lot 1 after entering the site and prior to exiting the site – please refer to the site plan appended at Appendix 3a. The car park design complies with this performance standard.

Rule 6.6.1.4 Gradient of Parking Areas 1. <i>The gradient of parking areas provided for any activity other than standard residential must not exceed 1 in 20 in any one direction.</i>	Rebecca Jones of WJ Cadzow & Associates Limited informs that the gradient of the proposed car park areas and driveway will comply with this performance standard.
Rule 6.6.1.5 Surfacing and Marking of Parking Areas a. <i>Parking areas (including associated access and manoeuvring areas) provided for any activity other than standard residential, must</i> i. <i>be designed to ensure that water will not pool on the surface of the parking area, and will enter an appropriate stormwater drain effectively;</i> ii. <i>be hard surfaced;</i> iii. <i>have individual parking spaces permanently marked;...</i>	The car parking areas will drain to sumps as shown on the site plan overlaid on aerial appended at Appendix 3b. Most of the car parking and access areas will be hard surfaced with asphalt and will have each individual car park permanently marked. However, to help with permeability of stormwater, car parks 18 – 22 will be gravelled with stall boundaries marked via timber half poles or other such treatment. The car parks comply with this performance standard.
Rule 6.6.1.6 Lighting of Parking Areas a. <i>Parking areas must be illuminated to a minimum maintained level of 2 lux, with high uniformity, during the hours of operation, if all of the following circumstances apply:</i> i. <i>the parking area is provided for any activity other than standard residential;</i> ii. <i>the parking area is designed to accommodate 4 or more vehicles; and</i> iii. <i>the parking area will be used at night.</i>	The exterior lighting for the veterinary services is shown on the site plan appended at Appendix 3a. Clutha Vets informs that the exterior lighting will provide sufficient light to meet this performance standard. The car parks comply with this performance standard.
Rule 6.6.1.7 Access to Parking Areas a. <i>Required parking spaces must be designed to allow vehicles using the spaces to enter and exit the site without the need to move a vehicle occupying any other parking or vehicle loading space on the site.</i> b. <i>Parking areas must be accessed from a clearly defined vehicle crossing and the remainder of the parking area must be designed to be physically separated from, and inaccessible from, the road. ...</i>	The design of the car parking area complies with this performance standard.

Appendix 7: Analysis of Proposed Veterinary Services Against Relevant Natural Hazards Performance Standards.

Performance Standard	Analysis of Proposed Veterinary Services
11.3.1 Hazard Exclusion Areas	Not applicable as Lot 1, in which the veterinary services are to be located, is not located within a <i>Swale Mapped Area</i> or a <i>Dune System Mapped Area</i> .
11.3.2 Maximum Area of Vegetation Clearance	Not applicable as Lot 1 is not located within a <i>Hazard 1 (land instability) Overlay Zone</i> or <i>Hazard 2 (land instability) Overlay Zone</i> nor is it located within a <i>Dune System Mapped Area</i> .
11.3.3 Relocatable Buildings	Not applicable as Lot 1 is not located within a <i>Hazard 3 (coastal) Overlay Zone</i> .
11.3.4 Outdoor Storage	Not applicable as Lot 1 is not located within a <i>Hazard 1 (flood) Overlay Zone</i> or a <i>Hazard 1A (flood) Overlay Zone</i> .

Appendix 8a: 2GP Rule 9.3.4 & 2GP Appendix A6.2.

9.3.4 Hazardous Substances Quantity Limits and Storage Requirements

1. The storage and use of hazardous substances with explosive or flammable properties must not be located in the National Grid Yard except as provided for in [Rule 9.3.4.2](#). The storage and use of all other hazardous substances must comply with the quantity limits and storage requirements specified in [Appendix A6](#), as follows:

...

b.	i. All activities except residential activities in the: 1. commercial and mixed use zones except SSYP; 2. major facility zones except Ashburn Clinic, Mercy Hospital, Port, Wakari Hospital and Schools; 3. rural zones; 4. rural residential zones; and 5. Recreation Zone. ii. All activities in any part of Industrial or Industrial Port zones except residential activities, where the storage or use of hazardous substances is located within 100m of the boundary of any other zone, except another industrial zone or the Port Zone; and: 1. the activity is located within a hazard 2 (flood) or hazard 2 (land instability) overlay zone; or 2. the activity is located within a hazard 3 (flood, coastal or alluvial fan) overlay zone and involves the storage or use of class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances.	A6.2
----	--	------

...

A6.2 Group B

1. NA

2. NA

X. Tables A6.2.1 - A6.2.9 specify the hazardous substances quantity limits for the activities and areas set out in [Rule 9.3.4.1.b](#), which are:

- a. all activities except residential activities in:
 - i. commercial and mixed use zones (except SSYP);
 - ii. major facility zones (except Ashburn Clinic, Mercy Hospital, Port, Wakari Hospital and Schools);
 - iii. rural zones;
 - iv. rural residential zones; and
 - v. Recreation Zone.
- b. all activities in any part of Industrial or Industrial Port zones except residential activities, where the storage or use of hazardous substances is located within 100m of the boundary of any other zone, except another industrial zone or the Port Zone; and:
 - i. the activity is located within a hazard 2 (flood) or hazard 2 (land instability), overlay zone; or
 - ii. the activity is located within a hazard 3 (flood, coastal or alluvial fan) overlay zone and involves the storage or use of Class 8 (GHS category 1, 1A, 1B and 1C) or Class 9 (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances, where Table A6.2.8 and Table A6.2.9 only apply.

3. Where a substance is listed by name only the specific class quantity limit where the substance is listed applies and other class quantity
4. Where the volume or weight of a hazardous substance is affected by the temperature and pressure at which it is stored, the volume or weight will be considered (for the purposes of the hazardous substance quantity limits) to be that present in conditions of 20°C and 101.3kPa.

5. The permitted quantity limits apply per site, except for in the commercial and mixed use, Campus, and Industrial or Industrial Port zones, where the permitted quantity limits apply per hazardous sub-facility. Each hazardous sub-facility must be separated from any other hazardous sub-facility on the same site and meet the following locational requirements:
 - a. if located external to a building, the gazetted^{*} or regulated controls^{*} for "protected place" and "public place" apply, and the location is such that the "controlled zone" or tabled separation distances of each facility do not overlap; or
 - b. if permitted to be located inside a building by the gazetted^{*} or regulated controls^{*}, or referenced standards pursuant to HSNO, then each hazardous sub-facility must be located in a separate fire cell.

^{*} Health and Safety at Work (Hazardous Substances) Regulations 2017 for work places and Hazardous Substances (Hazardous Property Controls) Notice 2017 for places that are not workplaces.

Table A6.2.1 Class 1 - Explosives (GHS unstable explosive)

Substance		Quantity limit
Subclass 1.1A-G, J, L: Mass explosion hazard		
1.	Gunpowder and black powder	15kg
2.	Display fireworks	0
3.	Industrial explosives (e.g. TNT) and all other 1.1	25kg
Subclass 1.2B-L: Projection hazard		
4.	All	No limit
Subclass 1.3C, F-L: Fire and minor blast hazard		
5.	Smokeless ammunition reloading powder	50kg
Subclass 1.3C, F-L: Fire and minor blast hazard		
6.	Retail fireworks	No limit - refer to Hazardous Substances (Fireworks) Regulations 2001
7.	All other 1.3	No limit
Subclass 1.4B-G, S: No significant hazard		
8.	NA	NA
9.	NA	NA
10.	NA	NA
11.	All 1.4	No limit
Subclass 1.5D: Very insensitive, with mass explosion hazard		
12.	All	No limit
Subclass 1.6N: Extremely insensitive, no mass explosion hazard		
13.	All	No limit

Table A6.2.2 Class 2 - Gases and aerosols

Substance		Quantity limit
Subclass 2NH: Non Hazardous		
1.	All	1000kg
Subclass 2.1.1A (GHS category 1A and 1B): High Hazard Flammable Gases		
2.	NA	NA
3.	LPG for all activities, except residential activities	6 tonnes (6000kg)
4.	All other 2.1.1A	1000kg
5.	NA	NA
6.	NA	NA
Subclass 2.1.1B (GHS category 2): Medium hazard flammable gases		
7.	Anhydrous ammonia refrigerant	1000kg
8.	All other 2.1.1B	No limit
Subclass 2.1.2A (GHS category 1, 2, 3): Flammable aerosols		
9.	All	1000kg

Table A6.2.3 Class 3 - Flammable liquids

Substance		Quantity limit
X.	All Class 3 - Flammable liquids	Certified super vault tanks constructed to South Western Research Institute (SWRI) standards. a. 30,000 Litres in the DIA Zone b. 10,000 Litres in all other zones
Subclass 3.1A (GHS category 1) Liquid: Very high hazard (flash point less than 23°C, initial boiling point less than 35°C)		
1.	NA	a. NA b. NA c. NA
2.	Petrol (stored above-ground)	a. Certified single skin tanks: 0 b. Certified double skin tanks: 2000 Litres
3.	Liquid petroleum fuels in below-ground single vessel tanks	0
4.	All other (stored above-ground)	50 Litres
5.	NA	NA
Subclass 3.1B (GHS category 2) Liquid: High hazard (flash point less than 23°C, initial boiling point more than 35°C)		
6.	Liquid petroleum fuels in below-ground single vessel tanks	0
7.	NA	a. NA b. NA
8.	All other - e.g. acetone, paint spray thinners, pure alcohol (stored in above-ground containers)	a. NA b. NA c. 450 Litres (in approved HSNQ or Hazardous Substances Regulations 'type' stores) d. Retail activity 1500m ² or more in gross floor area only: 1500 Litres in containers of up to 5 Litres each
9.	NA	NA
Subclass 3.1A: petrol plus 3.1B (GHS category 1 & 2)		
10.	Petrol plus any 3.1B substance - cumulative total limit	2000 Litres
Subclass 3.1C (GHS category 3) Liquid: Medium hazard (flash point more than 23°C, but less than 35°C)		
11.	Liquid petroleum fuels in below-ground single vessel tanks	0
12.	NA	NA
13.	All - kerosene, aviation kerosene (stored in above-ground containers)	a. Certified single skin tanks: 460 Litres b. Certified double skin tanks: 2000 Litres

Subclass 3.1D (GHS category 4) Liquid: Low hazard (flash point more than 60°C, but less than 93°C)		
14.	All 3.1D	No limit
15.	NA	NA
16.	NA	NA
Subclass 3.2A, 3.2B, 3.2C (GHS category 1, 2, 3): Liquid desensitized explosive - High, medium and low hazard		
17.	All substances	0

Table A6.2.4 Class 4 - Flammable solids

Substance		Quantity limit
Subclass 4.1.1A (GHS category 1): Readily combustible solids and solids that may cause fire through friction (medium hazard)		
1.	All	50kg
Subclass 4.1.1B (GHS category 2): Readily combustible solids and solids that may cause fire through friction (low hazard)		
2.	All	500kg
Subclass 4.1.2A-B: Self reactive - Types A and B		
3.	All	50kg
Subclass 4.1.2C-G: Self reactive - Types C-G		
4.	All	500kg
Subclass 4.1.3A-C (GHS category 1, 2, 3): Solid desensitized explosives		
5.	All	5kg
Subclass 4.2A-B (GHS category 1): Spontaneously combustible - Pyrophoric substances (high hazard and self heating substances: medium hazard)		
6.	All	50kg
Subclass 4.2C (GHS category 2): Spontaneously combustible (self heating substances: low hazard)		
7.	All	500kg
Subclass 4.3A-B (GHS category 1 & 2): Solids that emit flammable gas when wet (high and medium hazard)		
8.	All	50kg
Subclass 4.3C (GHS category 3): Solids that emit flammable gas when wet (low hazard)		
9.	All	500kg

continued overleaf...

Table A6.2.5 Class 5 - Oxidising substances

Substance		Quantity limit
Subclass 5.1.1A-C (GHS category 1, 2, 3): Liquids and solids		
1.	All substances	200 Litres if liquid, 200kg if solid
Subclass 5.1.2A (GHS category 1): Gases		
2.	Oxygen	a. 1000m ³ , except: i. No limit if stored and used in accordance with <u>HSNO</u> and Hazardous Substances Regulations requirements within hospitals and <u>registered health practitioners</u>
3.	Nitrous oxide	a. 30 times 8-gram nitrous oxide cartridges for catering purposes only, except: i. No limit if stored and used in accordance with <u>HSNO</u> and Hazardous Substances Regulations requirements within hospitals and <u>registered health practitioners</u>
4.	Chlorine	0
Subclass 5.2A-G: Organic Peroxide - Types A-G		
5.	All - e.g. MEKP Polyester resin catalyst	16 Litres

continued overleaf...

Table A6.2.6 Class 6 - Toxic substances

Substance		Quantity limit
Subclass 6.1A-C (GHS category 1, 2, 3): Acutely toxic		
1.	All 6.1A-C	5000 Litres
2.	NA	NA
3.	NA	NA
Subclass 6.1D (GHS category 4) and 6.1E (GHS category 1 - aspiration hazard & GHS category 3 - respiratory tract irritant)		
4.	All 6.1D and 6.1E located outside the National Grid Yard	1000kg
5.	All 6.1D and 6.1E located within the National Grid Yard	1000kg
Subclass 6.3A (GHS category 4) and 6.3B: Skin irritant		
X.	All 6.3A and 6.3B located outside the National Grid Yard	No limit
6	All 6.3A and 6.3B located within the National Grid Yard	2000kg
Subclass 6.4A (GHS category 2): Eye irritant located outside the National Grid Yard		
Y.	All 6.4A located outside the National Grid Yard	No limit
Subclass 6.4A (GHS category 2): Eye irritant located within the National Grid Yard		
7.	Cement, hydrated lime and burnt lime	50 tonnes
8.	Sodium chloride	1000kg
9.	All others	2000kg
Subclass 6.5A and B (GHS category 1): Respiratory and contact sensitizers		
10.	Cement, hydrated lime and burnt lime	50 tonnes
11.	All others	2000kg
Subclass 6.6A and B (GHS category 1, 2): Human mutagens		
12.	All	2000kg
Subclass 6.7A and B (GHS category 1, 2): Carcinogens		
13.	All	1000kg
Subclass 6.8A-C (GHS category 1, 2): Human reproductive or developmental toxicants		
14.	All	2000kg
Subclass 6.9A and B (GHS category 1, 2): Substances affecting human target organs or systems		
15.	All	2000kg

Table A6.2.7 Class 7 - Radioactive materials

Substances	Quantity limit
1. All substances	No limit

Note A6.2.7A - General advice

1. Radioactive materials are controlled through the Radiation Safety Act 2016 and the Radiation Safety Regulations 2016 rather than HSNQ and Hazardous Substances Regulations.

Table A6.2.8 Class 8 - Corrosives

Substance	Quantity limit
Subclass 8.1A (GHS category 1): Substances corrosive to metals	
1. All	a. 1000 Litres, except i. 5000 Litres if within a secondary containment system
Subclass 8.2A-C (GHS category 1A, 1B, 1C): Substances corrosive to skin	
2. Cement, hydrated lime and burnt lime	50 tonnes
3. All other	5000 Litres
Subclass 8.3A (GHS category 1): Substances corrosive to the eye	
4. Cement, hydrated lime and burnt lime	50 tonnes
5. All other	a. 1000 Litres, except i. 5000 Litres if within a secondary containment system

Table A6.2.9 Class 9 - Ecotoxics

GHS

- Hazardous to the aquatic environment (category 1-4)
- Hazardous to the terrestrial environment (hazardous to soil organisms, terrestrial vertebrates, terrestrial invertebrates and designed for biocidal action)

Substance	Quantity limit
All Class 9 – Ecotoxics	
1. All 9.1D and 9.2D outside the National Grid Yard	No limit
2. All other substances in all other locations	a. 0, except i. 5000 Litres if within a secondary containment system

Appendix 8b: Additional Information Provided by Clutha Vets on Hazardous Substances to be Stored/Used on Site.

All our hazardous goods carried for sale on the site will be well under the volume levels stated above.

For example:

Table A6.2.2 Class 2 - Gases and aerosol
FIL Tell Tail Fluoro Aerosol (All Colours)
HSNO criteria 2.1.2A, 6.1E, 6.3B, 9.1C

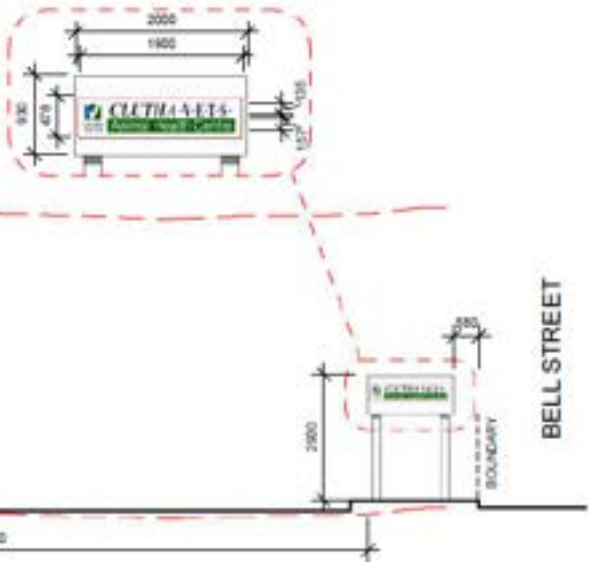
Table A6.2.3 Class 3 - Flammable Liquids
Methylated Spirits Coloured
HSNO criteria 3.1B, 6.1E, 6.4A, 6.8B, 6.9B, 9.3C

Table A6.2.6 Class 6 - Toxic substances
Maggo 1L
HSNO criteria 6.1E, 6.3A, 6.7B, 6.9B, 9.1A, 9.4C
FIL Quantum Red
HSNO criteria 6.1D, 6.1E, 8.1A, 8.3A, 9.1D, 9.3C

Table A6.2.9 Class 9 - Ecotoxins
Formalin 10%
HSNO criteria 6.1E, 6.3A, 6.4A, 6.5B, 6.6B, 6.7A, 6.9B, 9.2B

All will be well under the acceptable ranges.

