

APPENDIX 3:

COUNCIL OFFICER EVIDENCE

Natural Hazards

From: MWH Hazards Team <MWHHazardsTeam@stantec.com>

Sent: Friday, 3 November 2023 2:44 p.m.

To: Laura Mulder <Laura.Mulder@dcc.govt.nz>; MWH Hazards Team <MWHHazardsTeam@stantec.com>

Subject: RE: SUB-2023-132 & LUC-2023-377 & LUC-2023-376 - Memo request for HAIL comment - 60 Bell Street

Hello Laura,

We have assessed the application in relation to the hazard register, street files and available aerial photography. We have not visited the site.

We have the following comments to make regarding the application.

Proposal

The proposed activity is to subdivide the above lot into two.

Site investigation reports have not been provided.

Plans for the proposal are provided within the application.

Hazards

From the Hazard Register, street files, and previously sent emails ; for both this title and nearby properties

- Hazard ID 10111: Seismic – Intensified Shaking (Earthquake likely amplification)
- Hazard ID 11407: Seismic – Liquefaction Domain C
- Hazard ID 11582: Flood – Overland Flow Path (Area 1B)

Global Setting

The underlying geology consists of alluvial material and is relatively flat within the 1B Taieri Plains flood area.

Discussion

The proposal is to subdivide the lot and establish a veterinary practice on the newly created lot. The site has hazards associated with flood risk and liquefaction. The site is classified as a liquefaction “domain C” site. The ground is predominantly underlain by poorly consolidated marine or estuarine sediments with a shallow groundwater table. There is considered to be a moderate to high likelihood of liquefaction-susceptible materials being present in some parts of the areas classified as Domain C. Building control will require liquefaction assessments be undertaken to support any proposed new structure.

We recommend that the application not be declined on the ground of known natural hazards.

The proposal will not create or exacerbate instabilities on this or adjacent properties.

Advice

The site lies in an area where underlying soils have been identified as having potential for amplified movement and liquefaction during a significant seismic event. Any further structures on either site may be subject to liquefaction related limitations.

- The cases for seismic loading are normally addressed at building control stage.
- The Dunedin City Council Building Control Authority will ask for verification that the site is ‘good ground’ in accordance with NZS3604, Section 3.1.
- Further to this, we recommend that specific engineering design be required to address recognized potential liquefaction hazards.

- Specific Engineering Design, or exclusion of liquefaction risk may require investigative drilling/CPT to significant depths to quantify the potential for liquefaction for each structure.

A minimum floor should be set to ensure that any development meets Building Act requirements to avoid potential inundation (including flooding, overland flow, storm surge, tidal effects, and ponding) on the land on which the building work is to be carried out or adjacent landowners property. This proposed level is provided to address the potential for egress of water from the property via secondary flow paths, to ensure that construction is not proposed in low-lying areas, and that the path of storm water is not displaced from ephemeral flow paths into neighbouring properties. Normal building requirements exist to ensure that overland stormwater flows are not interrupted and the dwelling should be situated to avoid any adverse effects from local ponding during storm rainfall events. Minimum floor levels will be required by DCC building control as part of the building consent process.

Conditions

We recommend that the following generic conditions be required for the site:-

- As-built records of the final extent and thickness of any un-engineered fill should be recorded
- Any future modifications to stormwater flow or new culverts shall be designed by appropriately qualified person/s and ensure that overland stormwater flows are not interrupted and not increase any adverse effects from local ponding during storm rainfall events.
- Slopes may not be filled steeper than 2h:1v (27°) or two metres high without specific engineering design and certification
- Any earth fill over 0.6m thick supporting foundations must be specified and supervised by a suitably qualified person in accordance with NZS 4431:2022 Engineered fill construction for lightweight structures
- Any modification to the site shall not increase any adverse stormwater effects on neighbouring lots as a result of the work

Regards,

Edward Guerreiro

BEng Civil
Civil/Geotechnical Engineer

Mobile: +64 21 866 028

Email: edward.guerreiro@stantec.com

We're moving, from 6 March you will find us at:

Unit D1.03, 19 Grant Road
Frankton, Queenstown



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Infrastructure

Fri 13/10/2023 12:10

Hi John.

Only 2 quick things to mention from 3 Waters for this development.

