

Appendix 1a: Affected Party Consent: 54 Bell Street.

Resource Consent Affected Person(s) Written Approval Form

Important: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): Hamish & Rebecca Miller

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

of the property situated at (address and/or legal description of your property):

54 Bell St
Outram

have read and understand the information on the reverse side of this page and give written approval to the

proposal by (name of applicant(s)): Dean Warnock & Clutha Vets

to (description of proposed activity):

Subdivision of the site into two allotments and establishment of a vet practice on the vacant lot.

on the following property (address of application site): 60 Bell Street, Outram

☒ I/we have read and understand the application as described above and have signed and dated the application and plans as attached.

If there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or tick the declaration box below:

☒ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.
If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Signed:

[Signature] RM Miller

A signature is not required if you give your written approval by electronic means

Date: 19/2/2024

Telephone: 021 706 503

Contact person (name, and designation if applicable): Hamish Miller

Postal address: 54 Bell St

Email address: hamba2002@gmail.com Telephone: 021 706 503

Method of service: ☒ Email ☐ Post ☐ Other

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Resource Consents Team, City Planning Department, Dunedin City Council, Telephone: 03 477 4000
Facsimile: 474 3451, PO Box 5045, Moray Place, Dunedin 9058, www.dunedin.govt.nz



Written Approval of Affected Person(s) in Relation to an Application for Resource Consent under the Resource Management Act 1991

Introduction

Any proposal to do something that is not a Permitted Activity in the Dunedin City District Plan requires a Resource Consent.

If you have been asked to sign this form, it will be because your neighbour proposes to do something that is not a Permitted Activity, and therefore their proposal requires a Resource Consent. This is not a bad thing in itself, but the Resource Consent process provides the opportunity to determine whether the proposal can be granted consent in terms of the Resource Management Act 1991.

Why is your written approval required?

If an application for a Resource Consent is to be processed as a non-notified application, the Resource Management Act 1991 requires that:

- The activity have or be likely to have adverse effects on the environment that are no more than minor; and
- Written approval be obtained from all affected persons, in relation to an activity, if the activity's adverse effects on the parties are minor or more than minor (but are not less than minor).

If you have been asked to give your written approval it is because you may be adversely affected by the proposed activity. However, just because your written approval is being sought does not mean that you are definitely adversely affected. The affected persons written approval process is designed to give you the opportunity to consider the particular proposal and decide for yourself whether you are adversely affected and/or the degrees to which you may be adversely affected.

What should you do?

If you are asked to give your written approval to someone's proposal as part of their application for a Resource Consent, you should do the following:

1. Request that your neighbour (or their representative) explain the proposal clearly and fully to you.
2. Study the application and associated plans for the proposed activity provided by them in order to understand the effects of the proposal. If there are no plans available at this stage, you are quite entitled to wait until they are available.
3. Decide whether the proposal will adversely affect you or your property and, if so, to what extent. You can take your time over this decision and you are quite entitled to ask the applicant for more information. You may suggest amendments to the proposal that you consider improve aspects of the proposal in terms of its adverse effects on you.
4. If you are satisfied that the proposed activity will not adversely affect you, complete and sign the affected person's written approval form on the reverse side of this page and sign a copy of the associated plans. If you wish to give written approval to the proposed activity subject to conditions, these should be discussed with your neighbour (or their representative) directly and a satisfactory conclusion reached before your written

approval is given. This may require your neighbour amending the application or plans, or entering into a private (side) agreement with you. The Council will not enter into any negotiations on the subject.

5. Return all documentation to your neighbour (or their representative).

Please note that:

- You do not have to give written approval if you are unhappy with what is being proposed;
- The Council will not get involved in any negotiations between you and the applicant;
- The Council will not accept conditional written approvals;
- Side agreements do not bind the Council in any way.

Important information

Please note that even though you may sign the affected person(s) written approval form, the Council must still give full consideration to the application in terms of the Resource Management Act 1991. However, if you give your approval to the application, the Council cannot have regard to any actual or potential effects that the proposal may have on you. If Resource Consent is granted by the Council there is no way for either you or the Council to retract the Resource Consent later. You are therefore encouraged to weigh up all the effects of the proposed activity before giving written approval to it.

If you do not give your approval, and you are considered to be an adversely affected party, then the application must be treated as a limited notified or publicly notified application, as a result of which you will have a formal right of objection by way of submission.

If the proposal requires resource consent and you change your mind after giving your written approval to the proposed activity, your written approval may only be withdrawn and the effects on you considered for the notification decision if a final decision on affected parties has not already been made by the Council. Accordingly, you need to contact the Council immediately if you do wish to withdraw your written approval.

If the Council determines that the activity is a deemed permitted boundary activity under section 87BA of the Resource Management Act 1991, your written approval cannot be withdrawn if this process is followed instead.

For further information

Read the Council's "Written Approvals of Affected Persons - What Are They?" pamphlet.

Refer to the Ministry for the Environment's publication "Your Rights as an Affected Person" available on www.mfe.govt.nz.

Privacy: Please note that written approvals form part of the application for resource consent and are public documents. Your name, and any other details you provide, are public documents and will be made available upon request from the media and the public. Your written approval will only be used for the purpose of this resource consent application.

Sweep Consultancy Limited
P.O. Box 5724, Dunedin 9054
email: emma@sweepconsultancy.co.nz
mobile: 0274 822 214
www.sweepconsultancy.co.nz

13 February 2024

Dear Sir / Madam,

We have been engaged by Dean & Carryn Warnock and Clutha Vets to prepare and lodge with Dunedin City Council an application for resource consent for:

- subdivision of a property legally described as Lot 3 DP 362560 contained in record of title 255260 located at 60 Bell Street, Outram (**site**);
- land use for a vet practice.

The site contains approximately 8,997m² and is zoned *Taieri Plain Rural*. There are a number of other mapped areas and overlays relating to the site being: *Groundwater Protection Mapped Area, High Class Soils Mapped Area, Hazard 2 (flood) Overlay Zone and Swale Mapped Area*.

Dean & Carryn and Clutha Vets seek affected parties' consent from you as the owner/occupier of your property, to the proposed subdivision of the site and establishment of vet practice on one of the resultant lots.

We have included the following information:

1. A copy of the application form (please refer to Attachment 1).
2. Copies of the subdivision scheme plan (please refer to Attachment 2a), site layout for the vet practice (please refer to Attachment 2b) and elevations for the vet practice (please refer to Attachment 2c).
3. A preliminary assessment of environmental effects (please refer to Attachment 3). Please let us know if you would like the full assessment of environmental effects emailed to you.

Once you have read this information, if you are satisfied that, in your assessment, there will be no adverse effects to your property, then please complete and sign the affected party's consent form and initial one of the copies of this letter (including all pages and attachments).

The other copy of the affected party's consent form and letter with attachments is for your records. We thank you for your time and please contact Emma Peters of our office if you have any questions.

Regards,



Emma Peters
Consultant
Sweep Consultancy Limited

Initials of Affected Party 

ATTACHMENT 1: Application Form



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We: Mr Dean Warnock & Ms Carryn Warnock and Clutha Veterinary Association Incorporated

(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 ADA ☒ No

Site location/description

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

Street address of site: 60 Bell Street, Outram

Legal description: Lot 3 Deposited Plan 362560

Certificate of Title: 255260

Contact details

Name: Emma Peters, Consultant, Sweep Consultancy Limited ☐ applicant ☒ agent (tick one)

Address: P.O. Box 5724 Dunedin

Postcode: 9054

Phone (daytime): 0274822214 Email: emma@sweepconsultancy.co.nz

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? Mr Dean Warnock & Ms Carryn Warnock

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

Address:

Postcode:

Phone (daytime): Email:

**DUNEDIN**
CITY COUNCIL
Te Kaitiaki
a-Rangiora

Page 1 of 7

Initials of Affected Party: 

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@ddc.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@ddc.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)

Page 3 of 7

Initials of Affected Party



District plan zoning

What is the District Plan zoning of the site? Tairāhī 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)

Page 4 of 7

Initials of Affected Party



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

21/9/2023

Date:

Page 5 of 7

Initials of Affected Party 

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 wahi 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 5043, Dunedin 9054

IN PERSON: Customer Services Centre, Ground Floor, Civic Centre, 30 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, efpes, 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: _____

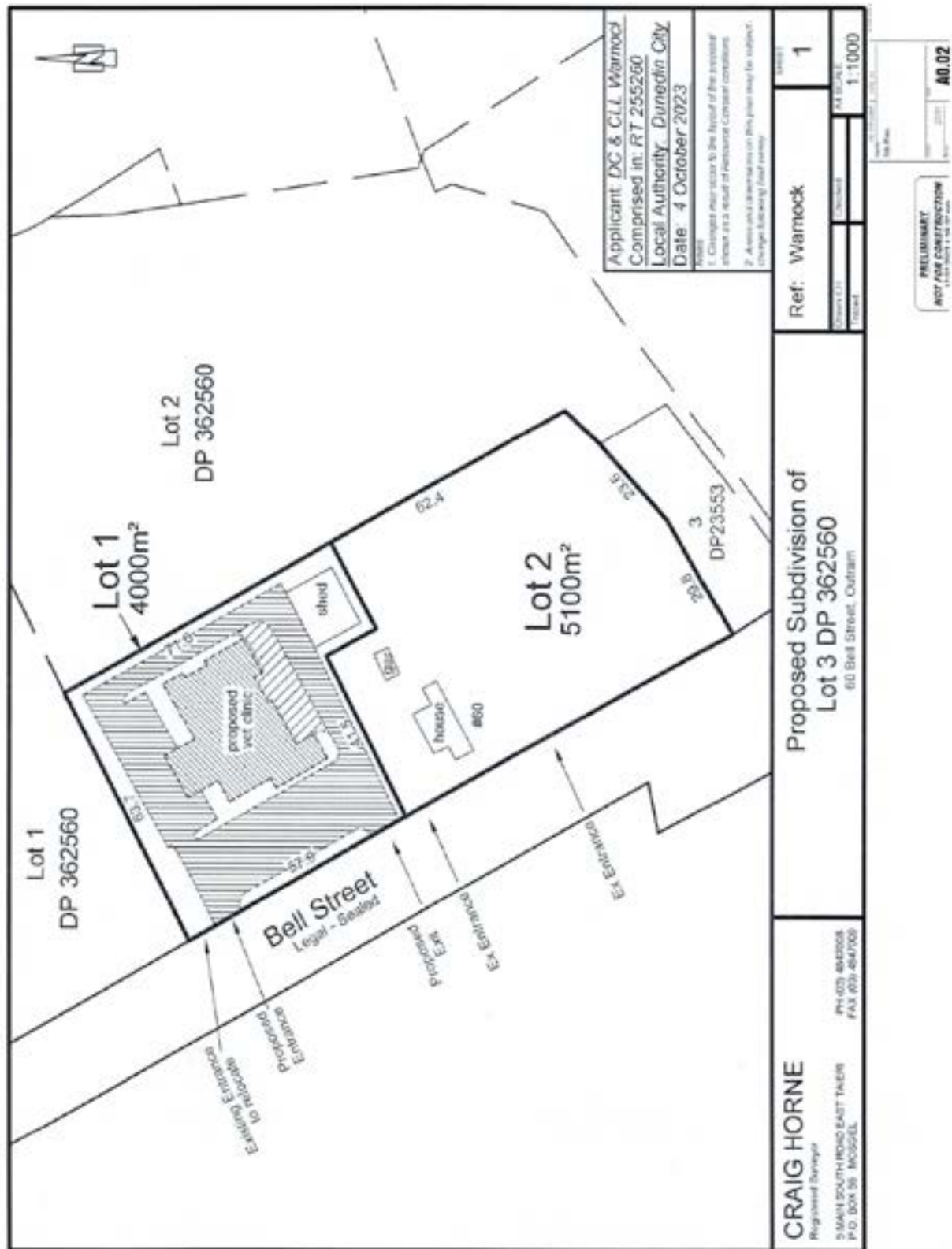
Date: _____

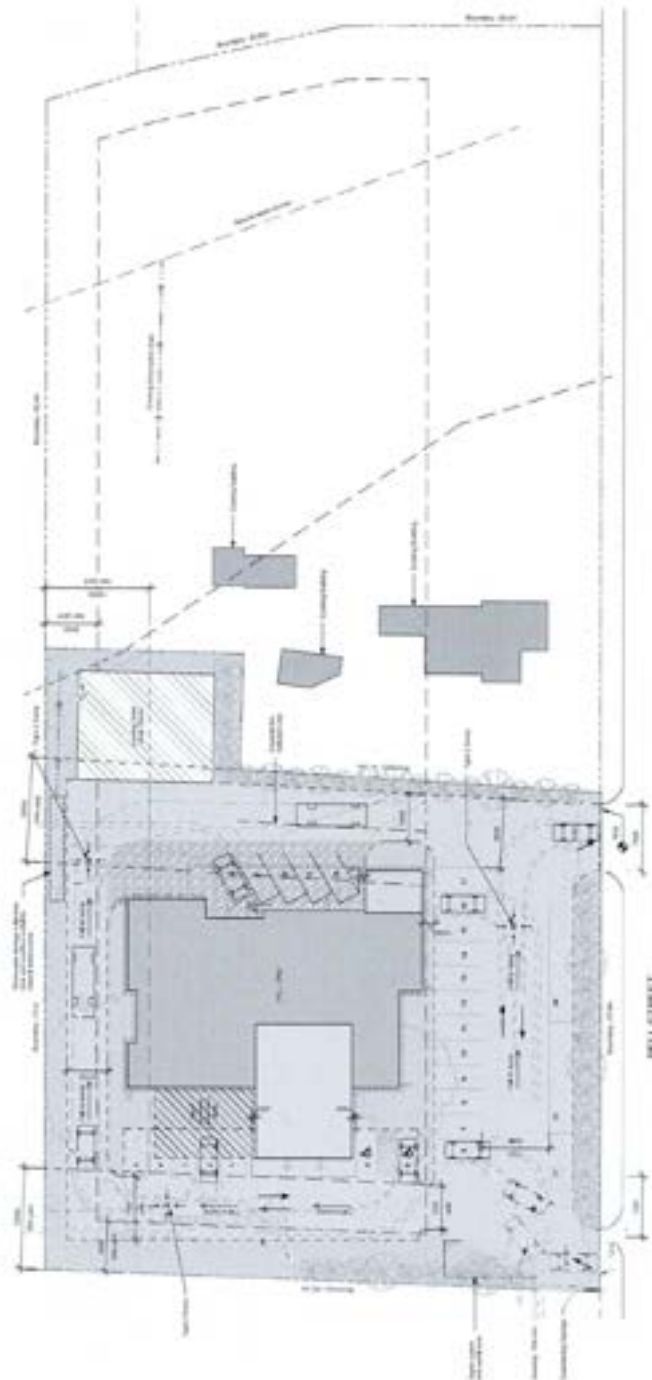
Page 7 of 7

Initials of Affected Party



ATTACHMENT 2a: Subdivision Scheme Plan.





AREAS KEY

Proposed Building Footprint	Existing Building Footprint	Proposed Parking Lot	Existing Parking Lot	Proposed Driveway	Existing Driveway	Proposed Access Road	Existing Access Road	Proposed Stormwater Management	Existing Stormwater Management	Proposed Landscaping	Existing Landscaping	Proposed Utilities	Existing Utilities	Proposed Other	Existing Other
[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]	[Symbol]



Project Name	Proposed Club & Villa - Outram
Client	66 Bell Street Outram 9019
Scale	As Indicated July 2019
Sheet No.	A0.02

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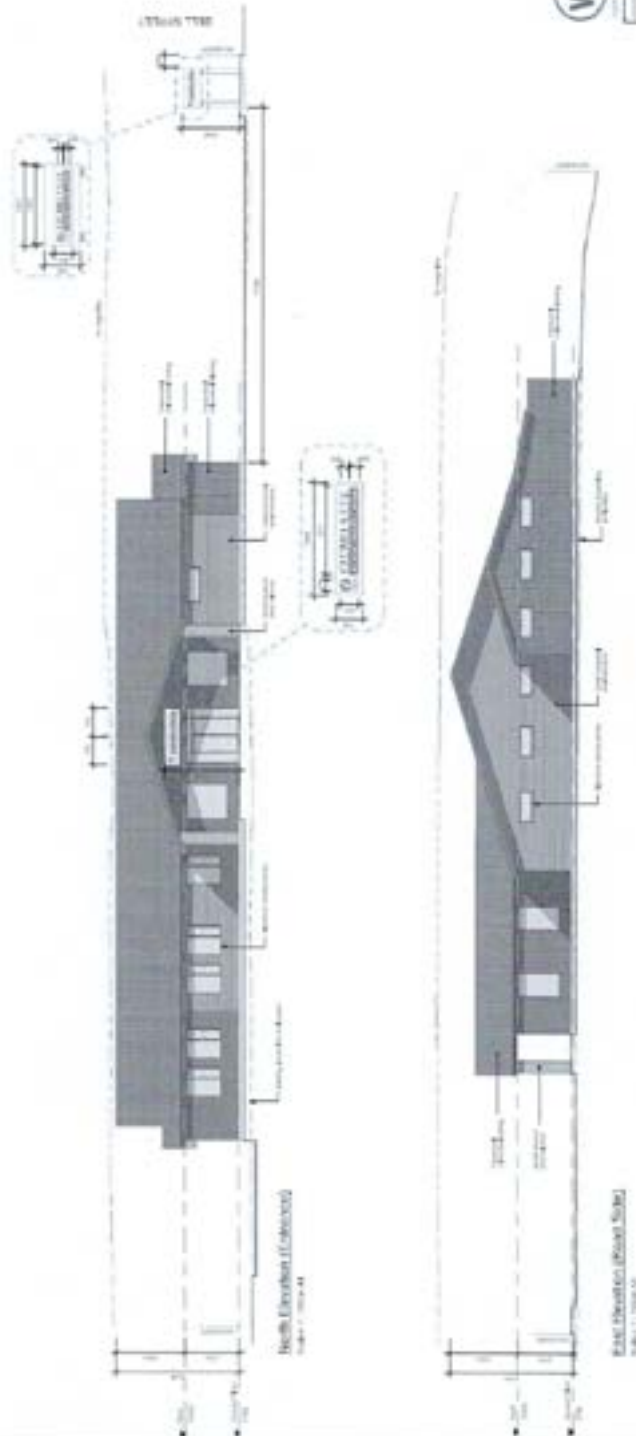
Project Name	Proposed Club & Villa - Outram
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Scale	As Indicated July 2019
Sheet No.	A0.02



Site Plan
Scale: 1" = 100'-0"

Handwritten signature or initials.

ATTACHMENT 2c: Vet Practice Elevations.



NO.	REVISION	DATE
1	ISSUED FOR PERMIT	11/11/2014
2	ISSUED FOR PERMIT	11/11/2014
3	ISSUED FOR PERMIT	11/11/2014
4	ISSUED FOR PERMIT	11/11/2014
5	ISSUED FOR PERMIT	11/11/2014

Proposed Thruway Vets Owner 50 East Street Canton, MA 01921	
Project Thruway Vets Location Canton, MA	Date 11/11/2014 Drawn by J. Cadzow
Sheet A2.01 of 01	

11/11/2014 11:11:11 AM

ATTACHMENT 3: Preliminary Assessment of Environmental Effects

Introduction

The subject property is located at 60 Bell Street, Outram, legally described as Lot 3 DP 362560 contained in record of title 255260 (site) and contains approximately 8,997m². The site is zoned *Taieri Plain Rural* pursuant to the Second Generation (Appeals Version) Dunedin City District Plan (2GP). There are a number of mapped areas and overlays relating to the site being: *Groundwater Protection Mapped Area, High Class Soils Mapped Area, Hazard 2 (flood) Overlay Zone and Swale Mapped Area*.

