

2 September 2022

Dowling Street JV GP Limited
C/O - 4Sight Consulting Limited
77 Stuart Street
Dunedin 9016

Via email: jamesn@4sight.co.nz

Dear Dowling Street JV GP Limited

RESOURCE CONSENT APPLICATION:

**LUC-2022-84
15 DOWLING STREET
DUNEDIN**

The above application to contravene the construction noise performance standard in the District Plan for an office development at 15 Dowling Street was processed on a limited notified basis in accordance with section 95 of the Resource Management Act 1991. The Consent Hearings Panel, comprised of Councillor David Benson-Pope (Chairperson) and independent commissioners Louise Taylor and John Sule, heard and considered the application at a hearing on 17 August 2022.

Following the conclusion of the hearing, a site visit was undertaken by the panel on 22 August 2022.

At the end of the public part of the hearing, the panel, in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987, resolved to exclude the public.

The panel has **granted** consent to the application on 2 September 2022. The full text of this decision commences below with a consent certificate attached to this letter.

The Hearing and Appearances

The applicant was represented by:

- Nigel Bryce (Consultant Planner) (remotely)
- James Nicol (Consultant Planner)
- Laurie Corbett (Development Manager, Ngāi Tahu Property)
- Blair Collie (Senior Projects Manager, RCP)
- William Reeve (Acoustic Engineer) (remotely)

Council staff attending were:

Phil Marshall (Advisor to Hearings Panel), Caleb Park (Processing Planner), and Wendy Collard (Governance Support Officer). The Council's Acoustic Advisor Daniel Winter attended the hearing remotely.

There were no submitters at the hearing as the only submitter on the application Mr Greg Paterson withdrew his submission prior to the hearing.

Procedural Issues

No procedural issues were raised. Prior to the hearing a memorandum prepared by William Reeve, Senior Acoustic Engineer, was circulated on behalf of the applicant identifying further mitigation measures to reduce noise and vibration. The measures discussed in the memorandum are as follows:

- Use of ICE 28RF Vibratory Driver with predrilling
- Moving Gridline G screw piles 1.5m further from 9 Dowling Street
- Use of an alternative piling rig for some screw piles
- Use of 2m tall acoustic screen between 9 Dowling Street and the pile locations
- No use of a vibrating plate compactor

The applicant confirmed at the hearing they would accept the recommendations set out in the memorandum, and that they now formed part of the application.

Principal Issues of Contention

The principal issues of contention are as follows:

- Validity of affected party approvals
- Consideration of alternatives
- Can vibration effects be considered, and conditions imposed?
- Are the adverse effects no more than minor?
- Is the proposal contrary to relevant Objectives and Policies?
- Does the proposal meet the Section 104D gateway test

Summary of Evidence

Introduction from Processing Planner

The Planning Officer (Caleb Park) spoke to a summary of his report. He gave an overview of the proposal and its relationship to prior resource consents for the development before commenting on the limited notification process undertaken for the application, including the process used to identify affected parties. Mr Park outlined that resource consent was being sought for the contravention of construction noise limits for Stage 3 and part Stage 4 development works for the ACC office development at 15 Dowling Street. He noted that Stage 3 works were below ground level construction works in the eastern portion of the site and the part Stage 4 works were the above ground construction activity.

Mr Park advised that the noise limit contravention related to the estimated noise levels that will be received at the 9 Dowling Street building façade which would not comply with District Plan noise limit for a long duration construction activity on 20 days of the project works. The acoustic experts agreed that noise levels received at the façade would be reduced by approximately 20dB(A) by the façade of the building at 9 Dowling Street, but the worst-case noise levels received within the building would result in high levels that would make residential activity and undertaking office work untenable for some occupiers.

As the noise limits would be exceeded by more than 5dB(A) Mr Park identified that the proposal is a non-complying activity.