Appendix 9: Analysis of Relevant Performance Standards Governing Signs.

Performance Standard	Analysis
Rule 16.6.7.1.a <i>A maximum of one sign attached to a building and one freestanding sign is allowed per site...</i>	There will be one sign attached to the proposed vet practice building – attached over the entranceway. Proposed signage complies with this performance standard.
Rules 16.6.7.1.b & d <i>b. Signs visible from a public place must meet all of the following performance standards:...d. Signs must not be illuminated or digital.</i>	The only sign visible from Bell Street will be the freestanding sign which will not be illuminated and is not a digital sign. Proposed signage complies with this performance standard.
Rules 16.6.7.1.b & d <i>b. Signs visible from a public place must meet all of the following performance standards:...Signs must comply with Rule 6.7.3 where visible from a road.</i> <i>6.7.3.1 The minimum letter height of signs...designed to be read by passing motorists must be: a. 120mm where the speed limit is less than 70km per hour...</i> <i>6.7.3.2 Signs must not be of a design or form that resembles or conflicts with traffic signs.</i> NB. 6.7.3.3 does not apply because the sign is not digital or illuminated.	The only sign visible from Bell Street will be the freestanding sign the location of which is shown on the site plan appended at Appendix 3a as:  The north elevation appended at Appendix 3c shows the dimensions of this sign as:  The design of the sign does not resemble or conflict with traffic signs. The lettering on the sign exceeds the minimum 120mm required. The proposed signage complies with this performance standard.

Rule 16.6.7.2

Signs Attached to Buildings

- The maximum height above ground level, at the highest point of any sign, attached to a building is 4m...*
- Signs must not be attached to roofs.*
- Signs must not project higher than the lowest point of the roof, except where mounted flat against a parapet or gable end.*
- The maximum area of signs, per display face, is 2m²...*

There is one proposed sign to be attached above the entrance to the proposed vet practice building which is shown on the north elevation appended at Appendix 3c:



The designers have confirmed that the top of the sign will be 3.7m above ground level and, therefore, will comply with the maximum height of 4m above ground level. Note the height of the peak of the gable above the sign is 4.8m. The sign is not attached to the roof, instead it is mounted flat against a gable end. The area of the sign is 1.96m².

This sign **complies** with these performance standards.

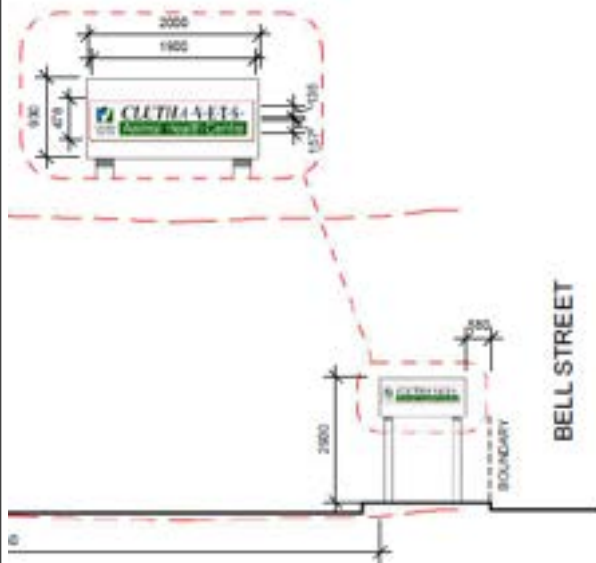
Rule 16.6.7.3

Freestanding Signs

- Maximum dimensions of freestanding signs are: i. maximum height of 4m...ii. maximum area of 2m² per display face...iii. maximum of 2 display faces per sign, iv. maximum width of 2m...v. maximum depth of 400mm.*
- Freestanding signs must: i. not obstruct parking, loading and access areas; and ii. be positioned entirely within site boundaries.*

N.B. 16.6.7.3.c does not apply to the present application as the site is not located in a landscape overlay zone.

The location and dimensions of the freestanding sign are shown on the north elevation appended at Appendix 3c:



The maximum height of the proposed freestanding sign is 2.930m above ground level. The proposed sign will have two identical display faces each with an area of 1.86m². The proposed freestanding sign will be located entirely within the site boundaries and will not obstruct any parking, loading or access areas.

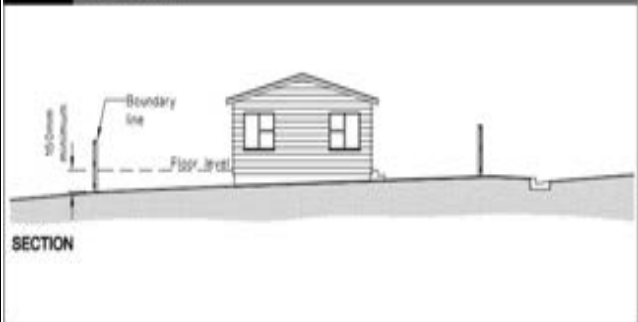
The proposed freestanding sign **complies** with these performance standards.

Appendix 10: Analysis of Proposed Activity Against Relevant 2GP Policy Framework.

2GP Rural Zones Objectives and Policies	
Objective/Policy	Analysis
Objective 16.2.1 <i>Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment.</i> Policy 16.2.1.2 <i>Provide for...veterinary services,...in the rural zones where the effects will be adequately managed in line with objectives 16.2.2 and 16.2.3, 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.</i> Policy 16.2.1.X <i>Avoid subdivision activities that create one or more resultant sites that contravene the minimum site size standard for the zone, unless:</i> <i>a. ...; or</i> <i>b. the subdivision, considered as a whole:</i> <i>i. will not result in an increase in the number of sites that contravene the minimum site size; and</i> <i>ii. will not result in an increase in the residential development potential of the subject land, beyond that provided for by the density land use performance standard and the minimum site size subdivision standard, and</i> <i>iii. will meet policies 16.2.3.8 and 16.2.4.3.</i>	The proposed subdivision provides a suitably sized allotment with frontage to an arterial road for the proposed veterinary services in the rural zone on the outskirts of Outram. Veterinary services are included in 'certain activities' that support the well-being of the community. Due to the size of the veterinary services and the type of animals (large) which Clutha Vets informs will form the bulk of its services, the proposed veterinary services are best located in the rural zone. The assessment of effects demonstrates that the effects of the proposed veterinary services will be adequately managed and will be no more than minor. The subdivision, when considered as whole, provides a suitably sized rural allotment with frontage to an arterial road for the location of the veterinary services meaning there is a consenting pathway for the proposed activity. The proposed activity is in the range consistent to not contrary to this objective and these policies.
Objective 16.2.2 <i>The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:</i> <i>a. the potential for reverse sensitivity in the rural zones is minimised;</i> <i>b. the residential character and amenity of adjoining residential zones is maintained; and</i> <i>c. a reasonable level of amenity for residential activities in the rural zones.</i> Policy 16.2.2.2 <i>Require buildings that house animals to be set back from site boundaries an adequate distance to ensure that any</i>	The potential for conflict between the proposed veterinary services and residential activity has been minimised through the design of both the subdivision and the site layout for the veterinary services. The subdivision design provides for setbacks from boundaries of existing buildings to be met; whilst the design of the site layout for the veterinary services also meets boundary setbacks for the new building. The character and amenity of the locale will be maintained/enhanced by the proposed indigenous plantings including boundary plantings. The proposed exterior cladding including colours, maximum height and orientation of the main entrance to the veterinary building all add to rather than detract from amenity and character values of the locale. The vehicle entrance and exit to Lot 1 and associated

<i>adverse effects on sensitive activities on adjoining sites, such as residential activities, are avoided or, if avoidance is not practicable, are no more than minor.</i> Policy 16.2.2.3 <i>Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.</i> Policy 16.2.2.5 <i>“Only allow...veterinary services...where adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated.”</i>	parking and loading areas have been carefully considered and located in order to minimise impacts on any adjoining residential activities. Any adverse effects on the amenity of residential activities on surrounding properties has been adequately mitigated by the site layout, design and location of the veterinary services building and the proposed boundary plantings. The proposed activity is consistent with this objective and these policies.
Objective 16.2.3 The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include: <i>a predominance of natural features over human made features;</i> <i>a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;</i> <i>buildings that are rural in nature, scale and design, such as barns and sheds;</i> <i>a low density of residential activity, which is associated with rural activities;</i> <i>a high proportion of land containing farmed animals, pasture, crops, and forestry;</i> <i>extensive areas of indigenous vegetation and habitats for indigenous fauna; and</i> <i>other elements as described in the character descriptions of each rural zone located in Appendix A7.</i> Policy 16.2.3.1 <i>Require buildings and structures to be set back from site boundaries and of a height that maintains the rural character values and visual amenity of the rural zones.</i> Policy 16.2.3.7 <i>Require ancillary signs to be located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location, and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose.</i> Policy 16.2.3.8 <i>Only allow subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones.</i> Policy 16.2.3.9 <i>Require activities to be designed and operated to ensure</i>	Views from Bell Street into the site are limited due to the existing, closely planted, mature poplars on the road boundary.  The applicants proffer as a condition of consent that these poplars will be retained, excepting removal of those trees to provide for access, until building of the proposed veterinary services building is complete. The buildings (both existing and proposed) will all meet required boundary setbacks and are all well less in height than the permitted maximum height for the zone of 10m⁵¹. The analysis of the proposed ancillary signage for the veterinary services demonstrates that that signage complies with all relevant performance standards. The site plan shows the location of exterior lighting for the veterinary services. Analysis of that exterior lighting against relevant performance standards demonstrates that the lighting is permitted. The proposed activity is consistent with this objective and these policies.

⁵¹ 2GP Rule 16.6.5.1.c.i.

<i>that any adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, will be no more than minor.</i>	
Objective 16.2.4 <i>The productivity of rural activities in the rural zones is maintained or enhanced.</i> Policy 16.2.4.2 <i>Only allow activities other than farming on highly productive land where:</i> a. <i>the scale, size and nature of the activity means that any loss of current or potential future rural productivity would be:</i> ... ii. <i>no more than minor in other areas of highly productive land;...</i> Policy 16.2.4.3 <i>Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will:</i> a. <i>maintain or enhance the productivity of rural activities;</i> b. <i>maintain highly productive land for farming activity, or ensure the effects of any change in land use are:</i> ... ii. <i>no more than minor on other areas of highly productive land;</i> c. <i>maintain land in a rural rather than rural residential land use; and</i> d. <i>not increase the potential for reverse sensitivity.</i>	The site, at 8,997m² is already a rural allotment significantly compromised with respect to minimum site size for the rural zone in which it is located. The purpose of the subdivision is to provide a suitably sized allotment with frontage to an arterial road for the veterinary services which, due to the required size of the veterinary services and the type of large animals to be serviced, must be located in the rural zone. The veterinary services will enhance the rural activities (intensive farming, farming and grazing) in the locale by supporting the health and well-being of stock. The applicants proffer, as a condition of subdivision consent, that a consent notice be placed on the title of Lot 1 stating that residential activity cannot be established on Lot 1. The design of the subdivision and the site layout for the veterinary services have been carefully considered to ensure that the potential for reverse sensitivity has been minimised as far as is practical. The loss of potential to use the highly productive land within Lot 1 for farming is no more than minor given the small quantity of LUC 1 land contained in Lot 1 compared with the extent of LUC 1 land within the Taieri Plain zone; and the fact that the future land use of Lot 1 is for an activity, veterinary services, which directly supports rural activities within rural zones. The proposed activity is consistent with this objective and these policies.
2GP Natural Hazards Objectives and Policies	
Objective 11.2.1 <i>"Land use and development is located and designed in a way that ensures that the risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in the short to long term."</i> Policy 11.2.1.4 <i>"In the ...hazard 2 (flood) overlay zones, only allow new buildings...where the scale, location and design of the building or other factors mean risk is avoided, or is no more than low."</i> Policy 11.2.1.6 <i>"In the Hazard 2 (flood) Overlay Zone, only allow...natural hazards potentially sensitive activities where:</i> a. <i>the activity has a critical operational need to locate within the Hazard 2 (flood) Overlay Zone and risk is minimised as far as practicable; or</i> b. <i>the scale, location and design of the activity or other factors means risk is avoided, or is no</i>	The designers of the veterinary services building used Lidar image and the Dunedin City Council contour information and state that: <i>"The floor level is 225mm above the carpark at the front and approximately 700mm at least above the lowest point on the site boundary which complies with E1/AS1 (see image below), and it is more or less the highest level on the site. It is also not far off being level with the crown of the road."</i> Figure 2: Minimum Floor Level for Site Below Road Paragraph 2.0.1 (a)  There is a operational need for the veterinary services to

more than low.”	be located at Outram to service the rural activities of farming and grazing in the locale the risk of flooding to the building has been minimised as far as practicable. The proposed activity is consistent with this objective and these policies.
2GP Earthworks Objectives and Policies	
Objective/Policy	Analysis
Objective 8A.2.1 <i>“Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on:</i> <i>a. visual amenity and character;</i> <i>b. the stability of land, buildings, and structures; and</i> <i>c. surrounding properties.”</i> Policy 8A.2.1.3 <i>“Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where the following effects will be avoided or, if avoidance is not practicable, adequately mitigated:</i> <i>a. adverse effects on visual amenity and character;</i> <i>b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and</i> <i>c. adverse effects on the stability of land, buildings, and structures.”</i>	The earthworks in relation to the proposed veterinary services will only occur if consent to the present application is granted. The effects of the proposed earthworks are minimal due to the gentle gradient of the site, the setback of the earthworks from boundaries and existing buildings. The visual effects of the earthworks will only be noticeable in the short term during construction and will cease to be visible once construction of the veterinary services including driveway, parking and loading areas, is complete and planting of the areas of indigenous vegetation has established. The applicants have proffered, as a condition of land use consent, a condition requiring retention of the road boundary poplar plantings, excepting removal of those trees required to provide for access, until construction of the veterinary services is complete. The proposed activity is consistent with this objective and these policies.
2GP Transportation Objectives and Policies	
Objective/Policy	Analysis
Objective 6.2.3 <i>“Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.”</i> Policy 6.2.3.1 <i>“Require ancillary signs to be located and designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network.”</i> Policy 6.2.3.3 <i>“Require land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network.”</i>	Bell Street is classified as an <i>Arterial Road</i> pursuant to the 2GP and as such is well capable of meeting the vehicle movements associated with the proposed veterinary services. There is a gravel footpath for use by pedestrians on the opposite side of Bell Street from proposed Lot 1 which can be seen below.  There is existing vehicle access to the existing residential

Policy 6.2.3.9 <i>"Only allow land use and development activities or subdivision activities that may lead to land use or development activities, where: a. adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated..."</i> Objective 6.2.4 <i>"Parking areas, loading areas and vehicle accesses are designed and located to:</i> <i>a. provide for the safe and efficient operation of both the parking or loading area and the transport network; and</i> <i>b. facilitate the safe and efficient functioning of the transport network and connectivity for all travel modes."</i> Policy 6.2.4.1 <i>"Require parking and loading areas, including associated manoeuvring and queuing areas, to be designed to ensure:</i> <i>a. the safety of pedestrians travelling on footpaths and travelling through parking areas;</i> <i>b. that vehicle parking and loading will be carried out safely and efficiently;</i> <i>c. that any adverse effects on the safe and efficient functioning of the transport network are avoided or, if avoidance is not practicable, will be no more than minor;</i> <i>d. the safe and convenient access to and from parking and loading areas for vehicles, emergency vehicles, pedestrians and cyclists; and</i> <i>e. that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths."</i> Policy 6.2.4.4 <i>"Require vehicle accesses to be limited in number and width, in order to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on:</i> <i>a. pedestrian and cyclist safety and ease of movement; and</i> <i>b. the safety and efficiency of the multi-modal transport network."</i> Policy 6.2.4.6 <i>"Require sufficient visibility to be available:</i> <i>a. at vehicle crossings, to minimise, as far as practicable, the likelihood of unsafe vehicle manoeuvres..."</i>	activity as shown on the subdivision scheme plan appended at Appendix 2. The location of the proposed entrance and exit to the veterinary services to be located on proposed Lot 1, has been carefully considered. The designers confirm that the vehicle crossings for the entrance and exit to the veterinary services are located approximately 34.6m apart. This design provides for circulation of vehicle movement around the veterinary services building, parking and loading spaces in a way that minimises the potential for conflict between vehicles as well as pedestrians. Bell Street is a relatively flat and straight road in this locale and, as such, there is good sight distances in both directions from the exit from Lot 1. The proposed entrance and exit to proposed Lot 1 and parking and loading design minimises any adverse effects on the safe and efficient operation of the transport network. The proposed activity is consistent with this objective and these policies.
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Lot 1
DP 362560

Lot 1
4000m²

Lot 2
DP 362560

Lot 2
5100m²

Bell Street
Legal - Sealed

Existing Entrance
to relocate
Proposed
Entrance

Proposed
Exit
Ex Entrance

Ex Entrance

house
#60

gar

shed

proposed
vet clinic

DP23553
3

29.8

23.6

62.4

57.9

63.7

14.5

71.0



CRAIG HORNE

Registered Surveyor

5 MAIN SOUTH ROAD EAST TAIERI
P.O. BOX 56 MOSGIEL

PH (03) 4647006
FAX (03) 4647009

Proposed Subdivision of

Lot 3 DP 362560

60 Bell Street, Outram

Ref: **Wamock**

SHEET

1

Applicant: DC & CLL Wamock
Comprised in: RT 255260
Local Authority: Dunedin City
Date: 4 October 2023

Notes:
1. Changes may occur to the layout of the proposal shown as a result of Resource Consent conditions.
2. Areas and dimensions on this plan may be subject to change following field survey.

