

**Consent Type:** Land Use Consent

**Consent Number:** LUC-2020-631

**Purpose:** The establishment of a car park and associated public facilities

**Location of Activity:** 30 and 32 Tunnel Beach Road, Dunedin.

**Legal Description:** Lot 1 DP 314013, Pt Secs 145 Green Island Bush SD, Sec 163 Pt Lot 146 Green Island SD, Pt Secs 56 57 58 Ocean Beach SD (held in Record of Title 271321) and SEC 3 BLK XIII SO 4104 Dunedin & East Taieri SD, SEC 5 BLK XIII SO 21352 Dunedin & East Taieri SD, SEC 6 BLK XIII SO 21352 Dunedin & East Taieri SD (held in Record of Title 170433).

**Lapse Date:** 6 April 2027, unless the consent has been given effect to before this date.

**Conditions:**

1. The proposed activity must be undertaken in general accordance with the approved plans:

- 3336298-CA-010 C
- 3336298-CA-011 C
- 3336298-CA-012 C
- 3336298-CA-015 C
- 3336298-CA-016 C
- 3336298-CA-017 C
- 3336298-CA-020 C
- 3336298-CA-021 C
- 3336298-CA-022 C
- 3336298-CA-030 C
- 3336298-CA-031 C
- 3336298-CA-032 C
- 3336298-CA-040 C
- 3336298-CA-041 C
- 3336298-CA-050 C
- 3336298-SE-011 A
- 3336298-AL-010 C
- 3336298-AL-011 C
- 3336298-AL-012 C
- 3336298-AL-013 C
- 3336298-AL-041 C
- 3336298-AL-050 C

and the information provided with the resource consent application received by the Council on 1 December 2021, except where modified by the following conditions.

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

2. The consent holder must provide notice to the Resource Consent Monitoring team by email to [rcmonitoring@dcc.govt.nz](mailto:rcmonitoring@dcc.govt.nz) of the start date of the works. This notice must be provided at least five (5) working days before the works are to commence.
3. A Construction Management Plan that documents dust, erosion and sediment control measures to be implemented must be submitted to the resource consent manager for certification to [rcmonitoring@dcc.govt.nz](mailto:rcmonitoring@dcc.govt.nz). No works may commence until this plan has been approved.
5. All Temporary Traffic Management Plans and Corridor access Requests must be approved.
6. The consent holder:
  - a) Is responsible for all contracted operations relating to the exercise of this consent; and
  - b) Must ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to all associated erosion and sediment control plans and methodology; and
  - c) Must ensure compliance with land use consent conditions.

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

**Carpark Earthworks**

7. All works are to be undertaken in accordance with the certified Construction Management Plan.
8. The earthworks and construction work is to be under the control of a nominated and suitably qualified person (civil/environmental engineer or technician).
9. If fill is to be reused on the site it is to be deposited in accordance with best practice and keyed into any slopes.
10. Any change in ground levels must not cause a ponding or drainage nuisance to neighbouring properties.
11. Any fill material to be introduced to the site must comprise clean fill only.
12. All loading and unloading of trucks with excavation or fill material must be carried out within the subject site.
13. Surplus of unsuitable material must be disposed of away from the site to a Council approved destination.
14. Should the consent holder cease, abandon, or stop work on site for a period longer than 6 weeks, the consent holder must first take adequate preventative and remedial measures to control sediment discharge/run-off and dust emissions, and must thereafter maintain these measures for so long as necessary to prevent sediment discharge or dust emission from the

site. All such measures must be of a type and to a standard which are to the satisfaction of the Resource Consent Manager.

15. If at the completion of the earthworks operations, any public road, footpath, landscaped areas or service structures that have been affected/damaged by contractor(s), consent holder, developer, person involved with earthworks or building works, and/or vehicles and machineries used in relation to earthworks and construction works, must be reinstated to the satisfaction of Council at the expense of the consent holder.