The owners of the site, Dean and Carryn Warnock, have entered into a sale and purchase agreement with Clutha Vets which is subject to resource consent being obtained for the subdivision of the site into two lots and land use consent to establish a vet practice on one of the lots. The subdivision scheme plan is attached at Attachment 2a with the vet practice site lay out attached at Attachment 2b and elevations attached at Attachment 2c.

2GP Rules

Resource consent is primarily required because:

- The allotments resulting from the subdivision will not meet the minimum site size of 40 hectares required by Rule 16.7.4.1.g.
- Veterinary services (large animal practice) have an activity status of restricted discretionary pursuant to Rule 16.3.3.37.
- The earthworks may not meet the relevant earthworks small-scale thresholds set out in Rule 8A.5.1.

Preliminary Assessment of Effects

This preliminary assessment of effects of the proposed subdivision and land use covers:

- Character and amenity of the area.
- Transportation.
- Services.
- Flood hazard overlay and swale mapped area.
- High Class Soils



Character and Amenity of the Area

The site is located adjacent to the township of Outram. Bell Street is a busy arterial route connecting Outram to Allanton and SH1. There is a reserve area on the corner of Huntley Road and Bell Street. Bell Street has a reasonably wide verge of approximately 10m on the left hand side heading to Outram with several homes on residential sized sections directly opposite the site. These existing homes are all set back a minimum of approximately 9m from the road boundary (so at minimum approximately 20m from the road formation).

Views into the site are limited due to the existing site boundary plantings consisting of closely planted poplars of approximately 4m in height.

The proposed subdivision will result in two lots: one containing Dean's and Carryn's existing dwelling and the other will contain the vet practice. The vet practice is to be located in what are currently paddocks and the construction of the vet practice will result in a change in the character and amenity of the area.

However, any adverse effects on the character and amenity of the area will be mitigated by:

- the vet practice building being single story with a height limit of 7m;
- the vet practice building being in the rural vernacular with exterior cladding consisting of timber weatherboards, stone and coloursteel as shown in the elevations attached at Attachment 2c;
- compliance with required boundary setbacks; and
- the landscaping including road boundary treatment.

Transportation

Bell Street is classified as an arterial road in the 2GP roading hierarchy and, therefore, is considered capable of absorbing the traffic associated with the vet practice. Care has been taken in the location of the entry and exit to the vet practice, particularly in relation to the driveways to 55, 59 and 63 Bell Street.

The points of access to Bell Street all have sufficient sight distances for safe operation.



Services

Potable water will be supplied to the vet practice via connection to Outram water supply (the site is within the potable water service boundary for Outram); or, if such connection is not approved by Dunedin City Council, collection of rainwater from non-toxic roof surfaces with the rainwater being stored in tanks. There is a fire hydrant directly outside the site which meets fire fighting requirements. Waste water will be treated and disposed of on site via, at minimum, a secondary treatment system and appropriately located and designed dispersal field.

Like all residences in Outram, resource consent will need to be obtained from Otago Regional Council for the discharge of treated human effluent to ground as the dispersal field will be located within a groundwater protection mapped area.

Flood Hazard Overlay & Swale Mapped Area

The site is located behind the Taieri River flood bank with recent work undertaken to put a weighting blanket in place for the flood bank. The vet practice will not be located in the mapped swale area on the site. Care will be taken to ensure that site layout and development does not cause a downstream stormwater management issue for adjoining landowners.

High Class Soils

The top soils removed for the vet practice will be retained on site.

Conclusion

For the reasons given above any adverse effects resulting from the proposed subdivision and vet practice will be in the range of less than minor to no more than minor.



Appendix 1b: Affected Party Consent: 528 Allanton Road.

Resource Consent Affected Person(s) Written Approval Form

Important: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

The Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): NIGEL WILLIAM ROBERT HODGE

Being then: ☐ Owner and Occupier ☒ Owner ☐ Occupier

of the property situated at (address and/or legal description of your property):

528 ALLANTON ROAD DUNEDIN

have read and understand the information on the reverse side of this page and give written approval to the

proposal by (name of applicant(s)): Dean Warnock & Clutha Vets

to (description of proposed activity):

Subdivision of the site into two allotments and establishment of a vet practice on the vacant lot.

on the following property (address of application site): 60 Bell Street, Outram

☒ I/we have read and understand the application as described above and have signed and dated the application and plans as attached.

If there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or tick the declaration box below:

☐ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site. If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Signed: Nigel Hodge

A signature is not required if you give your written approval by electronic means

Date: 27-2-2024 Telephone: 0274 356 805

Contact person (name, and designation if applicable):

Postal address:

Email address: Telephone:

Method of service: ☐ Email ☐ Post ☒ Other DELIVERED

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Resource Consents Team, City Planning Department, Dunedin City Council, Telephone: 03 477 4000
Facsimile: 474 3451, PO Box 5045, Moray Place, Dunedin 9058. www.dunedin.govt.nz



JP

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If you are asked to give your written approval to someone's proposal as part of their application for a Resource Consent, you should do the following:

1. Request that your neighbour (or their representative) explain the proposal clearly and fully to you.
2. Study the application and associated plans for the proposed activity provided by them in order to understand the effects of the proposal. If there are no plans available at this stage, you are quite entitled to wait until they are available.
3. Decide whether the proposal will adversely affect you or your property and, if so, to what extent. You can take your time over this decision and you are quite entitled to ask the applicant for more information. You may suggest amendments to the proposal that you consider improve aspects of the proposal in terms of its adverse effects on you.
4. If you are satisfied that the proposed activity will not adversely affect you, complete and sign the affected person's written approval form on the reverse side of this page and sign a copy of the associated plans. If you wish to give written approval to the proposed activity subject to conditions, these should be discussed with your neighbour (or their representative) directly and a satisfactory conclusion reached before your written

approval is given. This may require your neighbour attending the application or plans, or entering into a private (side) agreement with you. The Council will not enter into any negotiations on the subject.

5. Return all documentation to your neighbour (or their representative).

Please note that:

- You do not have to give written approval if you are unhappy with what is being proposed;
- The Council will not get involved in any negotiations between you and the applicant;
- The Council will not accept conditional written approvals;
- Side agreements do not bind the Council in any way.

Important Information

Please note that even though you may sign the affected person's written approval form, the Council must still give full consideration to the application in terms of the Resource Management Act 1991. However, if you give your approval to the application, the Council cannot have regard to any actual or potential effects that the proposal may have on you. If Resource Consent is granted by the Council there is no way for either you or the Council to retract the Resource Consent later. You are therefore encouraged to weigh up all the effects of the proposed activity before giving written approval to it.

If you do not give your approval, and you are considered to be an adversely affected party, then the application must be treated as a limited notified or publicly notified application, as a result of which you will have a formal right of objection by way of submission.

If the proposal requires resource consent and you change your mind after giving your written approval to the proposed activity, your written approval may only be withdrawn and the effects on you considered for the notification decision if a final decision on affected parties has not already been made by the Council. Accordingly, you need to contact the Council immediately if you do wish to withdraw your written approval.

If the Council determines that the activity is a deemed permitted boundary activity under section 87BA of the Resource Management Act 1991, your written approval cannot be withdrawn if this process is followed instead.

For further information

Read the Council's "Written Approvals of Affected Persons - What Are They?" pamphlet.

Refer to the Ministry for the Environment's publication "Your Rights as an Affected Person" available on www.mfe.govt.nz

Privacy: Please note that written approvals form part of the application for resource consent and are public documents. Your name, and any other details you provide, are public documents and will be made available upon request from the media and the public. Your written approval will only be used for the purpose of this resource consent application.



Sweep Consultancy Limited
P.O. Box 5724, Dunedin 9054
email: emma@sweepconsultancy.co.nz
mobile: 0274 822 214
www.sweepconsultancy.co.nz

13 February 2024

Dear Sir / Madam,

We have been engaged by Dean & Carryn Warnock and Clutha Vets to prepare and lodge with Dunedin City Council an application for resource consent for:

- subdivision of a property legally described as Lot 3 DP 362560 contained in record of title 255260 located at 60 Bell Street, Outram (site);
- land use for a vet practice.

The site contains approximately 8,997m² and is zoned *Taieri Plain Rural*. There are a number of other mapped areas and overlays relating to the site being: *Groundwater Protection Mapped Area, High Class Soils Mapped Area, Hazard 2 (flood) Overlay Zone and Swale Mapped Area*.

Dean & Carryn and Clutha Vets seek affected parties' consent from you as the owner/occupier of your property, to the proposed subdivision of the site and establishment of vet practice on one of the resultant lots.

We have included the following information:

1. A copy of the application form (please refer to Attachment 1).
2. Copies of the subdivision scheme plan (please refer to Attachment 2a), site layout for the vet practice (please refer to Attachment 2b) and elevations for the vet practice (please refer to Attachment 2c).
3. A preliminary assessment of environmental effects (please refer to Attachment 3). Please let us know if you would like the full assessment of environmental effects emailed to you.

Once you have read this information, if you are satisfied that, in your assessment, there will be no adverse effects to your property, then please complete and sign the affected party's consent form and initial one of the copies of this letter (including all pages and attachments).

The other copy of the affected party's consent form and letter with attachments is for your records. We thank you for your time and please contact Emma Peters of our office if you have any questions.

Regards,



Emma Peters
Consultant
Sweep Consultancy Limited

Initials of Affected Party





APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We Mr Dean Warnock & Ms Carryn Warnock and Clutha Veterinary Association Incorporated

(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 these 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: 60 Bell Street, Outram

Legal description: Lot 3 Deposited Plan 362560

Certificate of Title: 255260

Contact details

Name: Emma Peters, Consultant, Sweep Consultancy Limited ☐ applicant ☒ agent (tick one)

Address: P.O. Box 5724 Dunedin

Postcode: 9054

Phone (daytime): 0274822214

Email: emma@sweepconsultancy.co.nz

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? Mr Dean Warnock & Ms Carryn Warnock

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

Address:

Postcode:

Phone (daytime):

Email:



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 unused, 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

Page 2 of 2

Initials of Affected Party



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, maneuvering, 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, maneuvering, 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)

Page 3 of 7

Initials of Affected Party



District plan zoning

What is the District Plan zoning of the site? Tairāhī 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 these 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)

Page 4 of 7

Initials of Affected Party



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

21/9/2023

Date:

Page 6 of 7

Initials of Affected Party

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 Ombudsman.

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 4800

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.

Page 6 of 7

Initials of Affected Party



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:

Page 7 of 7

Initials of Affected Party





**PRELIMINARY
NOT FOR CONSTRUCTION**
13-00000-1000-000

10.02

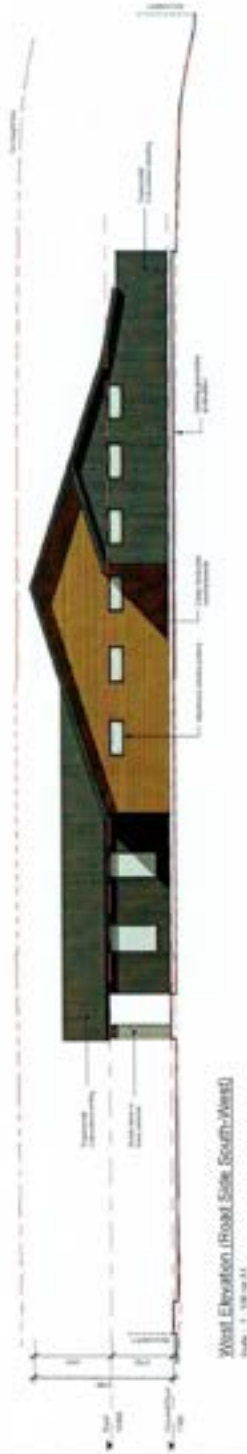
ATTACHMENT 2b: Site Plan for Vet Practice.



Site Plan Overlay
Map No. 200-001-01

WJ CADZOW A FORT WORTH FIRM	
PROJECT NO. 200-001-01	
DATE 10/1/2019	
PROJECT DESCRIPTION Proposed Office Renovation 40 West Street Suite 200	
PREPARED BY WJ Cadzow	
SCALE	AS SHOWN
PAGE 1 OF 1	





Project	Client	Scale	Sheet
Proposed Clutha Vets - Outrigger	Clutha Vets	1/8" = 1'-0"	A2.01
50 Bell Street			
Dunedin 9019			
Architect	July 20		
Engineer			
Structural			

Project		Client		Scale		Sheet	
Proposed Clutha Vets - Outrigger		Clutha Vets		1/8" = 1'-0"		A2.01	
50 Bell Street							
Dunedin 9019							
Architect		July 20					
Engineer							
Structural							
A2.01							
A2.01							

8

ATTACHMENT 3: Preliminary Assessment of Environmental Effects

Introduction

The subject property is located at 60 Bell Street, Outram, legally described as Lot 3 DP 362560 contained in record of title 255260 (site) and contains approximately 8,997m². The site is zoned *Taieri Plain Rural* pursuant to the Second Generation (Appeals Version) Dunedin City District Plan (**2GP**). There are a number of mapped areas and overlays relating to the site being: *Groundwater Protection Mapped Area, High Class Soils Mapped Area, Hazard 2 (flood) Overlay Zone and Swale Mapped Area*.

The owners of the site, Dean and Carryn Warnock, have entered into a sale and purchase agreement with Clutha Vets which is subject to resource consent being obtained for the subdivision of the site into two lots and land use consent to establish a vet practice on one of the lots. The subdivision scheme plan is attached at Attachment 2a with the vet practice site lay out attached at Attachment 2b and elevations attached at Attachment 2c.

2GP Rules

Resource consent is primarily required because:

- The allotments resulting from the subdivision will not meet the minimum site size of 40 hectares required by Rule 16.7.4.1.g.
- Veterinary services (large animal practice) have an activity status of restricted discretionary pursuant to Rule 16.3.3.37.
- The earthworks may not meet the relevant earthworks small-scale thresholds set out in Rule 8A.5.1.

Preliminary Assessment of Effects

This preliminary assessment of effects of the proposed subdivision and land use covers:

- Character and amenity of the area.
- Transportation.
- Services.
- Flood hazard overlay and swale mapped area.
- High Class Soils



Character and Amenity of the Area

The site is located adjacent to the township of Outram. Bell Street is a busy arterial route connecting Outram to Allanton and SH1. There is a reserve area on the corner of Huntley Road and Bell Street. Bell Street has a reasonably wide verge of approximately 10m on the left hand side heading to Outram with several homes on residential sized sections directly opposite the site. These existing homes are all set back a minimum of approximately 9m from the road boundary (so at minimum approximately 20m from the road formation).

Views into the site are limited due to the existing site boundary plantings consisting of closely planted poplars of approximately 4m in height.

The proposed subdivision will result in two lots: one containing Dean's and Carryn's existing dwelling and the other will contain the vet practice. The vet practice is to be located in what are currently paddocks and the construction of the vet practice will result in a change in the character and amenity of the area.

However, any adverse effects on the character and amenity of the area will be mitigated by:

- the vet practice building being single story with a height limit of 7m;
- the vet practice building being in the rural vernacular with exterior cladding consisting of timber weatherboards, stone and coloursteel as shown in the elevations attached at Attachment 2c;
- compliance with required boundary setbacks; and
- the landscaping including road boundary treatment.

Transportation

Bell Street is classified as an arterial road in the 2GP roading hierarchy and, therefore, is considered capable of absorbing the traffic associated with the vet practice. Care has been taken in the location of the entry and exit to the vet practice, particularly in relation to the driveways to 55, 59 and 63 Bell Street.

The points of access to Bell Street all have sufficient sight distances for safe operation.



Services

Potable water will be supplied to the vet practice via connection to Outram water supply (the site is within the potable water service boundary for Outram); or, if such connection is not approved by Dunedin City Council, collection of rainwater from non-toxic roof surfaces with the rainwater being stored in tanks. There is a fire hydrant directly outside the site which meets fire fighting requirements. Waste water will be treated and disposed of on site via, at minimum, a secondary treatment system and appropriately located and designed dispersal field.

Like all residences in Outram, resource consent will need to be obtained from Otago Regional Council for the discharge of treated human effluent to ground as the dispersal field will be located within a groundwater protection mapped area.

Flood Hazard Overlay & Swale Mapped Area

The site is located behind the Taieri River flood bank with recent work undertaken to put a weighting blanket in place for the flood bank. The vet practice will not be located in the mapped swale area on the site. Care will be taken to ensure that site layout and development does not cause a downstream stormwater management issue for adjoining landowners.

High Class Soils

The top soils removed for the vet practice will be retained on site.

Conclusion

For the reasons given above any adverse effects resulting from the proposed subdivision and vet practice will be in the range of less than minor to no more than minor.





Soil Contamination Summary Report 60 Bell Street, Outram – Burn Piles (Version 2)

1 Introduction

The property at 60 Bell Street is a rural residential property which is proposed to be subdivided into two lots, with a veterinary clinic to be developed on proposed Lot 1 and an existing dwelling and sheds on Lot 2. The property is not listed on the Otago Regional Council (ORC) Hazardous Activities and Industries List (HAiL) Database¹. Part of the southern end of the property was previously investigated in 2022 as part of soil sampling conducted for the proposed Outram floodbank works². The investigation found that contaminant concentrations within the southern end of property were generally consistent with predicted background concentrations, although a slight elevation of lead was recorded in some places. No results from within the property at 60 Bell Street reported any exceedances of the applicable human health guidelines. However, no sampling was undertaken within the area of proposed Lot 1.

Aerial imagery indicated that a burn pile may have been present with proposed Lot 1, and the site was inspected by an Environmental Consultants Otago Limited (EC Otago) Senior Environmental Planner. Two burn piles were located at 60 Bell Street within the area of proposed Lot 1, an active pile (Burn Pile 1) and a former pile (Burn Pile 2). This Soil Contamination Summary Report discusses the results of sampling and analysis conducted by EC Otago on these burn piles, including sampling and analysis of soil within both Burn Pile 1 and Burn Pile 2, and validation sampling after removal of the burn piles to confirm that all contaminated material presenting a risk to human health had been removed. This report is intended to provide summary information regarding the burn piles and does not constitute a full Preliminary or a Detailed Site investigation. This version has been updated to confirm that the material has been disposed to the Burnside Landfill.

1.1 Site description

The general location is shown in Figure 1 and the relevant property details are provided in Table 1. The approximate location of the burn piles is shown in red in Figure 2.

Table 1: Summary of relevant property details

Address	60 Bell Street, Outram
Legal description	LOT 3 DP 362560
Certificate of Title	255260
Total Area	8,997 m ²
District Plan / zoning	Section 16: Rural (Taieri Plain)

1.2 Proposed development

The 8,997 m² property is proposed to be subdivided into two lots, with a veterinary clinic to be developed on proposed Lot 1, as shown in Figure 3. The 4,000 m² proposed Lot 1 is defined as the site for this report.

¹ <https://maps.orc.govt.nz/portal/apps/MapSeries/index.html?appid=052ba04547d74dc4bf070e8d97fd6819>

² Environmental Consultants Otago Limited, 2022. *Soil Sampling Summary Report – Outram Floodbank*. Job Ref #351-22 Outram Floodbank.