Mr Park outlined his assessment and stated that his recommendation to the hearing panel was that the application be granted consent subject to conditions. In response to panel questions, he made corrections to the effects conclusion on page 103 of the agenda indicating that the correct wording in relation to his effects assessment is that the effects will be “no more than minor and acceptable”. He also acknowledged that numbering corrections would need to be made to the recommended conditions of consent he had provided.

Mr Park responded to several questions from the hearing panel in relation to the proposal including questions on the validity of affected party approvals, the ability of the panel to include conditions on vibration and the assessment of Objectives and Policies. In relation to the wording of Policy 9.2.2.1 that requires activities to avoid adverse effects or where this is not practicable ensure effects are insignificant Mr Park noted that he considered the Policy 9.2.2.1 to be directed more at ongoing noise emissions rather than the temporary breaches of a performance standard by a temporary construction activity. He considered that the Temporary Activities Objectives and Policies were more relevant for temporary construction activity and directed to minimising effects as far as is practicable, which is what the applicant has tried to achieve in this case. On that basis he determined that the proposal was consistent with Objectives and Policies overall, and importantly, consistent with the key relevant Objectives and Policies for this matter.

The Applicant’s Case

In presenting the applicant’s case Mr Nicol canvassed the questions the panel had posed to Mr Park. In relation to the affected party approvals that had been obtained, Mr Nicol advised that the application was a 100-page document and had a lot of technical detail. He considered the summary which had been provided to affected parties had sufficient information to enable them to understand the extent of effects they would be subjected to, and therefore make an informed decision regarding providing approval. He also noted that there had been on-going communication with affected parties and face to face meetings.

In relation to vibration Mr Nicol advised that vibration effects had been addressed in the conditions of underlying consent for the development LUC-2021-158/B. This consent had conditions that required the provision of a construction management plan that addressed noise and vibration. He noted that the applicant had voluntarily adopted a lower limit for vibration effects than the Plan required in earlier development stages, and the applicant would be required to produce a similar construction management plan for the Stage 3 piling works.

Mr Collie also responded to questions on vibration issues identifying the consultation that had occurred with affected parties, the monitoring of vibration being undertaken by the applicant, and the mitigation that would be undertaken to help alleviate concerns for the occupants of 9 Dowling Street.

Laurie Corbett (Development Manager, Ngāi Tahu Property) also responded to questions on the changes that the applicant had made to lessen the noise on 9 Dowling Street which included the use of a different piling rig to drive the piles close to the building. Ms Corbett provided a background to the topography and the variable ground conditions at the site noting that there was both rock and soft sediments associated with the original foreshore on the site. Ms Corbett also commented on the communication that had been undertaken with the affected parties and the on-going communications which included weekly updates. She advised that communication with the building owner and tenants would be increased once construction had commenced. Ms Corbett noted that the building owner of

9 Dowling Street had employed its own Structural Engineer with whom they were exchanging information and methodology.

Nigel Bryce commented on the affected party approvals that had been obtained. In his opinion he did not see any problem with the approvals that had been provided. He noted that the limited notification process had identified relevant parties and the Council had accepted the affected party approval forms from those parties. Provided the relevant parties understood the proposal he considered that providing a summary of the application was an acceptable approach in this case given the significant size of the application. Mr Bryce commented that Council had not raised any issues regarding the approval forms.

In response to a question from the panel on Condition 7B regarding the specific needs of occupiers, Mr Nicol commented that two of the affected parties who had not provided "affected parties approval" had already advised that there were certain times of the day or week where they required "quiet time". He advised that this had been accommodated and construction would stop during that time.

Ms Corbett responded to a question on whether the applicant had considered alternative construction methods to reduce noise. She outlined the actions the applicant had taken to minimise noise including altering pile locations and the use of quieter drilling and piling equipment and techniques. She reiterated that topography made this difficult due to the different levels of the site and options were limited. She stated that the ground conditions at the site meant that for stability reasons piling had been the only option.