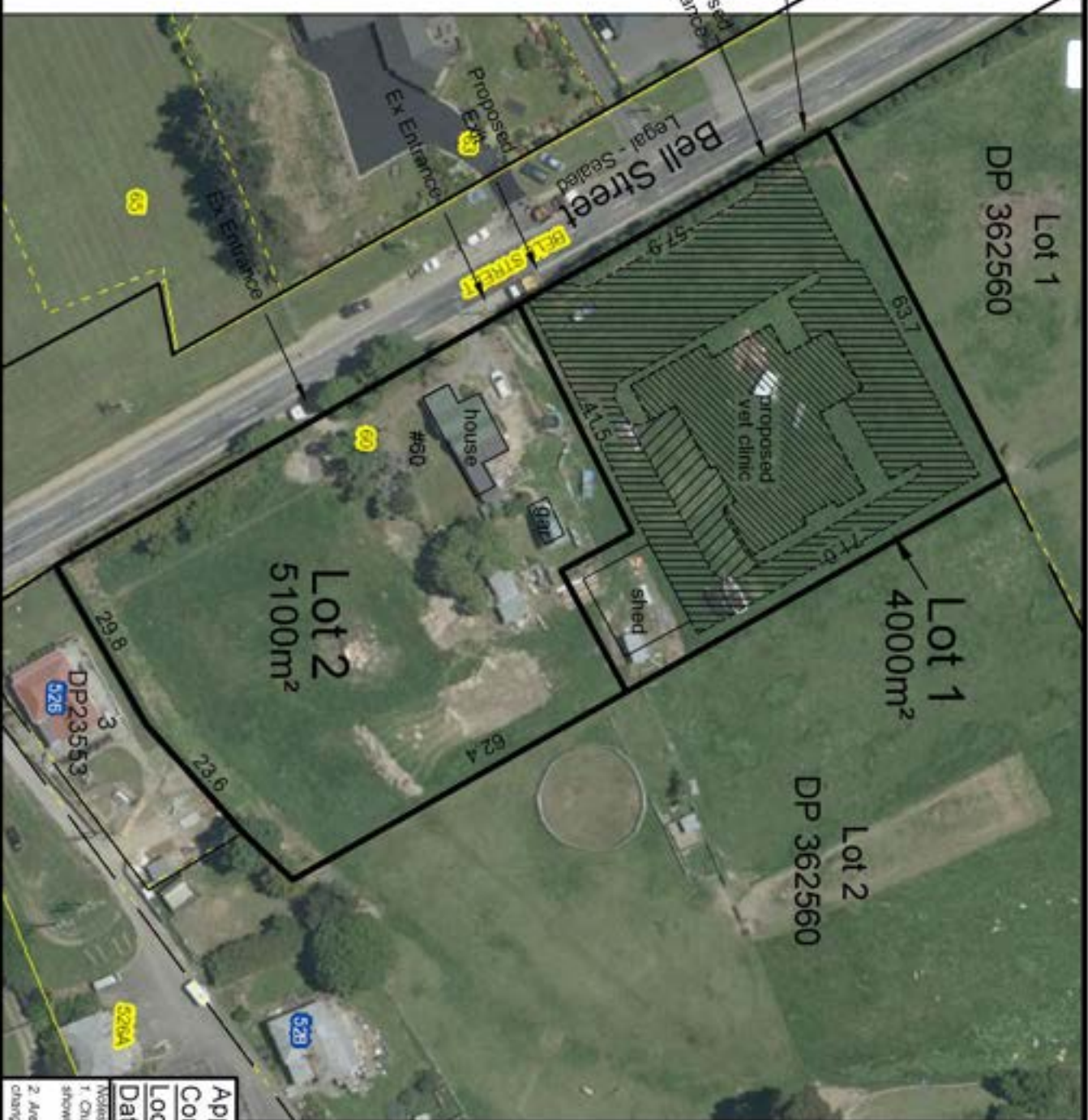
Drawn CH	Checked	AA SCALE
Traced		1:1000

Lot 1
DP 362560

Lot 1
4000m²

Lot 2
DP 362560

Lot 2
5100m²



CRAIG HORNE

Registered Surveyor
5 MAIN SOUTH ROAD EAST TAIERI
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Proposed Subdivision of Lot 3 DP 362560

60 Bell Street, Outram

Ref: Wamock

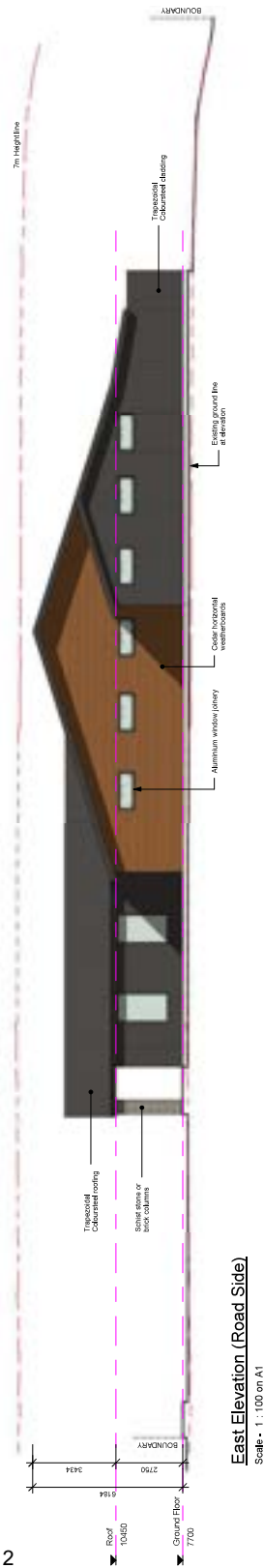
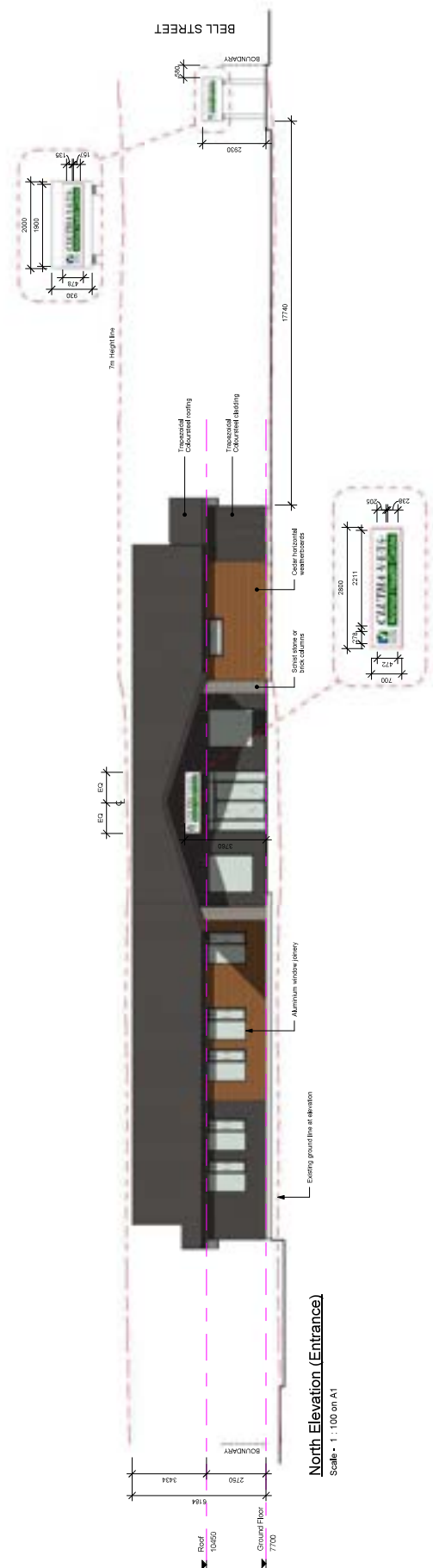
SHEET

1

Drawn CH	Checked	AA SCALE
Traced		1:1000

Applicant: DC & CLL Wamock
Comprised in: RT 255260
Local Authority: Dunedin City
Date: 4 October 2023

Notes:
1. Changes may occur to the layout of the proposal shown as a result of Resource Consent conditions.
2. Areas and dimensions on this plan may be subject to change following field survey.

[illegible]

Proposed Clutha Vets - Outram 60 Bell Street Outram 9019		As indicated July '23
Date of Visit: From [] To [] Date of Report: []	Sheet 16 of 16	

Contract	23001	Sheet	A2.01
Revision	A		
PRELIMINARY			A1



Contract Draughting - Architectural Design

[illegible]

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

• COPYRIGHT © •

Contact:

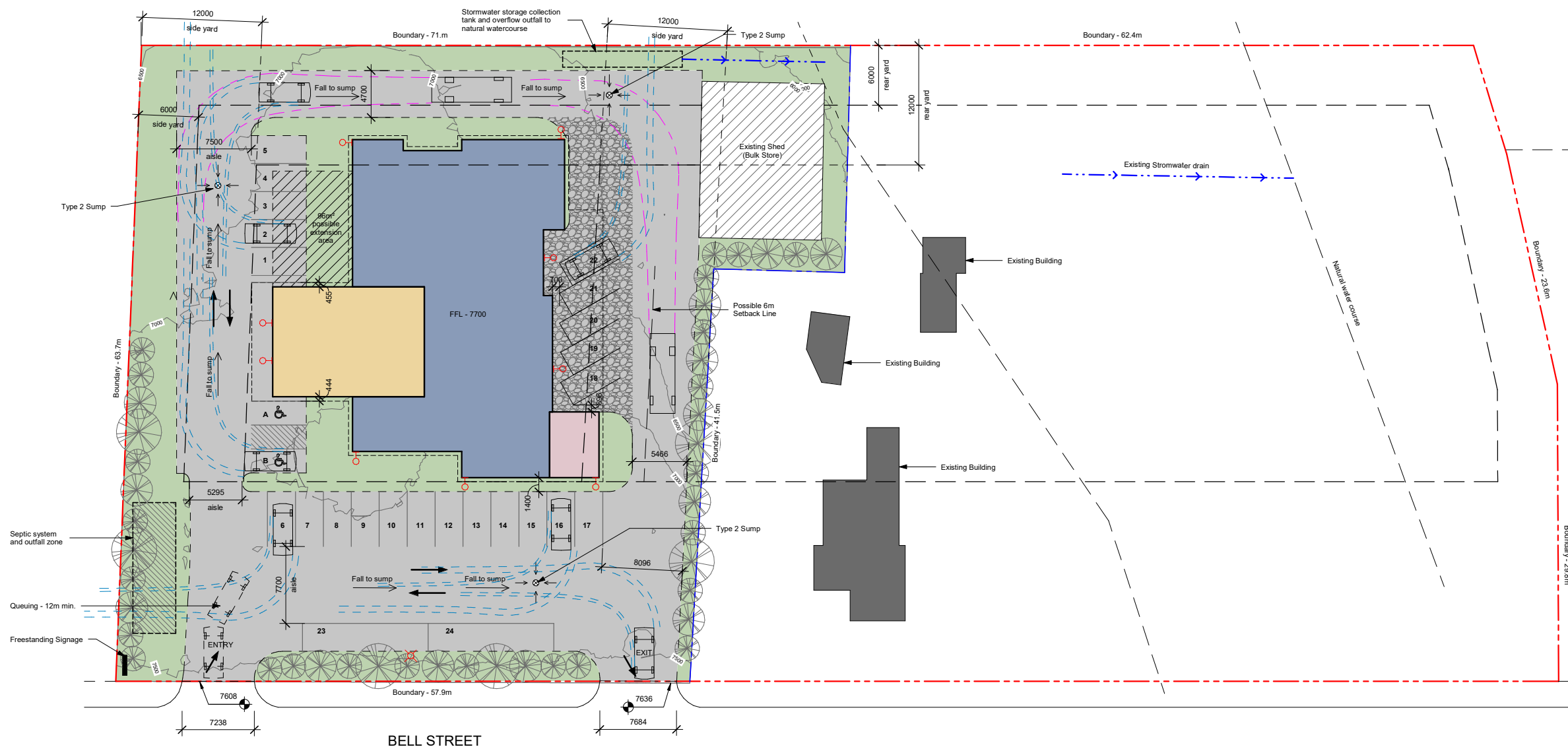
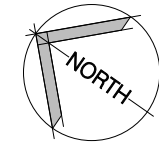
**Proposed Clutha Vets -
Outram
60 Bell Street
Outram 9019**

At 1:25 PM on July 23, 2015

Site Plan Overlay

Sheet:
A0.03

PRELIMINARY

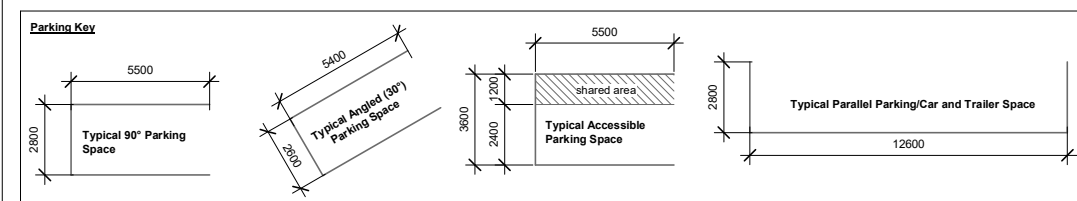
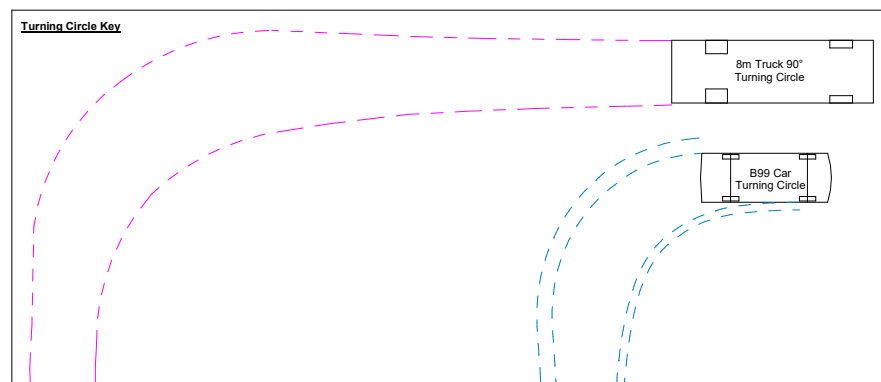


AREAS KEY		
	General - Back of House	567m²
	Dog Run	32m²
	Retail	167m²
Total Proposed Building Footprint		766m²
	Existing Shed	192m²
	Roof Overhang (Total Roof Area)	939m²
	Asphalt road & parking	1754m²
	Permeable Gravel Driveway	224m²
	Permeable Area	1053m²
	Native Planting	
Total Site Area		4003m²
Site Coverage (Building Only)		958m²
Site Coverage Percentage (Building Only)		24%
Total Site Coverage including Impermeable		2712m²
Total Site Coverage Percentage		67.7%



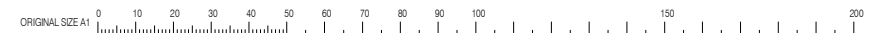
05-09-23	RC Issue	A
Date	Revision Description	No

Site Plan
Scale - 1 : 250 on A1



Lighting Key:	
	External Wall Lighting
	Lamp Post (Directed away from road)

Cut/Fill Schedule	
Cut	538m³
Fill	234m³
Net Cut/Fill	-304m³
Assumed 200mm cut to driveways and parking Assumed 300mm cut to building area and filled as necessary to create 300mm level surface	



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

As indicated July '23

Site Plan

Contract: 23001
Revision: A

Sheet: **A0.02**

PRELIMINARY A1

24 October 2023

D & C Warnock & Clutha Veterinary Association Incorporated
C/- Emma Peters
Sweep Consultancy Limited
P.O. Box 5724
Dunedin

Via email: emma@sweepconsultancy.co.nz

Dear D & C Warnock & Clutha Veterinary Association Incorporated

SUB-2023-132 & LUC-2023-377 – 60 Bell Street – Request for Further Information

Thank you for your application for a 2 Lot rural subdivision and a land use consent to establish a veterinary practice at 60 Bell Street, Outram. After initial assessment of your application, the Dunedin City Council has determined that further information is required pursuant to section 92 of the Resource Management Act 1991.

Requested information:

The further information required is detailed below. It will help the Council to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated.

1. National Environmental Standard – Contaminated Soil (NES-CS)

A two lot subdivision is proposed, and earthworks will be required to establish a new building and new veterinary services activity on Lot 1 of the subdivision. The soil on farmland has the potential to be contaminated through application of chemicals or other farming practices and the application does not assess whether the NES-CS is applicable to the proposal.

Please provide an assessment as to whether the NES-CS is applicable to the proposed activity through either through a Council records search or a PSI as specified in Regulation 6 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

If the site is confirmed as HAIL, please confirm if a resource consent is required. If a consent is needed, please provide an assessment of the proposal's effects on human health. Outline any proposed mitigation and any conditions necessary to ensure effects are appropriately managed in short and long term.

2. Water Supply

3 Waters have advised that while the site is within the DCC water boundary the site is within a rural zone and therefore it is not zoned for a water connection. 3-Waters note that here does not appear to be provision made for water storage in the application and advise that any proposed

water connection would be at the discretion of the DCC. They advise that historically the majority of applications for water connection approvals in these situations have been declined.

Please provide additional information on how water is proposed to be supplied to the proposed veterinary clinic.

3. Consent for buildings and activities in a hazard 2 Overlay

The proposed veterinary services activity will be a *natural hazards potentially sensitive activity* under the 2GP, and resource consent will therefore be required for the activity and for the building to be located within a Hazard 2 flood overlay. This is not identified in the application. A large building is proposed, and the assessment of the proposals risks is relatively light.

Please confirm that consent is being sought for the establishment of a proposed building and a natural hazards potentially sensitive activity within a Hazard 2 flood overlay zone and provide an assessment in relation to the matters of discretion identified in the 2GP.

Responding to this request:

Within 15 working days from the date of this letter you must either:

- Provide the requested information; or
- Provide written confirmation that you cannot provide the requested information within the timeframe, but do intend to provide it; or
- Provide written confirmation that you do not agree to provide the requested information.

The processing of your application has been put on hold from **24 October 2023**.