Figure 1: General location of the site, shown with a red tag (Map Data ©2024; Google Terrain).



Figure 2: The property at 60 Bell Street outlined in turquoise and the approximate location of two burn piles outlined in red (aerial imagery sourced from DCC GIS | 2018-2019, copyright DCC/Aerial Surveys Ltd/ORC, CC BY 4.0 NZ).



Figure 3: The proposed subdivision of the property, including the location of the proposed veterinary clinic (Craig Horne, Registered Surveyor, proposed subdivision plan dated 4 October 2023).

2 Site inspection and soil sampling

A site visit with soil sampling was conducted by an EC Otago Senior Environmental Planner on 2 February 2024, initially to determine the extent of the contamination within and surrounding the burn piles. Return visits to the site with soil sampling were conducted on 13 and 27 February 2024, to analyse the soils in the location of the burn piles after the piles and underlying soils had been excavated and stockpiled. The location of the two burn piles is shown in drone imagery in Figure 4.

Burn Pile 1

During the initial site visit, a broken part sheet of fibre reinforced sheet suspected to be asbestos containing material (ACM) was observed within Burn Pile 1 (Figure 5). During this visit, seven soil samples from within Burn Pile 1 were analysed for heavy metals via a hand-held X-Ray Fluorescence (XRF) analyser, along with 11 samples from the perimeter of the burn pile to determine the lateral extent of the contamination. Three soil samples were also collected from Burn Pile 1 and dispatched to Hills Laboratory to be analysed individually for heavy metals. A piece of the suspected ACM was also collected and sent to the laboratory to be analysed for the presence of asbestos.

The bulk of rubbish waste from Burn Pile 1, along with some soils, (comprising approximately 2 m³) was subsequently removed and placed onto the tray of a vehicle. During the return site visit on 13 February 2024, the area of surface soils beneath the removed Burn Pile 1 were analysed for heavy metals via XRF to determine whether residual contamination remained. The affected soils were then excavated and stockpiled on site (approximately 2 – 3 m³) and the area beneath Burn Pile 1 was analysed again for heavy metals via XRF to confirm that the additional scrape had removed all contaminated soils. Three samples were collected from the stockpiled soils and analysed individually for arsenic, chromium and lead (the primary heavy metal contaminants identified) via laboratory analysis. Two additional soil samples were also collected from the stockpile, and one additional

sample collected from the material stored on the back of the truck and analysed individually via the New Zealand Guidelines for Semi-Quantitative Asbestos in Soil. Figure 6 shows the scraped area of Burn Pile 1 and the stockpiled soils, with XRF locations denoted in green and laboratory samples collected from the stockpiled soils denoted with red stars.

Burn Pile 2

During the return site visit on 13 February 2024, surface soils in the location of Burn Pile 2 were analysed for heavy metals via XRF. Note that Burn Pile 2 is the location of a former burn pile and unlike Burn Pile 1 had been returned to pasture and there was no visible evidence on the site surface comprise a physical pile of rubbish at the time of the initial site visit. On the second site inspection transects were cut with a small excavator across the surface of the area containing Burn Pile 2 were scraped, as shown in Figure 7, to allow better access for soil analysis. Six soil samples were also collected across the area of Burn Pile 2 (locations shown in Figure 7) and analysed individually for arsenic, chromium and lead via laboratory analysis.

The soils at Burn Pile 2 were subsequently excavated and stockpiled, and on 27 February 2024 an additional site visit was conducted to analyse the scraped area via XRF to confirm that all the contaminated soils had been removed. Three samples were also collected from the scraped area (locations shown in Figure 8) and analysed individually for heavy metals. No asbestos sampling was undertaken for Burn Pile 2 as there were no visual indications of asbestos contamination.



Figure 4: The location of the two burn piles. Image taken after removal of Burn Pile 1 (13 February 2024).



Figure 5: Burn Pile 1 (2 February 2024).

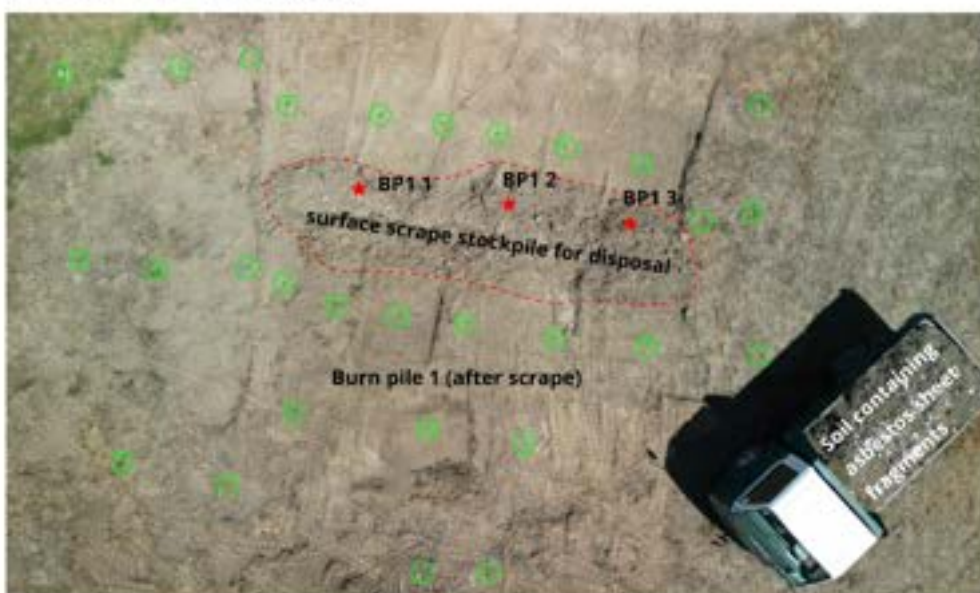


Figure 6: Burn Pile 1 post-scape with stockpiled soils from the scape outlined in red. XRF sampling locations are denoted with green circles and laboratory samples of the stockpiled material are shown with red stars (13 February 2024).

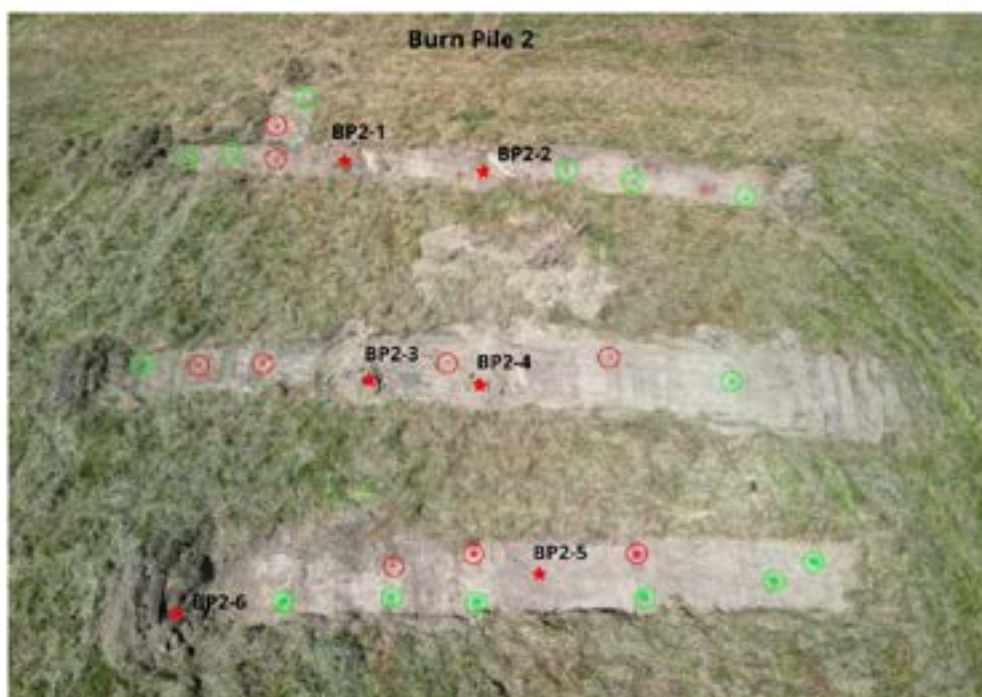


Figure 7: Burn Pile 2 after an initial scrape, with XRF sample locations reporting contaminant concentrations exceeding the applicable rural-residential human health guidelines denoted with red circles and locations reporting concentrations below human health guidelines denoted with green circles. Laboratory sample locations are indicated by red stars (13 February 2024).

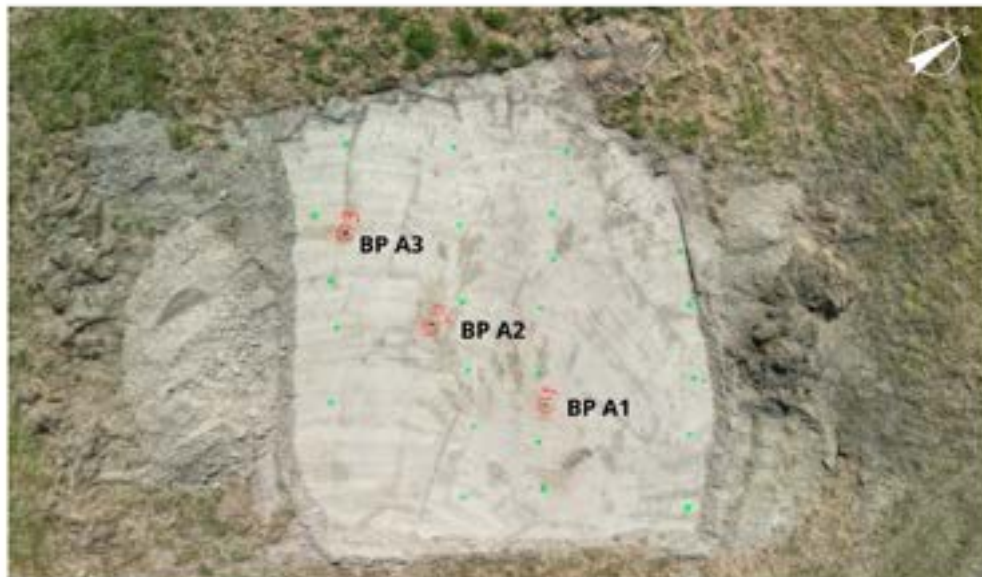


Figure 8: Burn Pile 2 after the final scrape, with XRF sample locations denoted in green and laboratory sample locations indicated in red (27 February 2024). Note the scale of the image is different from Figure 7.

2.1 Sampling Methods

2.1.1 Laboratory Analysis

Samples were collected by hand selection using freshly gloved hands from material retrieved by an excavator or stainless-steel hand auger. The hand auger was cleaned between locations with a paper towel and/or Decon 90 diluted with water. Samples were transferred into clean, contaminant-free containers provided by the testing laboratory and placed into a chilly bin cooled with icepacks.

During sampling, the date, time and location of collection was recorded. Containers were labelled with sample name, date and time on both label and lid as the samples were taken. The chain of custody form was completed during field operations, and samples were immediately dispatched to the analytical laboratory by courier. The samples were received and analysed by RJ Hill Laboratories Limited, an International Accreditation New Zealand (IANZ) accredited laboratory.

2.1.2 XRF Analysis

XRF samples were analysed in the field using an Olympus Vanta VMR. The XRF surveys were undertaken by a suitably qualified practitioner who has completed a relevant XRF training course and holds a current licence for the use of the XRF.

The following procedures were adopted by the operator during the soil assessment process:

- Prior to every XRF reading, instrument checks were undertaken.
- A blank control was read prior to the first sample analysis.
- Soil samples were analysed directly on excavated surfaces as described in Section 2.1.1.
- Clean plastic wrap was placed around the sensor head of the XRF to protect it from fouling.
- The samples were analysed in situ (i.e. directly from the extracted material), not through plastic bags.
- The samples collected were analysed for 45 seconds (15 seconds on each of three exposure beams).

2.2 Quality Control

The following quality assurance/quality control (QA/QC) procedures were employed:

- The use of independent accredited laboratories:
Hill Laboratories is an independent IANZ accredited laboratory. The laboratory complies with the accreditation requirements including the confirmation of validity and suitability of results. No breaches in laboratory quality are noted in the analysis reports.
- Sample handling and holding times:
The chain of custody records show that the samples were submitted to the laboratory within the accepted holding times for the analyses conducted.
- Field QA/QC:
 - Sampling equipment was cleaned between sampling locations.
 - Soil samples were individually numbered together with collection date and time, as marked on the sample containers and chain of custody documents, and the location recorded by a handheld Garmin InReach GPS unit with a locational accuracy of ± 5 m.
 - Samples were collected in laboratory supplied sample containers.
 - Samples were stored and transported in a chilly bin cooled with icepacks, together with the chain of custody documents.

- XRF QA/QC:
 - The Olympus Vanta VMR limits of detection are more than 5-fold lower than the guideline value that are being assessed, with the exception of cadmium.
 - No saturated soils were assessed.
 - Blank controls were used to validate the XRF readings in the field.

2.3 Soil Acceptance Criteria

As part of the process of determining the risk to human health from potential contaminants, results from analysis must be compared to Soil Contaminant Standards (SCS) which reflect acceptable risk levels of contamination in soil for the appropriate use scenarios³. For some analytes, the Ministry for the Environment has not established SCS, in this case, Soil Guideline Values (SGV) from other sources may be used according to an established hierarchy⁴. For contaminants without an SCS in the *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011* (NES), the Australian National Environment Protection (Assessment of Site Contamination) Measure (NEPM)⁵ were applied.

The soils are also compared to the Canadian Council of Ministers of the Environment (CCME) Soil Guidelines for the Protection of Environmental and Human Health⁶ as an indication of the environmental risk from potential contaminants.

The land where the site is located is zoned 'Rural (Taieri Plain)' in the Dunedin City Council (DCC) Second Generation District Plan. As the land is currently used for rural residential purposes and is proposed to be developed into a commercial site (veterinary clinic), for assessment purposes both the *Rural Residential* and *Commercial/Industrial* SCS/SGV are shown.

2.4 Results of Soils for Disposal

The laboratory results for heavy metals are summarised in Table 1 and the XRF results are summarised in Tables 2 and 3. Asbestos results are summarised in Table 4. The full laboratory analysis reports are attached.

Burn Pile 1 – Soils for disposal

The results of XRF and laboratory analysis (Tables 1 and 2) indicate that heavy metal concentrations are elevated above predicted background levels based on the underlying geology within the material collected from Burn Pile 1, including both in-situ samples analysed prior to removal of the burn pile (representing the material currently stored on the back of a truck) and within the soils stockpiled on site after soils beneath the burn pile had been scraped. Some concentrations of arsenic and chromium within the burn pile material (both stockpiled soils and material on the back of the truck) were found to exceed the *Rural Residential* SCS, and some concentrations of arsenic reported were also found to exceed the *Commercial/Industrial* SCS.

In-situ XRF results of Burn Pile 1 (Table 2) reported very high concentrations of arsenic, with the average concentration exceeding the *Commercial/Industrial* SCS. However, note that this was the

³ Ministry for the Environment, 2011. *Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health*.

⁴ Ministry for the Environment, 2011. *Contaminated Land Management Guidelines No. 2: Hierarchy and application in New Zealand of environmental guideline values (revised 2011)*.

⁵ National Environment Protection Council (Australia), 2013. *National Environment Protection (Assessment of Site Contamination) Measure 1999*.

⁶ Canadian Council of Ministers of the Environment, 2021. *Canadian Soil Quality Guidelines for the Protection of Environmental and Human Health*.

initial site investigation of Burn Pile 1, prior to scraping of any material, and these results represent a very thin layer of high contamination on the surface of the burn pile soils. Laboratory samples collected from in-situ surface soils of Burn Pile 1 (samples 60 Bell 1 – 3, Table 1), prior to scraping of any material, did not report any concentrations of arsenic exceeding the *Commercial/Industrial* SCS.

The asbestos results for Burn Pile 1 are summarised in Table 4. The fibre cement sheet collected from the burn pile material that is currently stored on the back of a truck was found to contain asbestos. However, no asbestos was detected within the soil samples collected from the back of the truck or the stockpiled soils scraped from Burn Pile 1.

Average concentrations of arsenic within both in-situ XRF samples and the stockpiled soil samples were found to exceed the CCME guidelines protective of environmental health under a residential/parkland land use scenario. Average concentrations of chromium and copper within the in-situ XRF samples were also found to exceed the CCME guidelines.

Burn Pile 2 – Soils for disposal

The results of XRF and laboratory analysis (Tables 1 and 2) for Burn Pile 2 indicate that heavy metal concentrations within the soil for disposal are elevated above predicted background levels. Some concentrations of arsenic, chromium and lead were found to exceed the *Rural Residential* SCS, and some concentrations of arsenic reported were also found to exceed the *Commercial/Industrial* SCS.

Average concentrations of arsenic, chromium, copper and zinc were found to exceed the CCME guidelines protective of environmental health under a residential/parkland land use scenario.

2.5 Results of Validation Sampling

Burn Pile 1 – Remaining site soils

The results of XRF analysis on the perimeter soils and the scraped area at Burn Pile 1 (Table 3) indicate that heavy metal concentrations within the in-situ soils remaining after the scrape are generally consistent with predicted background levels. Whilst rare elevations of heavy metals were reported within the scraped area, in general average values were found to be consistent with the predicted background.

Burn Pile 2 – Remaining site soils

The results of XRF and laboratory analysis on the scraped area at Burn Pile 2 (Tables 1 and 3) indicate that heavy metal concentrations within the in-situ soils remaining after the scrape are generally consistent with predicted background levels. Whilst rare elevations of heavy metals were reported in some XRF results within the scraped area, all laboratory results reported were found to be consistent with the predicted background.

Table 2: Summary results of laboratory analysis

Sample ^a	Arsenic	Cadmium	Chromium	Copper	Lead	Nickel	Zinc
Burn Pile 1 (in-situ samples, soils for disposal):							
60 Bell 1	17	0.3	18	17	14	11	56
60 Bell 2	46	0.22	26	34	15.4	12	65
60 Bell 3	9	0.31	11	16	14.1	11	57
Average	24	0.28	18	22	15	11	59
RSD	81%	18%	41%	45%	5%	5%	8%
Burn Pile 1 (stockpile samples, soils for disposal):							
BP1 1	7	-	10	-	13.3	-	-
BP1 2	32	-	14	-	13.9	-	-
BP1 3	7	-	10	-	13.9	-	-
Average	15	-	11	-	14	-	-
RSD	94%	-	20%	-	3%	-	-
Burn Pile 2 (soils for disposal):							
BP2 1	27	-	12	-	14.9	-	-
BP2 2	36	-	46	-	92	-	-
BP2 3	8	-	11	-	16	-	-
BP2 4	28	-	40	-	15.2	-	-
BP2 5	25	-	17	-	33	-	-
BP2 6	8	-	10	-	26	-	-
Average	22	-	23	-	33	-	-
RSD	52%	-	71%	-	91%	-	-
Burn Pile 2 (in-situ samples, validation sampling of scraped area):							
BP2 A1	9	0.23	21	12	13.1	11	50
BP2 A2	8	0.23	12	13	14	11	51
BP2 A3	7	0.25	11	14	14.2	11	54
Average	8	0.24	15	13	14	11	52
RSD	13%	5%	38%	8%	4%	0%	4%
Soil Acceptance Criteria (Human Health) – Rural Residential							
NES ^b SCS	17	0.8	290	>10,000	160	-	-
NEPM ^c SGV	-	-	-	-	-	400	7,400
Soil Acceptance Criteria (Human Health) – Commercial/Industrial							
NES ^b SCS	70	1,300	6,300	>10,000	3,300	-	-
NEPM ^c SGV	-	-	-	-	-	6,000	400,000
Soil Quality Guidelines (Environmental Health)							
CCME ^d	17	10	64	63	300	45	250
Predicted Background ^e							
Median	2.38	0.065	11.76	11.23	7.11	6.24	23.61
95 th Quantile	9.97	0.33	56.88	48.14	25.83	35.15	97.97
Landfill Screening Acceptance Criteria ^f							
Green Island	100	20	100	100	100	200	200
Burnside	100	20	400	400	400	200	800

^a Results for total concentration analysis, average, and SCS/SGVs in mg/kg dry weight; relative standard deviation (RSD) in %. Cells highlighted yellow exceed the predicted background concentration and cells highlighted red exceed the rural residential human health guidelines.