16. If the consent holder:

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

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

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

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

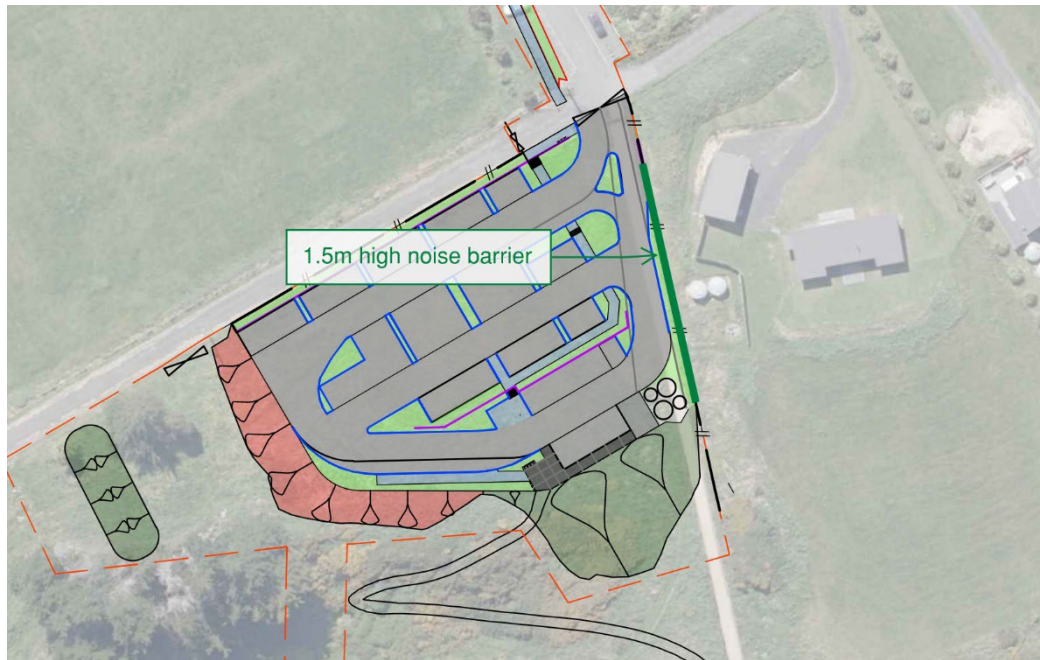
- i) stop work within the immediate vicinity of the discovery or disturbance; and ii) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage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

Site work may recommence following consultation with the Consent Authority.

## **Traffic and Operation**

25. Prior to the operation of the carpark:

- a) The existing parking in Tunnel Beach Road must be removed and replaced with a 2m wide landscaped area in front of a 2m wide footpath,
- b) 'no parking' lines must be installed on the carriageway.
- c) a 45m length of 1.5m high impermeable fence must be installed along the boundary with 31 Tunnel Beach Road in accordance with the diagram in Appendix 1.



**Appendix 1 Diagram.**

d) The Tunnel Beach Car Park Operational Plan must be finalised and submitted to the resource consent manager for certification to [rcmonitoring@dcc.govt.nz](mailto:rcmonitoring@dcc.govt.nz). The Car Park Operational Plan must include operational details to manage and mitigate adverse effects arising from the operation of the Tunnel Beach Car Park and ensure compliance with this resource consent. It must include at least the following:

- i. Details of rubbish bins and frequency of their maintenance;
- ii. Maintenance frequency of on-site ablution facilities;
- iii. Monitoring process for water supply;
- iv. Monitoring and maintenance procedures, including emptying, of site ablution facilities;
- v. General maintenance requirements of car park area, including ongoing maintenance of the landscape planting;
- vi. Process for managing the opening and closing of the carpark including contact details of those responsible for this.

25a The Tunnel Beach Car Park Operational Plan shall be reviewed by the consent holder 12 months from the commencement of operation of the car park and then reviewed every 3 years thereafter. As part of the review the consent holder must provide an opportunity for the owner of 40 Tunnel Beach Road to provide feedback on the operation of the carpark and where feedback is provided consider what changes may be required to address any concerns. The outcome of the review shall be reported to [rcmonitoring@dcc.govt.nz](mailto:rcmonitoring@dcc.govt.nz) and any proposed amendments certified as being appropriate to ensure compliance with the conditions of this consent.