The first is more an advice note to the applicant. It should be highlighted that while the site is located within the water boundary, it is not zoned for a water connection. Any water application would be at the pure discretion of DCC's 3 Waters for approval. It should be noted that 3 Waters have historically declined the majority of these applications. Thought this was worth mentioning as I can't see any considerations made regarding water supply for this development within the application.

The second is just to require a stormwater management plan to be supplied and approved by 3 Waters as a condition of consent as follows:

Infrastructure Requirements

Stormwater Services

The proposal is for breaches the minimum site size standard, does not plan to discharge to reticulated infrastructure, and is located within a flood zone, therefore a Stormwater Management Plan (SWMP) is required.

A SWMP prepared by a suitably qualified person shall be submitted to Dunedin City Council, containing the following:

- I. Stormwater calculations which state the difference between the pre-development flows and post-development flows and how to manage any difference in flow; and
- II. An assessment of the current and proposed imperviousness of the site; and
- III. Secondary flow paths; and
- IV. Any watercourses located within the property; and
- V. Detail of proposed stormwater management systems for the development to accommodate for any excess runoff from extra impervious surfaces; and
- VI. An assessment of the current network and its ability to accept any additional flow from the proposed development.
- VII. Measures to ensure acceptable level of stormwater quality being discharged from the site.

The SWMP must be submitted to and approved by 3 Waters prior to any earthworks or construction commencing.

Conditions

Stormwater Services

- a. A Stormwater Management Plan for the development shall be submitted to and approved by 3 Waters prior to any earthworks or construction commencing.

Please let me know if you have any questions.

Regards

Andrew Budd
Subdivision Support Officer
City Growth Team

P 03 474 3702 | **E** Andrew.Budd@dcc.govt.nz
Dunedin City Council, 50 The Octagon, Dunedin
PO Box 5045, Dunedin 9054
New Zealand

TO: Laura Mulder

FROM: Building Services Processing

DATE: 18/10/2023

SUBJECT: SUB-2023-132 LUC-2023-376
60 Bell Street Outram

—

General: There are no DCC Services crossing this site
All private drainage matters will be dealt with at time of Building Consent.

Foul Drainage: The Foul Drain from proposed Lot 2 shall continue discharge to the onsite septic tank and effluent dispersal field.

The Foul Drainage from proposed Lot 1 shall discharge to its own onsite septic tank and outfall.

The exact location for septic tank and effluent dispersal for proposed Lot 2 must be located to confirm it does not cross the proposed allotment boundaries.

Stormwater Drainage: The existing stormwater drainage from proposed Lot 2 shall continue to discharge to an appropriate outfall.

The stormwater drain from proposed Lot 1 shall discharge to the Roadside water table on Bell Street

Surface Water: Collected or concentrated by Building or siteworks shall not cause nuisance to neighbouring property and must discharge to an appropriate outfall

Senior Building Consent

Processing Officer P & D

Andrew Roberts

Mon 30/10/2023 13:16

Hi John, sorry for the late reply. No really sure how I missed that. The watercourse is fine from a Building Services perspective.

Regards Andrew



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From: johnsuledn@gmail.com <johnsuledn@gmail.com>

Sent: Tuesday, 24 October 2023 9:34 a.m.

To: Andrew Roberts <Andrew.Roberts@dcc.govt.nz>

Cc: Laura Mulder <Laura.Mulder@dcc.govt.nz>

Subject: FW: SUB-2023-132 LUC-2023-376 60 Bell Street Outram

Hi Andrew. I have noticed that stormwater for Lot 1 is proposed to be discharged within the site and you have indicated it should go to Bell Street. Can you have a look at the proposal below and advise whether it is acceptable?

Cheers

John Sule
Consultant Planner
Contracted to Southern Planning Solutions
0278579039

John Sule, Consultant Planner

TO:

Reese Martin, Planner – Transport

FROM:

16 October 2023

DATE:

SUBJECT: sub-2023-132, LUC-2023-376, & LUC-2023-377

60 Bell Street, Outram

Application:

Resource consent is sought for the two-lot subdivision and redevelopment of the resultant lot into a Veterinary Centre. The site has extensive frontage to Bell Street and currently contains an existing residential dwelling and various outbuildings/sheds, accessed via three existing un-hard surfaced vehicle crossings to Bell Street.