^b Ministry for the Environment, 2012. Users' Guide, National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. Wellington. Cr SCS is reported as Cr(VI). Commercial/Industrial outdoor worker (unpaved) and Rural Residential scenarios applied.

^c National Environment Protection Council (Australia), 2013. National Environment Protection (Assessment of Site Contamination) Measure 1999. The values applied represent a Health Investigation Level (HIL) for Commercial/Industrial land use (HIL D) and Low-Density Residential land use (HIL A).

^d Canadian Council of Ministers of the Environment, 2021. Canadian Soil Quality Guidelines for the Protection of Environmental and Human Health. Soil quality guideline for environmental health for residential/parkland land use quoted. Orange cells indicate guideline values that are exceeded by the average.

^e Landcare Research, 2015. Background soil concentrations of selected trace elements and organic contaminants in New Zealand. Predicted median and 95th Quantile reported for the site (Chemical Factor: mudstone Pakihi). Also refer: <https://fhs.scinfo.org.nz/layer/48470-pbc-predicted-background-soil-concentrations-new-zealand/>.

^f Ministry for the Environment, 2004. Module 2: Hazardous Waste Guidelines – Landfill Waste Acceptance Criteria and Landfill Classification. And Burnside Landfill in Quedo (RM) 7 198.01.VII.

Table 3: Summary results of XRF analysis (soil for disposal)

Sample ^a	Arsenic	Chromium	Copper	Lead	Nickel	Zinc
Burn Pile 1 (soils for disposal), in-situ samples (7 samples):						
Average	548	680	602	23	< 10	173
RSD	195%	179%	184%	60%	15%	51%
Minimum	6	41	18	9	8	87
Maximum	2,870	3,254	2,970	44	12	302
Burn Pile 1 (soils for disposal), stockpile samples (45 samples):						
Average	20	< 77	38	19	16	103
RSD	109%	51%	81%	83%	29%	34%
Minimum	7	52	14	10	9	68
Maximum	131	310	181	104	36	224
UCL	34	87	58	23	17	111
Average of all Burn Pile 1 for disposal	91	< 159	114	20	15	112
Burn Pile 2 (soils for disposal), in-situ samples (39 samples):						
Average	45	145	83	51	18	395
RSD	173%	133%	175%	129%	27%	201%
Minimum	9	43	18	14	11	68
Maximum	397	892	651	334	34	3,146
UCL	99	280	184	96	19	950
Soil Acceptance Criteria (Human Health) – Rural Residential						
NES ^b SCS	17	290	>10,000	160	-	-
NEPM ^c SGV	-	-	-	-	400	7,400
Soil Acceptance Criteria (Human Health) – Commercial/Industrial						
NES ^b SCS	70	6,300	>10,000	3,300	-	-
NEPM ^c SGV	-	-	-	-	6,000	400,000
Soil Quality Guidelines (Environmental Health)						
CCME ^d	17	64	63	300	45	250
Predicted Background ^e						
Median	2.38	11.76	11.23	7.11	6.24	23.61
95 th Quantile	9.97	56.88	48.14	25.83	35.15	97.97
Landfill Screening Acceptance Criteria ^f						
Green Island	100	100	100	100	200	200
Burnside	100	400	400	400	200	800

^a Results for total concentration analysis, average, minimum, maximum, 95% upper confidence limit (UCL) and SCS/SGVs in mg/kg dry weight; relative standard deviation (RSD) in %. UCL calculated with ProUCL. Where concentrations are reported less than the limit of detection (LOD), the LOD value has been used in calculations. Cells highlighted yellow exceed the predicted background concentration and cells highlighted red exceed the rural residential human health guidelines. Bold red numbers indicate the commercial/industrial human health guidelines are exceeded.

^b Ministry for the Environment, 2012. Users' guide, *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*. Wellington. Cr SCS is reported as Cr(VI). Commercial/industrial outdoor worker (unpaved) and Rural Residential scenarios applied.

^c National Environment Protection Council (Australia), 2013. *National Environment Protection (Assessment of Site Contamination) Measure 1999*. The values applied represent a Health Investigation Level (HIL) for Commercial/Industrial land use (HIL C) and Low-Density Residential land use (HIL A).

^d Canadian Council of Ministers of the Environment, 2021. *Canadian Soil Quality Guidelines for the Protection of Environmental and Human Health*. Soil quality guideline for environmental health for residential/parkland land use quoted. Orange cells indicate guideline values that are exceeded by the average.

^e Landcare Research, 2015. *Background soil concentrations of selected trace elements and organic contaminants in New Zealand*. Predicted median and 95th Quantile reported for the site (Chemical Factor: mudstone Pakihi). Also refer: <https://ris.scrio.org.nz/layer/48470-qbc-predicted-background-soil-concentrations-new-zealand/>.

^f Ministry for the Environment, 2004. *Module 2: Hazardous Waste Guidelines - Landfill Waste Acceptance Criteria and Landfill Classification*. And Burnside Landfill in Dunedin (RM17.198.01 V3). Blue cells indicate Landfill Acceptance Criteria that are exceeded by the average.

Table 4: Summary results of XRF analysis (validation sampling)

Sample ^a	Arsenic	Chromium	Copper	Lead	Nickel	Zinc
Burn Pile 1 (perimeter samples), in-situ samples (11 samples):						
Average	6	< 46	17	7	< 9	54
RSD	42%	13%	17%	14%	15%	17%
Minimum	2	< 36	13	3	< 7	36
Maximum	11	< 55	22	11	11	64
UCL	8	< 49	18	9	< 10	59
Burn Pile 1 (scraped area), in-situ samples (16 samples):						
Average	10	< 63	20	14	14	77
RSD	67%	22%	45%	16%	25%	22%
Minimum	6	44	11	12	9	58
Maximum	33	< 105	50	20	20	132
UCL	13	< 69	25	15	15	84
Burn Pile 2 (scraped area), in-situ samples (24 samples):						
Average	12	< 68	21	18	16	77
RSD	37%	15%	25%	28%	22%	8%
Minimum	7	45	12	13	10	61
Maximum	26	< 91	35	38	24	87
UCL	13	72	23	19	17	79
Soil Acceptance Criteria (Human Health) – Rural Residential						
NES ^b SCS	17	290	>10,000	160	-	-
NEPM ^c SGV	-	-	-	-	400	7,400
Soil Acceptance Criteria (Human Health) – Commercial/Industrial						
NES ^b SCS	70	6,300	>10,000	3,300	-	-
NEPM ^c SGV	-	-	-	-	6,000	400,000
Soil Quality Guidelines (Environmental Health)						
CCME ^d	17	64	63	300	45	250
Predicted Background ^e						
Median	2.38	11.76	11.23	7.11	6.24	23.61
95 th Quantile	9.97	56.88	48.14	25.83	35.15	97.97
Landfill Screening Acceptance Criteria ^f						
Green Island	100	100	100	100	200	200
Burnside	100	400	400	400	200	800

^a Results for total concentration analysis, average, minimum, maximum, 95% upper confidence limit (UCL) and SCS/SGVs in mg/kg dry weight; relative standard deviation (RSD) in %. UCL calculated with ProUCL. Where concentrations are reported less than the limit of detection (LOD), the LOD value has been used in calculations. Cells highlighted yellow exceed the predicted background concentration and cells highlighted red exceed the rural residential human health guidelines.

^b Ministry for the Environment, 2012. Users' Guide, National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. Wellington. Cr SCS is reported as Cr(VI). Commercial/Industrial outdoor worker (unpaved) and Rural Residential scenarios applied.

^c National Environment Protection Council (Australia), 2013. National Environment Protection (Assessment of Site Contamination) Measure 1999. The values applied represent a Health Investigation Level (HIL) for Commercial/Industrial land use (HIL D) and Low-Density Residential land use (HIL A).

^d Canadian Council of Ministers of the Environment, 2021. Canadian Soil Quality Guidelines for the Protection of Environmental and Human Health. Soil quality guideline for environmental health for residential/parkland land use quoted.

^e Landcare Research, 2015. Background soil concentrations of selected trace elements and organic contaminants in New Zealand. Predicted median and 95th Quantile reported for the site (ChemicalA Factor: mudstone Pakihi). Also refer: <https://iris.scinfo.org.nz/layer/48470-ghc-predicted-background-soil-concentrations-new-zealand/>.

^f Ministry for the Environment, 2004. Module 2: Hazardous Waste Guidelines - Landfill Waste Acceptance Criteria and Landfill Classification. And Burnside Landfill in Dunedin (RM17.196.01.V3).

Table 5: Summary results of laboratory analysis for asbestos – Burn Pile 1

Sample	Asbestos Detected	Asbestos ACM, % w/w	Asbestos AF/FA, % w/w
Cement sheet sample (back of truck):			
60 Bell Asb	Yes – Chrysotile (white asbestos) detected	-	-
Soil sample from material on the back of the truck:			
BP1 ASB	Asbestos NOT detected	< 0.001	< 0.001
Soil samples from stockpile:			
BP1 ASB A	Asbestos NOT detected	< 0.001	< 0.001
BP1 ASB B	Asbestos NOT detected	< 0.001	< 0.001
BRANZ Tier 1 Guideline^a		0.01% w/w	0.001 % w/w

^a BRANZ/ALOA, 2017. *New Zealand Guidelines for Assessing and Managing Asbestos in Soil*. Tier 1 soil guideline value for Residential land use.

2.6 Disposal

The results indicate that due to widespread heavy metal contamination, the soils excavated from the burn piles cannot be considered 'clean fill' and must be disposed to an appropriately consented location. Given that some heavy metal concentrations (primarily arsenic) were found to exceed the *Rural Residential* and *Commercial/Industrial* SCS/SGV, these soils should not be kept for reuse on the site.

Burn Pile 1 – Material stored on the back of the truck

The results of sampling and analysis of in-situ soils at Burn Pile 1 (representing the soil that has been excavated and placed on the back of the truck) reported high concentrations of heavy metals within the XRF analysis with average concentrations of arsenic, chromium and copper that exceed the both the Green Island Landfill and Burnside Landfill total concentration acceptance criteria. However, these results are indicative of a thin veneer of highly contaminated soil at the surface of the burn pile and surface soil samples collected for laboratory analysis of this material (60 Bell 1 – 3) did not report any results that exceed either landfill acceptance criteria.

Given the presence of asbestos-containing cement sheet fragments present within this material, the material stored on the back of the truck must be disposed of as asbestos contaminated material. This material must be covered (especially during transport) to avoid accidental discharges of asbestos to the environment.

Burn Pile 1 – Stockpiled soil

The results of sampling and analysis indicate that average heavy metal concentrations of the Burn Pile 1 stockpiled soil meet both the Green Island Landfill and Burnside Landfill total acceptance criteria. No asbestos was detected within these soils and this material does not need to be treated as asbestos contaminated.

Burn Pile 2

The results of sampling and analysis indicate that average concentrations of chromium and zinc within Burn Pile 2 soil for disposal exceed the Green Island Landfill total acceptance criteria but meet the Burnside Landfill acceptance criteria.

3 Conclusion

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.

Prepared by:



Aleasha King, MSc

Reviewed by:



Bernice Chapman, CEnvP, PhD, MEIANZ

Reference: 513-24 60 Bell

Date: 14 March 2024

Certificate of Analysis

Page 1 of 1

Client:	Environmental Consultants Otago Limited	Lab No:	3459787	SPv1
Contact:	Ciaran Keogh	Date Received:	07-Feb-2024	
	C/- Environmental Consultants Otago Limited	Date Reported:	09-Feb-2024	
	PO Box 5522	Quote No:	88979	
	Dunedin 9058	Order No:		
		Client Reference:	60 Bell	
		Submitted By:	Bernice Chapman	

Sample Type: Soil				
Sample Name: 60 Bell 1 02-Feb-2024 1:20 pm 60 Bell 2 02-Feb-2024 1:30 pm 60 Bell 3 02-Feb-2024 1:40 pm				
Lab Number: 3459787.1 3459787.2 3459787.3				
Heavy Metals, Screen Level				
Total Recoverable Arsenic	mg/kg dry wt	17	46	9
Total Recoverable Cadmium	mg/kg dry wt	0.30	0.22	0.31
Total Recoverable Chromium	mg/kg dry wt	18	26	11
Total Recoverable Copper	mg/kg dry wt	17	34	16
Total Recoverable Lead	mg/kg dry wt	14.0	15.4	14.1
Total Recoverable Nickel	mg/kg dry wt	11	12	11
Total Recoverable Zinc	mg/kg dry wt	56	65	57

Summary of Methods

The following table(s) give a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analyses. A full listing of compounds and detection limits are available from the laboratory upon request. Unless otherwise indicated, analyses were performed at Hill Labs, 28 Duke Street, Frankton, Hamilton 3204.

Sample Type: Soil			
Test	Method Description	Default Detection Limit	Sample No
Environmental Solids Sample Drying*	Air dried at 35°C Used for sample preparation May contain a residual moisture content of 2-5%	-	1-3
Heavy Metals, Screen Level	Dried sample, < 2mm fraction. Nitric/Hydrochloric acid digestion US EPA 200.2. Complies with NES Regulations. ICP-MS screen level, interference removal by Kinetic Energy Discrimination if required.	0.10 - 4 mg/kg dry wt	1-3

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed between 07-Feb-2024 and 09-Feb-2024. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

This certificate of analysis must not be reproduced, except in full, without the written consent of the signatory.



Martin Cowell - BSc
Client Services Manager - Environmental



This Laboratory is accredited by International Accreditation New Zealand (IANZ), which represents New Zealand in the International Laboratory Accreditation Cooperation (ILAC). Through the ILAC Mutual Recognition Arrangement (ILAC-MRA) this accreditation is internationally recognised. The tests reported herein have been performed in accordance with the terms of accreditation, with the exception of tests marked * or any comments and interpretations, which are not accredited.

Certificate of Analysis

Page 1 of 2

Client:	Environmental Consultants Otago Limited	Lab No:	3470039	SPV2
Contact:	Ciaran Keogh	Date Received:	16-Feb-2024	
	CI- Environmental Consultants Otago Limited	Date Reported:	06-Mar-2024	(Amended)
	PO Box 5522	Quote No:	86979	
	Dunedin 9058	Order No:		
		Client Reference:	60 Bell	
		Submitted By:	Bernice Chapman	

Sample Type: Soil						
Sample Name:	BP1 1	BP1 2	BP1 3	BP2 1	BP2 2	
	13-Feb-2024	13-Feb-2024	13-Feb-2024	13-Feb-2024	13-Feb-2024	
Lab Number:	3470039.1	3470039.2	3470039.3	3470039.4	3470039.5	
Total Recoverable Arsenic	mg/kg dry wt	7	32	7	27	36
Total Recoverable Chromium	mg/kg dry wt	10	14	10	12	46
Total Recoverable Lead	mg/kg dry wt	13.3	13.9	13.9	14.9	92

Sample Name:	BP2 3 13-Feb-2024	BP2 4 13-Feb-2024	BP2 5 13-Feb-2024	BP2 6 13-Feb-2024	
Lab Number:	3470039.6	3470039.7	3470039.8	3470039.9	
Total Recoverable Arsenic	mg/kg dry wt	8	28	25	8
Total Recoverable Chromium	mg/kg dry wt	11	40	17	10
Total Recoverable Lead	mg/kg dry wt	16.0	15.2	33	26

Analyst's Comments

Amended Report: This certificate of analysis replaces report "3470039-SPV1" issued on 20-Feb-2024 at 2:42 pm.
Reason for amendment: Additional testing added, at the request of the client.

Summary of Methods

The following table(s) gives a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analytes. A full listing of compounds and detection limits are available from the laboratory upon request. Unless otherwise indicated, analyses were performed at Hill Labs, 28 Duke Street, Frankton, Hamilton 3204.

Sample Type: Soil			
Test	Method Description	Default Detection Limit	Sample No
Environmental Solids Sample Drying*	Air dried at 35°C Used for sample preparation. May contain a residual moisture content of 2-5%.	-	1-9
Environmental Solids Sample Preparation	Air dried at 35°C and sieved, <2mm fraction. Used for sample preparation. May contain a residual moisture content of 2-5%.	-	1-9
Total Recoverable digestion	Nitric / hydrochloric acid digestion, US EPA 200.2.	-	1-9
Total Recoverable Arsenic	Dried sample, sieved as specified (if required) Nitric/Hydrochloric acid digestion, ICP-MS, screen level, US EPA 200.2.	2 mg/kg dry wt	1-9
Total Recoverable Chromium	Dried sample, sieved as specified (if required) Nitric/Hydrochloric acid digestion, ICP-MS, screen level, US EPA 200.2.	2 mg/kg dry wt	1-9
Total Recoverable Lead	Dried sample, sieved as specified (if required) Nitric/Hydrochloric acid digestion, ICP-MS, screen level, US EPA 200.2.	0.4 mg/kg dry wt	1-9



This Laboratory is accredited by International Accreditation New Zealand (IANZ), which represents New Zealand in the International Laboratory Accreditation Cooperation (ILAC). Through the ILAC Mutual Recognition Arrangement (ILAC-MRA) this accreditation is internationally recognised. The tests reported herein have been performed in accordance with the terms of accreditation, with the exception of tests marked * or any comments and interpretations, which are not accredited.

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed between 16-Feb-2024 and 08-Mar-2024. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

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A handwritten signature in blue ink, appearing to read 'K Harrison', is positioned above the printed name.

Kim Harrison MSc
Client Services Manager - Environmental

Certificate of Analysis

Page 1 of 1

Client:	Environmental Consultants Otago Limited	Lab No:	3480353	SPV1
Contact:	Ciaran Keogh	Date Received:	28-Feb-2024	
	C/- Environmental Consultants Otago Limited	Date Reported:	01-Mar-2024	
	PO Box 5522	Quote No:	86979	
	Dunedin 9058	Order No:		
		Client Reference:	60 Bell	
		Submitted By:	Bernice Chapman	

Sample Type: Soil

Sample Name:		BP2 A1 27-Feb-2024 1:05 pm	BP2 A2 27-Feb-2024 1:10 pm	BP2 A3 27-Feb-2024 1:15 pm
Lab Number:		3480353.1	3480353.2	3480353.3
Heavy Metals, Screen Level				
Total Recoverable Arsenic	mg/kg dry wt	9	8	7
Total Recoverable Cadmium	mg/kg dry wt	0.23	0.23	0.25
Total Recoverable Chromium	mg/kg dry wt	21	12	11
Total Recoverable Copper	mg/kg dry wt	12	13	14
Total Recoverable Lead	mg/kg dry wt	13.1	14.0	14.2
Total Recoverable Nickel	mg/kg dry wt	11	11	11
Total Recoverable Zinc	mg/kg dry wt	50	51	54

Summary of Methods

The following table(s) gives a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analyses. A full listing of compounds and detection limits are available from the laboratory upon request. Unless otherwise indicated, analyses were performed at Hill Labs, 28 Duke Street, Frankton, Hamilton 3204.