If you cannot provide the requested information within this timeframe, but do intend to provide it, then please provide:

- Written confirmation that you can provide it; and
- The likely date that you will be able to provide it by; and
- Any constraints that you may have on not being able to provide it within the set timeframe.

The Council will then set a revised timeframe for the information to be provided.

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council.

Restarting the processing of your application:

The processing of your application will restart:

- When all of the above requested information is received (if received within 15 working days from the date of this letter being **14 November 2023**); or
- From the revised date for the requested information to be provided, if you have provided written confirmation that you are unable to meet the above timeframe and the Council has set a revised timeframe for the information to be provided; or
- From the date that you have provided written confirmation that you do not agree to providing the requested information; or
- 15 working days from the date of this letter (if you have not provided the requested

Once the processing of the application restarts:

If you have provided all the requested information, then we will consider its adequacy and make a final decision on whether your application requires public or limited notification pursuant to sections 95A, 95B, 95D, 95E and 95F of the Resource Management Act 1991, or, whether any parties are considered adversely affected from whom you will need to obtain written approval in order for the proposal to be considered on a non-notified basis.

If you have not provided the requested information, then your application will continue to be processed and determined on the basis of the information that you have provided with the application:

- If the Council decides to give public or limited notification of the application, then the Council must publicly notify the application under section 95C(1) of the Resource Management Act 1991. You will be invoiced for any outstanding payment needed to make up the \$9,300 deposit required for public notification.
- If the Council decides to process the application on a non-notified basis, and all written approvals have been received, then the application must be considered under section 104 of the Resource Management Act 1991. The Council may decline the application on the grounds that it has inadequate information to determine the application. In making an assessment on the adequacy of the information, the Council must have regard to whether this request resulted in further information being made available.

Please note that requests for further information, interim correspondence and assessment of the further information can introduce additional work and therefore costs. Deposits are based on the average cost of processing similar consents in the previous year. There is normally a sizable range between the lowest and highest cost for similar consents. These additional costs incurred as a result of the further information request will be passed onto you and, as such, the final cost of processing this application may be higher than previous 12-month average for similar applications.

Please do not hesitate to contact the writer johnsuledn@gmail.com if you have any questions or concerns regarding the above request or the further processing of the application.

Yours faithfully

A handwritten signature in black ink, appearing to read 'John Sule', with a stylized, sweeping flourish extending from the end.

John Sule
Consultant Planner

Sweep Consultancy Limited
PO Box 5724
Dunedin 9054
Phone: 0274 822214
Email: emma@sweepconsultancy.co.nz

16 October 2023

John Sule
Consultant Planner
Dunedin City Council
P.O. Box 5045
Dunedin 9054

Sent via email to:
johnsuledn@gmail.com

Hi John,

SUB-2023-132 & LUC-2023-377 – 60 Bell Street – Answers to Questions

Thank you for your email dated 16 October 2023 to which you attach a draft request for further information. A copy of your email is attached at Attachment 1. Each of your questions is dealt with in turn below.

NES-CS

“Please provide an assessment as to whether the NES-CS is applicable to the proposed activity through either through a Council records search or a PSI as specified in Regulation 6 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.”

A HAIL property search application has been made to Council today. I will inform of the results of that application as soon as it is available.

NPS-HPL

“The proposal will subdivide a site that contains high-class soils (LUC-1). The application identifies that:

....the National Policy Statement for Highly Productive Land is not applicable to this site as the 2GP contains a consenting pathway for the proposed activity.

This is an insufficient explanation of why the NPS-HPL is not applicable. There is no reference to the relevant section of the NPS-HPL that would exclude consideration of the proposal or reference to any MFE guidance material on how the policy statement is to be applied. Please provide a more detailed explanation of why the proposal is not to be assessed against the NPS-HPL.”

In *Gray and Gray-Sinclair vs Dunedin City Council*¹ at paragraphs [193] to [207] the Environment Court undertakes a useful analysis of the NPS-HPL in relation to a resource consent application in the Dunedin City district. Copy of those paragraphs is attached at Attachment 2.

Although, the consent applied for in *Gray & Sinclair-Gray v Dunedin City Council* was different to the present application, the analysis of the Environment Court is helpful with respect to the present application.

Using the same analysis for the present activity as the Environment Court used in *Gray & Sinclair-Gray v Dunedin City Council*:

¹ ENZ-2022-CHC-024.

- [194]: *"...the NPS-HPL does not of itself have the effect of altering the district plan in any manner. Section 55 of the RMA states that local authorities are to recognise national policy statements by amending their plan or proposed plan but only if the national policy statement directs them to."*
- [195]: *"By cl 3.5(1) of the NPS-HPL, regional councils are directed, as soon as practicable and no later than three years after the commencement of the NPS, to notify maps of highly productive land and changes to their regional policy statements."*
- [196] & [197]: *"Under cl 3.5(3), territorial authorities are directed to change their plans, but only if a regional policy statement has already been amended in accordance with cl 3.5(1)...We agree that cl 3.5(7) does not of itself create any obligations on territorial authorities either as planning authorities or as consent authorities. As counsel notes, the current duties of territorial authorities under the NPS-HPL are found in: (a) cl 3.6 Restricting urban rezoning; (b) cl 3.7 Avoiding re-zoning to rural lifestyle; (c) cl 3.8 Avoiding subdivision; and (d) cl 3.9 Avoiding 'inappropriate' use or development."*
- Clause 3.6 and 3.7 do not apply to the proposal and [198] *"Clause 3.8 is yet to be implemented by the Council."*
- [199] – [202]: *"Clause 3.9(4) requires territorial authorities to include objectives, policies and rules in the plan to give effect to cl 3.9. This method of recognition is contemplated by s55(2) of the RMA and is consistent with the direction in cl 3.5(3) of the NPS-HPL....In the interim, this clause is problematic in a consenting context, particularly due to the nature of the direction in cl 3.9(2) which refers to measures in sub clause (3) that are required to be undertaken by the Council....Clause 3.9(4) requires territorial authorities to include objectives, policies and rules in the plan to give effect to cl 3.9. This method of recognition is contemplated by s55(2) of the RMA and is consistent with the direction in cl 3.5(3) of the NPS-HPL....We intend to proceed on the basis that the NPS-HPL provisions are among the wide range of identified matters that the consent authority must have regard to."*
- [203]: The proposed activity is not 'inappropriate' in terms of the NPS-HPL definition. The proposed activity, being a subdivision to provide a lot for a large animal veterinary practice is consistent with the exclusions in sub-clauses (a) and (g). *"It may even come within the further exemption in cl 3.10(b)(i) due to the small size of the site area...In that regard, the site may not qualify for inclusion as highly productive land in maps yet to be prepared by the [Otago Regional] Council in terms of cl 3.4 unless it forms part of a large and geographically cohesive area."*
- [204]: The 2GP does not see the use of this land for a large animal veterinary practice as necessarily inappropriate when considered in the context of Rule 16.3.3.37.a and its restricted discretionary activity status. This is because the activity will support primary production involving animals in the locale.
- [206]: The Environment Court was: *"...not prepared to give any weight to the discussion of the NPS-HPL in the MfE guidelines."* The Environment Court refers to a High Court decision which found that Guidance Notes, in that case in relation to the NZCPS 2010, published by MfE are not determinative.

Yours sincerely,



Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214
www.sweepconsultancy.co.nz

Attachment 1: Email from John Sule, Consultant Planner for Dunedin City Council Dated 16 October 2023

Subject: SUB-2023-132 & LUC-2023-377 - Draft Further information request
From: <johnsuledn@gmail.com>
Date: 16/10/2023, 10:40 am
To: <emma@sweepconsultancy.co.nz>

Hi Emma. I have done an initial review on the application and sent the application our for DCC department comments. I will need to request some further information and I will wait until department comments are received before finalising and formalising the request. In the interim I have sent you a draft identifying two matters I am seeking more information on to give you a head up.

Cheers

John Sule
Consultant Planner
Contracted to Southern Planning Solutions
0278579039

Attachments:

SUB-2023-132 & LUC-2023-377 - Further information request.docx	706 KB
--	--------

17 October 2023

D & C Warnock & Clutha Veterinary Association Incorporated
C/- Emma Peters
Sweep Consultancy Limited
P.O. Box 5724
Dunedin

Via email: emma@sweepconsultancy.co.nz

Dear D & C Warnock & Clutha Veterinary Association Incorporated

SUB-2023-132 & LUC-2023-377 – 60 Bell Street – Request for Further Information

Thank you for your application for a 2 Lot rural subdivision and a land use consent to establish a veterinary practice at 60 Bell Street, Outram. After initial assessment of your application, the Dunedin City Council has determined that further information is required pursuant to section 92 of the Resource Management Act 1991.

Requested information:

The further information required is detailed below. It will help the Council to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated.

1. National Environmental Standard – Contaminated Soil (NES-CS)

A two lot subdivision is proposed, and earthworks will be required to establish a new building and new veterinary services activity on Lot 1 of the subdivision. The soil on farmland has the potential to be contaminated through application of chemicals or other farming practices and the application does not assess whether the NES-CS is applicable to the proposal.

Please provide an assessment as to whether the NES-CS is applicable to the proposed activity through either through a Council records search or a PSI as specified in Regulation 6 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

2. National Policy Statement – Highly Productive Land (NPS – HPL)

The proposal will subdivide a site that contains high-class soils (LUC-1). The application identifies that:

.....the National Policy Statement for Highly Productive Land is not applicable to this site as the ZGP contains a consenting pathway for the proposed activity.

This is an insufficient explanation of why the NPS-HPL is not applicable. There is no reference to the relevant section of the NPS-HPL that would exclude consideration of the proposal or

reference to any MFE guidance material on how the policy statement is to be applied. Please provide a more detailed explanation of why the proposal is not to be assessed against the NPS-HPL.

Responding to this request:

Within 15 working days from the date of this letter you must either:

- Provide the requested information; or
- Provide written confirmation that you cannot provide the requested information within the timeframe, but do intend to provide it; or
- Provide written confirmation that you do not agree to provide the requested information.

The processing of your application has been put on hold from **31 October 2023**.

If you cannot provide the requested information within this timeframe, but do intend to provide it, then please provide:

- Written confirmation that you can provide it; and
- The likely date that you will be able to provide it by; and
- Any constraints that you may have on not being able to provide it within the set timeframe.

The Council will then set a revised timeframe for the information to be provided.

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council.

Restarting the processing of your application:

The processing of your application will restart:

- When all of the above requested information is received (if received within 15 working days from the date of this letter being **31 October 2023**); or
- From the revised date for the requested information to be provided, if you have provided written confirmation that you are unable to meet the above timeframe and the Council has set a revised timeframe for the information to be provided; or
- From the date that you have provided written confirmation that you do not agree to providing the requested information; or
- 15 working days from the date of this letter (if you have not provided the requested

Once the processing of the application restarts:

If you have provided all the requested information, then we will consider its adequacy and make a final decision on whether your application requires public or limited notification pursuant to sections 95A, 95B, 95D, 95E and 95F of the Resource Management Act 1991, or, whether any parties are considered adversely affected from whom you will need to obtain written approval in order for the proposal to be considered on a non-notified basis.

If you have not provided the requested information, then your application will continue to be processed and determined on the basis of the information that you have provided with the application:

- If the Council decides to give public or limited notification of the application, then the Council must publicly notify the application under section 95C(1) of the Resource Management Act 1991. You will be invoiced for any outstanding payment needed to make up the \$9,300 deposit required for public notification.

- If the Council decides to process the application on a non-notified basis, and all written approvals have been received, then the application must be considered under section 104 of the Resource Management Act 1991. The Council may decline the application on the grounds that it has inadequate information to determine the application. In making an assessment on the adequacy of the information, the Council must have regard to whether this request resulted in further information being made available.

Please note that requests for further information, interim correspondence and assessment of the further information can introduce additional work and therefore costs. Deposits are based on the average cost of processing similar consents in the previous year. There is normally a sizable range between the lowest and highest cost for similar consents. These additional costs incurred as a result of the further information request will be passed onto you and, as such, the final cost of processing this application may be higher than previous 12-month average for similar applications.

Please do not hesitate to contact the writer johnsuledn@gmail.com if you have any questions or concerns regarding the above request or the further processing of the application.

Yours faithfully

John Sule
Consultant Planner

[191] Accordingly, we find that the proposal will meet this (and all other) components of the exception in Policy 16.2.1.7.Y.ii.

The RPS

[192] The Planning JWS records that little weight can be given to the Proposed Regional Policy Statement 2021 (Non-Freshwater Parts) as it remains in the further submission period. We agree with that position.

The NPS-HPL

[193] The only national policy statement potentially relevant is the National Policy Statement-Highly Productive Land (NPS-HPL) which is referred to in the Planning JWS. This was gazetted on 19 September 2022 and came into force on 17 October 2022.

[194] We agree with Mr Shiels KC, that the NPS-HPL does not of itself have the effect of altering the district plan in any manner. Section 55 of the RMA states that local authorities are to recognise national policy statements by amending their plan or proposed plan but only if the national policy statement directs them to.

[195] By cl 3.5(1) of the NPS-HPL, regional councils are directed, as soon as practicable and no later than three years after the commencement of the NPS, to notify maps of highly productive land and changes to their regional policy statements.

[196] Under cl 3.5(3), territorial authorities are directed to change their plans, but only if a regional policy statement has already been amended in accordance with cl 3.5(1).

[197] We agree that cl 3.5(7) does not of itself create any obligations on territorial authorities either as planning authorities or as consent authorities. As counsel notes, the current duties of territorial authorities under the NPS-HPL are found

in:

- (a) cl 3.6 Restricting urban rezoning;
- (b) cl 3.7 Avoiding re-zoning to rural lifestyle;
- (c) cl 3.8 Avoiding subdivision; and
- (d) cl 3.9 Avoiding 'inappropriate' use or development.

[198] We agree that cl 3.6, cl 3.7 and cl 3.8 do not apply to the proposal. Clause 8 is yet to be implemented by the Council.

[199] Clause 3.9(4) requires territorial authorities to include objectives, policies and rules in the plan to give effect to cl 3.9. This method of recognition is contemplated by s55(2) of the RMA and is consistent with the direction in cl 3.5(3) of the NPS-HPL.

[200] In the interim, this clause is problematic in a consenting context, particularly due to the nature of the direction in cl 3.9(2) which refers to measures in sub clause (3) that are required to be undertaken by the Council.

[201] Clause 3.9(4) requires territorial authorities to include objectives, policies and rules in the plan to give effect to cl 3.9. This is method of recognition is contemplated by s55(2) of the RMA and is consistent with the direction in cl 3.5(3) of the NPS-HPL.

[202] We intend to proceed on the basis that the NPS-HPL provisions are among the wide range of identified matters that the consent authority must have regard to.

[203] That said, we are unable to conclude that the proposed activity is 'inappropriate' in terms of the NPS-HPL definition. The restoration proposal would be consistent with the exclusions in either of sub-clauses (e) and/or (g) if that were a provision we were required to consider. It may even come within the

further exemption in cl 3.10(b)(i) due to the small size of the site area.³⁸

[204] We consider that the 2GP does not see the use of this land for enhancement of indigenous biodiversity coupled with a residential activity as *necessarily* inappropriate when considered in the context of Policy 16.2.1.7.Y.ii.

[205] We note that in the further submissions filed by the Council, extensive reference is made to a recently issued Guidance Notes for the NPS-HPL published by the Ministry for the Environment (MfE). Counsel refers to passages containing examples of inappropriate activities for the purposes of cl 3.9, urging that approach upon the court, noting alignment with the Guidance Notes discussion with the approach of Ms Spalding on this issue.

[206] However, we are not prepared to give any weight to the discussion of the NPS-HPL in the MfE guidelines. We refer to the High Court's observation on the relevance of the Guidance Notes published by MfE for the NZCPS 2010 which we respectfully agree with and are in any event bound by.³⁹

The first question is what status should be given to the Department of Conservation's Guidance Notes. It is clear that they have no statutory basis, and that whilst helpful, they are not legally binding on the Court as necessarily properly interpreting the provisions of either the Act or the NZCPS. Whilst the Supreme Court may have referred to the Guidance Notes, not surprisingly it did not determine that the Guidance Notes are determinative, and indeed the Guidance Notes themselves include a disclaimer that they are not a substitute for legal advice, neither are they official government policy.

[207] This position is further reflected in subsequent decisions of the Environment Court, including in *Federated Farmers of New Zealand v Northland*

³⁸ In that regard, the site may not qualify for inclusion as highly productive land in maps yet to be prepared by the Council in terms of cl 3.4 unless it forms part of a large and geographically cohesive area.

³⁹ *Opouhē Ratepayers and Residents Association v Waikato Regional Council* [2015] NZEnvC 105, at [97].

*Regional Council.*⁴⁰

Part 2 matters

[208] We were not told of any invalidity, incomplete coverage or uncertainty within the 2GP that would justify an assessment in terms of Part 2 of the RMA, and accordingly, these provisions will not be further referred to.

True exception

[209] We address this as the final matter, being addressed by the Planning JWS as a potentially relevant matter in the s104(1)(c) context.⁴¹ The Planning JWS records that:

63. With respect to 'true exception', Ms Peters is of the opinion that by meeting Policy 16.2.1.7.Y.ii including relevant factors set out in paragraph 62 of the evidence in reply of Dr Lloyd and paragraph 74 of the evidence in reply of Ms Peters, the proposal will be sufficiently 'unusual' to meet the 'true exception' test.
64. In contrast, Ms Spalding is of the opinion that meeting Policy 16.2.1.7.Y.ii is insufficient to set the proposal apart as a true exception as the residential activity remains non-complying and there is nothing to differentiate the site from other existing undersized sites within the Taieri Plain Rural zone.

[210] For the Council, Ms Chadwick made the argument that the grant of consent would create an undesirable precedent effect unless the application was a 'true exception' in the sense of being unique to a sufficient degree from the generality of cases, so as to allow a grant of consent. Counsel referred to the *Auckland Regional Council v Roman Catholic Diocese of Auckland*⁴² where the court said that both precedent and integrity effects must be largely based on the particular

⁴⁰ [2022] NZEnvC 016.