Proposed Lot 1 (4000m²) will comprise of the new vacant portion of the site which will be further developed into a Veterinary Centre post subdivision including a new building and carparking/loading provision, accessed via two new hard surfaced vehicle crossings.

Proposed Lot 2 (5100m²) will comprise of the existing residential dwelling and outbuildings accessed via two existing un-hard surfaced vehicle crossings and no changes to the existing usage or access to the site are proposed.

The site is zoned Taieri Plains Rural. Bell Street is classified as an Arterial Road under the 2GP Road Classification Hierarchy. The proposal is assessed as a non-complying activity.

Access:

The site currently accommodates three existing un-hard surfaced driveways/vehicle crossings that serve as access to the existing dwelling and wider vacant land. Under this proposal two

of the existing metalled driveways will continue to serve as access to the existing dwelling within Lot 2. Once Lot 1 is subdivided and the resultant site is developed, vehicle access to the site will be provided via two new hard surfaced vehicle crossings which will serve as separate entry and exit to and from the site.

Post subdivision it is noted that Lot 1 will have approximately 58.0m of site frontage to Bell Street, accessed via two new vehicle crossings. Rule 6.6.3.1 requires that the maximum number of vehicle crossings permitted along an Arterial Road with a road frontage of 18-60m is one and therefore this aspect does not comply with this requirement. Notwithstanding this, it is acknowledged that the proposed vehicle access arrangement seeks to provide separate dedicated entry and exit to and from the site which will allow for safe and efficient vehicle access and circulation through the site. Further, the locations of each new vehicle access will provide for compliant sight distances in either direction along Bell Street in accordance with Rule 6.6.3.2. On that basis and given the rural nature of the surrounding environment, the effects of one additional vehicle crossing is considered to be less than minor. For completeness, it is recommended that directional line marking, and signage must be installed at each vehicle access so that each respective access is used for entry and exit only.

Rule 6.6.3.9 requires that the minimum width of driveways for non-residential activities is a formed width of 5.0m and a legal width of 6.0m, it is noted that a small section of the driveway will be only 4.7m wide and therefore minorly breaches this requirement. However, on the basis that this section of the driveway will operate as one-way only through the rear of the site, this is considered to be acceptable.

Each new vehicle access to Lot 1 must be formed to a maximum 9.0m wide, be hard surfaced from the edge of the Bell Street carriageway toward the property boundary for a distance of not less than 5.0m and be adequately drained for its full duration.

Parking and manoeuvring:

The applicant proposes the provision of 26 parking spaces including 22 standard car parking spaces, 2 mobility parking spaces, and 2 longer spaces for trailers/floats/trucks. 19 spaces will be angled at 90 degrees while five spaces will be at 30 degrees and two spaces will be parallel. Each proposed parking spaces will comply with the parking space dimension requirements by Rule 6.6.1.1.b which for 90 degree spaces requires a stall width and depth of at least 2.5m by 5.2m and an aisle width of at least 6.2m and for 30 degree spaces requires a stall width and depth of 2.5m by 4.3m and an aisle width of 3.45m and is therefore acceptable. The two proposed mobility spaces will comprise of a stall width and depth of 3.6m by 5.0m and is therefore also acceptable.

As all resultant lots will be accessed via an Arterial Road, compliant on-site manoeuvring must be provided pursuant to Rule 6.6.1.2.a.i. The area must be large enough to ensure an 99th percentile motor vehicle can exit the site in a forward direction, using no more than one reversing movement when entering or exiting a car parking space. Transport confirms by use of tracking curves for a B99 percentile car, that compliant manoeuvring space is available so that vehicles using these spaces are not required to reverse onto Bell Street, using no more than one reversing movement and is therefore acceptable. On that basis, we consider the manoeuvring arrangement to be acceptable.

Rule 6.6.1.3 requires 12.0m of effective on-site queueing spaces for parking areas serving 21-50 parking spaces. It is noted that 12.0m of queueing space will be provided at each entry and exit point and is therefore considered acceptable.