Test	Method Description	Default Detection Limit	Sample No
Environmental Solids Sample Drying*	Air dried at 35°C Used for sample preparation. May contain a residual moisture content of 2-5%.	-	1-3
Heavy Metals, Screen Level	Dried sample, < 2mm fraction. Nitric/Hydrochloric acid digestion US EPA 200.2. Complies with NES Regulations. ICP-MS screen level, interference removal by Kinetic Energy Discrimination if required.	0.10 - 4 mg/kg dry wt	1-3

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed between 28-Feb-2024 and 01-Mar-2024. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

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Graham Corban MSc Tech (Hons)
Client Services Manager - Environmental



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Page 1 of 2

Client:	Environmental Consultants Otago Limited	Lab No:	3459936	A2Pv1
Contact:	Ciaran Keogh	Date Received:	07-Feb-2024	
	C/- Environmental Consultants Otago Limited	Date Reported:	09-Feb-2024	
	PO Box 5522	Quote No:	86979	
	Dunedin 9058	Order No:		
		Client Reference:	60 Bell	
		Submitted By:	Bernice Chapman	

Sample Type: Building Material

Sample Name	Lab Number	Sample Category	Sample Weight on receipt (g)	Asbestos Presence / Absence	Description of Asbestos in Non Homogeneous Samples
60 Bell Asb	3459936.1	Fibre Cement	176.58	Chrysotile (White Asbestos) detected. Organic fibres detected.	N/A

Glossary of Terms

- Loose fibres (Minor) - One or two fibres/fibre bundles identified during analysis by stereo microscope/PLM.
 - Loose fibres (Major) - Three or more fibres/fibre bundles identified during analysis by stereo microscope/PLM.
 - ACM Debris (Minor) - One or two small (<2mm) pieces of material attached to fibres identified during analysis by stereo microscope/PLM.
 - ACM Debris (Major) - Large (>2mm) piece, or more than three small (<2mm) pieces of material attached to fibres identified during analysis by stereo microscope/PLM.
 - Unknown Mineral Fibres - Mineral fibres of unknown type detected by polarised light microscopy including dispersion staining. The fibres detected may or may not be asbestos fibres. To confirm the identities, another independent analytical technique may be required.
 - Trace - Trace levels of asbestos, as defined by AS4964-2004.
- For further details, please contact the Asbestos Team.

Summary of Methods

The following table(s) give a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analyses. A full listing of compounds and detection limits are available from the laboratory upon request. Unless otherwise indicated, analyses were performed at Hill Labs, 28 Duke Street, Franklin, Hamilton 3254.

Sample Type: Building Material

Test	Method Description	Default Detection Limit	Sample No
Asbestos in Bulk Material			
Sample Category	Assessment of sample type. Analysed at Hill Laboratories - Asbestos, 28 Heather Street, Auckland.	-	1
Sample Weight on receipt	Sample weight (approximate). Analysed at Hill Laboratories - Asbestos, 28 Heather Street, Auckland.	0.01 g	1
Asbestos Presence / Absence	Examination using Low Powered Stereomicroscopy followed by 'Polarised Light Microscopy' including 'Dispersion Staining Techniques'. Analysed at Hill Laboratories - Asbestos, 28 Heather Street, Auckland. AS 4964 (2004) - Method for the Qualitative Identification of Asbestos in Bulk Samples.	0.01%	1
Description of Asbestos in Non Homogeneous Samples	Form, dimensions and/or weight of asbestos fibres present. Analysed at Hill Laboratories - Asbestos, 28 Heather Street, Auckland. AS 4964 (2004) - Method for the Qualitative Identification of Asbestos in Bulk Samples.	-	1



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These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed between 08-Feb-2024 and 09-Feb-2024. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

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A handwritten signature in blue ink, appearing to read 'Danielle Carter', is positioned above the printed name.

Danielle Carter BSc, PGDipSci, MSc
Laboratory Technician - Asbestos

Certificate of Analysis

Page 1 of 2

Client:	Environmental Consultants Otago Limited	Lab No:	3469455	A2Pv1
Contact:	Ciaran Keogh	Date Received:	16-Feb-2024	
	C/- Environmental Consultants Otago Limited	Date Reported:	22-Feb-2024	
	PO Box 5522	Quote No:	86979	
	Dunedin 9058	Order No:		
		Client Reference:	60 Bell	
		Submitted By:	Bernice Chapman	

Sample Type: Soil				
Sample Name:		BP1 ASB A 13-Feb-2024	BP1 ASB B 13-Feb-2024	
Lab Number:		3469455.1	3469455.2	
Asbestos Presence / Absence		Asbestos NOT detected.		Asbestos NOT detected.
Description of Asbestos Form		-		-
Asbestos in ACM as % of Total Sample*	% w/w	< 0.001	< 0.001	
Combined Fibrous Asbestos + Asbestos Fines as % of Total Sample*	% w/w	< 0.001	< 0.001	
Asbestos as Fibrous Asbestos as % of Total Sample*	% w/w	< 0.001	< 0.001	
Asbestos as Asbestos Fines as % of Total Sample*	% w/w	< 0.001	< 0.001	
As Received Weight	g	769.4	716.0	
Dry Weight	g	660.7	600.3	
Moisture*	%	14	16	
Sample Fraction >10mm	g dry wt	16.6	31.6	
Sample Fraction <10mm to >2mm	g dry wt	148.3	132.5	
Sample Fraction <2mm	g dry wt	493.8	434.5	
<2mm Subsample Weight	g dry wt	54.0	50.2	
Weight of Asbestos in ACM (Non-Friable)	g dry wt	< 0.00001	< 0.00001	
Weight of Asbestos as Fibrous Asbestos (Friable)	g dry wt	< 0.00001	< 0.00001	
Weight of Asbestos as Asbestos Fines (Friable)*	g dry wt	< 0.00001	< 0.00001	

Glossary of Terms

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 - ACM Debris (Major) - Large (>2mm) piece, or more than three small (<2mm) pieces of material attached to fibres identified during analysis by stereo microscope/PLM.
 - Unknown Mineral Fibres - Mineral fibres of unknown type detected by polarised light microscopy including dispersion staining. The fibres detected may or may not be asbestos fibres. To confirm the identities, another independent analytical technique may be required.
 - Trace - Trace levels of asbestos, as defined by AS4964-2004.
- For further details, please contact the Asbestos Team.

Please refer to the **BRANZ New Zealand Guidelines for Assessing and Managing Asbestos in Soil**.
<https://www.branz.co.nz/asbestos>

The following assumptions have been made:

1. Asbestos Fines in the <2mm fraction, after homogenisation, is evenly distributed throughout the fraction
2. The weight of asbestos in the sample is unaffected by the ashing process.

Results are representative of the sample provided to Hill Laboratories only.



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Summary of Methods

The following table(s) gives a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analyses. A full listing of compounds and detection limits are available from the laboratory upon request. Unless otherwise indicated, analyses were performed at Hill Labs, 28 Duke Street, Franklin, Hamilton 3204.

Sample Type: Soil			
Test	Method Description	Default Detection Limit	Sample No
New Zealand Guidelines Semi Quantitative Asbestos in Soil			
As Received Weight	Measurement on analytical balance. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch.	0.1 g	1-2
Dry Weight	Sample dried at 100 to 105°C, measurement on balance. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch.	0.1 g	1-2
Moisture*	Sample dried at 100 to 105°C. Calculation = (As received weight - Dry weight) / as received weight x 100.	1 %	1-2
Sample Fraction >10mm	Sample dried at 100 to 105°C, 10mm sieve, measurement on analytical balance. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch.	0.1 g dry wt	1-2
Sample Fraction <10mm to >2mm	Sample dried at 100 to 105°C, 10mm and 2mm sieve, measurement on analytical balance. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch.	0.1 g dry wt	1-2
Sample Fraction <2mm	Sample dried at 100 to 105°C, 2mm sieve, measurement on analytical balance. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch.	0.1 g dry wt	1-2
Asbestos Presence / Absence	Examination using Low Powered Stereomicroscopy followed by 'Polarised Light Microscopy' including 'Dispersion Staining Techniques'. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch. AS 4964 (2004) - Method for the Qualitative Identification of Asbestos in Bulk Samples.	0.01%	1-2
Description of Asbestos Form	Description of asbestos form and/or shape if present.	-	1-2
Weight of Asbestos in ACM (Non-Friable)	Measurement on analytical balance, from the >10mm Fraction. Weight of asbestos based on assessment of ACM form. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.00001 g dry wt	1-2
Asbestos in ACM as % of Total Sample*	Calculated from weight of asbestos in ACM and sample dry weight. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.001 % w/w	1-2
Weight of Asbestos as Fibrous Asbestos (Friable)	Measurement on analytical balance, from the >10mm Fraction. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.00001 g dry wt	1-2
Asbestos as Fibrous Asbestos as % of Total Sample*	Calculated from weight of fibrous asbestos and sample dry weight. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.001 % w/w	1-2
Weight of Asbestos as Asbestos Fines (Friable)*	Measurement on analytical balance, from the <10mm Fractions. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.00001 g dry wt	1-2
Asbestos as Asbestos Fines as % of Total Sample*	Calculated from weight of asbestos fines and sample dry weight. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.001 % w/w	1-2
Combined Fibrous Asbestos + Asbestos Fines as % of Total Sample*	Calculated from weight of fibrous asbestos plus asbestos fines and sample dry weight. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.001 % w/w	1-2

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed on 21-Feb-2024. For completion dates of individual analyses please contact the laboratory.

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Rhodri Williams BSc (Hons)
Technical Manager - Asbestos

Lab No: 3469455-A2Pv1

Hill Labs

Page 2 of 2

Certificate of Analysis

Page 1 of 2

Client:	Environmental Consultants Otago Limited	Lab No:	3480602	A2Pv1
Contact:	Ciaran Keogh C/- Environmental Consultants Otago Limited PO Box 5522 Dunedin 9058	Date Received:	28-Feb-2024	
		Date Reported:	04-Mar-2024	
		Quote No:	88979	
		Order No:		
		Client Reference:	60 Bell	
		Submitted By:	Bernice Chapman	

Sample Type: Soil		
Sample Name:	BP1 ASB 27-Feb-2024 1:00 pm	
Lab Number:	3480602.1	
Asbestos Presence / Absence	Asbestos NOT detected.	
Description of Asbestos Form	-	
Asbestos in ACM as % of Total Sample*	% w/w	< 0.001
Combined Fibrous Asbestos + Asbestos Fines as % of Total Sample*	% w/w	< 0.001
Asbestos as Fibrous Asbestos as % of Total Sample*	% w/w	< 0.001
Asbestos as Asbestos Fines as % of Total Sample*	% w/w	< 0.001
As Received Weight	g	551.7
Dry Weight	g	493.1
Moisture*	%	11
Sample Fraction >10mm	g dry wt	22.4
Sample Fraction <10mm to >2mm	g dry wt	69.1
Sample Fraction <2mm	g dry wt	400.3
<2mm Subsample Weight	g dry wt	55.0
Weight of Asbestos in ACM (Non-Friable)	g dry wt	< 0.00001
Weight of Asbestos as Fibrous Asbestos (Friable)	g dry wt	< 0.00001
Weight of Asbestos as Asbestos Fines (Friable)*	g dry wt	< 0.00001

Glossary of Terms

- Loose fibres (Minor) - One or two fibres/fibre bundles identified during analysis by stereo microscope/PLM.
 - Loose fibres (Major) - Three or more fibres/fibre bundles identified during analysis by stereo microscope/PLM.
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- For further details, please contact the Asbestos Team.

Please refer to the **BRANZ New Zealand Guidelines for Assessing and Managing Asbestos in Soil**.
<https://www.branz.co.nz/asbestos>

The following assumptions have been made:

1. Asbestos Fines in the <2mm fraction, after homogenisation, is evenly distributed throughout the fraction
2. The weight of asbestos in the sample is unaffected by the ashing process.

Results are representative of the sample provided to Hill Laboratories only.



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Summary of Methods

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Sample Type: Soil			
Test	Method Description	Default Detection Limit	Sample No
New Zealand Guidelines Semi Quantitative Asbestos in Soil			
As Received Weight	Measurement on analytical balance. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch.	0.1 g	1
Dry Weight	Sample dried at 100 to 105°C, measurement on balance. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch.	0.1 g	1
Moisture*	Sample dried at 100 to 105°C. Calculation = (As received weight - Dry weight) / as received weight x 100.	1 %	1
Sample Fraction >10mm	Sample dried at 100 to 105°C, 10mm sieve, measurement on analytical balance. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch.	0.1 g dry wt	1
Sample Fraction <10mm to >2mm	Sample dried at 100 to 105°C, 10mm and 2mm sieve, measurement on analytical balance. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch.	0.1 g dry wt	1
Sample Fraction <2mm	Sample dried at 100 to 105°C, 2mm sieve, measurement on analytical balance. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch.	0.1 g dry wt	1
Asbestos Presence / Absence	Examination using Low Powered Stereomicroscopy followed by 'Polarised Light Microscopy' including 'Dispersion Staining Techniques'. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch. AS 4964 (2004) - Method for the Qualitative Identification of Asbestos in Bulk Samples.	0.01%	1
Description of Asbestos Form	Description of asbestos form and/or shape if present.	-	1
Weight of Asbestos in ACM (Non-Friable)	Measurement on analytical balance, from the >10mm Fraction. Weight of asbestos based on assessment of ACM form. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.00001 g dry wt	1
Asbestos in ACM as % of Total Sample*	Calculated from weight of asbestos in ACM and sample dry weight. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.001 % w/w	1
Weight of Asbestos as Fibrous Asbestos (Friable)	Measurement on analytical balance, from the >10mm Fraction. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.00001 g dry wt	1
Asbestos as Fibrous Asbestos as % of Total Sample*	Calculated from weight of fibrous asbestos and sample dry weight. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.001 % w/w	1
Weight of Asbestos as Asbestos Fines (Friable)*	Measurement on analytical balance, from the <10mm Fractions. Analysed at Hill Laboratories - Asbestos; Unit 1, 17 Print Place, Middleton, Christchurch. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.00001 g dry wt	1
Asbestos as Asbestos Fines as % of Total Sample*	Calculated from weight of asbestos fines and sample dry weight. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.001 % w/w	1
Combined Fibrous Asbestos + Asbestos Fines as % of Total Sample*	Calculated from weight of fibrous asbestos plus asbestos fines and sample dry weight. New Zealand Guidelines for Assessing and Managing Asbestos in Soil, November 2017.	0.001 % w/w	1

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed on 02-Mar-2024. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

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Rhodri Williams BSc (Hons)
Technical Manager - Asbestos

Lab No: 3480602-A2Pv1

Hill Labs

Page 2 of 2

**Customer Transactions by Name
for period 13 Mar 24 to 13 Mar 24
for Selected Customers
Commercial Transactions Only**

Docket	Date Time In	Vehicle Id	Product	Net Weight	1st Weight	2nd Weight	References
Outram Garage Ltd							
B123782	13/03/2024 13:22	APA868	OUTRAM LCNC - Light Contamination- Not Cover	9.980 T	20.980 T	11.000 T	Comments : 60 Bell Street Order No : Burn Pile 2
B123792	13/03/2024 14:50	LZQ849	A-Asbestos Materials	1.560 T	4.540 T	2.980 T	Comments : 60 Bell Street Order No : Burn Pile 1
			Outram Garage Ltd	11.540 T			
			Grand Total:	11.540 T			



Memorandum

TO: Resource Consents
• John Sule
• Campbell Thomson

FROM: Paul Freeland (Principal Policy Advisor)

DATE: 13 March 2023

SUBJECT: **SUB 2023-377 & LUC 2023-376** – 60 Bell Street, Outram - 2 Lot Rural Subdivision

THE APPLICATION

Subdivision consent is sought to subdivide the existing 0.8997ha site into two sites: Lot 1 with an area of approximately 0.4ha to be used for a veterinary services, and Lot 2 with an area of approximately 0.5ha to be used for residential purposes (existing dwelling and garage). The site is zoned Taieri Plains Rural in the 2GP.

Land use consent is sought to establish the proposed veterinary services on Lot1.

NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022

The entire site is identified as being Land Use Capability Class 1 as mapped by the New Zealand Land Resource Inventory and is therefore subject to the National Policy Statement for Highly Productive Land 2022.

The National Policy Statement for Highly Productive Land: Guide to Implementation December 2022 (p.11-12), states that

"The extent to which the NPS-HPL will be relevant to a subdivision and land-use consent applications will largely depend on:

- The activity status of the resource consent...*
- The nature of the application and whether it is consistent with or contrary to the NPS-HPL objective and the relevant provisions."*

With regard to non-complying activities: "all relevant matters can be considered when determining discretionary and non-complying activities under section 104B. Therefore, consent authorities *must have regard to any relevant provisions of the NPS-HPL* when considering whether to grant or refuse [an]... application.

Clause 3.8 of the NPS-HPL states that:

3.8 Avoiding subdivision of highly productive land

- (1) Territorial authorities must avoid the subdivision of highly productive land if the following applies to the subdivision, and the measures in subclause (2) are taken:
 - (a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term;
 - (b) the subdivision is on specified Māori land;
 - (c) the subdivision is for specified infrastructure, or for defence facilities for the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.
- (2) Territorial authorities must take measures to ensure that any subdivision of highly productive land:
 - (a) avoids if possible, or otherwise mitigates, any potential cumulative effects on the availability and productive capacity of highly productive land in the area;
 - (b) avoids if possible, or otherwise mitigates, any actual or potential risks to, or sensitivity effects on surrounding land-based primary production or other land-based activities.
- (3) In subclause (1), **subdivision** includes partitioning orders made under the Te Māori Act 1993.

National Policy Statement for Highly Productive Land

I consider that it will be extremely difficult for the applicant to demonstrate that the proposed lots will retain the overall productive capacity of the subject land over the long term.

The proposal is not for one of the activities set out in Clauses 3.8.1(b) or (c).

Clause 3.9 of the NPS-HPL states:

3.9 Protecting highly productive land from inappropriate development

- (1) Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.
- (2) A use or development of highly productive land is inappropriate except if one of the following applies to the use or development, and the measures in section 3(3) are applied:
 - (a) it provides for supporting activities on the land;
 - (b) it addresses a high risk to public health and safety;
 - (c) it is, or is for a purpose associated with, a matter of national importance under section 6 of the Act;
 - (d) it is on specified Māori land;
 - (e) it is for the purpose of protecting, maintaining, restoring, or enhancing biodiversity;
 - (f) it provides for the retirement of land from land-based primary production for the purpose of improving water quality;
 - (g) it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land;
 - (h) it is for an activity by a requiring authority in relation to a design requirement under the Act;
 - (i) it provides for public access;
 - (j) it is associated with one of the following, and there is a functional need for the use or development to be on the highly productive land:
 - (i) the maintenance, operation, upgrade, or expansion of specified infrastructure;
 - (ii) the maintenance, operation, upgrade, or expansion of defence land operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990;
 - (iii) mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand;
 - (iv) aggregate extraction that provides significant national or regional benefit that could not otherwise be achieved using resources within New Zealand.
- (3) Territorial authorities must take measures to ensure that any use or development of highly productive land:
 - (a) minimises or mitigates any actual loss or potential cumulative loss of availability and productive capacity of highly productive land in the area;
 - (b) avoids if possible, or otherwise mitigates, any actual or potential adverse sensitivity effects on land-based primary production activities from the use or development.