⁴¹ Planning JWS, at [63] and [64].

⁴² [2008] NZRMA 409.

Sweep Consultancy Limited
PO Box 5724
Dunedin 9054
Phone: 0274 822214
Email: emma@sweepconsultancy.co.nz

17 January 2024

John Sule
Consultant Planner
Dunedin City Council
P.O. Box 5045
Dunedin 9054

Sent via email to:
johnsuledn@gmail.com
cc: Laura.Mulder@dcc.govt.nz

Hi John,

SUB-2023-132 & LUC-2023-377 – 60 Bell Street – Responses to RFI

This letter summarises the information already provided to Council in response to part of the RFI and provides the last pieces of requested information. The request for further information was issued on 24 October 2024 – copy appended at Appendix 1.

The request required further information on three matters being:

- National Environmental Standard – Contaminated Soil (**NES-CS**);
- Water Supply; and
- Consent for buildings and activities in a hazard 2 Overlay.

Each of these matters is dealt with in turn below.

NES-CS

“Please provide an assessment as to whether the NES-CS is applicable to the proposed activity through either through a Council records search or a PSI as specified in Regulation 6 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.”

- A HAIL property search application was made to Council and the resulting report, accessed via link, was supplied to you via email dated 20 October 2023.
- Also provided on 20 October 2023 via email was information from HAIL testing of site and surrounding area in conjunction with OUT-2022-01 and LUC-2022-97 as well as testing results landowner had commissioned in relation to household water take and soil around the existing house.
- Advice was received from Council's experts via email dated 2 November 2023. That advice stated: *“Due to the site potentially being a HAIL site (Category A10 and or G3) and where no PSI or DSI exists a resource consent is needed under the NESCS for the proposed subdivision/ land use change as a **discretionary** land use consent under Section 11.”* The advice also requested further detail from the landowner about two burn piles visible in aerial photographs from 2018-9 and 2022.
- Response from landowner that burn piles were vegetation only was provided via email dated 15/12/23.

We now assume that you have received sufficient information to process and grant consent to the application for resource consent under the NES-CS as a discretionary activity. Please advise if this assumption is incorrect.

Water Supply

“Please provide additional information on how water is proposed to be supplied to the proposed veterinary clinic.”

At this stage, Clutha Vets intends to obtain water supply via collection of stormwater from roof surfaces to storage in tanks. The exact number of tanks and their location is yet to be determined but will be included with the application for building consent. The applicants proffer, as a condition of land use consent for the veterinary services, that any tanks will be located in such a way (e.g. buried and/or screened, preferably by indigenous vegetation) that the tanks cannot be seen from Bell Street.

If water supply via collection of stormwater from roof surfaces proves insufficient or problematic for its purposes, Clutha Vets will make an application for connection to the reticulated water supply in Outram at a later date. Clutha Vets is aware that if at that time such an application is successful, further development contributions will be payable.

As stated in the application, both the existing residential activity and the proposed veterinary services are within 50m of a fire hydrant located within Bell Street adjacent to the site as shown in Figure 4 of the application. As such no provision of water supply for firefighting purposes need be made.

Consent for Buildings & Activities in a Hazard 2 Overlay Zone

“Please confirm that consent is being sought for the establishment of a proposed building and a natural hazards potentially sensitive activity within a Hazard 2 flood overlay zone and provide an assessment in relation to the matters of discretion identified in the 2GP.”

We confirm that consent is sought for the establishment of the proposed veterinary services building and a 'natural hazards potentially sensitive activity' within a Hazard 2 flood overlay zone.

Fluent Solutions have prepared a flood hazard report which is appended to this letter at Appendix 2 (**Fluent Report**). The Fluent Report supports the application for land use consent for the establishment of the proposed veterinary services building and undertaking of the veterinary services therein, finding:

9.0 Recommendations

In considering potential flood hazard risks to the development site and as a result of the development, the following recommendations are made:

- Based on the evidence provided above, the risks of flood hazard to the proposed veterinary development site are considered minor and meet the requirements for the minimal floor levels for flood vulnerable areas as described in the GHD report for DCC.
- The development includes onsite stormwater detention with post development flows, with allowance for climate change.
- The elevation of 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.

Please:

- Take this matter off hold and continue processing of the application.
- Confirm that you now have sufficient information to continue processing the application.
- Confirm how many processing days remain.

Please make contact if you have any questions.

Yours sincerely,



Emma Peters Consultant Sweep Consultancy Limited

Appendix 1: Request for Further Information Dated 24 October 2023



24 October 2023

D & C Warnock & Clutha Veterinary Association Incorporated
C/- Emma Peters
Sweep Consultancy Limited
P.O. Box 5724
Dunedin

Via email: emma@sweepconsultancy.co.nz

Dear D & C Warnock & Clutha Veterinary Association Incorporated

SUB-2023-132 & LUC-2023-377 – 60 Bell Street – Request for Further Information

Thank you for your application for a 2 Lot rural subdivision and a land use consent to establish a veterinary practice at 60 Bell Street, Outram. After initial assessment of your application, the Dunedin City Council has determined that further information is required pursuant to section 92 of the Resource Management Act 1991.

Requested information:

The further information required is detailed below. It will help the Council to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated.

1. National Environmental Standard – Contaminated Soil (NES-CS)

A two lot subdivision is proposed, and earthworks will be required to establish a new building and new veterinary services activity on Lot 1 of the subdivision. The soil on farmland has the potential to be contaminated through application of chemicals or other farming practices and the application does not assess whether the NES-CS is applicable to the proposal.

Please provide an assessment as to whether the NES-CS is applicable to the proposed activity through either through a Council records search or a PSI as specified in Regulation 6 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

If the site is confirmed as HAIL, please confirm if a resource consent is required. If a consent is needed, please provide an assessment of the proposal's effects on human health. Outline any proposed mitigation and any conditions necessary to ensure effects are appropriately managed in short and long term.

2. Water Supply

3 Waters have advised that while the site is within the DCC water boundary the site is within a rural zone and therefore it is not zoned for a water connection. 3-Waters note that there does not appear to be provision made for water storage in the application and advise that any proposed

water connection would be at the discretion of the DCC. They advise that historically the majority of applications for water connection approvals in these situations have been declined.

Please provide additional information on how water is proposed to be supplied to the proposed veterinary clinic.

3. Consent for buildings and activities in a hazard 2 Overlay

The proposed veterinary services activity will be a *natural hazards potentially sensitive activity* under the 2GP, and resource consent will therefore be required for the activity and for the building to be located within a Hazard 2 flood overlay. This is not identified in the application. A large building is proposed, and the assessment of the proposals risks is relatively light.

Please confirm that consent is being sought for the establishment of a proposed building and a natural hazards potentially sensitive activity within a Hazard 2 flood overlay zone and provide an assessment in relation to the matters of discretion identified in the 2GP.

Responding to this request:

Within 15 working days from the date of this letter you must either:

- Provide the requested information; or
- Provide written confirmation that you cannot provide the requested information within the timeframe, but do intend to provide it; or
- Provide written confirmation that you do not agree to provide the requested information.

The processing of your application has been put on hold from **24 October 2023**.

If you cannot provide the requested information within this timeframe, but do intend to provide it, then please provide:

- Written confirmation that you can provide it; and
- The likely date that you will be able to provide it by; and
- Any constraints that you may have on not being able to provide it within the set timeframe.

The Council will then set a revised timeframe for the information to be provided.

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council.

Restarting the processing of your application:

The processing of your application will restart:

- When all of the above requested information is received (if received within 15 working days from the date of this letter being **14 November 2023**); or
- From the revised date for the requested information to be provided, if you have provided written confirmation that you are unable to meet the above timeframe and the Council has set a revised timeframe for the information to be provided; or
- From the date that you have provided written confirmation that you do not agree to providing the requested information; or
- 15 working days from the date of this letter (if you have not provided the requested

Once the processing of the application restarts:

If you have provided all the requested information, then we will consider its adequacy and make a final decision on whether your application requires public or limited notification pursuant to sections 95A, 95B, 95D, 95E and 95F of the Resource Management Act 1991, or, whether any parties are considered adversely affected from whom you will need to obtain written approval in order for the proposal to be considered on a non-notified basis.

If you have not provided the requested information, then your application will continue to be processed and determined on the basis of the information that you have provided with the application:

- If the Council decides to give public or limited notification of the application, then the Council must publicly notify the application under section 95C(1) of the Resource Management Act 1991. You will be invoiced for any outstanding payment needed to make up the \$9,300 deposit required for public notification.
- If the Council decides to process the application on a non-notified basis, and all written approvals have been received, then the application must be considered under section 104 of the Resource Management Act 1991. The Council may decline the application on the grounds that it has inadequate information to determine the application. In making an assessment on the adequacy of the information, the Council must have regard to whether this request resulted in further information being made available.

Please note that requests for further information, interim correspondence and assessment of the further information can introduce additional work and therefore costs. Deposits are based on the average cost of processing similar consents in the previous year. There is normally a sizable range between the lowest and highest cost for similar consents. These additional costs incurred as a result of the further information request will be passed onto you and, as such, the final cost of processing this application may be higher than previous 12-month average for similar applications.

Please do not hesitate to contact the writer johnsuledn@gmail.com if you have any questions or concerns regarding the above request or the further processing of the application.

Yours faithfully



John Sule
Consultant Planner

Appendix 2: Fluent Flood Hazard Report.



Infrastructure Experience

Level 2, Burns House
10 George St
PO Box 5240
Dunedin 9054

Phone (03) 929 1263
Email office@fluentsolutions.co.nz
Website www.fluentsolutions.co.nz

Ref: GL 23-12-21 EB 000797.docx

21 December 2023

D Warnock
60 Bell Street
OUTRAM

Attention: D Warnock

Dear Mr Warnock

Flood Hazard Assessment – SUB-2023-132 & LUC-2023-377

Fluent Solutions has been engaged to provide a flood hazard assessment in response to an RFI for SUB-2023-132 & LUC-2023-377. This letter needs to be read in conjunction with the Preliminary Stormwater Management Plan prepared by Craig Horne Surveyors Limited and submitted as part of the consent application.

Point 3 of the RFI, below, requires a flood hazard assessment and an assessment in relation to matters of discretion identified in 2GP as presented below.

3. Consent for buildings and activities in a hazard 2 Overlay

The proposed veterinary services activity will be a *natural hazards potentially sensitive activity* under the 2GP, and resource consent will therefore be required for the activity and for the building to be located within a Hazard 2 flood overlay. This is not identified in the application. A large building is proposed, and the assessment of the proposals risks is relatively light.

Please confirm that consent is being sought for the establishment of a proposed building and a natural hazards potentially sensitive activity within a Hazard 2 flood overlay zone and provide an assessment in relation to the matters of discretion identified in the 2GP.

This letter provides an assessment of the proposed development in relation to these hazard layers. In regard to the 2GP 11.5.2 assessment matters of discretion the following headings address each of the assessment matters and are discussed in more detail in this report:

- Existing hazards assessment reports on the DCC's Hazard Information Management System;
- The Otago Regional Council's Otago Natural Hazards Database;
- Any new hazard assessment or engineers' reports provided as part of an application;

- Site or area specific factors, including the elevation of the site or topography and geology of the area;
- Risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites;
- Cumulative effects of natural hazards, including from multiple hazards with different risks; and
- How the risk from natural hazards may worsen over time due to climate change.

1.0 Dunedin City Council Hazard Information Management System

The flood related hazard data included on DCC Hazard Information management system is that provided by ORC and is presented below.

2.0 Otago Regional Council Natural Hazards Database

The site is located within the following overlays on the hazards database:

- Hazard 2 (flood) overlay Area 1B – West Taieri Plain above high tide level.
- Swale Mapped Area 1C – West Taieri overland flow paths.
- Groundwater Protection Mapped Area - Zone A Lower Taieri Aquifer.



Figure 1: Site Location and Otago Natural Hazards Layers

Figure 1 above presents the location of the proposed building site within hazard 2 flood overlay Area 1B – West Taieri Plain above high tide level, and the Swale Mapped Area 1C – West Taieri overland flow paths.

The area proposed for development is presented as the hatched area in Figure 1. It should be noted that there is no new development proposed within the flood hazard area 1C (blue area). The veterinary development is proposed in the northern section of the site, which is elevated to 7.5 to 8m asl. The overland flow direction from the development site is southeast towards the scheduled overland flow path.

Investigating further into the hazards mapping, Figures 2 and 3 below are extracted from ORC report *Flood hazard on the Taieri Plain and Strath Taieri August 2015*. The report defines flood depths and localised flooding characteristics within the flood hazard areas. The development site is located within the uppermost northeastern edge of the hazard layer area 1B boundary as indicated in Figure 2.

Figure 3 presents two flooding scenarios. The development site is located outside of the ponding areas identified in Area 1B for either of the scenarios.

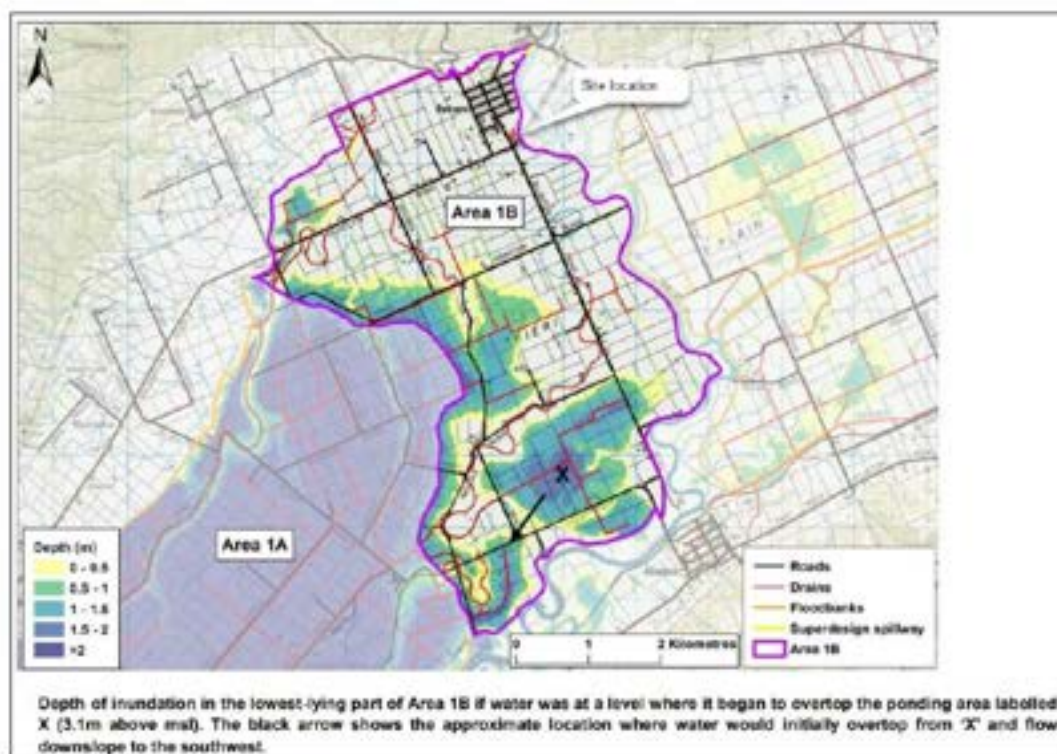


Figure 2: Area 1B Flood Depth Inundations and Site Locality

Scenario 1: Flood protection and drainage schemes remain operational, and events smaller than design	Scenario 2: Flood protection and/or drainage schemes fail, or events larger than design
Depth of water: 0.5m to 2.0m in runoff areas;⁵ up to 2.5m in the natural-ponding area labelled X in Figure 6⁶ Duration of flooding: Few hours (runoff) to few days (ponding) Velocity: Low to medium (higher in drains and swales)	The depth, duration and velocity on the downslope side of the Contour Channel and Taieri River floodbanks would vary, depending on the amount of water overtopping the bank, or the nature of floodbank failure Likely attributes for a failure of the Taieri River floodbanks are: Depth of water: 0.5m to 2.0m in runoff areas; up to 2.5m in the natural ponding area labelled X in Figure 6 Duration of flooding: few hours (runoff) to several days (ponding) Velocity: medium to very high (highest near point of failure or overtopping).

⁵ Most (but not all) of these areas are now identified as Area 1C.

⁶ Note that water can enter this low-lying area due to internal runoff (e.g. Scenario 1), or from more significant sources of flooding such as the Taieri River (Scenario 2)

Figure 3: Flood Scenarios Associated with Area 1B

3.0 Site or Area Specific Factors

3.1 Location

The site is located approximately 415m west of the Taieri river, with the flood bank located between the site and the river, presented in Figure 4 below.



Figure 4: Site in Relation to Taieri River and Flood Bank. Photograph 1 & 2 Locations.

Photographs 1 and 2 below show flood water in July 2017, taken during a site visit undertaken by Fluent Solutions and ORC. The rainfall was extreme and determined to be between a 50 and 100 year ARI event (Reference Beca Report – Owhiro Stream Flood Hazard Study, 10 May 2019 for the ORC). It was also confirmed that during this event, the one-way outlet which drains through the flood bank to the east had failed, allowing water to come back through the pipe in the reverse direction. Had the outlet been operating effectively, there should have been less flooding on the western side of the flood bank.

Photograph 1: The water on the right of the picture is water which has flowed into the flood plain from the Taieri river. The water on the left is the western side of the flood bank.



Photograph 1: View North Along Flood Bank (2017 Flood Event)

Photograph 2: The one-way outlet on the western side of the flood bank is seen to be visibly bubbling showing that flood water from the flood plain is migrating to the western side. The photo also shows that development site is located outside of the area affected by ponding during that flood event.

ORC has now constructed a pump station at the location of the blocked outlet to pump flows from the western side to the east over the flood bank. It is now considered unlikely that in a future similar flood event that the ponded area would have such large coverage as is presented in Photographs 1 and 2 below.

In summary it appears then that the development site is located outside of areas prone to ponding in flood events such as the one in 2017.



