

BEFORE AN INDEPENDENT COMMISSIONER

**UNDER THE RESOURCE MANAGEMENT ACT 1991 (RMA) AND LAND USE
CONSENT APPLICATION LUC-2020-631**

**IN THE MATTER OF AN APPLICATION BY DUNEDIN CITY COUNCIL AND THE DEPARTMENT
OF CONSERVATION TO ESTABLISH A CARPARK, TUNNEL BEACH,
DUNEDIN.**

RESPONSE TO MINUTE 5

Kirstyn Jane Lindsay, Consultant Planner

20 July 2022

- [1] In response to the Commissioners' Minute 5, dated 14 July 2022, Chantal Whitby and I have reviewed the draft conditions circulated by the applicant on 15 July 2022. I have marked up the clean version of the consent conditions provided by the applicant with our comments. Where I refer to numbered conditions, it is the attached suite of conditions labelled "*Conditions from DCC – revised by s42A author*" that should be referred to.
- [2] The review points made by Ms Whitby include the following:
- a) Landscaping conditions 18 a), 22, 24 and 29 reference outdated specification documents and should refer instead to specifications from 6 July 2022. Rev 1.
 - b) There is an inconsistency between landscaping conditions 24 and 25, with condition 24 specifying a 90% plant survival rate, whereas condition 25 specifies that all dead or deceased plants are replaced. Ms Whitby recommends the following wording for condition 25:
 - i. *All Landscaping, including the bund to the west of the carpark, must be maintained in perpetuity. Any plants that die or become diseased must be replaced within the next growing season in accordance with the document 'Tunnel Beach Carpark Landscape Maintenance Period Specification' Rev 1 dated 6 July 2022, clause C5001.7.*
 - c) In the document 'Tunnel Beach Carpark Landscape Specification' Rev 1 dated 6 July 2022, clause C5002.3.6 (ii) (Tree stakes and ties) is inconsistent with clause C5002.5.9 (Planting – Trees).
 - d) In the document 'Tunnel Beach Carpark Landscape Specification' Rev 1 dated 6 July 2022, clause C5001.8 (Topsoil) a large section is dedicated to specifications regarding topsoil analysis. Ms Whitby recommends that references made to topsoil testing and analysis are removed and replaced with a sentence to this effect "Plants must be planted in topsoil suitable for the healthy growth of species specified".
 - e) In the document 'Tunnel Beach Carpark Landscape Specification' Rev 1 dated 6 July 2022, clause C5002.6 (vii) refers to a 95% plant success rate, Ms Whitby recommends that this should instead refer to a 90% plant success rate.
- [3] In my review of the draft document, I have sought to better clarify the reporting requirements for Condition 17 which sets out the review process for the Tunnel Beach Car Park Operational Plan and propose the following change to that condition:
- a) *The Tunnel Beach Car Park Operational Plan must 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 owners 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 feedback process must be documented and any amendments to the Tunnel Beach Car Park Operational Plan to address the feedback from the owners of 40 Tunnel Beach Road must be clearly outlined as part of the review document. The outcome of the review must be reported to rcmonitoring@dcc.govt.nz and any proposed amendments certified as being appropriate to ensure compliance with the conditions of this consent.*
- [4] I continue to have reservations regarding Condition 20. While I support the limiting of bus movements to and from the site, it remains uncertain how this condition will be monitored and

how both the applicant and the Council's monitoring team will ascertain that compliance is achieved. I note the introduction of Advice Note 12 and consider that the use of the site for commuter buses would further introduce uncertainty to the monitoring of this condition. I suggest that the applicant be required to keep precise records regarding the bus movements to and from the carpark and to present these upon request to a warranted Council officer. I also wonder if additional signage is required that advises that only buses which hold concessions are permitted to use the carpark. Should the carpark be used as a commuter transport hub in the future, the applicability of the signage would need to be addressed at that time as part of that wider consent application consideration. I recommend that the condition be amended as follows:

- a) *The consent holder must keep a record of all bus movements to and from the site and the timing of these movements. These records must be presented to a warranted Council Officer within 76 hours of a request. Signage must be erected which advises that only buses which hold concessions are permitted to use the carpark. Bus movements must be limited to:*
 - i. *Concession holders only; and*
 - ii. *no more than 3 arrival and 3 departure movements per hour; and*
 - iii. *no more than 14 passenger drop off movements and 14 passenger pickup movements per week and*
 - iv. *Operate only between the hours of 8:30am and 5:30pm when the car park is open.*

[5] I have reworded condition 23 as follows:

- a) *An annual report must be prepared by a suitably qualified person which confirms the performance of the landscaping against the landscape specification. The annual report must be sent to rcmonitoring@dcc.govt.nz on the anniversary of the commencement of operation of the car park until the completion of the Maintenance Period.*

[6] I have amended Condition 28 to include a requirement to erect signage which prohibits freedom camping.

[7] With the removal of the walking track, the applicant will need to confirm the correct legal descriptions included in the consent document.

[8] All other changes introduced by me are considered to relate to formatting or typos only and are not significant.

Dated this 20th day of July 2022



Kirstyn Lindsay

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