It is difficult to identify an exception in Clause 3.9(2) which is relevant to the application.

Clause 3.10 of the NPS-HPL provides for exemptions for highly productive land subject to permanent or long-term constraints. There are no obvious permanent or long-term constraints on the land that mean the use of highly productive land for land-based primary production is not able to be economically viable for at least 30 years.

Summary

Overall, I consider that:

- the NPS-HPL is applicable to the proposed application;
- I do not agree with the applicants' assertion (para. 14) that the NPS-HPL is not applicable to the site as the 2GP contains a consenting pathway for the proposed activity; and
- the proposal is contrary to the NPS-HPL, and it will be very difficult to justify subdivision and loss of highly productive land in this location.

Paul Freeland

Principal Policy Advisor (City Development)

Resource Consent Affected Person(s) Written Approval Form

Important: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): David Cismeciak & Katrina Jean Gale

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

of the property situated at (address and/or legal description of your property): 63 Bell St, Outram, Otago 909

have read and understand the information on the reverse side of this page and give written approval to the proposal by (name of applicant(s)): Dean Wainock & Outha Vets

to (description of proposed activity):

Subdivision of the site into two allotments and establishment of a vet practice on the vacant lot.

on the following property (address of application site): 60 Bell Street, Outram

☒ I/we have read and understand the application as described above and have signed and dated the application and plans as attached.

If there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or tick the declaration box below:

☒ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Signed:

[Signature] [Signature]
A signature is not required if you give your written approval by electronic means

Date:

20/3/24

Telephone:

0274989205

Contact person (name, and designation if applicable): David Gale

Postal address: 63 Bell St, Outram

Email address:

Telephone:

Method of service: ☒ Email ☐ Post ☐ Other

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Resource Consents Team, City Planning Department, Dunedin City Council, Telephone: 03 477 4000
Facsimile: 474 3451, PO Box 5045, Moray Place, Dunedin 9058, www.dunedin.govt.nz



Written Approval of Affected Person(s) in Relation to an Application for Resource Consent under the Resource Management Act 1991

Introduction

Any proposal to do something that is not a Permitted Activity in the Dunedin City District Plan requires a Resource Consent.

If you have been asked to sign this form, it will be because your neighbour proposes to do something that is not a Permitted Activity, and therefore their proposal requires a Resource Consent. This is not a bad thing in itself, but the Resource Consent process provides the opportunity to determine whether the proposal can be granted consent in terms of the Resource Management Act 1991.

Why is your written approval required?

If an application for a Resource Consent is to be processed as a non-notified application, the Resource Management Act 1991 requires that:

- The activity have or be likely to have adverse effects on the environment that are no more than minor; and
- Written approval be obtained from all affected persons, in relation to an activity, if the activity's adverse effects on the parties are minor or more than minor (but are not less than minor).

If you have been asked to give your written approval it is because you may be adversely affected by the proposed activity. However, just because your written approval is being sought does not mean that you are definitely adversely affected. The affected persons written approval process is designed to give you the opportunity to consider the particular proposal and decide for yourself whether you are adversely affected and/or the degree to which you may be adversely affected.

What should you do?

If you are asked to give your written approval to someone's proposal as part of their application for a Resource Consent, you should do the following:

1. Request that your neighbour (or their representative) explain the proposal clearly and fully to you.
2. Study the application and associated plans for the proposed activity provided by them in order to understand the effects of the proposal. If there are no plans available at this stage, you are quite entitled to wait until they are available.
3. Decide whether the proposal will adversely affect you or your property and, if so, to what extent. You can take your time over this decision and you are quite entitled to ask the applicant for more information. You may suggest amendments to the proposal that you consider improve aspects of the proposal in terms of its adverse effects on you.
4. If you are satisfied that the proposed activity will not adversely affect you, complete and sign the affected person's written approval form on the reverse side of this page and sign a copy of the associated plans. If you wish to give written approval to the proposed activity subject to conditions, these should be discussed with your neighbour (or their representative) directly and a satisfactory conclusion reached before your written

approval is given. This may require your neighbour amending the application or plans, or entering into a private (side) agreement with you. The Council will not enter into any negotiations on the subject.

5. Return all documentation to your neighbour (or their representative).

Please note that:

- You do not have to give written approval if you are unhappy with what is being proposed;
- The Council will not get involved in any negotiations between you and the applicant;
- The Council will not accept conditional written approvals;
- Side agreements do not bind the Council in any way.

Important information

Please note that even though you may sign the affected person(s) written approval form, the Council must still give full consideration to the application in terms of the Resource Management Act 1991. However, **if you give your approval to the application, the Council cannot have regard to any actual or potential effects that the proposal may have on you.** If Resource Consent is granted by the Council there is no way for either you or the Council to retract the Resource Consent later. You are therefore encouraged to weigh up all the effects of the proposed activity before giving written approval to it.

If you do not give your approval, and you are considered to be an adversely affected party, then the application must be treated as a limited notified or publicly notified application, as a result of which you will have a formal right of objection by way of submission.

If the proposal requires resource consent and you change your mind after giving your written approval to the proposed activity, your written approval may only be withdrawn and the effects on you considered for the notification decision if a final decision on affected parties has not already been made by the Council. Accordingly, you need to contact the Council immediately if you do wish to withdraw your written approval.

If the Council determines that the activity is a deemed permitted boundary activity under section 228A of the Resource Management Act 1991, your written approval cannot be withdrawn if this process is followed instead.

For further information

Read the Council's "Written Approvals of Affected Persons - What Are They?" pamphlet.

Refer to the Ministry for the Environment's publication "Your Rights as an Affected Person" available on www.mfe.govt.nz.

Privacy: Please note that written approvals form part of the application for resource consent and are public documents. Your name, and any other details you provide, are public documents and will be made available upon request from the media and the public. Your written approval will only be used for the purpose of this resource consent application.

Sweep Consultancy Limited
P.O. Box 5724, Dunedin 9054
email: emma@sweepconsultancy.co.nz
mobile: 0274 822 214
www.sweepconsultancy.co.nz

13 February 2024

Dear Sir / Madam,

We have been engaged by Dean & Carryn Warnock and Clutha Vets to prepare and lodge with Dunedin City Council an application for resource consent for:

- subdivision of a property legally described as Lot 3 DP 362560 contained in record of title 255260 located at 60 Bell Street, Outram (**site**);
- land use for a vet practice.

The site contains approximately 8,997m² and is zoned *Taieri Plain Rural*. There are a number of other mapped areas and overlays relating to the site being: *Groundwater Protection Mapped Area, High Class Soils Mapped Area, Hazard 2 (flood) Overlay Zone and Swale Mapped Area*.

Dean & Carryn and Clutha Vets seek affected parties' consent from you as the owner/occupier of your property, to the proposed subdivision of the site and establishment of vet practice on one of the resultant lots.

We have included the following information:

1. A copy of the application form (please refer to Attachment 1).
2. Copies of the subdivision scheme plan (please refer to Attachment 2a), site layout for the vet practice (please refer to Attachment 2b) and elevations for the vet practice (please refer to Attachment 2c).
3. A preliminary assessment of environmental effects (please refer to Attachment 3). Please let us know if you would like the full assessment of environmental effects emailed to you.

Once you have read this information, if you are satisfied that, in your assessment, there will be no adverse effects to your property, then please complete and sign the affected party's consent form and initial one of the copies of this letter (including all pages and attachments).

The other copy of the affected party's consent form and letter with attachments is for your records. We thank you for your time and please contact Emma Peters of our office if you have any questions.

Regards,



Emma Peters
Consultant
Sweep Consultancy Limited

Initials of Affected Party: 

ATTACHMENT 1: Application Form



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/we: Mr Dean Warnock & Ms Carryn Warnock and Clutha Veterinary Association Incorporated
(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: 60 Bell Street, Outram

Legal description: Lot 3 Deposited Plan 362560

Certificate of Title: 255260

Contact details

Name: Emma Peters, Consultant, Sweep Consultancy Limited ☐ applicant ☒ agent (tick one)

Address: P.O. Box 5724 Dunedin

Postcode: 9054

Phone (daytime): 0274822214 Email: emma@sweepconsultancy.co.nz

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

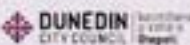
Who is the current owner of the site? Mr Dean Warnock & Ms Carryn Warnock

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

Address:

Postcode:

Phone (daytime): Email:

Page 1 of 7

Initials of Affected Party

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@ddc.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 unused, 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 developmentcontributions@ddc.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

Page 2 of 7

Initials of Affected Party

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)

Page 3 of 7

Initials of Affected Party

District plan zoning

What is the District Plan zoning of the site? Taiari 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

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

Name:

David Gale

Address:

63 Bell St

Name:

Katrina Gale

Address:

63 Bell St

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)

Page 4 of 7

Initials of Affected Party

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 amount if the cost of processing the application exceeds the deposit paid.

Signature of: ☒ Applicant ☐ Agent tick one:

Emma Peters, Consultant, Sweep Consultancy Limited

21/9/2023

Date:

Page 5 of 7

Initials of Affected Party

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 Ombudsman.

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 wahi 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 3845, Dunedin 9054

IN PERSON: Customer Services Centre, Ground Floor, Civic Centre, 30 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, effpos, 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.

Page 6 of 7

Initials of Affected Party.....

OFFICE USE ONLY

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

Application: ☐ Received ☐ Rejected

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

Comments:

If this subdivision does go ahead
we would like to see the road
tidied up for vehicles turning
into the property & going out.
Herb to channelling on both sides
of the road since its going
to be a commercial operation

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

Planning Officer: _____

Date: _____

Page 7 of 7

Initials of Affected Party: _____

[illegible]

Interest of Affected Party

ATTACHMENT 2b: Site Plan for Vet Practice.



Site Plan Overlay



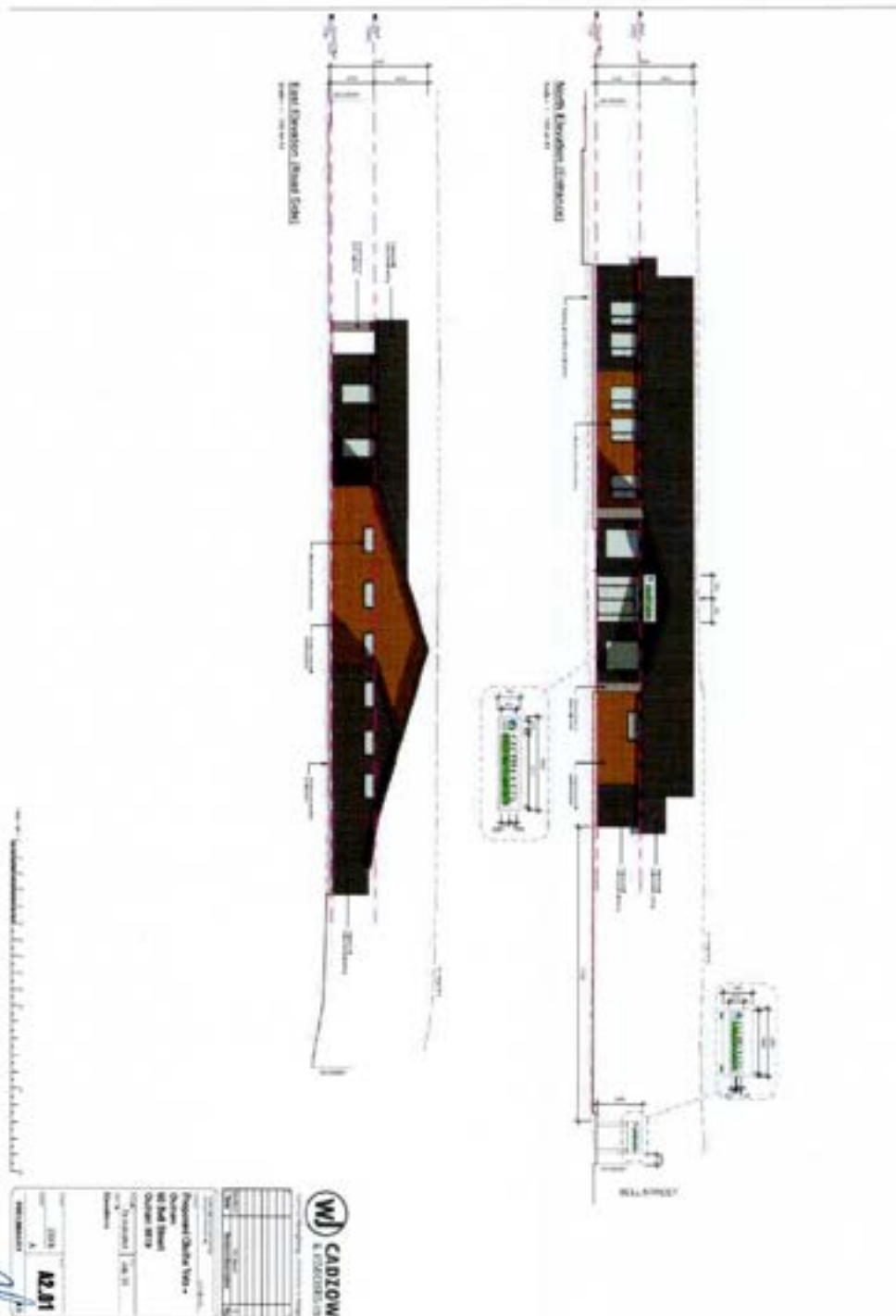
Scale: 1" = 100'

Prepared For: City of St. Louis Project: St. Louis Vet Practice Date: 10/10/17	
Sheet: 10.03 Total Sheets: 10	Date: 10/10/17 By: WJ CADZOW

includes of Affected PM

[Handwritten signature]

ATTACHMENT 2c: Vet Practice Elevations.



ATTACHMENT 3: Preliminary Assessment of Environmental Effects

Introduction

The subject property is located at 60 Bell Street, Outram, legally described as Lot 3 DP 362560 contained in record of title 255260 (site) and contains approximately 8,997m². The site is zoned *Taieri Plain Rural* pursuant to the Second Generation (Appeals Version) Dunedin City District Plan (2GP). There are a number of mapped areas and overlays relating to the site being: *Groundwater Protection Mapped Area, High Class Soils Mapped Area, Hazard 2 (flood) Overlay Zone and Swale Mapped Area*.

The owners of the site, Dean and Carryn Warnock, have entered into a sale and purchase agreement with Clutha Vets which is subject to resource consent being obtained for the subdivision of the site into two lots and land use consent to establish a vet practice on one of the lots. The subdivision scheme plan is attached at Attachment 2a with the vet practice site lay out attached at Attachment 2b and elevations attached at Attachment 2c.

2GP Rules

Resource consent is primarily required because:

- The allotments resulting from the subdivision will not meet the minimum site size of 40 hectares required by Rule 16.7.4.1.g.
- Veterinary services (large animal practice) have an activity status of restricted discretionary pursuant to Rule 16.3.3.37.
- The earthworks may not meet the relevant earthworks small-scale thresholds set out in Rule 8A.5.1.

Preliminary Assessment of Effects

This preliminary assessment of effects of the proposed subdivision and land use covers:

- Character and amenity of the area.
- Transportation.
- Services.
- Flood hazard overlay and swale mapped area.
- High Class Soils



Character and Amenity of the Area

The site is located adjacent to the township of Outram. Bell Street is a busy arterial route connecting Outram to Allanton and SH1. There is a reserve area on the corner of Huntley Road and Bell Street. Bell Street has a reasonably wide verge of approximately 10m on the left hand side heading to Outram with several homes on residential sized sections directly opposite the site. These existing homes are all set back a minimum of approximately 9m from the road boundary (so at minimum approximately 20m from the road formation).

Views into the site are limited due to the existing site boundary plantings consisting of closely planted poplars of approximately 4m in height.

The proposed subdivision will result in two lots: one containing Dean's and Carryn's existing dwelling and the other will contain the vet practice. The vet practice is to be located in what are currently paddocks and the construction of the vet practice will result in a change in the character and amenity of the area.

However, any adverse effects on the character and amenity of the area will be mitigated by:

- the vet practice building being single story with a height limit of 7m;
- the vet practice building being in the rural vernacular with exterior cladding consisting of timber weatherboards, stone and coloursteel as shown in the elevations attached at Attachment 2c;
- compliance with required boundary setbacks; and
- the landscaping including road boundary treatment.

Transportation

Bell Street is classified as an arterial road in the 2GP roading hierarchy and, therefore, is considered capable of absorbing the traffic associated with the vet practice. Care has been taken in the location of the entry and exit to the vet practice, particularly in relation to the driveways to 55, 59 and 63 Bell Street.

The points of access to Bell Street all have sufficient sight distances for safe operation.



Services

Potable water will be supplied to the vet practice via connection to Outram water supply (the site is within the potable water service boundary for Outram); or, if such connection is not approved by Dunedin City Council, collection of rainwater from non-toxic roof surfaces with the rainwater being stored in tanks. There is a fire hydrant directly outside the site which meets fire fighting requirements. Waste water will be treated and disposed of on site via, at minimum, a secondary treatment system and appropriately located and designed dispersal field.

Like all residences in Outram, resource consent will need to be obtained from Otago Regional Council for the discharge of treated human effluent to ground as the dispersal field will be located within a groundwater protection mapped area.

Flood Hazard Overlay & Swale Mapped Area

The site is located behind the Taieri River flood bank with recent work undertaken to put a weighting blanket in place for the flood bank. The vet practice will not be located in the mapped swale area on the site. Care will be taken to ensure that site layout and development does not cause a downstream stormwater management issue for adjoining landowners.

High Class Soils

The top soils removed for the vet practice will be retained on site.

Conclusion

For the reasons given above any adverse effects resulting from the proposed subdivision and vet practice will be in the range of less than minor to no more than minor.



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

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.