Photograph 2: View West from Flood Bank (2017 Flood Event)

Figure 5 below gives further context to the photographs presented above, showing the flood flows (cumecs) for the 2017 flood event alongside other significant Taieri plain flood events.

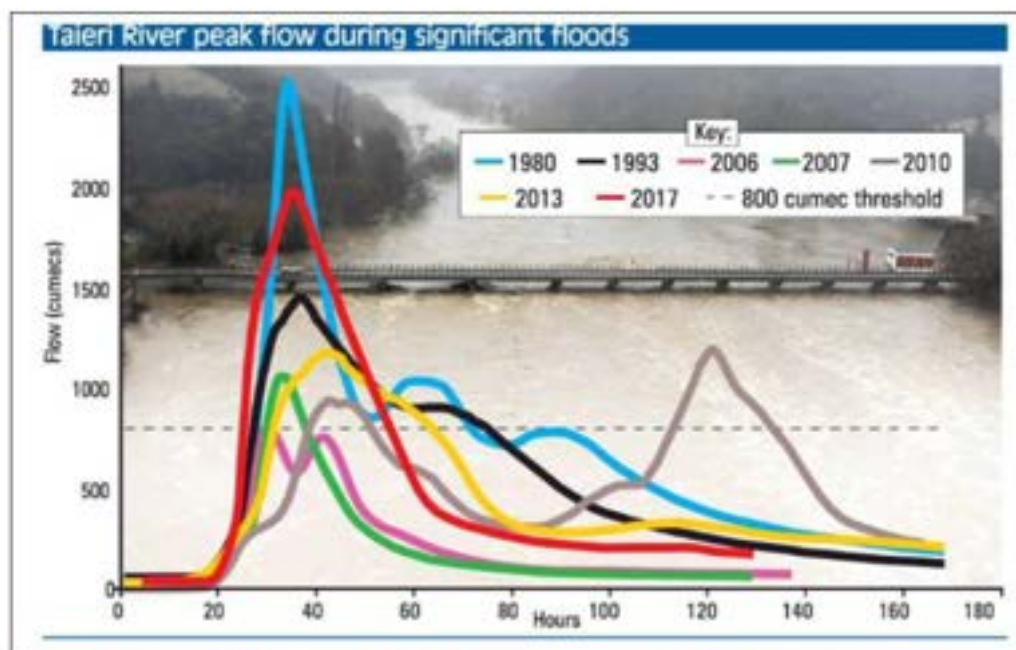


Figure 5: 2017 Flood Flow (Cumecs) In Context with Other Significant Flood Flows

3.2 Topography

The development site is a relatively flat, grassed site, with an existing house and sheds on the southern subdivision section. The site is located adjacent to the historic oxbow lake feature running around the southwest side of the site. This has also been used to determine the extent of area 1C in the ORC hazard mapping. Part of this depression dissects the southern section of the wider subdivision site. It does not intersect the proposed veterinary development section to the north.

Figure 6 below presents ground levels mapped across the vicinity of Outram. The historic oxbow lake features are evident, including the deeper depressions west of Formby Street, Outram.

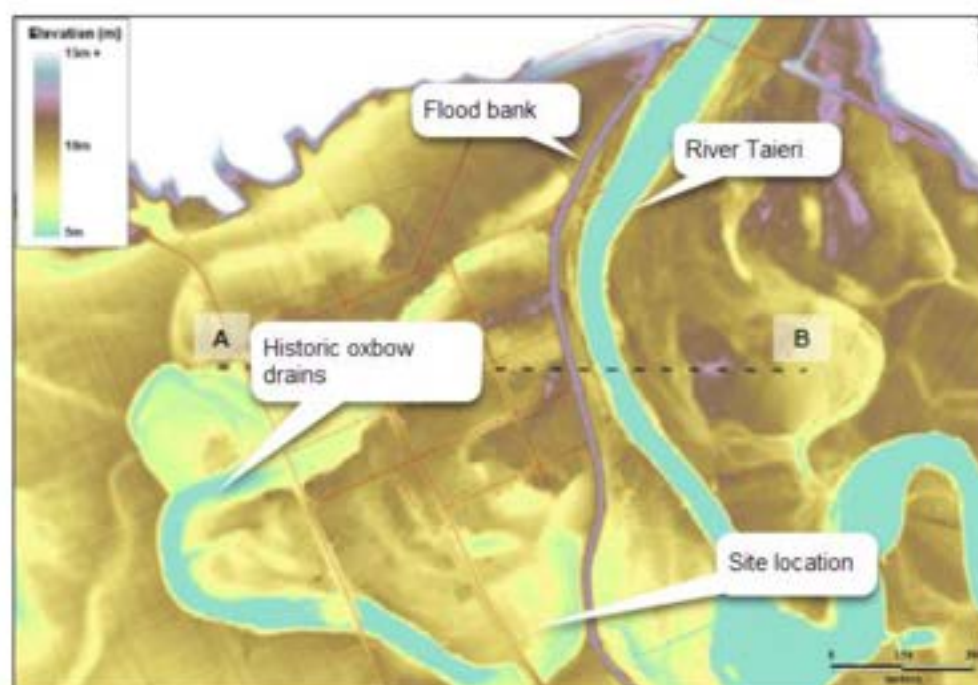


Figure 6: Mapping of the Ground Levels Highlighting the Old Oxbow-Drain (ORC Natural Hazards Report 2014)

The flood bank (purple) is evident on the map, running between the site and the Taieri River.

Figure 7 below presents the contours across the development site. The top of the flood bank is identified by the 12m contours. The top of the bank is 6.5m higher than the lowest part of the subdivision site.

The development site drops gently from 7.5-8m contours at the highest parts of the veterinary development in the north, to 5.5m contours at the lowest part of the southern section. These lowest elevations are not defined as channels but rather are lower lying areas within and around the site.



Figure 7: Site Contours and Flood Bank

3.3 Free Board Level

Freeboard to the underside of building slabs/floors minimises the flooding of dwellings by providing an allowance for flood impacts above the predicted flood level, used to take into account local effects (such as wave action from passing vehicles) and uncertainty in the method used to derive the predicted flood level. Figure 8 illustrates this freeboard and is extracted from GHD's 2015 report for the DCC titled *DCC Minimum Floor Levels for Flood Vulnerable Areas*¹.

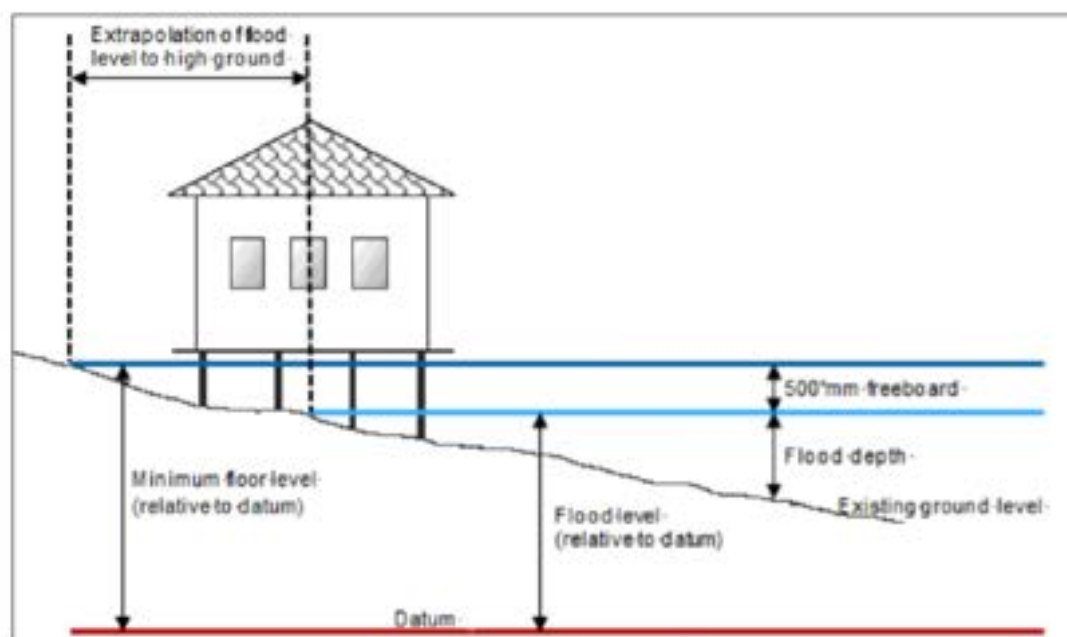
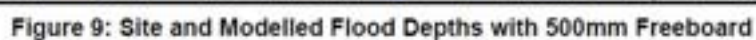


Figure 8: Illustration of Freeboard Levels

GHD completed modelling for the DCC assessing the potential flooding impacts of 100ARI storms allowing for climate change. In their report they presented maps indicating flood depths and extents, taking into consideration an additional 500mm of freeboard. Figures 9 and 10 below present the site location and flood extents.

The GHD report indicates that at the development site location there is no flooding.

¹ https://www.dunedin.govt.nz/_data/assets/pdf_file/0003/898212/DCC-Minimum-Floor-Levels-for-Flood-Vulnerable-Areas-GHD-March-2015.pdf



3.4 Risk to Activities

The risks to development from flooding from the Taieri river are considered less than minor given the proximity to the flood bank.

The risks from flooding from the west are considered minor, given the construction of the pump at the outlet through the flood bank. The site has low-lying areas in the south, but these are not defined channels or drains and are not directly connected to the oxbow drains west of Formby Street.

Furthermore GHD's report present the site as having no flooding including the 500mm freeboard allowance in the area of the development. In addition the site contours of the development site of 7.5m-8m are close to the contours of Bell Street in this area, under the Building Code E1/AS1 the slab of the building needs to be 150mm above the crown of the road can therefore be easily achieved.

In regards to the risk that the development may impose on adjacent land, the proposed subdivision and veterinary development poses minimal risks at the most, of creating or transferring flood risk to other sites.

A Stormwater Management Plan produced by Craig Horne Surveyors 13 September 2023 confirms that stormwater will be retained onsite such that post development flows will not exceed predevelopment flows. The report states that a 10 year, 10-minute duration storm scenario was used in calculating pre and post development flows taking into consideration current rainfall and climate change. In this instance, the down gradient site being the subdivided section and paddock to the west/southwest, will not be put at flood risk as result of the development.

4.0 Groundwater Protection Mapped Area – Zone A Lower Taieri Aquifer

The site is located within Groundwater Protection Zone A, and the Lower Taieri Aquifer, as presented below in Figure 11.

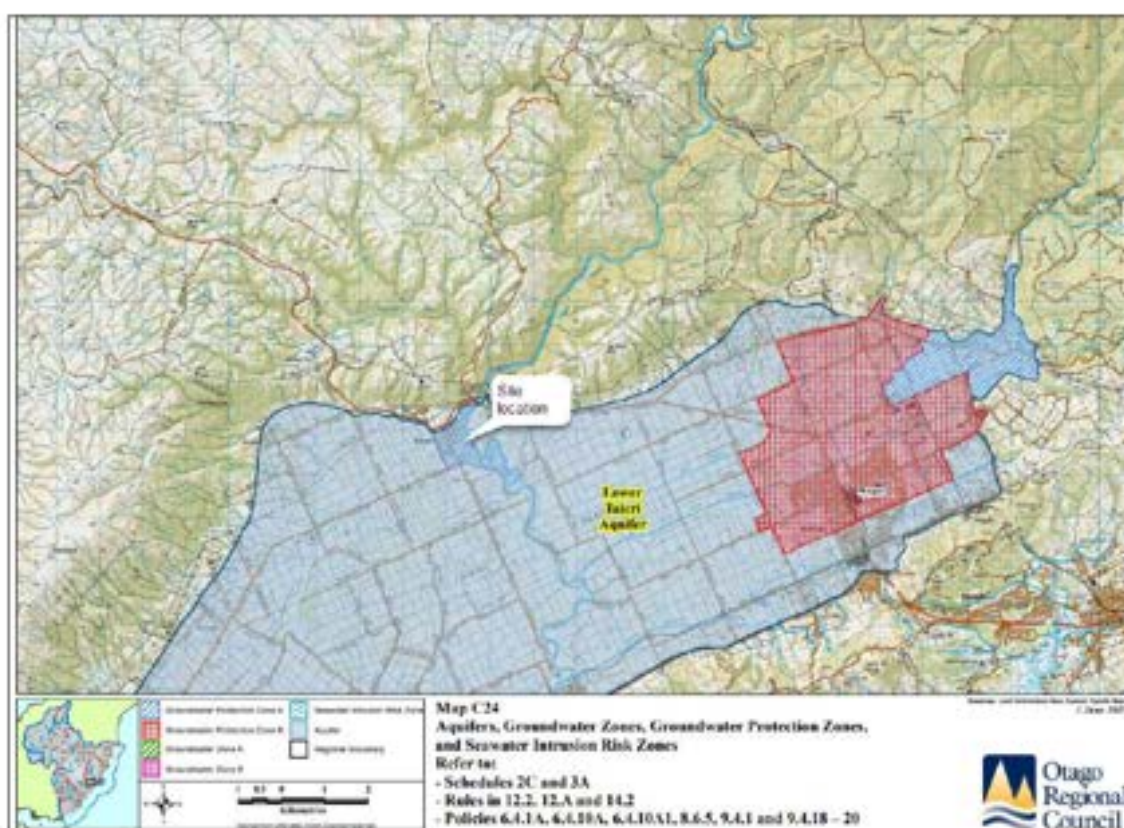


Figure 11: Site Location and Groundwater Protection Zone

The groundwater protection zone is not considered to impact upon the potential flood hazard impacts on or of the development. Stormwater flows will be detained onsite and discharged at ground level at the same rate as predevelopment flows.

5.0 Cumulative Effects

For the purposes of this assessment, cumulative effects are assumed to encompass the following two concepts.

6.0 Effects Arising Over Time

The effects of flood hazard on the site will not increase over time as a result of the development. Effects might increase as a result of climate change and increased severity of storm events, however the GHD report has considered climate change in their modelling. The Stormwater Management Plan requires the post development flows to be equal to pre-development flows taking into consideration current rainfall and climate change. The impervious surface, scale and bulk of the building is unlikely to change to the point that effects are significantly greater than currently modelled for.

7.0 Effects Arising in Combination with Other Effects

No other effects are considered significant in combination to assessing the flood hazard impacts on/of the development.

8.0 Climate Change

Changes in the intensity and duration of storm events as result of climate change may impact the area generally. The proposed development site is at no greater risk than other properties in the vicinity and does not inflict flood hazard risk on other properties.

GHD report which considers climate change states that *A floor level equal to the estimated flood level + 500 mm freeboard will provide some mitigation of the risks of climate change, but the precise level of mitigation cannot be quantified.*

Specific modelling was not considered necessary as part of this flood hazard assessment. Although the site is included within identified Flood Hazard areas, actual risks are considered as minor as presented above.

9.0 Recommendations

In considering potential flood hazard risks to the development site and as a result of the development, the following recommendations are made:

- Based on the evidence provided above, the risks of flood hazard to the proposed veterinary development site are considered minor and meet the requirements for the minimal floor levels for flood vulnerable areas as described in the GHD report for DCC.
- The development includes onsite stormwater detention with post development flows, with allowance for climate change.
- The elevation of 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.

Yours faithfully

FLUENT INFRASTRUCTURE SOLUTIONS LTD

Per:



Emma Burford
Environmental Planner

From: johnsuledn@gmail.com
To: emma@sweepconsultancy.co.nz
Cc: [Laura Mulder](#)
Subject: RE: SUB-2023-132 & LUC-2023-377 – 60 Bell Street – Responses to RFI
Date: Tuesday, 23 January 2024 04:38:24 p.m.

Hi Emma. Sorry for the delay in responding. I have looked through your response to the FIR and there is one aspect that has not been complete in relation to the NESCS. There were three requests in relation to the NESCS:

- Confirm whether the NESCS is application through a HAIL search or a PSI – **HAIL search completed - possible HAIL.**
- Confirm that if the site is HAIL you are seeking consent under the NESCS for the development (Change of Use /earthworks) – **FIR response indicates that you intend to seek consent under Regulation 11 of the NESCS as no PSI or DSI is provided.**
- If the site is HAIL and consent is being sought provide an assessment in relation to the potential effects on human health from the development as follows:
If a consent is needed, please provide an assessment of the proposal's effects on human health. Outline any proposed mitigation and any conditions necessary to ensure effects are appropriately managed in short and long term.
– **No assessment has been provided as requested**

In order to satisfy the FIR please provide the requested assessment. The applicant will remain on hold until this aspect as completed.

As I am working on my effects assessment review at the moment, and I thought I would give you a heads up it is likely that at least the neighbours at 54 Bell Street will be considered affected parties to this development as there will be minor effects on rural amenity and character impacting on them. There is no non-fanciful permitted baseline that would allow the amenity impacts of a large commercial building and activity on them to be disregarded at this location. While setbacks are complied with, the site entrance and parking areas are adjacent to their boundary and any landscaping mitigation (there is none at the moment) will take time to establish. Minor amenity effects appear likely when there no expectation of a commercial building of this size being built on the site next to yours.

Cheers

John Sule
Consultant Planner
Contracted to Southern Planning Solutions
0278579039

From: Emma Peters <sweepconsultancy@gmail.com> **On Behalf Of** emma
Sent: Wednesday, January 17, 2024 3:13 PM
To: john sule <johnsuledn@gmail.com>
Cc: Laura Mulder <Laura.Mulder@dcc.govt.nz>
Subject: SUB-2023-132 & LUC-2023-377 – 60 Bell Street – Responses to RFI

Hi John (and Laura),

I hope you have both had a good break over the Xmas-NY period.

Please find attached a letter in response to the RFI issued 24 October 2023 for this matter as well as a report from Fluent Solutions.

Please now:

- Take this matter off hold and continue with processing the application; and
- Confirm the number of processing days remaining.

Please make contact if you have any questions or require anything further.