In response to his assessment of objectives and policies Mr Nicol acknowledged that he had not assessed Policy 9.2.2.1 in the application. In response to a question from the panel on his assessment that he considered that overall, the proposal was 'not inconsistent' with relevant Objectives and Policies in the District Plan.

There was further questioning of the applicant on:

- The mitigation of vibration
- The ability of the panel to include vibration conditions and how the earlier consent would interact with the consent being sought
- The assessment of Objectives and Policies
- Potential changes to conditions

It was agreed that the applicant would provide a response to these matters in their written Right of Reply and supply a revised set of proposed conditions.

Acoustic Evidence

William Reeve (Acoustic Engineer) spoke to his evidence and commented that the new placement of the piles and use of a different piling rig by 9 Dowling Street would further help reduce noise levels. He reiterated that due to the nature of the site, piling was necessary and he noted that the contractor had agreed not to use a vibrating compactor to reduce noise and vibration impacts on 9 Dowling Street.

Daniel Winters (Acoustic Engineer) spoke to his advice and responded to questions. Mr Winters commented that for the most part he felt that the effects were minor but there would be periods where the effects on the occupants on 9 Dowling Street would be significant. Additional mitigation measures were necessary for these time periods and the requirements of Condition 7 were considered essential to reduce these significant effects to the extent they were minor.

In response to a question on vibration, Mr Winters outlined the advice that he had previously provided to the Council on the limitations of the vibration performance standard in the District Plan. He noted that the permitted vibration level in the Plan could lead to adverse effects, but he acknowledged the applicant had volunteered a lower standard for vibration in the earlier consent.

Processing Planner's Review of Recommendation

Mr Park confirmed that after hearing the evidence and the panel questioning, that he wanted to maintain his recommendation to grant consent subject to conditions. He maintained his position that the effects would be no more than minor, and the activity would be consistent with objectives and policies in the District Plan. He was questioned in relation to his conclusion on adverse effects, and he indicated that he felt the applicant had adopted the best practicable option and therefore there was little more that the applicant could do to further mitigate the effects of the activity.

Applicants Right of Reply

The applicants written Right of Reply was supplied on 26 August 2020 meeting the timeframe requested by the panel Chairperson and the applicant responded to the matters of contention identified at the close of the hearing under the following headings:

- Acceptability of Affected Party Approval Forms
- Consideration of Alternatives
- Relationship between the Temporary Events and Public Health and Safety Sections of the Proposed 2GP and Analysis of Policy 9.2.2.1
- Updates to conditions
- LUC-2021-158/B Vibration and Construction Management Plans

Statutory and Other Provisions

In accordance with section 104 of the Resource Management Act 1991, the Planner's Report detailed in full the relevant statutory provisions and other provisions the panel considered. Regard was given to the relevant provisions of the Temporary Activities and Public Health Section of the proposed Plan. Statutory provisions considered included consideration of Section 104D of the RMA. Regard was also given to the partially operative and proposed Regional Policy Statements for Otago.

Main Findings on Principal Issues of Contention

The hearings panel has considered the application and other material provided prior to the hearing, evidence heard and provided following the hearing, the relevant statutory and plan provisions, and

the principal issues in contention. The main findings on the principal issues have been incorporated within the reasons discussed below.

Decision

The final consideration of the application, which took into account all of the information presented at the hearing, was held during the public-excluded portion of the hearing. The panel reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991. In addition, a site visit was undertaken during the public-excluded portion of the hearing, the panel inspected the site and the building at 9 Dowling Street, and this added physical context to the panel considerations.