Rule 6.6.1.5 requires that parking areas including access and manoeuvring areas provided for non-residential activities must be hard surfaced, adequately drained, and permanently marked. It is noted that whilst the majority of the access, parking and manoeuvring area will comply with this requirement, it is noted that spaces 18-22 will not be hard surfaced and therefore do not comply with this requirement. Albeit the applicant notes that these spaces will be marked with timber barriers or similar. On the basis that the majority of the parking area will be hard surfaced resulting in a low potential for gravel or other loose material to be trafficked out onto Bell Street, the effects of this rule breach is considered less than minor.

Overall, subject to conditions recommended below, the proposed parking and manoeuvring arrangement is considered to be acceptable.

Loading:

Vehicle loading provision within the site will be provided for in the form of a hard standing area adjacent to an existing shed which will be utilised for bulk storage, accessed via a one-way hard surfaced driveway at the rear of the site suitable to accommodate an 8.0m rigid truck to circulate through the site before exiting back onto Bell Street in a forward direction in accordance with Rule 6.6.2.1 and is therefore acceptable.

Rule 6.6.2.3 requires loading areas to be hard surfaced, adequately drained, and permanently marked. In addition, Rule 6.6.2.4 requires that loading areas must also be illuminated to a minimum of 2 lux. It is noted that the proposed loading area will not be permanently marked or illuminated and therefore does not comply with these requirements. Notwithstanding this, the applicant notes that the loading area will not be utilised at night, will not obstruct primary access to the site and in any case can be adequately managed when loading and unloading activities occur. Therefore, this is considered acceptable with any effects considered to be less than minor.

signage:

The applicant proposes to establish signage in the form of a freestanding sign depicting the name of the proposed business as well as an identical sign located above the main entrance to the building. It is noted that proposed signage will comply the District Plan requirements set out by Rule 6.7.2 and Rule 6.7.3 and is therefore considered acceptable.

Generated Traffic:

Transport considers that the effects of the traffic generated as a result of this proposal on the transport network will be less than minor.

Conclusion

Transport considers the effects of the proposed development on the transportation network to be less than minor, subject to the following condition(s) and advice note(s):

conditions:

- (i) Each new vehicle access to Lot 1 must be formed to a maximum 9.0m wide, be hard surfaced from the edge of the Bell Street carriageway toward the property boundary for a distance of not less than 5.0m and be adequately drained for its full duration.
- (ii) Any damage to any part of the footpath or road formation as a result of the demolition or construction works must be reinstated at the applicant's cost.
- (iii) The surface of all parking, associated access and manoeuvring areas must be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked (in accordance with the application plans) except for parking spaces 18-22.
- (iv) The parking area must be illuminated to a minimum maintained level of 2 lux, with high uniformity, during the hours of operation.
- (v) Directional line marking, and signage must be installed at each vehicle access so that each respective access is used for entry and exit only.

Advice notes:

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

Thu 09/05/2024 10:27

Kia Ora John,

Thank you for the email, see below for a response to the submission's potential transport concerns:

- The presence of horse floats would not be completely out of character for a rural environment such as the environment in which the veterinary clinic is proposed to be constructed in.

- Whilst there would be no way of confirming whether or not vehicles are traveling above the posted speed limit without conducting updated average speed readings in this area, regardless of this and in any case there is an expectation that vehicles should be driving to the correct speed and to the conditions of the roading environment which is the case for all roading environments.
- The potential concern around an increase in the potential for accidents from vehicles entering and exiting onto this section of Bell Street is directly mitigated by compliant sightlines/sight distances being provided in accordance with Rule 6.6.3.2 (69.0m of sight distance in either direction along a road with a posted speed limit of 50km/h) at each of the new proposed vehicle entrances to the site. For reference sight distances are based on the minimum distance required for a vehicle to see a potential obstacle and react and brake/slow down to avoid a potential collision from a vehicle exiting onto the carriageway and vice versa for vehicles waiting to enter the carriageway and selecting safe gaps. There would also be an expectation that a vehicle following a vehicle turning into the site will be aware of a vehicle exiting the carriageway and react accordingly (i.e. using appropriate following distances).
- With regard to potential conflict between pedestrians and cyclists and vehicles entering and exiting the proposed site, there is a large road berm and gravel path located on western side of the road (and not on the same side of the road as the proposed clinic) to safely accommodate and separate cyclist and pedestrian movements from vehicle movements.