Cheers,

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone
0274822214 www.sweepconsultancy.co.nz

Ref: GL 23-12-21 EB 000797.docx

21 December 2023

D Warnock
60 Bell Street
OUTRAM

Attention: D Warnock

Dear Mr Warnock

Flood Hazard Assessment – SUB-2023-132 & LUC-2023-377

Fluent Solutions has been engaged to provide a flood hazard assessment in response to an RFI for SUB-2023-132 & LUC-2023-377. This letter needs to be read in conjunction with the Preliminary Stormwater Management Plan prepared by Craig Horne Surveyors Limited and submitted as part of the consent application.

Point 3 of the RFI, below, requires a flood hazard assessment and an assessment in relation to matters of discretion identified in 2GP as presented below.

3. Consent for buildings and activities in a hazard 2 Overlay

The proposed veterinary services activity will be a *natural hazards potentially sensitive activity* under the 2GP, and resource consent will therefore be required for the activity and for the building to be located within a Hazard 2 flood overlay. This is not identified in the application. A large building is proposed, and the assessment of the proposals risks is relatively light.

Please confirm that consent is being sought for the establishment of a proposed building and a natural hazards potentially sensitive activity within a Hazard 2 flood overlay zone and provide an assessment in relation to the matters of discretion identified in the 2GP.

This letter provides an assessment of the proposed development in relation to these hazard layers. In regard to the 2GP 11.5.2 assessment matters of discretion the following headings address each of the assessment matters and are discussed in more detail in this report:

- Existing hazards assessment reports on the DCC's Hazard Information Management System;
- The Otago Regional Council's Otago Natural Hazards Database;
- Any new hazard assessment or engineers' reports provided as part of an application;

- Site or area specific factors, including the elevation of the site or topography and geology of the area;
- Risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites;
- Cumulative effects of natural hazards, including from multiple hazards with different risks; and
- How the risk from natural hazards may worsen over time due to climate change.

1.0 Dunedin City Council Hazard Information Management System

The flood related hazard data included on DCC Hazard Information management system is that provided by ORC and is presented below.

2.0 Otago Regional Council Natural Hazards Database

The site is located within the following overlays on the hazards database:

- Hazard 2 (flood) overlay Area 1B West Taieri Plain above high tide level.
- Swale Mapped Area 1C West Taieri overland flow paths.
- Groundwater Protection Mapped Area - Zone A Lower Taieri Aquifer.



Figure 1: Site Location and Otago Natural Hazards Layers

Figure 1 above presents the location of the proposed building site within hazard 2 flood overlay Area 1B West Taieri Plain above high tide level, and the Swale Mapped Area 1C West Taieri overland flow paths.

The area proposed for development is presented as the hatched area in Figure 1. It should be noted that there is no new development proposed within the flood hazard area 1C (blue area). The veterinary development is proposed in the northern section of the site, which is elevated to 7.5 to 8m asl. The overland flow direction from the development site is southeast towards the scheduled overland flow path.

Investigating further into the hazards mapping, Figures 2 and 3 below are extracted from ORC report *Flood hazard on the Taieri Plain and Strath Taieri August 2015*. The report defines flood depths and localised flooding characteristics within the flood hazard areas. The development site is located within the uppermost northeastern edge of the hazard layer area 1B boundary as indicated in Figure 2.

Figure 3 presents two flooding scenarios. The development site is located outside of the ponding areas identified in Area 1B for either of the scenarios.

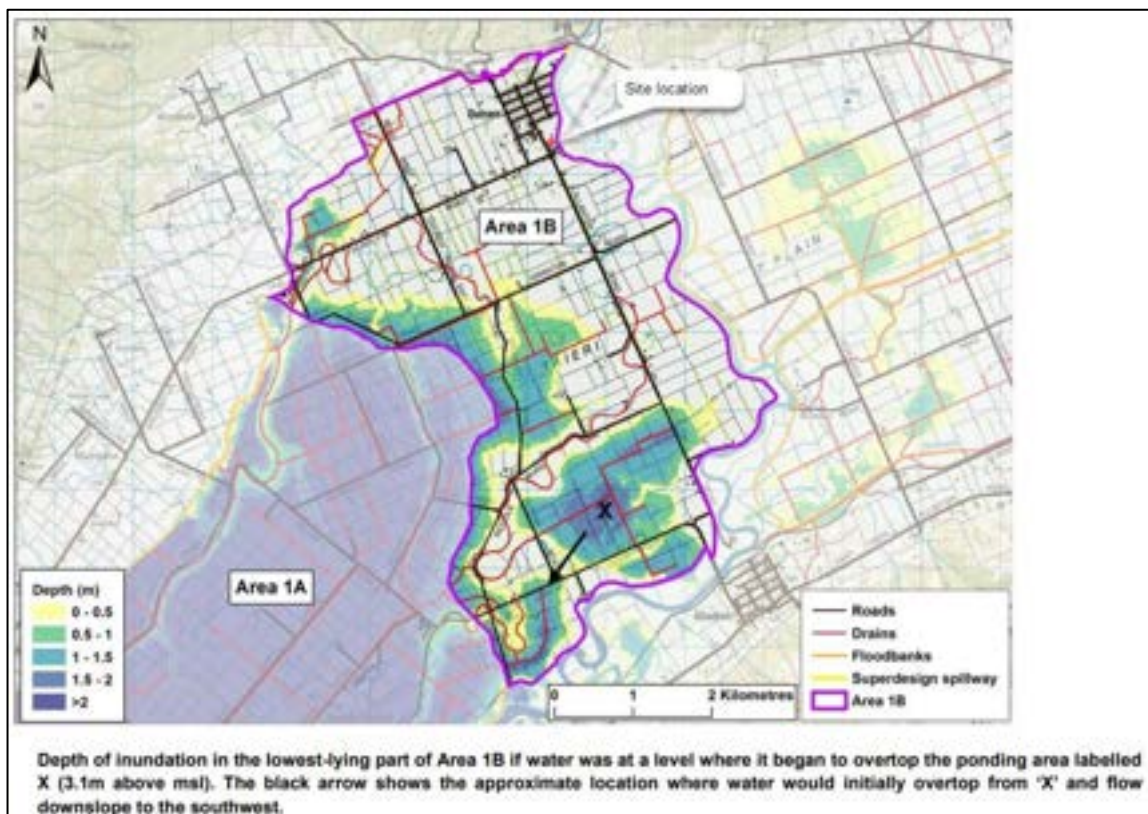


Figure 2: Area 1B Flood Depth Inundations and Site Locality

Scenario 1: Flood protection and drainage schemes remain operational, and events smaller than design	Scenario 2: Flood protection and/or drainage schemes fail, or events larger than design
Depth of water: 0.5m to 2.0m in runoff areas;⁵ up to 2.5m in the natural-ponding area labelled X in Figure 6⁶ Duration of flooding: Few hours (runoff) to few days (ponding) Velocity: Low to medium (higher in drains and swales)	The depth, duration and velocity on the downslope side of the Contour Channel and Taieri River floodbanks would vary, depending on the amount of water overtopping the bank, or the nature of floodbank failure Likely attributes for a failure of the Taieri River floodbanks are: Depth of water: 0.5m to 2.0m in runoff areas; up to 2.5m in the natural ponding area labelled X in Figure 6 Duration of flooding: few hours (runoff) to several days (ponding) Velocity: medium to very high (highest near point of failure or overtopping).

⁵ Most (but not all) of these areas are now identified as Area 1C.

⁶ Note that water can enter this low-lying area due to internal runoff (e.g. Scenario 1), or from more significant sources of flooding such as the Taieri River (Scenario 2)

Figure 3: Flood Scenarios Associated with Area 1B

3.0 Site or Area Specific Factors

3.1 Location

The site is located approximately 415m west of the Taieri river, with the flood bank located between the site and the river, presented in Figure 4 below.



Figure 4: Site in Relation to Taieri River and Flood Bank. Photograph 1 & 2 Locations.

Photographs 1 and 2 below show flood water in July 2017, taken during a site visit undertaken by Fluent Solutions and ORC. The rainfall was extreme and determined to be between a 50 and 100 year ARI event (Reference Beca Report Owhiro Stream Flood Hazard Study, 10 May 2019 for the ORC). It was also confirmed that during this event, the one-way outlet which drains through the flood bank to the east had failed, allowing water to come back through the pipe in the reverse direction. Had the outlet been operating effectively, there should have been less flooding on the western side of the flood bank.

Photograph 1: The water on the right of the picture is water which has flowed into the flood plain from the Taieri river. The water on the left is the western side of the flood bank.



Photograph 1: View North Along Flood Bank (2017 Flood Event)

Photograph 2: The one-way outlet on the western side of the flood bank is seen to be visibly bubbling showing that flood water from the flood plain is migrating to the western side. The photo also shows that development site is located outside of the area affected by ponding during that flood event.

ORC has now constructed a pump station at the location of the blocked outlet to pump flows from the western side to the east over the flood bank. It is now considered unlikely that in a future similar flood event that the ponded area would have such large coverage as is presented in Photographs 1 and 2 below.

In summary it appears then that the development site is located outside of areas prone to ponding in flood events such as the one in 2017.



Photograph 2: View West from Flood Bank (2017 Flood Event)

Figure 5 below gives further context to the photographs presented above, showing the flood flows (cumecs) for the 2017 flood event alongside other significant Taieri plain flood events.

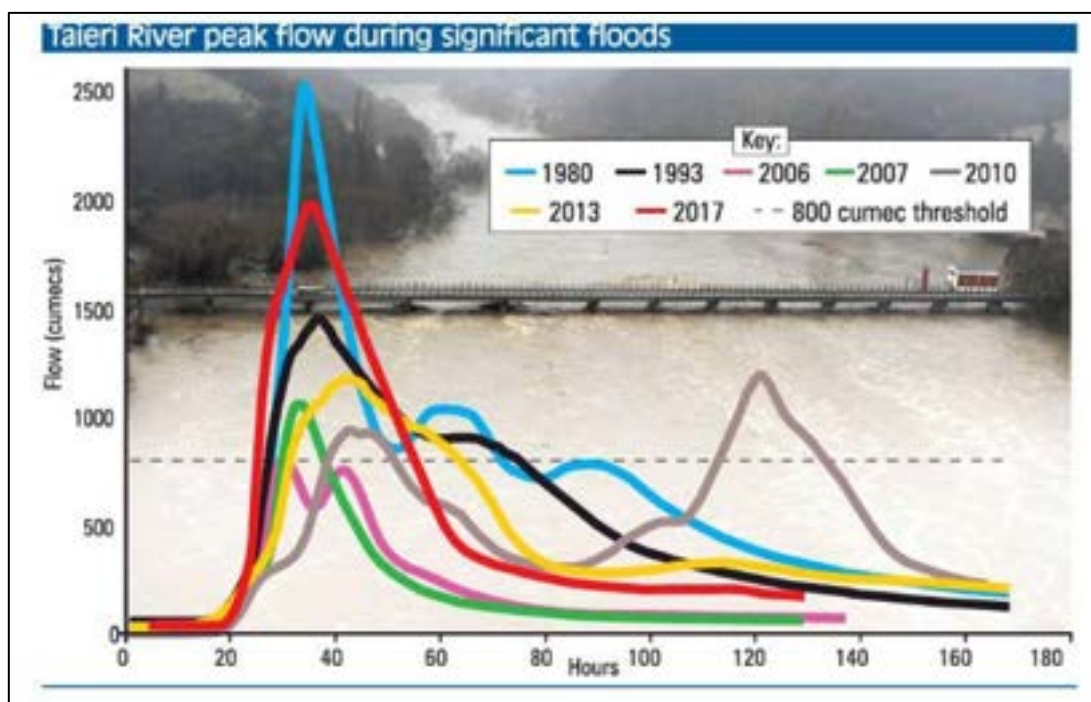


Figure 5: 2017 Flood Flow (Cumecs) In Context with Other Significant Flood Flows

3.2 Topography

The development site is a relatively flat, grassed site, with an existing house and sheds on the southern subdivision section. The site is located adjacent to the historic oxbow lake feature running around the southwest side of the site. This has also been used to determine the extent of area 1C in the ORC hazard mapping. Part of this depression dissects the southern section of the wider subdivision site. It does not intersect the proposed veterinary development section to the north.

Figure 6 below presents ground levels mapped across the vicinity of Outram. The historic oxbow lake features are evident, including the deeper depressions west of Formby Street, Outram.

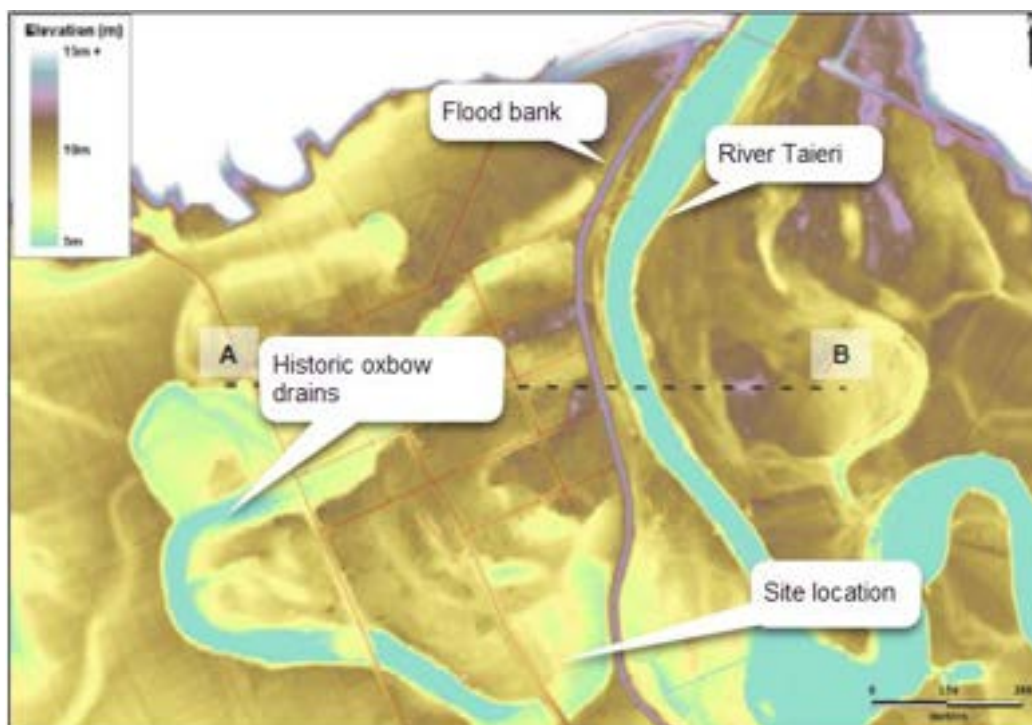


Figure 6: Mapping of the Ground Levels Highlighting the Old Oxbow-Drain (ORC Natural Hazards Report 2014)

The flood bank (purple) is evident on the map, running between the site and the Taieri River.

Figure 7 below presents the contours across the development site. The top of the flood bank is identified by the 12m contours. The top of the bank is 6.5m higher than the lowest part of the subdivision site.

The development site drops gently from 7.5-8m contours at the highest parts of the veterinary development in the north, to 5.5m contours at the lowest part of the southern section. These lowest elevations are not defined as channels but rather are lower lying areas within and around the site.



Figure 7: Site Contours and Flood Bank

3.3 Free Board Level

Freeboard to the underside of building slabs/floors minimises the flooding of dwellings by providing an allowance for flood impacts above the predicted flood level, used to take into account local effects (such as wave action from passing vehicles) and uncertainty in the method used to derive the predicted flood level. Figure 8 illustrates this freeboard and is extracted from GHD's 2015 report for the DCC titled *DCC Minimum Floor Levels for Flood Vulnerable Areas*¹.

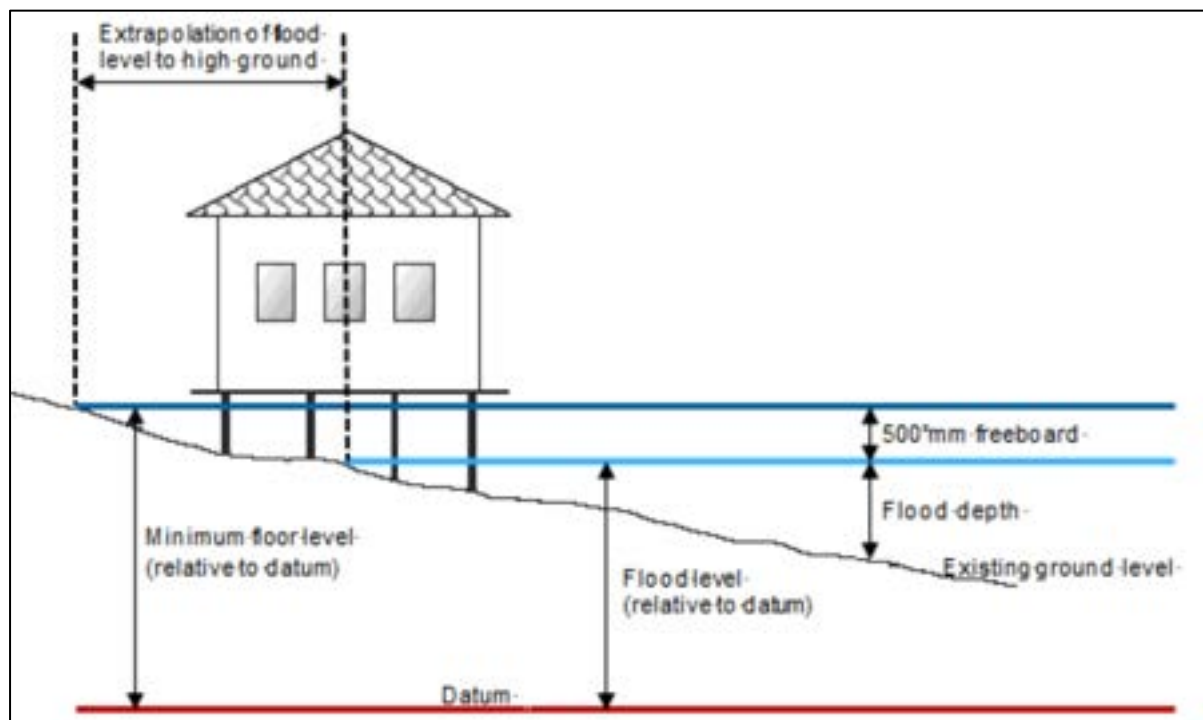


Figure 8: Illustration of Freeboard Levels

GHD completed modelling for the DCC assessing the potential flooding impacts of 100ARI storms allowing for climate change. In their report they presented maps indicating flood depths and extents, taking into consideration an additional 500mm of freeboard. Figures 9 and 10 below present the site location and flood extents.