*That pursuant to section 34A(1) and 104B and after having regard to sections 104 and 104D of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants consent to a non-complying activity** being the contravention of construction noise limits for the construction work associated with Stage 3 and part of Stage 4 of the office development approved under LUC-2021-158/B on the site at 15 Dowling Street, Dunedin legally described as Lot 1 Deposited Plan 517797 (Record of Title Record of Title 810090), subject to conditions imposed under section 108 of the Act, as shown on the attached certificate.*

Reasons for this Decision

1. In relation to the acceptability of Affected Party Approval Forms that were provided as part of the application the panel noted that while it was best practice to provide the full application for viewing, that the approval forms had been accepted by the resource consents team who raised no issues with the level of information provided to the parties that signed the forms. It was also noted by the panel that the affected parties would have had some experience with construction noise emissions from the site prior to providing approvals as works had commenced prior to identifying compliance issues that led to additional resource consents being required.
2. In relation to the consideration of alternatives, the panel is satisfied that the ground conditions and topography of the site are such that piling is necessary to achieve structural stability for the proposed building. It is also satisfied that the noise mitigation proposed by the applicant represents the best practicable option in this case. It has relied on advice from the acoustic experts in this regard. The panel acknowledges by the communication between the applicant and the Council, and the efforts made to minimise effects as far as practicable to achieve an acceptable environmental result.
3. In relation to the assessment of Objectives and Policies the panel acknowledge that there is at face value a potential tension between Temporary Activities Objective 4.2.1 seeking to achieve effects minimisation as far as practicable and the Public Health objective of maintenance and enhancement of health and safety (Objective 9.2.2). This is because Policy 9.2.2.1 sets a high standard for effects mitigation, requiring that effects of noise on the health of people that cannot be avoided be 'insignificant'.
4. The applicant identifies in the Right of Reply that the term 'insignificant' is not defined in the plan, but the dictionary meaning of insignificant corresponds to effects that are small in size and not worth consideration. This seems to provide little scope for large noise breaches, but the applicant importantly identifies that Objective 9.2.2, which Policy 9.2.2.1 is seeking to achieve, relates to health and safety and not amenity values and that health and safety effects will occur at a higher noise level than effects on amenity values.

5. Having considered the applicants arguments in the right of reply and the processing planners position, the Panel is satisfied the Temporary Activity Section objective (Objective 4.2.1) for minimisation of effects as far as practicable, is achieved. It acknowledges the applicant's reasoning in respect of short duration high level construction noise effects being considered insignificant from a health and safety perspective. While it is not convinced that the proposal is entirely consistent with Policy 9.2.2.1, as high noise emissions can create stress that can indirectly impact on health, and as safety can be potentially impacted by communication interference, the Panel is satisfied that the proposal is not contrary to relevant 2GP objectives and policies.
6. Similarly, when the noise effects of the proposal are considered in the light of what can practicably be achieved at the site and the mitigation offered by the applicant, which includes the enhanced mitigation specified to be offered to the occupiers of 9 Dowling Street in proposed Condition 7, the panel agrees with the applicant and processing planner that the effects are no more than minor.
7. The Panel is mindful that the construction activities are a necessary component of a positive project for the City. The new building will provide significant positive effects in terms of provision of quality office space and a well-designed building contributing to the streetscape of both Dowling Street and Queens Gardens.
8. In relation to vibration effects the Panel acknowledges the applicant has volunteered in its Right of Reply to include a 3mm/s peak particle velocity in the Construction Management Plans for Stages 3 & 4 that will be provided under the conditions of LUC-2021-158/B as follows:

The CMP that would be submitted for Stage 3 and 4 will identify a vibration limit for 9 Dowling Street as 3mm/s peak particle velocity in accordance with the DIN4150-3:1999 standard.

The panel is satisfied that the applicant clearly understands the implications of vibration effects on the occupiers of 9 Dowling Street and that it will monitor levels of vibration received and take action to address vibration issues should they arise.

9. In regard to the Section 104D gateway test the Panel is satisfied that the proposal will not give rise to more than minor adverse environmental effects and it is not contrary to relevant Objectives and Policies of the District Plan. The proposal therefore satisfies both gateway tests contained in section 104D of the Resource Management Act 1991. As such, the Panel were, therefore, able to consider the granting of consent to the proposal.
10. The panel considered that the proposed activity is consistent with the relevant objectives and policies of the partially operative and proposed Regional Policy Statement for Otago.
11. The Panel considers that approval of the proposal will not threaten the integrity of the District Plan or establish an undesirable precedent for future applications.
12. The panel concluded that the granting of the consent would be consistent with the purpose of the Resource Management Act 1991 to promote the sustainable management of natural and physical resources.