Let me know if you need anything further.

Ngā mihi,
Reese Martin

**TRANSPORT PLANNER/ENGINEER
TRANSPORTATION**

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PO Box 5045, Dunedin 9054
New Zealand
www.dunedin.govt.nz

TO: John Sule, Consultant Planner
FROM: Maria Callaú, Urban Designer
DATE: 16 October 2023
SUBJECT: LUC- SUB-2023-132_LUC-2023-376_LUC-2023-377_60 BELL ST

Dear John,

Please find my Urban Design comments for application SUB-2023-132_LUC-2023-376_LUC-2023-377 60 for the Veterinarian Services Building to the property at 60 Bell St, as follows.

Planning Framework

Zone: Taieri Plains Rural Zone
Activity: Non-Complying

Context / Existing streetscape character and amenity

The site is in the Taieri Plains Rural zone at the edge of the Township and Settlement of Outram. The area includes a mix of residential and rural properties. Bell St includes one storey standalone houses in large sites surrounded by green amenity. Site edges are consolidated by vegetation along the boundaries including established hedges and trees. Buildings have hipped or gable roofs.

Rural character values include:

- Rural character: moving west on the Taieri Plain, a change in land use occurs from rural lifestyle to more traditional sheep and beef farming, and then into intensive dairy farming. With this change in land use comes a change in rural character. The urban settlements of the northern Taieri are replaced by a working rural environment.
- Traditional development patterns: the typical pattern of development on the Taieri Plain conforms to a grid-like layout, where fence lines, shelterbelts and consequent land use activity have a distinguishing rectangular regularity.
- Typical building forms: building forms in the northeast of the Taieri Plain, which was developed earlier than other more westerly sections, are typically of larger, more distinctly heritage forms.

The Site and The Proposal

The site includes two lots. Lot 1 will be developed to provide veterinary services and includes an existing shed and has approximately 4,000m² of land. Lot 2 includes the existing dwelling and has approximately 5,100m².

The proposed building will be developed in Lot 1 to provide veterinary services (large animal practice) for the area. The one storey building has a simple shape with a series of gable roofs parallel and perpendicular to the road. The building includes a range of cladding materials including vertical metal cladding (dark colour) combined with horizontal cedar boards. In addition, corrugated metal roofing

and windows will match the metal cladding dark colour. The main entrance is clearly defined by a gable roof with two shist stone or brick columns supporting an overhang. The gable wall includes the sign of the veterinary services. Parking is provided around the building with areas for vegetation along all boundaries. Vehicle access and egress is through the north and south corners of the site. An existing hedge along Bell St along the middle portion of the street boundary will provide visual screening when viewed from the road. The main entrance to the building will be through the north side.

Commentary

Form and Urban Design perspective, the building design takes into consideration the rural character values of the Taieri Plain Rural Zone. In my view, the bulk location, form and materials used are appropriate to context. The setting of the building follows the general patterns found in the area. The proposal will therefore mitigate any adverse effects on the amenity of residential activity on surrounding properties through appropriate site layout, building form, selection of materials and boundary treatment. Views from Bell St into the site are limited due to the existing vegetation including mature poplars on the road boundary. Most trees along the street boundary will be retained discontinued to give space for vehicle access and egress.

In my view the proposal would have no significant adverse effects regarding matters of urban design.

Yours sincerely,



Maria Callaú
Urban Designer
City Development

NESCS

November 2, 2023 12:38 AM

Good day Laura and John,

EC Otago Contamination Summary report found the following:

1. 60 Bell Street = Sample set A
2. HAIL Category A10 (*Persistent pesticide bulk storage or use including sports turfs, market gardens, orchards, glass houses or spray sheds*) – Market gardening activities were historically present at the site.
1. Minor shallow fill material (0 – 0.15 m depth), along with a fill stockpile, was noted in the area of sample set A.
2. The soils analysed across the site were generally consistent with background concentrations based on the underlying geology.
3. Minor elevations of lead and zinc concentrations were reported in sample set A, however, these results are well below the *Rural Residential SCS* and are highly unlikely to pose a risk to human health or the environment.