### **Landscaping**

26. Prior to the operation of the carpark:

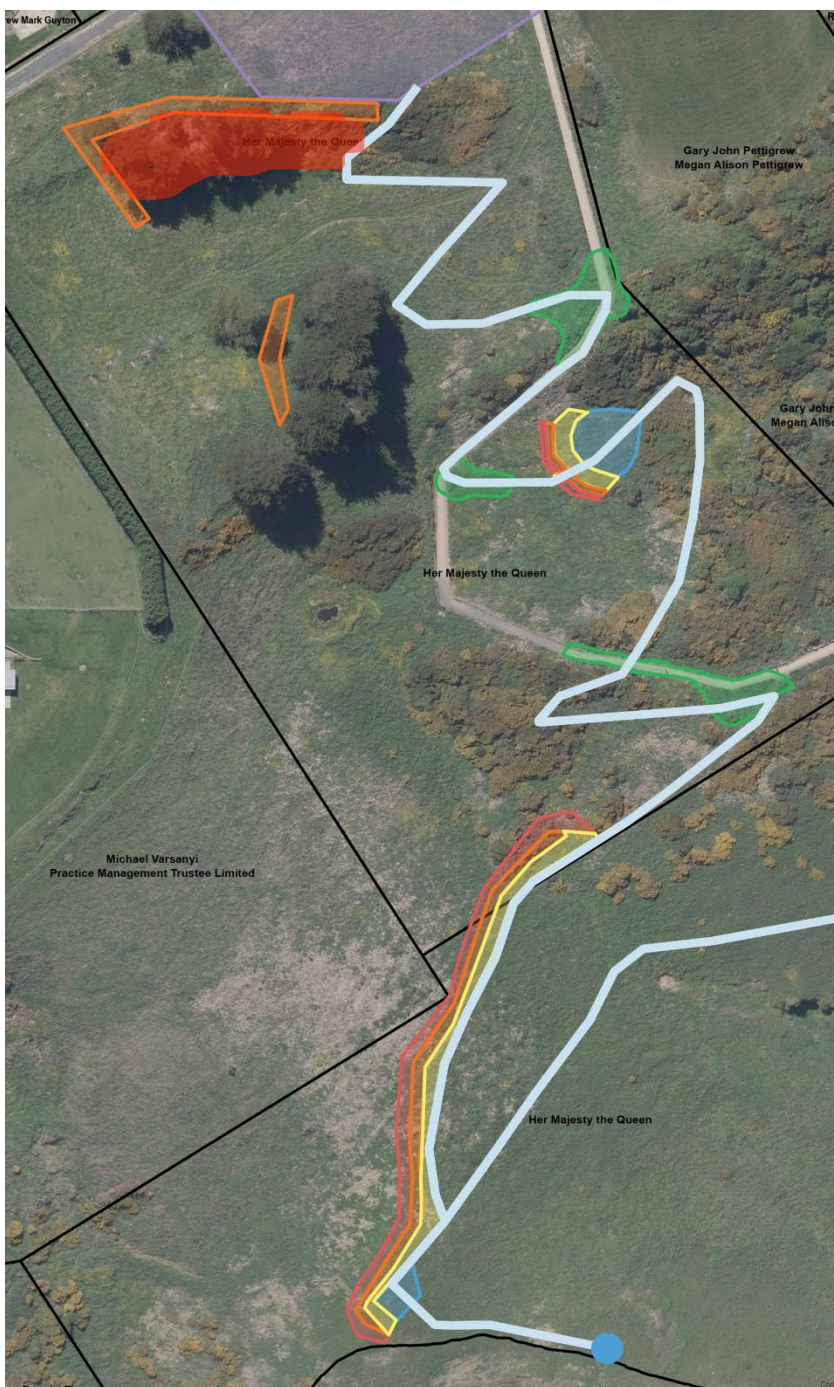
- a) The landscaping set out in the landscaping plans identified in Condition 1 must be completed in accordance with the document '*Tunnel Beach Carpark Landscape Specification*' Rev 0 dated 15 June 2022, except that Re-vegetation mix must replace *Muehlenbeckia astonii* with *Hebe elliptica*.
- b) the screening bund to the west of the car park constructed.