Right of Appeal

Pursuant to section 120(1A) of the Resource Management Act 1991, no right of appeal to the Environment Court against the whole or any part of this decision exists for the following:

- A boundary activity, unless the boundary activity is a non-complying activity.
(Refer section 87AAB of the Act for definition of “boundary activity”.)

For all other applications, in accordance with section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received.

The address of the Environment Court is:

The Registrar
Environment Court
PO Box 2069
Christchurch Mail Centre
Christchurch 8013

Any appeal must be served on the following persons and organisations:

- The Dunedin City Council.
- The applicant(s).
- Every person who made a submission on the application.

Failure to follow the procedures prescribed in sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

Commencement of Consent

As stated in section 116 of the Resource Management Act 1991, this consent will only commence once the time for lodging appeals against the grant of the consent expires and no appeals have been lodged, or the Environment Court determines the appeals or all appellants withdraw their appeals, unless a determination of the Environment Court states otherwise.

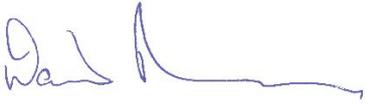
Monitoring

Section 35(2)(d) of the Resource Management Act 1991 requires every council to monitor resource consents that have effect in its region or district. The scale and nature of the activity, the complexity and number of the conditions needed to address the environmental effects and whether the conditions have been complied with determines the number of monitoring inspections required. Given the nature of your intended works/activity, this consent will require two inspections.

The City Planning Department sets out the fixed fees charged for monitoring in its schedule of fees. The fee for your scheduled inspections will be included in the invoice for your application.

It should be noted that if additional inspections are required, beyond those scheduled at the time the consent is issued, then there is the ability to apply additional charges to cover the costs of these extra inspections. Often you can reduce the need for additional inspections by complying with the conditions of consent in a timely manner and by ensuring on-going compliance with those conditions. Please ensure that you read the conditions of your consent carefully to establish your obligations when exercising your consents.

Yours faithfully

A handwritten signature in blue ink, appearing to read "David Benson-Pope". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Benson-Pope
Chair
Hearings Panel



Consent Type: Land Use Consent

Consent Number: LUC-2022-84

Purpose: The contravention of construction noise limits for the construction work associated with Stage 3 and part of Stage 4 of the office development approved under LUC-2021-158/B .

Location of Activity: 15 Dowling Street, Dunedin.

Legal Description: Lot 1 Deposited Plan 517797 (Record of Title Record of Title 810090).

Lapse Date: 2 September 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 attached to this certificate as Appendix One, the information provided with the resource consent application received by the Council on 02 March 2022, the further information received on 22 July 2022, 9 & 10 August 2022 and the information provided at and following the hearing on 17 August 2022 except where modified by the following conditions.*

Construction Noise Management Plan (CNMP)

2. *The consent holder must submit a Construction Noise Management Plan (CNMP) to the Council to rcmonitoring@dcc.govt.nz for approval by the Council's 'Resource Consents Manager' (or nominee) at least ten working days before beginning any work authorised by this consent. The objective of the CNMP is to identify, require, and enable the adoption of the Best Practicable Option (BPO) for the minimisation of all construction noise and vibration effects from the works. The CNMP must be prepared by a suitably qualified and experienced acoustics expert. The CNMP must set out:*
 - a) *A specific section that sets out detailed procedures and management measures for minimising the noise effects of the phases of work that are consented to exceed the project standard of 75 dB LAeq (as specified in Condition 4) following the adoption of the BPO.*
 - b) *The procedures and management measures that will ensure, as far as reasonably practicable, that all construction work other than those specified in Condition 4 will comply with the project standard of 75 dB LAeq at any occupied building on properties adjacent to the site.*
 - c) *The physical noise reduction measures that will be implemented and the triggers or thresholds for implementing them.*
 - d) *Details on specific times during working hours where no high noise generating construction activities will occur.*