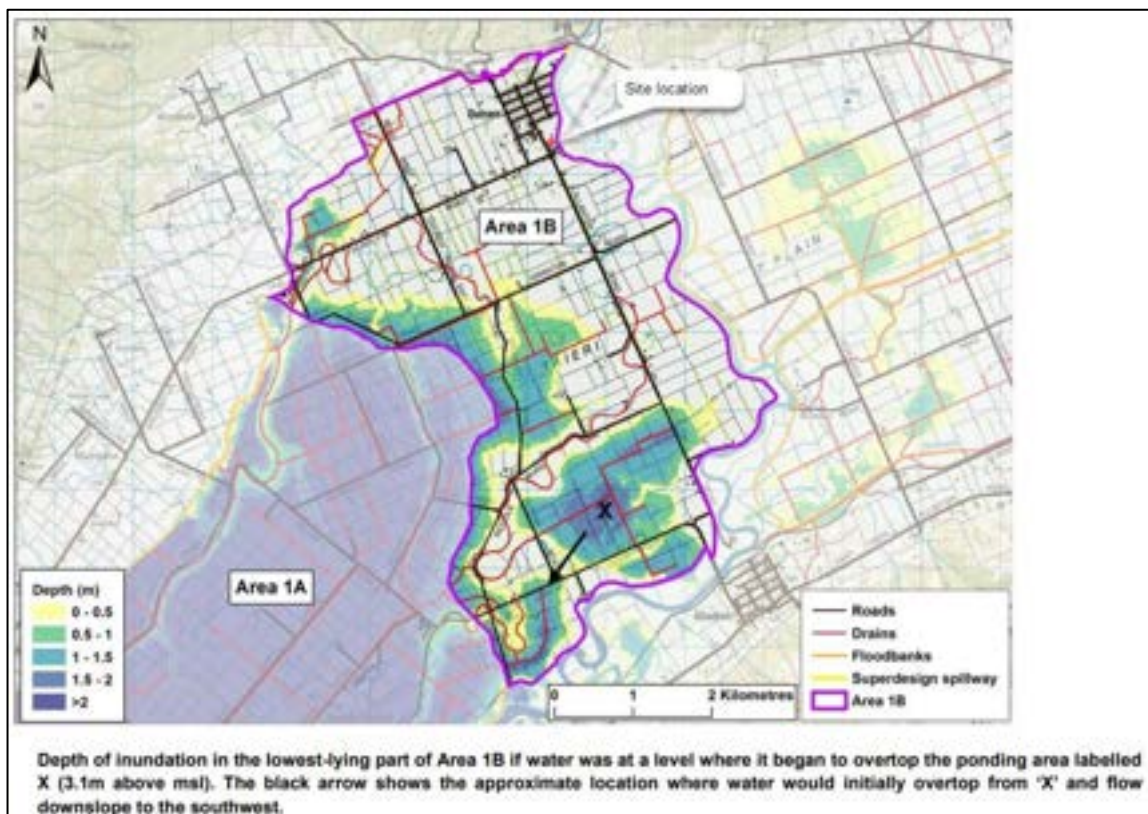


Figure 2: Area 1B Flood Depth Inundations and Site Locality

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.

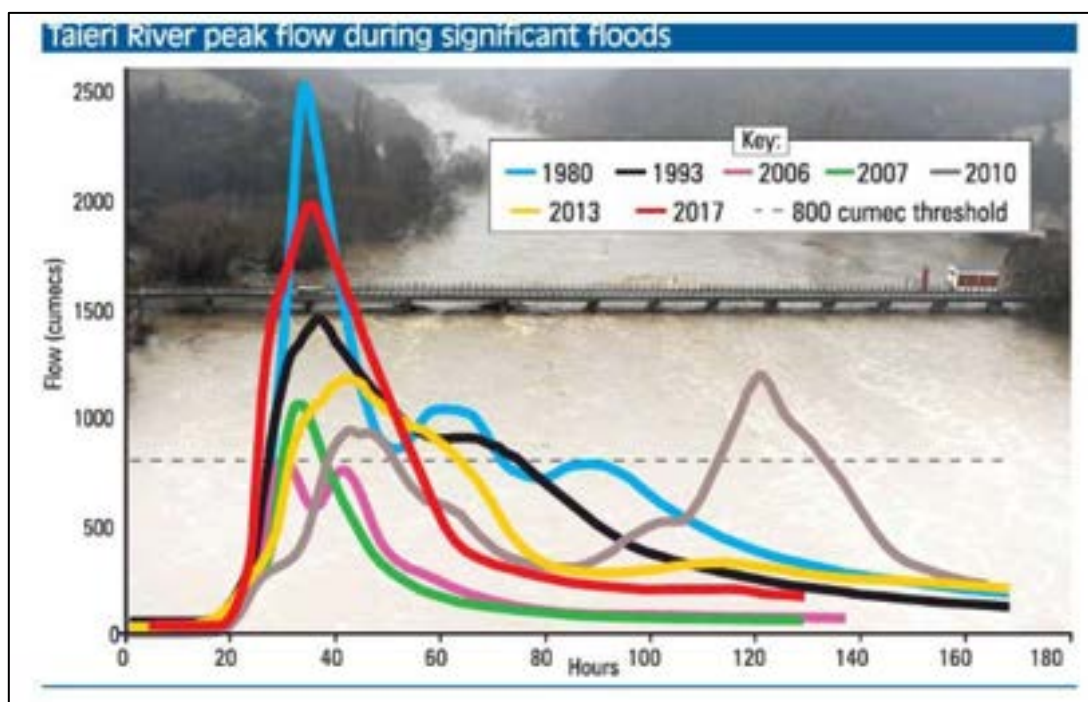


Figure 5: 2017 Flood Flow (Cumecs) In Context with Other Significant Flood Flows

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.

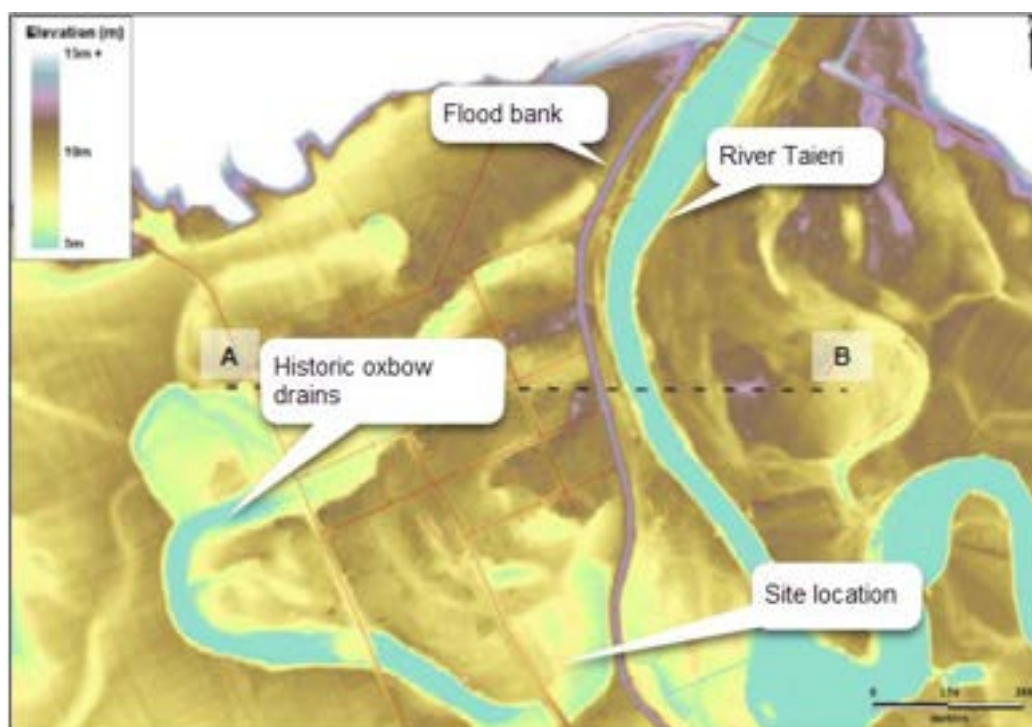


Figure 6: Mapping of the Ground Levels Highlighting the Old Oxbow-Drain (ORC Natural Hazards Report 2014)

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.

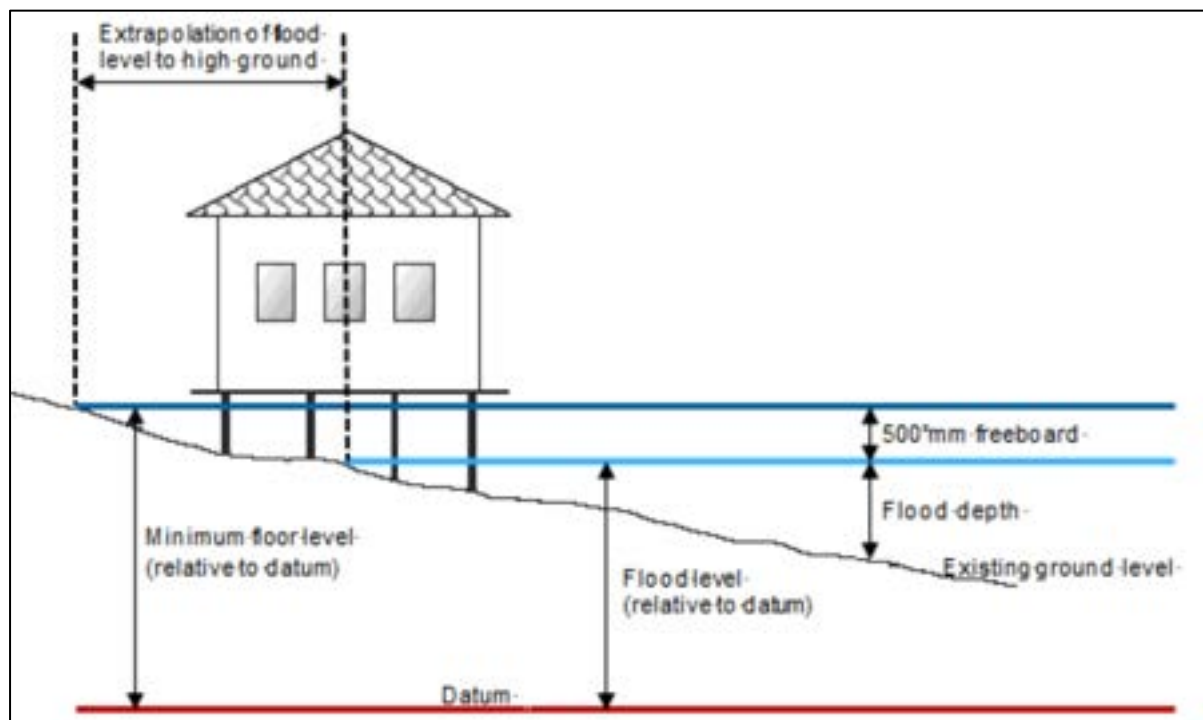


Figure 8: Illustration of Freeboard Levels

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

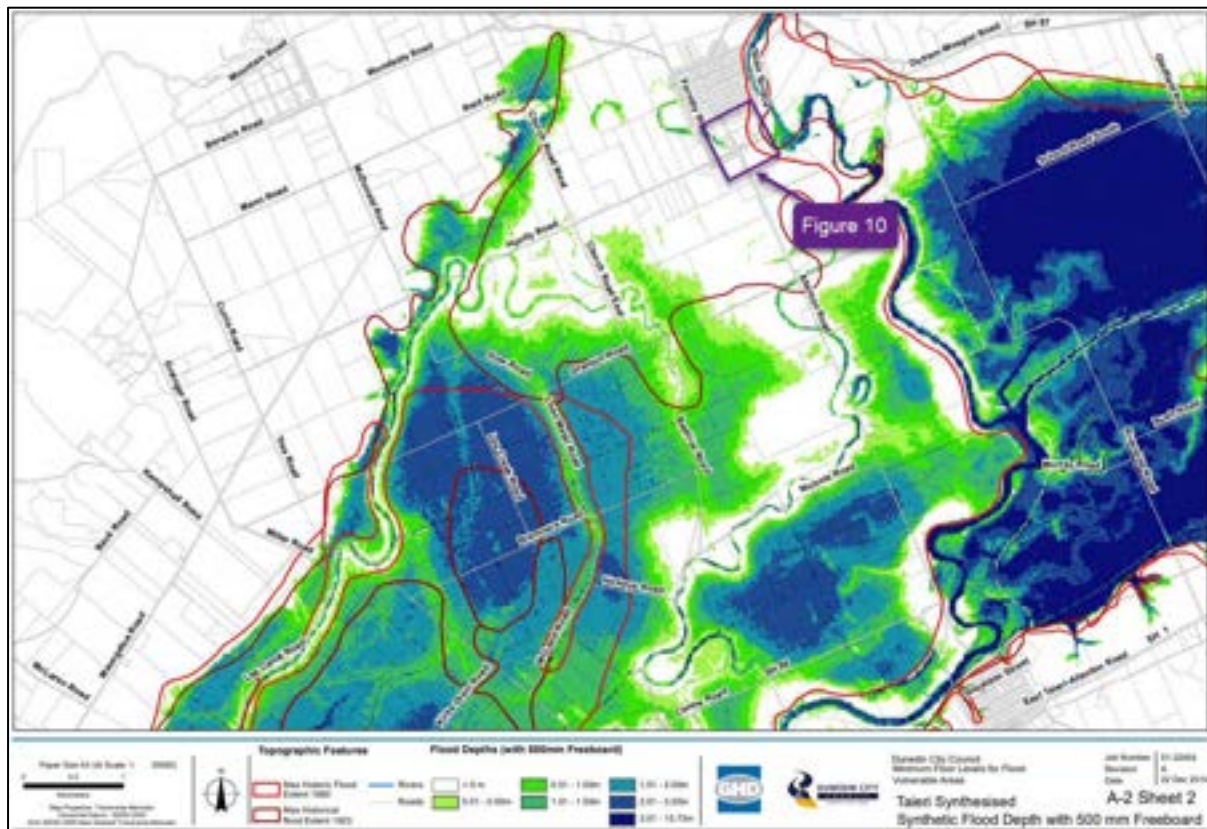


Figure 9: Site and Modelled Flood Depths with 500mm Freeboard

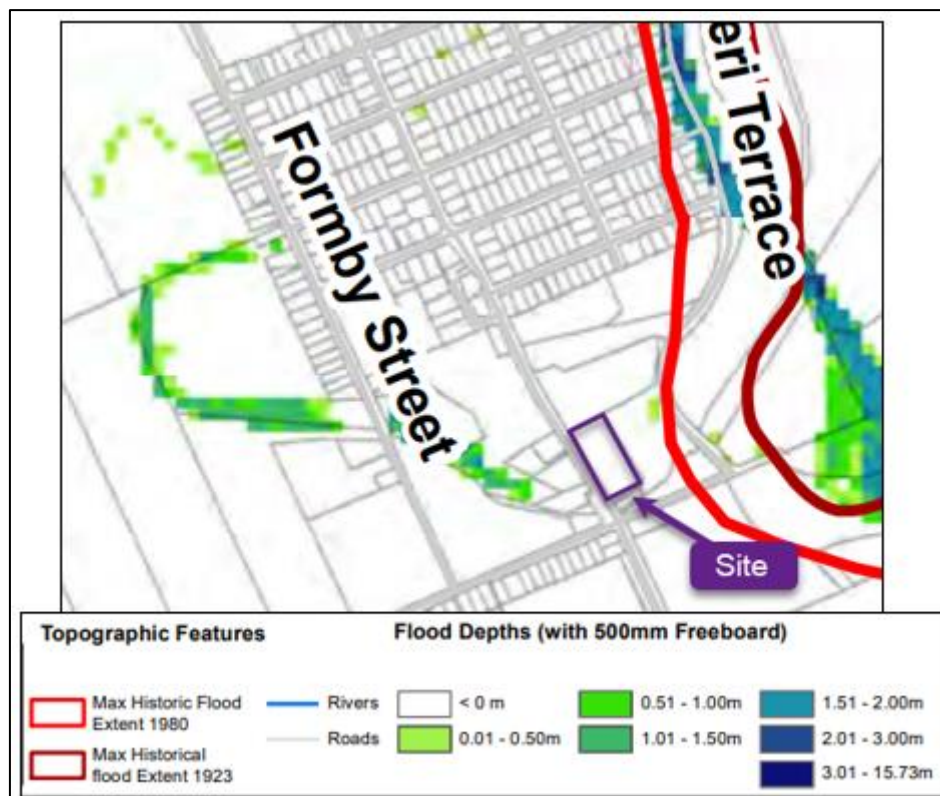


Figure 10: Site and Modelled Flood Depths with 500mm Freeboard

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.

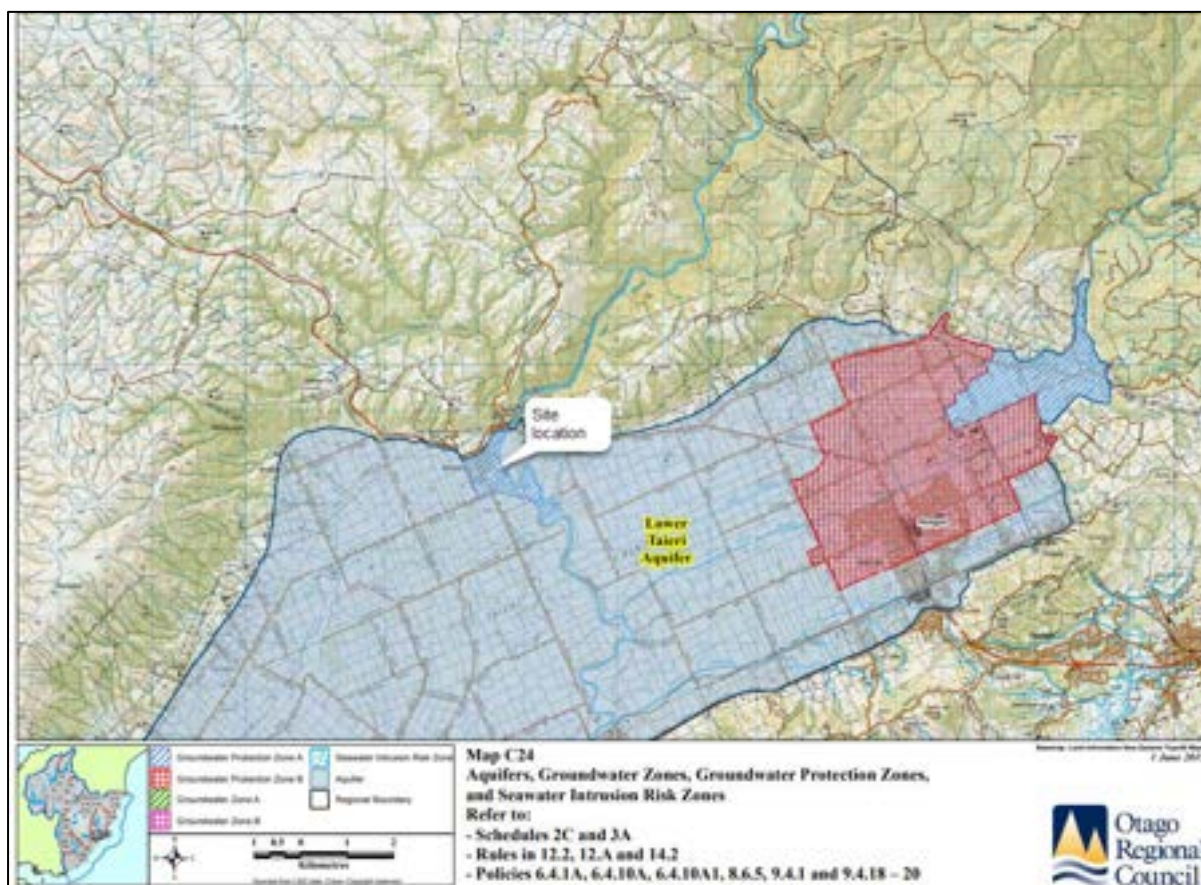


Figure 11: Site Location and Groundwater Protection Zone

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:



Emma Burford
Environmental 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.