### On-going conditions

27. The operation of the carpark must comply with the certified Tunnel Beach Car Park Operational Plan

27a Bus movements shall be limited to:

- a) no more than 3 arrival and 3 departure movements per hour; and
  - b) no more than 14 passenger drop off movements and 14 passenger pickup movements per week and
  - c) Operate only between the hours of 8:30am and 5:30pm when the car park is open.
28. The Hours of Operation are everyday between the following hours:
- a) April-August 9am – 5pm
  - b) September-March 8am-9pm
- Outside the above hours, gates to the carpark must be locked. Car park hours must be identified on carpark signage.
29. The landscaping installed in accordance with Condition 26 must be maintained for a Maintenance Period of 5 years in accordance with the document *Tunnel Beach Carpark Landscape Maintenance Period Specification* Rev 0 dated 15 June 2022 ‘
- 29a. Annual reports by a suitably qualified person must be prepared on the performance of the landscaping against the landscape specification and must be sent to [rcmonitoring@dcc.govt.nz](mailto:rcmonitoring@dcc.govt.nz) on the anniversary of the commencement of operation of the car park until the completion of the Maintenance Period.
- 29b The Maintenance Period shall be extended if the plant survival rate is less than 90% until Final Completion is achieved in accordance with the document *Tunnel Beach Carpark Landscape Maintenance Period Specification* Rev 0 dated 15 June 2022.
30. All Landscaping including the bund to the west of the car park must be maintained in perpetuity. Any plants that die or become diseased must be replaced within the next growing season.
31. The toilet block may include art panels developed through engagement with Mana Whenua.
32. No retail or mobile traders are permitted to operate within the carpark area and signage must be installed to this effect.
33. No freedom camping is permitted within the car park.
34. The existing macrocarpas marked in the diagram at Appendix 2 shall be retained until they present a health and safety hazard as certified by an arborist. Upon removal of these macrocarpas the area identified in red in the image below shall be planted with Ngaio plants within the next growing season. The Ngaio Plants shall be maintained for no less than 5 years in accordance with the maintenance methods set out in the document *Tunnel Beach Carpark Landscape Maintenance Period Specification* Rev 0 dated 15 June 2022.
35. Any damage caused to the right of way during construction of the carpark and track laydown area shall be repaired prior to the operation of the carpark. Any other damage caused by the operation and maintenance of the carpark and track laydown area shall be repaired as soon as practicable.



Appendix 2 Retained Macrocarpa diagram.

#### Advice Notes:

##### Earthworks

1. Neighbouring property owners should be advised of the proposed works at least seven days prior to the works commencing.
2. All measures (including dampening) should be undertaken to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary.

3. Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.
4. Stormwater is not permitted to create a nuisance to neighbouring properties.

#### Noise

5. All noise must comply with the relevant provisions of the 2GP.
6. All construction noise must comply with the following noise limits as per New Zealand Standard NZS 6803:1999

#### General

7. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
8. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
9. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
10. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
11. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.
12. *The limitation on buses using this carpark does not apply to commuter buses that may seek to use the carpark in the future as a Passenger Transportation Hub. This consent does not authorise the use of the carpark for this purpose and further resource consent and a concession from the Department of Conservation would be required. The Department of Conservation has entered into a Deed of Agreement between Anya Durling and Michael Varsanyi the owners of 40 Tunnel Beach Road at the time this permit was granted requiring the Department to consult with them in the event that any concession was sought for bus operators to use the carpark.*