- e) *Details on any specific times during working hours that have been identified by the occupants of 9 Dowling Street as being the least disruptive and methods to avoid noise exceeding 75 dB LAeq being received on the façade of 9 Dowling Street during the identified times where practicable.*
- f) *Details of the written communication with occupants of 9 Dowling Street to be provided at least ten (10) days before activities begin on site. The written advice must set out:

 - i. *A brief overview of the construction works*
 - ii. *The working hours and expected duration*
 - iii. *All mitigation measures to be implemented*
 - iv. *The procedure for lodging concerns/complaints regarding noise and vibration*
 - v. *The procedure for noise and vibration monitoring where concerns are raised by receivers*
 - vi. *Contact details for site personnel for any concerns regarding noise and vibration*
 - vii. *A procedure for the receipt, management and response to any complaints received about noise or vibration.**
- g) *Details on any specific times during working hours that have been identified by the occupants of 9 Dowling Street as being the least disruptive and methods to avoid noise exceeding 75 dB LAeq being received on the façade of 9 Dowling Street during the identified times where practicable.*

The CNMP must address the requirements of Annex E of NZS 6803:1999 as a minimum. The construction works must not commence until the CNMP has been approved in writing from the Council's Resource Consent Manager or nominee.

Construction Times

3. *All noise generating construction activities must only be undertaken between the hours of 7.30am and 6.00pm (Monday to Saturday). No noise generating construction activities must occur outside these specified times. For the sake of clarity, construction activities are defined as activities that involve the use of plant, tools, gear, or materials as part of the erection, installation, repair, maintenance, alteration, dismantling or demolition of any building or structure; or site development.*
4. *All construction work must be designed and undertaken to comply with noise limits of 75 dB LAeq and 90 dB LAm_{ax} when measured 1m from the façade of any occupied building, except where provided for in Condition 5 or at Tenancies 0.5, 0.6, 1.2, 1.3, 2.1, 2.2 and 2.3 of 9 Dowling Street where written approval has been provided.*
5. *The construction activities set out in the table below must be designed and undertaken to ensure that noise from the site does not exceed the following limits when measured 1m from the façade*

of any occupied tenancy at 9 Dowling Street. Where noise measurements cannot be taken externally, then internal noise limits will be the external noise limit less 20 dB.

Construction activity	Assessment location	External noise limits	
Sheet Piling	Tenancy 0.7	96 dB L_{Aeq} 111 dB L_{Amax} (See Condition 7)	
Sheet Piling	Tenancy 2.2 and 'Harcourts' Tenancy	77 dB L_{Aeq} 92 dB L_{Amax}	
Screw Piling	Tenancies 0.7, 2.2, and 'Harcourts' Tenancy	90 dB L_{Aeq} 105 dB L_{Amax} (See Condition 7)	
Compaction	Tenancies 0.7, 2.2, and 'Harcourts' Tenancy	85 dB L_{Aeq} 100 dB L_{Amax}	
Site scraping	Tenancies 0.7, 2.2, and 'Harcourts' Tenancy	82 dB L_{Aeq} 97 dB L_{Amax}	
Concrete pumping, pouring and floating	Tenancies 0.7, 2.2, and 'Harcourts' Tenancy	75 dB L_{Aeq} 90 dB L_{Amax} (See Condition 5a)	*81 dB L_{Aeq} *96 dB L_{Amax} (See Condition 5a)
Envelope and Internal fit out (use of power tools)	Tenancies 0.7, 2.2, and 'Harcourts' Tenancy	75 dB L_{Aeq} 90 dB L_{Amax} (See Condition 5b)	*80 dB L_{Aeq} *95 dB L_{Amax} (See Condition 5b)