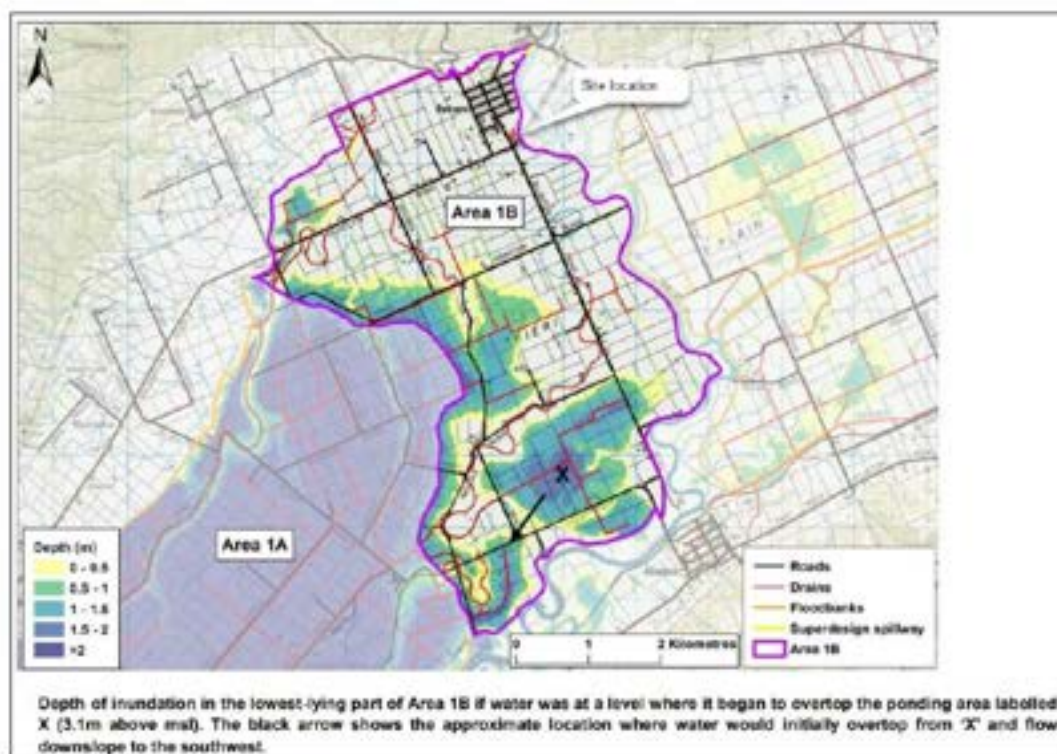


Figure 2: Area 1B Flood Depth Inundations and Site Locality

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.

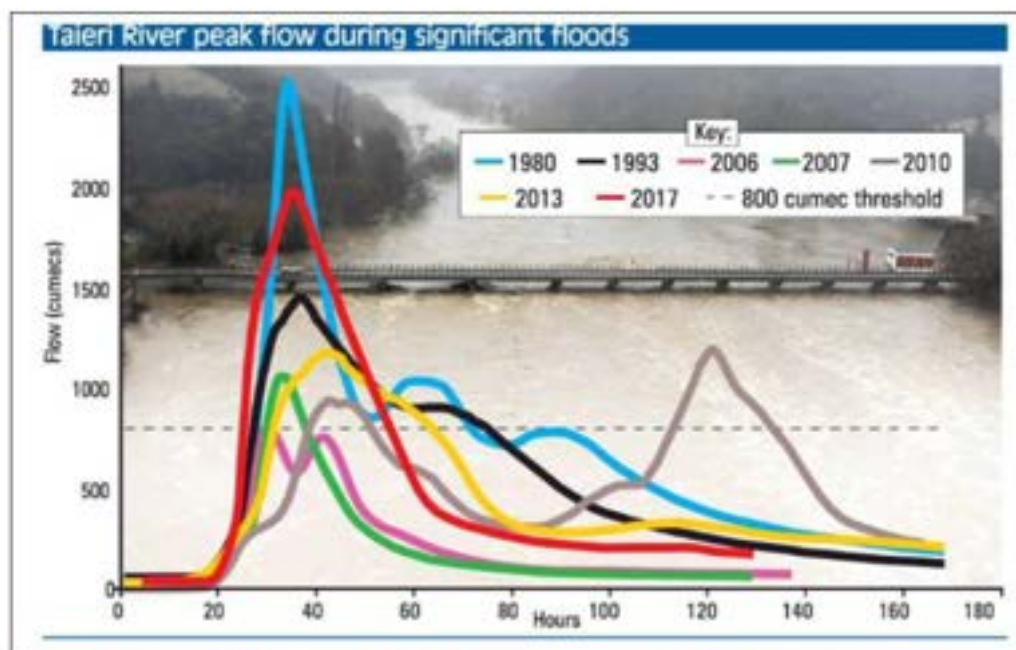


Figure 5: 2017 Flood Flow (Cumecs) In Context with Other Significant Flood Flows

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.

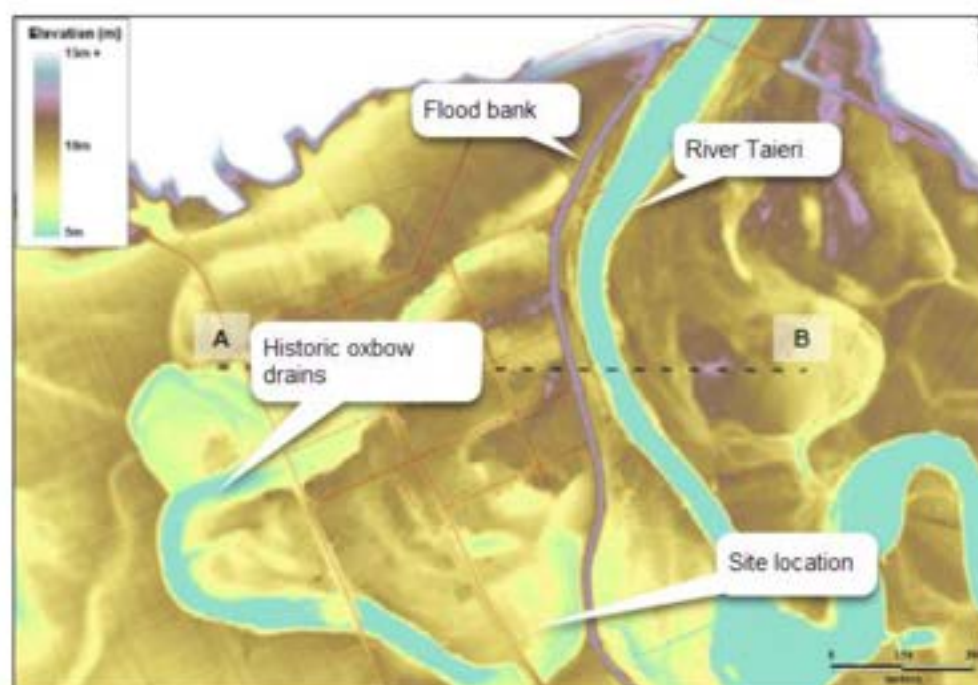


Figure 6: Mapping of the Ground Levels Highlighting the Old Oxbow-Drain (ORC Natural Hazards Report 2014)

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.

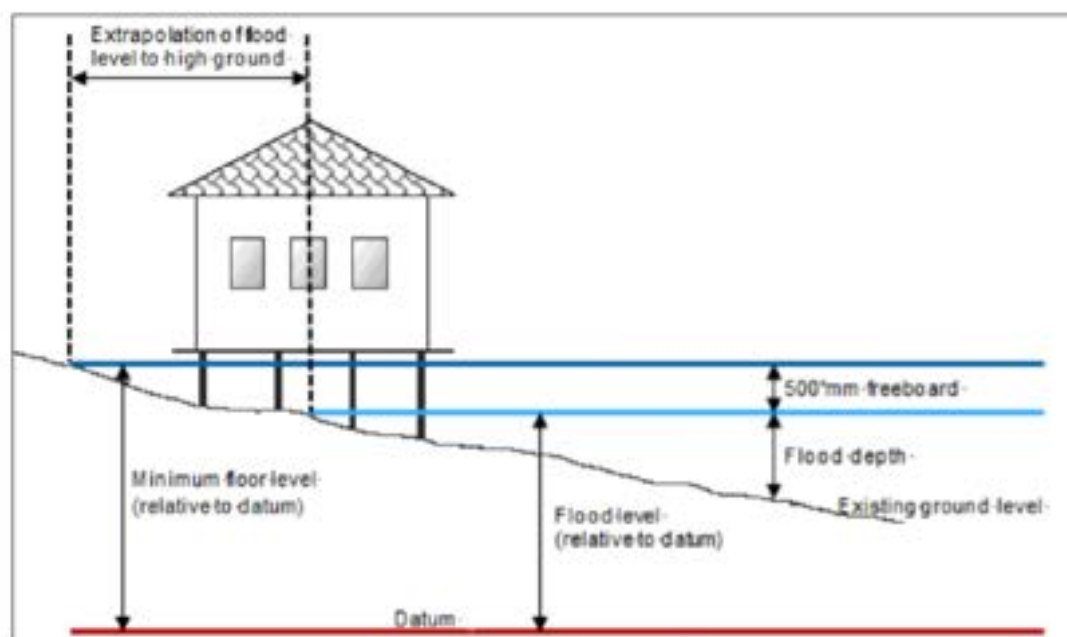


Figure 8: Illustration of Freeboard Levels

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

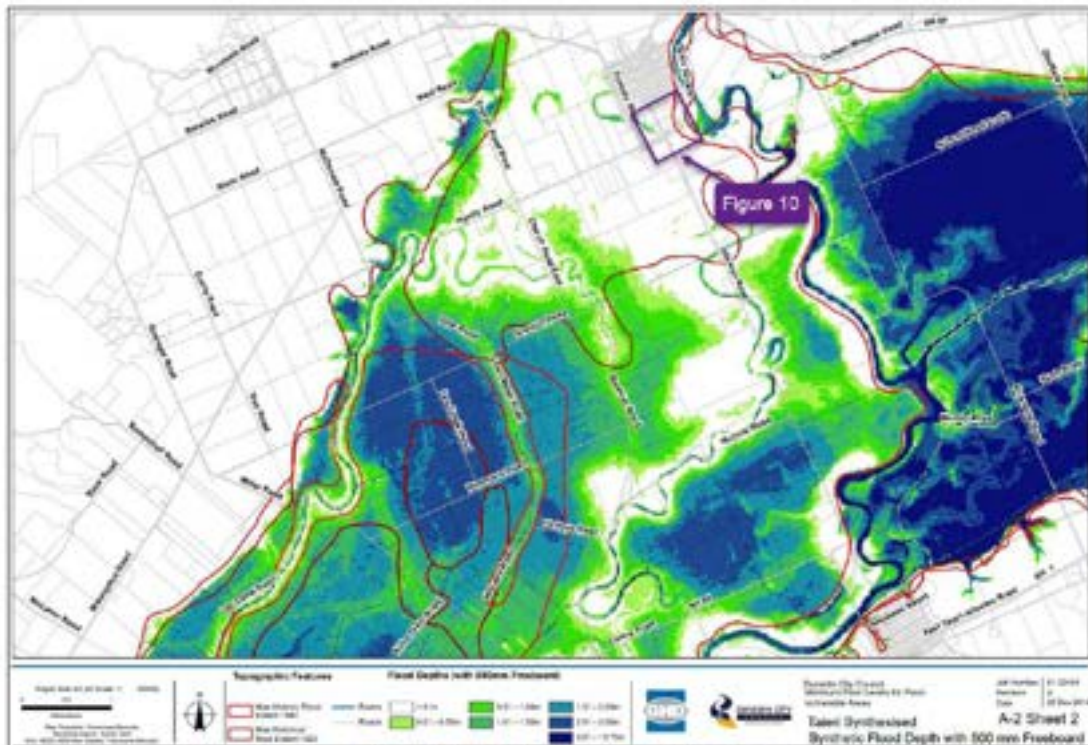


Figure 9: Site and Modelled Flood Depths with 500mm Freeboard



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.

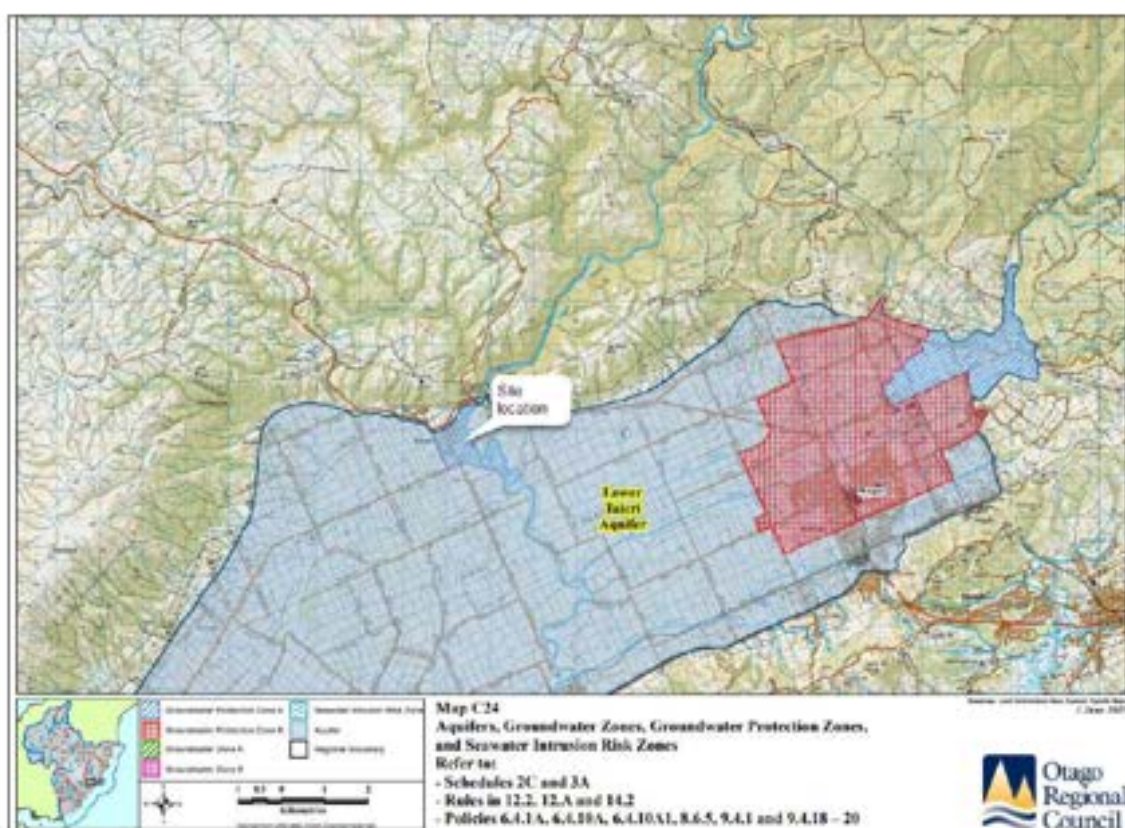


Figure 11: Site Location and Groundwater Protection Zone

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 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

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

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.

Appendix 1a: Affected Party Consent: 54 Bell Street.

Resource Consent Affected Person(s) Written Approval Form

Important: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): Hamish & Rebecca Miller

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

of the property situated at (address and/or legal description of your property):

54 Bell St
Outram

have read and understand the information on the reverse side of this page and give written approval to the

proposal by (name of applicant(s)): Dean Warnock & Clutha Vets

to (description of proposed activity):

Subdivision of the site into two allotments and establishment of a vet practice on the vacant lot.

on the following property (address of application site): 60 Bell Street, Outram

☒ I/we have read and understand the application as described above and have signed and dated the application and plans as attached.

If there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or tick the declaration box below:

☒ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.
If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Signed:

[Signature] RM Miller

A signature is not required if you give your written approval by electronic means

Date: 19/2/2024 Telephone: 021 706 503

Contact person (name, and designation if applicable): Hamish Miller

Postal address: 54 Bell St

Email address: hamba2002@gmail.com Telephone: 021 706 503

Method of service: ☒ Email ☐ Post ☐ Other

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Resource Consents Team, City Planning Department, Dunedin City Council, Telephone: 03 477 4000
Facsimile: 474 3451, PO Box 5045, Moray Place, Dunedin 9058, www.dunedin.govt.nz



Written Approval of Affected Person(s) in Relation to an Application for Resource Consent under the Resource Management Act 1991

Introduction

Any proposal to do something that is not a Permitted Activity in the Dunedin City District Plan requires a Resource Consent.

If you have been asked to sign this form, it will be because your neighbour proposes to do something that is not a Permitted Activity, and therefore their proposal requires a Resource Consent. This is not a bad thing in itself, but the Resource Consent process provides the opportunity to determine whether the proposal can be granted consent in terms of the Resource Management Act 1991.

Why is your written approval required?

If an application for a Resource Consent is to be processed as a non-notified application, the Resource Management Act 1991 requires that:

- The activity have or be likely to have adverse effects on the environment that are no more than minor; and
- Written approval be obtained from all affected persons, in relation to an activity, if the activity's adverse effects on the parties are minor or more than minor (but are not less than minor).

If you have been asked to give your written approval it is because you may be adversely affected by the proposed activity. However, just because your written approval is being sought does not mean that you are definitely adversely affected. The affected persons written approval process is designed to give you the opportunity to consider the particular proposal and decide for yourself whether you are adversely affected and/or the degrees to which you may be adversely affected.

What should you do?

If you are asked to give your written approval to someone's proposal as part of their application for a Resource Consent, you should do the following:

1. Request that your neighbour (or their representative) explain the proposal clearly and fully to you.
2. Study the application and associated plans for the proposed activity provided by them in order to understand the effects of the proposal. If there are no plans available at this stage, you are quite entitled to wait until they are available.
3. Decide whether the proposal will adversely affect you or your property and, if so, to what extent. You can take your time over this decision and you are quite entitled to ask the applicant for more information. You may suggest amendments to the proposal that you consider improve aspects of the proposal in terms of its adverse effects on you.
4. If you are satisfied that the proposed activity will not adversely affect you, complete and sign the affected person/s written approval form on the reverse side of this page and sign a copy of the associated plans. If you wish to give written approval to the proposed activity subject to conditions, these should be discussed with your neighbour (or their representative) directly and a satisfactory conclusion reached before your written

approval is given. This may require your neighbour amending the application or plans, or entering into a private (side) agreement with you. The Council will not enter into any negotiations on the subject.

5. Return all documentation to your neighbour (or their representative).

Please note that:

- You do not have to give written approval if you are unhappy with what is being proposed;
- The Council will not get involved in any negotiations between you and the applicant;
- The Council will not accept conditional written approvals;
- Side agreements do not bind the Council in any way.

Important information

Please note that even though you may sign the affected person(s) written approval form, the Council must still give full consideration to the application in terms of the Resource Management Act 1991. However, if you give your approval to the application, the Council cannot have regard to any actual or potential effects that the proposal may have on you. If Resource Consent is granted by the Council there is no way for either you or the Council to retract the Resource Consent later. You are therefore encouraged to weigh up all the effects of the proposed activity before giving written approval to it.

If you do not give your approval, and you are considered to be an adversely affected party, then the application must be treated as a limited notified or publicly notified application, as a result of which you will have a formal right of objection by way of submission.

If the proposal requires resource consent and you change your mind after giving your written approval to the proposed activity, your written approval may only be withdrawn and the effects on you considered for the notification decision if a final decision on affected parties has not already been made by the Council. Accordingly, you need to contact the Council immediately if you do wish to withdraw your written approval.

If the Council determines that the activity is a deemed permitted boundary activity under section 87BA of the Resource Management Act 1991, your written approval cannot be withdrawn if this process is followed instead.

For further information

Read the Council's "Written Approvals of Affected Persons - What Are They?" pamphlet.

Refer to the Ministry for the Environment's publication "Your Rights as an Affected Person" available on www.mfe.govt.nz.

Privacy: Please note that written approvals form part of the application for resource consent and are public documents. Your name, and any other details you provide, are public documents and will be made available upon request from the media and the public. Your written approval will only be used for the purpose of this resource consent application.