The GHD report indicates that at the development site location there is no flooding.

¹ https://www.dunedin.govt.nz/_data/assets/pdf_file/0003/898212/DCC-Minimum-Floor-Levels-for-Flood-Vulnerable-Areas-GHD-March-2015.pdf

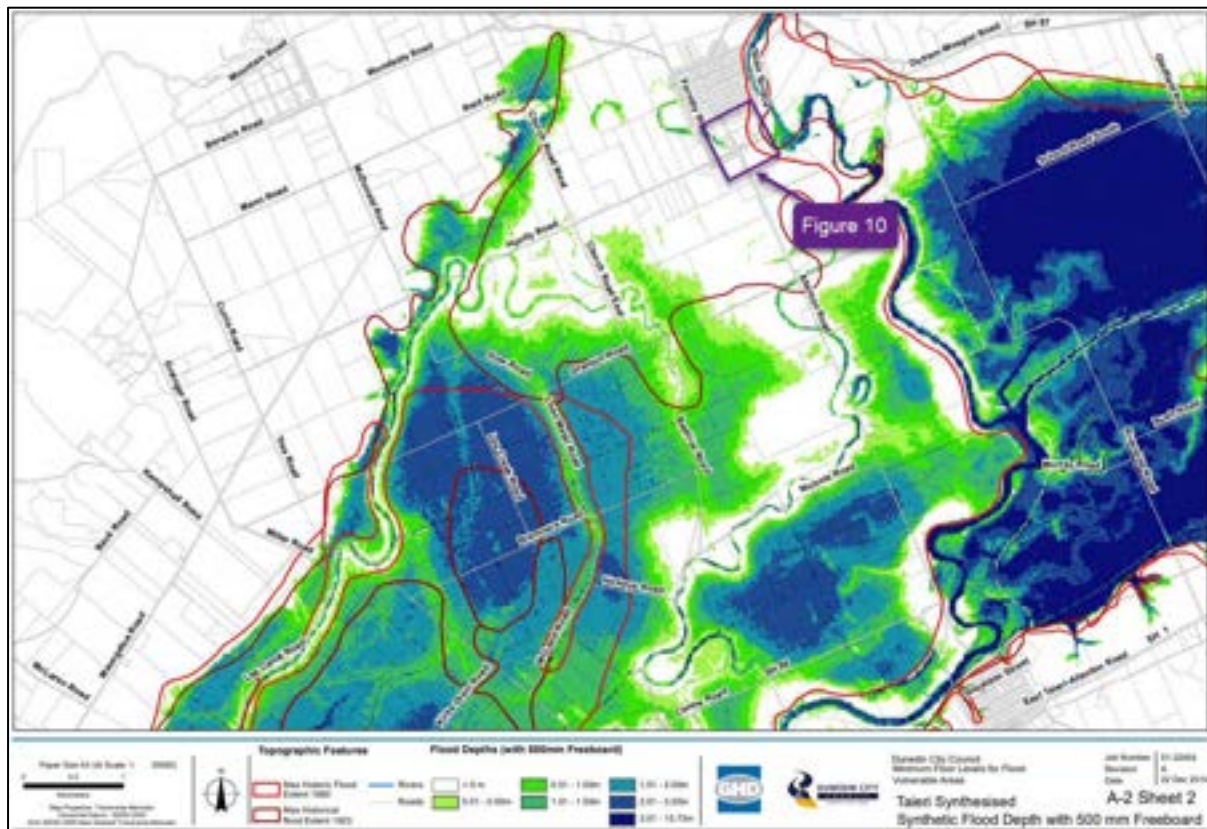


Figure 9: Site and Modelled Flood Depths with 500mm Freeboard

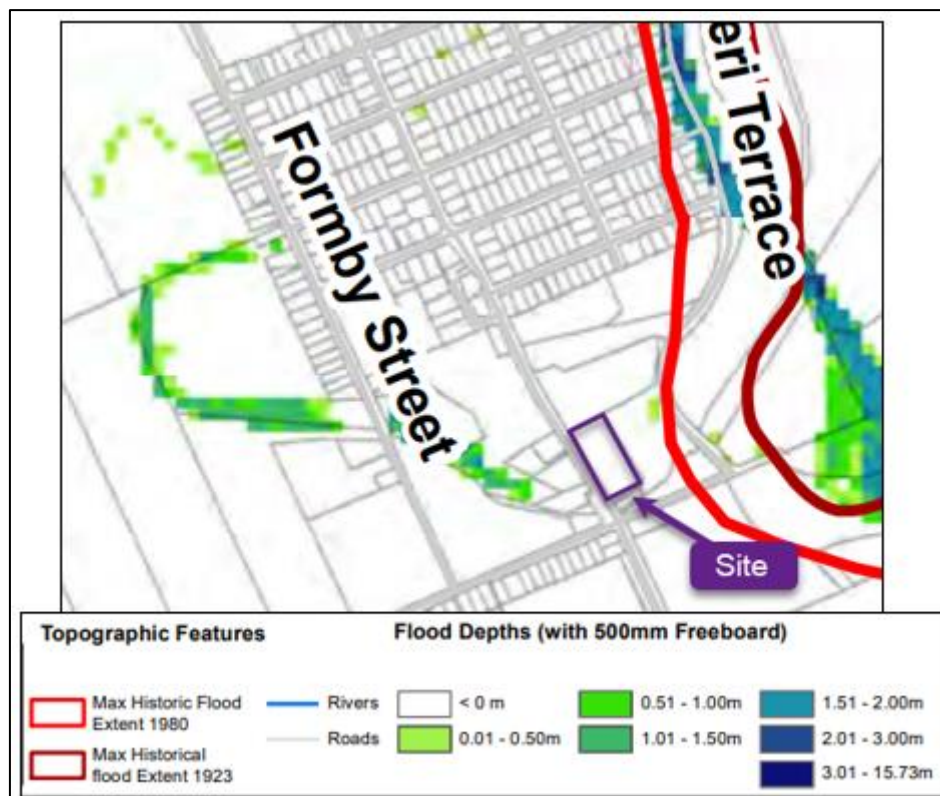


Figure 10: Site and Modelled Flood Depths with 500mm Freeboard

3.4 Risk to Activities

The risks to development from flooding from the Taieri river are considered less than minor given the proximity to the flood bank.

The risks from flooding from the west are considered minor, given the construction of the pump at the outlet through the flood bank. The site has low-lying areas in the south, but these are not defined channels or drains and are not directly connected to the oxbow drains west of Formby Street.

Furthermore GHD's report present the site as having no flooding including the 500mm freeboard allowance in the area of the development. In addition the site contours of the development site of 7.5m-8m are close to the contours of Bell Street in this area, under the Building Code E1/AS1 the slab of the building needs to be 150mm above the crown of the road can therefore be easily achieved.

In regards to the risk that the development may impose on adjacent land, the proposed subdivision and veterinary development poses minimal risks at the most, of creating or transferring flood risk to other sites.

A Stormwater Management Plan produced by Craig Horne Surveyors 13 September 2023 confirms that stormwater will be retained onsite such that post development flows will not exceed predevelopment flows. The report states that a 10 year, 10-minute duration storm scenario was used in calculating pre and post development flows taking into consideration current rainfall and climate change. In this instance, the down gradient site being the subdivided section and paddock to the west/southwest, will not be put at flood risk as result of the development.

4.0 Groundwater Protection Mapped Area – Zone A Lower Taieri Aquifer

The site is located within Groundwater Protection Zone A, and the Lower Taieri Aquifer, as presented below in Figure 11.

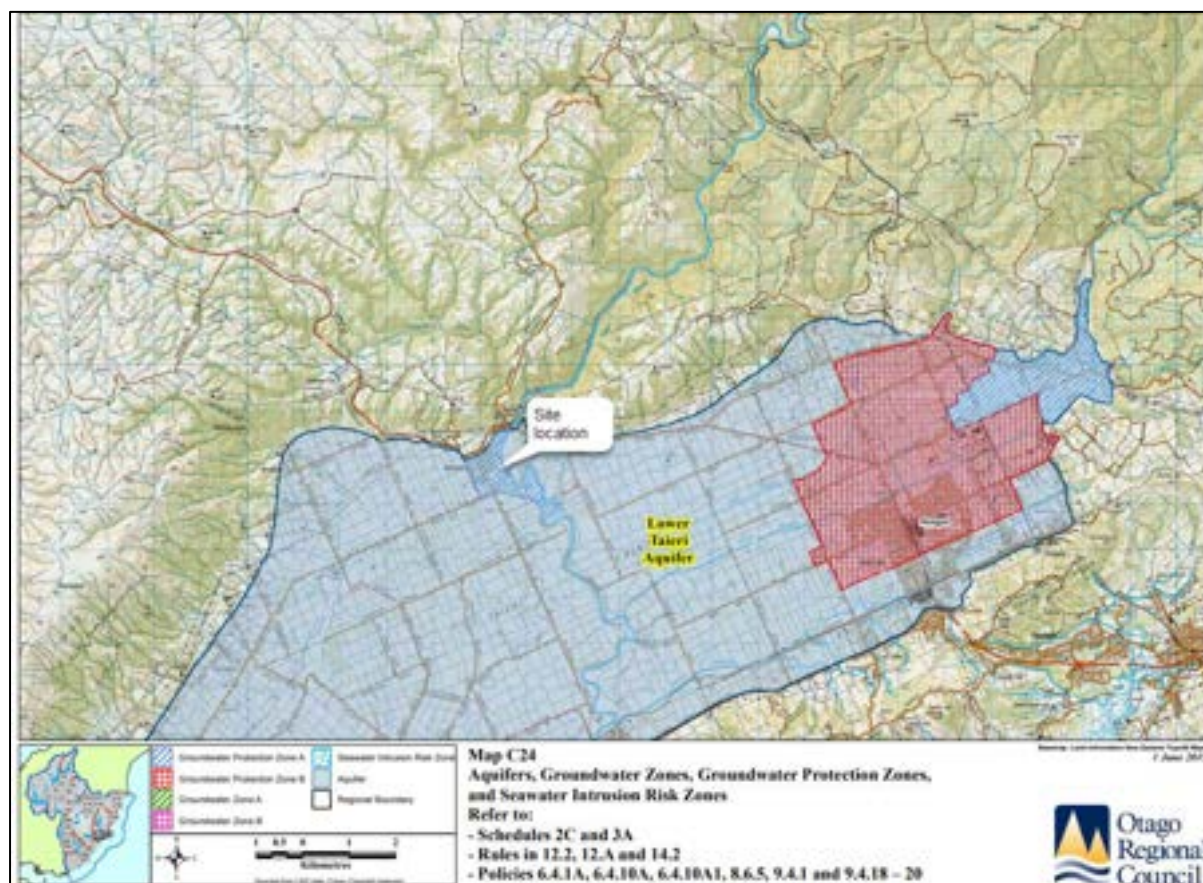


Figure 11: Site Location and Groundwater Protection Zone

The groundwater protection zone is not considered to impact upon the potential flood hazard impacts on or of the development. Stormwater flows will be detained onsite and discharged at ground level a rate the same as predevelopment flows.

5.0 Cumulative Effects

For the purposes of this assessment, cumulative effects are assumed to encompass the following two concepts.

6.0 Effects Arising Over Time

The effects of flood hazard on the site will not increase over time as result of the development. Effects might increase as a result of climate change and increased severity of storm events, however the GHD report has considered climate change in their modelling. The Stormwater Management Plan requires the post development flows to be equal to pre-development flows taking into consideration current rainfall and climate change. The impervious surface, scale and bulk of the building is unlikely to change to the point that effects are significantly greater than currently modelled for.

7.0 Effects Arising in Combination with Other Effects

No other effects are considered significant in combination to assessing the flood hazard impacts on/of the development.

8.0 Climate Change

Changes in the intensity and duration of storm events as result of climate change may impact the area generally. The proposed development site is at no greater risk than other properties in the vicinity and does not inflict flood hazard risk on other properties.

GHD report which considers climate change states that *A floor level equal to the estimated flood level + 500 mm freeboard will provide some mitigation of the risks of climate change, but the precise level of mitigation cannot be quantified.*

Specific modelling was not considered necessary as part of this flood hazard assessment. Although the site is included within identified Flood Hazard areas, actual risks are considered as minor as presented above.

9.0 Recommendations

In considering potential flood hazard risks to the development site and as a result of the development, the following recommendations are made:

- Based on the evidence provided above, the risks of flood hazard to the proposed veterinary development site are considered minor and meet the requirements for the minimal floor levels for flood vulnerable areas as described in the GHD report for DCC.
- The development includes onsite stormwater detention with post development flows, with allowance for climate change.
- The elevation of 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.

Yours faithfully

FLUENT INFRASTRUCTURE SOLUTIONS LTD

Per:



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15 March 2024

John Sule
Consultant Planner
Dunedin City Council
P.O. Box 5045
Dunedin 9054

Sent via email to:
johnsuledn@gmail.com
cc: Laura.Mulder@dcc.govt.nz

Hi John,

SUB-2023-132 & LUC-2023-377 – 60 Bell Street – Response to s95 Report & Emails

Affected Party Consent

Thank you for copy of the s95 report received 13 February 2024. The s95 report concluded that: *“Having regard to the step-by-step process for considering public notification and limited notification, it is determined that: The application is required to be limited notified unless affected party approvals are obtained from the owners and occupiers of the sites at 54, 55 & 63 Bell Street and 528 Allanton Road.”*

The applicants have sought affected party consent from the owners/occupiers of 54, 55 & 63 Bell Street and 528 Allanton Road. Affected party consent has been obtained from the owners/occupiers of 54 Bell Street and 528 Allanton Road¹. We understand that affected party consent is forthcoming from the owners/occupiers of 63 Bell Street and copy will be provided to Council once it is received by Sweep Consultancy Limited.

Affected party consent was not obtained from the owners/occupiers of 55 Bell Street and the applicants respectfully request that the Dunedin City Council undertakes limited notification to the owners/occupiers of this property.

NES-CS

In an email dated 23 January 2024, Mr John Sule, processing consultant planner, stated: *“I have looked through your response to the FIR and there is one aspect that has not been complete in relation to the NESCS. There were three requests in relation to the NESCS:*

- *Confirm whether the NESCS is application through a HAIL search or a PSI – **HAIL search completed - possible HAIL.***
- *Confirm that if the site is HAIL you are seeking consent under the NESCS for the development (Change of Use /earthworks) – **FIR response indicates that you intend to seek consent under Regulation 11 of the NESCS as no PSI or DSI is provided.***
- *If the site is HAIL and consent is being sought provide an assessment in relation to the potential effects on human health from the development as follows: If a consent is needed, please provide an assessment of the proposal's effects on human health. Outline any proposed mitigation and any conditions necessary to ensure effects are appropriately managed in short and long term. – **No assessment has been provided as requested***

In order to satisfy the FIR please provide the requested assessment. The application will remain on hold until this aspect is completed.”

1 Refer to Appendix 1a for affected party consent from 54 Bell Street and Appendix 1b for affected party consent from 528 Allanton Road.

One of the applicants, Mr Dean Warnock, engaged Environmental Consultants Otago Limited who have undertaken testing of the potential HAIL site(s) on the site and provided a report².

The conclusion to the report states:

"The sampling and analysis conducted indicate that heavy metal contamination (primarily arsenic) is present within the material excavated from both Burn Pile 1 and Burn Pile 2 and these soils cannot be considered 'clean fill'. Some concentrations of arsenic and chromium were found to exceed the Rural Residential SCS, indicating that the material may have presented a risk to human health if it remained on the site under the current rural residential land use. Some concentrations of arsenic reported were also found to exceed the Commercial/Industrial SCS, indicating that the material may have also presented a risk to human health under the proposed commercial site usage (veterinary clinic) if it remained on site. Average concentrations of arsenic and/or chromium, copper and zinc within the material for disposal were found to exceed guidelines protective of environmental health, indicating that the material may have also presented a risk to the environment.

The results indicate that the material from Burn Pile 2 is suitable to be disposed to the Burnside Landfill and material from Burn Pile 1 is suitable to be disposed to either the Green Island or the Burnside Landfill. The material from Burn Pile 1 that was stored on the back of a truck contained ACM fragments and required disposal as asbestos contaminated material.

On 13 March 2024, all material comprising both Burn Pile 1 and Burn Pile 2 was disposed to the Burnside Landfill. Weighbridge records attached indicate that 9.98 tonnes were disposed of as "light contamination" and 1.56 tonnes were disposed of as "asbestos material". The total volume of material removed is approximately 7.2 m³, and this meets the definition of a permitted activity for a site of 4,000 m³, as set out in the NES.

Validation Sampling

Sampling and analysis of the remaining site soils, after scraping and stockpiling of the burn pile material and underlying soils, has confirmed that the contaminated soil has been effectively excavated from these areas. As the stockpiled material has been removed from the site, the burn piles can be considered effectively remediated."

Based on the EC Otago Limited report, it appears that no resource consent is required pursuant to the NES-CS.

Policy Advice

A memorandum from Council's Policy Planning Department³ was forwarded by Mr Sule in an email dated 15 February 2024. Thank you to Mr Sule for forwarding the email and taking a phone call from Ms Peters to discuss the implications of the memorandum. We will seek instructions from our clients on this matter and respond once instructions have been received.

Yours sincerely,



Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214
www.sweepconsultancy.co.nz

² Copy of report appended at Appendix 2.

³ Copy of memorandum appended at Appendix 3.