- a) The proposed concrete pumping, pouring, and floating activities must comply with maximum noise limit of 75dB L_{Aeq} and 90dB L_{Amax} but may exceed up to 81dB L_{Aeq} and 96dB L_{Amax} for a cumulative total of no more than twenty (20) working days across the duration of the works.
- b) The proposed envelope and internal fit out (use of power tools) activities must comply with maximum noise limit of 75dB L_{Aeq} and 90dB L_{Amax} but may exceed up

6. All construction noise must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction noise.

Enhanced Mitigation Measures

7. Prior to the commencement of work that will result in noise levels that are measured or predicted to exceed 80dB L_{Aeq} 1m from the façade of Tenancies 0.7, and 'Harcourts' Tenancy (ground level tenancy from Queens Garden facing the subject site) when occupied, the consent holder must offer the following enhanced mitigation options to the occupiers of these tenancies:
- a) Install acoustic curtains or 8mm clear perspex to the windows of the rooms where the noise levels are predicted to exceed 80dB L_{Aeq} , or
- b) Identify periods when the dwelling or affected areas of the activity is not occupied and undertake the high noise work during those periods, or
- c) Offer relocation options so that the affected tenancies can be vacated at no cost to the occupiers during working hours on site

The consent holder must provide these options in electronic (where available) and hard copy format to the occupier/s of these tenancies at least five days before the works commence. Evidence of the offers to these tenancies must be submitted to rcmonitoring@dcc.govt.nz at least five (5) days before works commence. Any response by any of the occupier/s regarding accepting or rejecting these offers must be submitted to rcmonitoring@dcc.govt.nz prior to the works commencing. Any accepted mitigation measures must be implemented prior to the works commencing.

8. *During the first instance of compaction of fill, sheet pile and screw pile installation, or concrete pumping, pouring and floating within 5m of the façade of the building of 9 Dowling Street or 5m within the Dowling Street, the consent holder must undertake attended measurements throughout the duration of the installation in accordance with NZS 6803:1999 and NZS 6801:2008 to demonstrate compliance with the relevant noise limits set out in Conditions 4 and 5.*

The results of the attended noise measurements must be submitted to rcmonitoring@dcc.govt.nz as soon as possible after the measurement but no later than two (2) days.

9. *In the event the consent holder receives a complaint from an occupier of an adjacent building from the site, noise measurement at the source of the complaint (where access can be arranged) must be undertaken in accordance with NZS 6803:1999 and NZS 6801:2008 to demonstrate compliance with the relevant noise standards set out in Conditions 4 or 4.*

The results of the noise monitoring and a comparison with the noise limits specified within Conditions 4 or 5 above must be submitted to rcmonitoring@dcc.govt.nz as soon as possible, but no longer than two (2) days after the measurement.

Advice Notes

Written Approvals

1. For the tenancies where the occupiers have provided written approvals the works will need to be undertaken in a manner that comply with the levels that have been approved by these parties.

Resource Consent LUC-2021-158/B

2. The proposed construction of the office building must also comply with all the relevant conditions of LUC-2021-158/B. This includes that the works comply with an approved Construction Management Plan for the relevant Stages.
3. The CMP for Stage 3 and 4 is expected to identify a vibration limit for 9 Dowling Street as 3mm/s peak particle velocity in accordance with the DIN4150-3:1999 standard.

General

4. 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.
5. Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.

6. It is the consent holder's responsibility to comply with any conditions imposed on their 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.
7. This consent will lapse after a period of five years from the date of granting of this consent. This period may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.

Issued at Dunedin on 2 September 2022

A handwritten signature in blue ink, appearing to read 'David Benson-Pope', with a long horizontal flourish extending to the right.

David Benson-Pope
Chair
Hearings Panel

Appendix One: Approved Plans for LUC-2022-84 (scanned image, not to scale)



Copyright
This document and the content

Date: 9/02/2022

High technology land information New Zealand. Our community makes a difference