Other points to note as mentioned:

4. The EC Otago Contamination Summary report does not constitute a PSI or DSI.
5. No sampling or assessment has been done on Lot 1 regarding the proposed veterinary building location.
6. The HAIL report indicated that due to fill material found on parts of the property, it is uncertain if Category G3 may also be applicable across Lot 1 – as it has not been assessed as such.
7. The land use in relation to the house on Lot 2 will not be changing.
8. The disturbance to the proposed commercial land use on Lot 1 will be relatively low intensive due to the construction of a building on the majority of the site and with most of the yard will be hard surfaced for access and parking.

Please find herewith my comments on the application:

9. 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.
10. I am uncertain regarding what has happened here onsite as seen on the 2018/19 and 2022 Aerials:
11. I would like to obtain clarification from the Applicant / EC Otago what activity/s has taken place here and whether this is or has been a burn pile? If this is indeed a burn pile – similar recommendations might suffice as found in the EC Otago Contamination Summary report and I would recommend that DCC request soil samples to be taken of the entire Lot 1 site prior to granting consent as burn piles may present a risk to human health and the environment in their current state and remediation may be required prior to bulk earthworks occurring.
12. If the applicant can confirm that it is indeed not a burn pile with more detail on what activity/s has occurred here, consent may be granted while including conditions relating to the soil still being tested prior to any earthworks to assess the level of contamination regarding the potential risk to construction workers and disposal offsite at an appropriate landfill if required.
13. Furthermore, standard PPE and chance find procedures must be in place in the event of any contaminated soil being discovered during earthworks.
14. If unexpected waste materials, or other visual or olfactory indicators of potential contamination are observed, works in the affected area shall cease, and a suitably qualified contaminated land practitioner shall be consulted immediately. Works shall only resume in the affected area again once the practitioner has indicated that works' resumption is suitable.

Hope this assists in councils' decision. Welcome to give me a shout if you need more information.

Many thanks.

Ngā Mihi | Kind regards,

Ilze Rautenbach ([she/her](#))

Principal Environmental & Engagement Consultant / PM
Team Leader Waiora Living Waters

Direct: +64 7 839 9854

Mobile: +64 27 239 7084

December 19, 2023 10:53 AM

Good morning John,

I've reviewed the applicant's response and Ilze's initial advice. Based on those, I recommend the following:

- DCC request soil samples to be taken of the entire Lot 1 site **prior** to granting consent as burn piles may present a risk to human health and the environment in their current state and remediation may be required prior to bulk earthworks occurring. A review of the aerial photos shows numerous burn piles/potential burn piles in various locations across the property since 2013 as shown below.





- DCC require a Site Management Plan, specifying standard PPE required based on the results of the sampling and procedures for discovery of unexpected contamination during earthworks.
 - If unexpected waste materials, or other visual or olfactory indicators of potential contamination are observed, works in the affected area shall cease, and a suitably qualified contaminated land practitioner shall be consulted immediately. Works shall only resume in the affected area again once the practitioner has indicated that works' resumption is suitable.

I hope this assists in council's decision. If you need additional information, let me know.

Ngā mihi,
Tess

Wed 22/05/2024 11:02
Hi John,

Based on my review of the Summary of Soil Contamination Summary Report, 60 Bell Street, Outram – Burn Piles (Version 2) by EC Otago, the contamination associated with the identified burn pits on proposed Lot 1 has been adequately investigated and remediated. Remaining soils in the burn pit areas are considered to be suitable for the proposed commercial/industrial land use and any remaining risk can be adequately managed through a site management plan and accidental discovery condition.

Cheers,
Tess

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 unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:
 - (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 operated by 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 loss of the availability and productive capacity of highly productive land in their district; and
 - (b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.
- (3) In subclause (1), **subdivision** includes partitioning orders made under Te Ture Whenua Māori Act 1993.

National Policy Statement for Highly Productive Land 2022 11

- (4) Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.

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 use and 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 where at least one of the following applies to the use or development, and the measures in subclause (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 indigenous 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 designation or notice of requirement under the Act:
 - (i) it provides for public access:
 - (j) it is associated with one of the following, and there is a functional or operational 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 facilities 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 public 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 on highly productive land:
 - (a) minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and
 - (b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.

- (4) Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.

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)



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 (1) 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 the 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.

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